



AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, OCTOBER 14, 2019
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular City Council Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

CALL TO ORDER (Council Members, City Staff, Members of the Public - when speaking during the meeting please speak directly into the microphones on the dais or podium)

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE United States and Texas Flags

ANNOUNCEMENTS

PRESENTATIONS

1. Presentation of Service Awards for City of Watauga Employees celebrating a milestone anniversary during the month of October 2019
Marcia Reyna, Human Resources and Civil Service Director
Andrea Gardner, City Manager
2. Presentation of a Proclamation to the City of Watauga Municipal Court in honor of Municipal Court Week, November 4-8, 2019
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager

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 attached hereto as Annex E. 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 City Council. 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.

CONSENT AGENDA

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items.

1. Consider action on approval of a resolution setting the City Observed Holiday Dates for the 2020 Calendar Year
Marcia Reyna, Human Resources and Civil Service Director
Andrea Gardner, City Manager
2. Consider action on the September 9, 2019 regular meeting minutes, September 9, 2019 workshop meeting minutes, September 16, 2019 special council meeting minutes, and September 21-22, 2019 Council Retreat meeting minutes
Tara Rogers
Andrea Gardner, City Manager
3. Consider action to approve a resolution amending Policy 9.01 Mobile Communication Devices in the Personnel, Administration and Financial Policies and Procedures Manual
Marcia Reyna, Human Resources and Civil Service Director
Andrea Gardner, City Manager
4. Consider action on approval of the Monthly Financial Report ending August 31, 2019
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
5. Consider action to approve participation in the list of cooperative purchasing organizations and interlocal agreements utilized by the City of Watauga on an as-needed basis for Fiscal Year 2019-2020 purchasing goods and services
Sandra Gibson, CGFO, CGFM, Director of Finance
Jennifer Walls, Purchasing Agent

6. Consider action to authorize the payment of annual expenditures in amounts anticipated to exceed \$50,000 for recurring and estimated contractual expenses incurred for goods or services throughout Fiscal Year 2019-2020.
Sandra Gibson, CGFO, CGFM, Director of Finance
Jennifer Walls, Purchasing Agent
7. Consider action on the first renewal of contracts from Bid # 19-001 for Topsoil, Sand and Rock as presented
Sandra Gibson, CGFO, CGFM, Director of Finance
Jennifer Walls, Purchasing Agent
Andrea Gardner, City Manager
8. Consider action on a resolution to declare the official email address for Public Information Requests submitted to the Watauga Police Department for police records
Robert Parker, Chief of Police
9. Consider action on a resolution adopting the City's Strategic Plan for FY 2020-2030
Andrea Gardner, City Manager
10. Consider action on approval of an Interlocal agreement with the City of North Richland Hills to continue the Teen Court program
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager

ACTION ITEMS

1. Discuss and provide direction to the City Manager regarding potential revisions to Sec. 42-83(b) of the City of Watauga Code of Ordinances
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
2. Discuss and consider action to authorize the City to enter into multiple agreements to transition most of the City's fleet of vehicles to a lease and maintenance program offered by Enterprise Fleet Management Trust
Andrea Gardner, City Manager
3. Discuss and provide direction to the Mayor for reviewing the roles and responsibilities of board chairpersons and members
Arthur L. Miner
4. Consider action on a Professional Services Agreement between the City of Watauga, Texas and Burgess & Niple, Inc. for the 2019-2020 Water and Wastewater CIP
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager

5. Consider action on a Professional Services Agreement between the City of Watauga, Texas and Pacheco Koch, LLC. for the Green Ribbon 2 Project on Denton Highway
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager

ITEMS FOR FUTURE CITY COUNCIL MEETINGS

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council 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, October 4, 2019 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



Andrea Gardner, City Secretary





Proclamation

WHEREAS, Municipal Courts provide citizens a local forum where questions of law and fact can be resolved with respect to alleged violations of state law and transgressions against municipal ordinances; and

WHEREAS, more people, citizens and non-citizens alike, come in personal contact with Municipal Courts more than all other Texas courts combined; and

WHEREAS, public impression of the entire Texas judicial system is largely dependent upon the public's experience in Municipal Court; and

WHEREAS, Municipal judges, marshals, bailiffs, and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community; and

WHEREAS, it is most appropriate that we recognize the accomplishments of all Texas Municipal Courts, and salute their critical role in preserving public safety and protecting the quality of life in Texas communities.

NOW, THEREFORE, I, Arthur Miner, Mayor of the City of Watauga, Texas, do hereby proclaim November 4th – 8th, 2019 as

"MUNICIPAL COURTS WEEK"

in the City of Watauga and encourage all citizens to show their appreciation to City of Watauga Municipal Court Employees and the important role they play in the criminal justice system and the larger community.

PROCLAIMED this the 14th day of October, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Watauga to be affixed this 14th day of October, 2019.



Arthur L. Miner, Mayor

ATTEST

Andrea Gardner,
City Manager/City Secretary



AGENDA MEMORANDUM

DATE: September 9, 2019

TO: Honorable City Council Members

FROM: Marcia Reyna, Human Resources and Civil Service Director

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action on approval of a resolution setting the City Observed Holiday Dates for the 2020 Calendar Year

BACKGROUND/INFORMATION:

The City of Watauga has specific holidays which are observed throughout the calendar year. Prior to the end of each calendar year, City Council approves the City Observed Holiday Dates for the next calendar year.

FINANCIAL IMPLICATIONS:

Employee pay for holidays was included in the FY 2019-20 budget as part of their annual salary.

RECOMMENDATION/ACTION DESIRED:

It is respectfully requested that Council approve the proposed resolution setting the City Observed Holiday Dates for the 2020 Calendar Year.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. City Holiday Resolution 2020 DRAFT

REVIEWED BY:

Tara Rogers, Deputy City Secretary

George Hyde, Legal

Marcia Reyna, Human Resources and Civil Service Director

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/23/2019

Approved - 9/23/2019

Approved - 9/23/2019

Final Approval - 9/30/2019

**CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2019-018**

**A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF WATAUGA, TEXAS FOR THE PURPOSE
OF SETTING THE 2020 CITY OBSERVED
HOLIDAYS; PROVIDING FOR REPEAL;
PROVIDING A SAVINGS CLAUSE; PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Watauga feels that it is in the best interest of the City of Watauga to establish a City Observed Holiday schedule, for the period of January 1, 2020 through December 31, 2020 as far in advance as possible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Watauga, Texas that:

I.

City Observed Holidays for the period of January 1, 2020 through December 31, 2020, shall be observed on the following dates:

Holiday	Day and Date
New Year's Day	Wednesday, January 1, 2020
President's Day	Monday, February 17, 2020
Good Friday	Friday, April 10, 2020
Memorial Day	Monday, May 25, 2020
Independence Day	Friday, July 3, 2020
Labor Day	Monday, September 7, 2020
Veteran's Day	Wednesday, November 11, 2020
Thanksgiving Day	Thursday, November 26, 2020
Day After Thanksgiving	Friday, November 27, 2020
Christmas Eve	Thursday, December 24, 2020
Christmas Day	Friday, December 25, 2020
New Year's Eve	Thursday, December 31, 2020
Personal Day	Must be used between January 1, 2020 - December 18, 2020

II.

This resolution shall be and is hereby cumulative of all other resolutions of the City of Watauga, Texas, and this resolution shall not operate to repeal or affect any of 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.

III.

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.

IV.

This resolution shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas and upon approval thereof by the Mayor of the City of Watauga, Texas to become effective immediately.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, on this the 14th day of October, 2019.

APPROVED:

ARTHUR L. MINER, Mayor

ATTEST:

ANDREA GARDNER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

GEORGE HYDE, Interim City Attorney



AGENDA MEMORANDUM

DATE: September 18, 2019

TO: Honorable City Council Members

FROM: Tara Rogers, Deputy City Secretary

SUBJECT: Consider action on the September 9, 2019 regular meeting minutes, September 9, 2019 workshop meeting minutes, September 16, 2019 special council meeting minutes, and September 21-22, 2019 Council Retreat meeting minutes

BACKGROUND/INFORMATION:

This item contains the draft for Meeting Minutes for Council review and approval.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. 09092019 REG CC MIN
2. 09092019 WKSHP
3. 09162019 SP CC MIN
4. Council Retreat Minutes Sept 2019

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 10/4/2019

Approved as to form for inclusion on Agenda

**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, SEPTEMBER 9, 2019
CITY HALL, COUNCIL CHAMBER, 7105 WHITELEY ROAD
6:30 PM**

CALL TO ORDER

The City Council of the City of Watauga, Texas convened in the Regular Meeting at 6:53 p.m. with the following members present:

Mayor	Arthur L. Miner
Council Member, Place 1	Scott Prescher
Council Member, Place 2	Tom Snyder
Council Member, Place 3	Lovie Downey
Council Member, Place 4	Andrew Neal
Council Member, Place 5	Juanita King
Mayor Pro Tem, Place 6	Mark Taylor
Council Member, Place 7	Kim Irving

and

Andrea Gardner, City Manager/City Secretary
George Hyde, Interim City Attorney
Tara Rogers, Deputy City Secretary
Robert Parker, Chief of Police
Shawn Fannan, Fire Chief
Sandra Gibson, Director of Finance
Paul Hackelman, Director of Public Works
Marcia Reyna, Director of Human Resources/Civil Service
Lana Ewell, Library Director
Sal Torres, Parks Director
Bradley Fraley, Chief Information Officer/PIO

INVOCATION

The invocation was given by Brian Downey, 6629 Murel Dr., Watauga, Texas.

PLEDGE OF ALLEGIANCE

Mayor Arthur L. Miner led the pledges of allegiance to the United States flag and the State of Texas flag.

ANNOUNCEMENTS

Mayor Miner asked each Council Member for announcements. Council Member Downey made announcements for the Parks and Community Services for September 2019. The announcements were as follows:

September 13, 2019 Kids Fish and Camp Out, begins at 5:30 p.m.

September 23, 2019, Senior Crimes Program and Luncheon Event, begins at 11:00 a.m.

September 23, 2019, Art in the Park, begins at 6:00 p.m.

Get to know the Mayor followed by the Parks and Community Services Open House.

September 28, 2019, Scared to Run 5k and 1 mile Fun Walk. Registration is currently open, for more information visit the City of Watauga website.

There were no other announcements.

PRESENTATIONS

1. A Proclamation Declaring September Senior Center Month.
Sal Torres, Parks and Community Services
Director Andrea Gardner, City Manager/City Secretary
Tara Rogers, Deputy City Secretary.
2. Presentation of Service Awards for City of Watauga Employees celebrating a milestone anniversary during the month of September 2019
Andrea Gardner, City Manager/City Secretary.

City of Watauga Public Works employee, Felix Avila, celebrating 15 years with the City.

City of Watauga Public Works employee, Jeanette Garcia, celebrating 15 years with the City.

City of Watauga Finance Director, Sandra Gibson, celebrating 15 years with the City.

City of Watauga Assistant Library Director, Betty King, celebrating 25 years with the City.

City of Watauga Circulation Supervisor, Donna Sanderson, celebrating 25 years with the City.

3. Presentation to the Watauga Police Department Explorer Cadets
Robert Parker, Chief of Police.

Chief Parker recognized the Explorer Cadets for the Southeastern Law Enforcement Explorer Academy held in Biloxi, Mississippi. This was an eight day paramilitary style youth boot camp. Certificates of Appreciation were presented to Anastasia Lee, Tristan Snyder, Kendra Snyder, and Officer Steve Gochal.

Chief Parker thanked the Council and Mayor for making this program possible for the City of Watauga.

PUBLIC TESTIMONY

Danielle Tucker, 5952 Highcrest Drive, introduced herself and stated she wanted everyone to be treated fairly. Ms. Tucker stated Watauga grows fruitful people.

Dianne Garrett, 6508 Lance Drive, stated the City was in a financial condition several years ago and after recovering it appears that the City is spending itself back into a financial situation.

Kim Foster, 6505 Lance Drive, asked that all disabled residents receive a discount on their utility bills. Ms. Foster stated she has brought this to the Council in the past and asked this Council to please consider those that live on a limited budget.

REPORTS

There were none.

CONSENT AGENDA

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items.

1. Consider action to approve a resolution to adopt the Fiscal Year 2019-20 Classification Plan for all employees Marcia Reyna, Human Resources and Civil Service Director.

RESOLUTION NO. 2019-013

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY
OF WATAUGA, TEXAS AMENDING THE
CLASSIFICATION PLAN FOR ALL POSITIONS
EFFECTIVE OCTOBER 1, 2019; PROVIDING FOR
REPEAL; PROVIDING A SAVINGS CLAUSE;
PROVIDING AN EFFECTIVE DATE.**

2. Consider action to approve an ordinance to adopt the Personnel Improvement Plan for Fiscal Years 2020-2024 {CAPTION} Marcia Reyna, Human Resources and Civil Service Director.

ORDINANCE NO. 2019-011

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
WATAUGA, TEXAS ADOPTING THE PERSONNEL IMPROVEMENT
PLAN FOR FISCAL YEARS 2020-2024; PROVIDING FOR REPEAL;
PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE
DATE.**

3. Consider action to approve a resolution amending Policy 9.01 Mobile Communication Devices in the Personnel, Administration and Financial Policies and Procedures Manual Marcia Reyna, Human Resources and Civil Service Director.

RESOLUTION NO. 2019-014

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA,
TEXAS AMENDING POLICY 9.01 MOBILE COMMUNICATION
DEVICES OF THE PERSONNEL, ADMINISTRATION AND FINANCIAL
POLICIES AND PROCEDURES MANUAL REGARDING THE USE OF
MOBILE COMMUNICATION DEVICES AND RETENTION OF CITY
INFORMATION; PROVIDING FOR REPEAL; PROVIDING A SAVINGS
CLAUSE; PROVIDING AN EFFECTIVE DATE.**

4. Consider action to approve an Ordinance to adopt the Capital Outlay Plan for Fiscal Year 2020 Fiscal Year 2024 {CAPTION} Sandra Gibson, CGFO, CGFM, Director of Finance.

ORDINANCE NO. 2019-017

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY
OF WATAUGA, TEXAS ADOPTING THE CAPITAL
OUTLAY PLAN FOR FISCAL YEARS 2020-2024;
PROVIDING FOR REPEAL; PROVIDING A SAVINGS
CLAUSE; PROVIDING AN EFFECTIVE DATE.**

5. Consider action on Monthly Financial Report for the period ending July 31, 2019
Sandra Gibson, CGFO, CGFM, Director of Finance.
6. Consider action on the July 30, 2019 Party City Business Recognition Event
Minutes; August 2, 2019 Coffee After Hours Minutes; August 5, 2019 Workshop
Minutes; August 5, 2019 Special Council Meeting Minutes; August 7, 2019 Budget
Workshop Minutes; 2019 Bi-Annual Bowling Mixer Minutes, August 12, 2019
Workshop Minutes, August 26, 2019 Special Council Meeting Minutes, August 15,
2019 Joint Special Meeting Minutes, and August 19, 2019 Special Council Meeting
Minutes. Tara Rogers, Deputy City Secretary.

A motion was made by Council Member Neal to approve the items as presented. The motion was seconded by Council Member Snyder. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING

- 1. Public Hearing on the Proposed Budget for Fiscal Year 2019-2020 Sandra Gibson, CGFO, CGFM, Director of Finance.**

Mayor opened the public hearing at 7:23 p.m.

Director of Finance, Sandra Gibson, gave an overview of the proposed budget for the fiscal year 2019-2020. The City Manager submitted the proposed budget on August 1, 2019 and Ms. Gibson stated the public hearing in the budget must be set and held on September 9, 2019. The budget must be adopted by September 15,

2019 according to city charter, but that is being done tonight on September 9, 2019. Ms. Gibson stated if the budget passes the implementation date is October 1, 2019.

Public Testimony:

Danielle Tucker, 5952 Highcrest Drive, commented she did not see an item regarding the renewal contract for the bulk trash service in the budget and asked about the rate increase amounts under the water/sewer. She stated residents have had trouble in the past with bulk garbage pickup.

Sandra Gibson responded there was a slight increase in water/sewer due to a fuel CPI rate which was effective July 1, 2019. She stated bulk trash services have until Wednesday and the City is notified when the services are rendered, however, if they are not rendered in a timely manner the City fines the company. This has happened a few times recently due to storms and debris.

The Mayor closed the public hearing at 7:28 p.m.

ACTION ITEMS

1. Discuss and consider action on appointments and reappointments to the Charter Review Commission Andrea Gardner, City Manager.

Interim City Attorney, George Hyde, stated gave an overview of the actions taken on this item at the August 5, 2019 Special City Council meeting. He stated the actions taken at said meeting were not consistent with section 13.05 of the Watauga City Charter. Therefore the actions taken were not valid and the previous appointments were not effective and the places remain open for appointment.

The Mayor presented his original list from August 1, 2019 and stated he has made no changes to the appointment recommendations.

Mayor Pro Tem Taylor made a motion to approve the appointments as originally recommended. Council Member Neal seconded the motion.

Interim City Attorney, George Hyde, requested the Mayor identify the slate of candidates for the record.

The candidates were as follows:

Place 1 Becky Hartless, reappointment with term expiring June 2021.

Place 2 Jan Hill, appoint to an unexpired term ending June 2020.

Place 3 Andrew Ivey, reappointment with term expiring June 2021.

Place 4 Leah Chauvin, current appointment with term expiring June 2020.

Place 5 Pete Beierschmitt, reappointment with term expiring June 2021.

Place 6 Lee Griffin, current appointment with term expiring June 2020.

Place 7 Kip Woodruff, reappointment with term expiring June 2021.

Mayor called for a vote on the above motion. The motion passed as follows: 6-1-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor
NAYS: Irving
ABSENT: None
ABSTAIN: None

2. Discuss and consider action on a resolution to confirm the City of Watauga desires to continue imposing and receiving a share of the bingo prize fees from the licensed authorized organization within the City's jurisdiction as required by the amendments included in HB 914, passed during the 86th Legislative Session Andrea Gardner, City Manager.

RESOLUTION NO. 2019-012

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS FOR THE PURPOSE OF IMPOSING AND RECEIVING A SHARE OF THE BINGO PRIZE FEES FROM THE LICENSED AUTHORIZED ORGANIZATION WITHIN THE CITY OF WATAUGA'S JURISDICTION; 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

City Manager/City Secretary, Andrea Gardner, gave an overview of the item and recommended approval of the item.

Mayor called for public testimony. No one spoke during public testimony.

Council Member Neal made a motion to approve the item as presented. The motion was seconded by Council Member King. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

2. Discuss and consider action on appointments and reappointments to the Board of Appeals Paul Hackleman, P.E., CFM, Director of Public Works.

Director of Public Works, Paul Hackleman, gave an overview of the Board and its needs. The Director stated the Board is made up of 5 members with 2 expiring next year and 3 positions open for appointments. The Board needs a minimum of 3 individuals to conduct business. Council Member Snyder and Council Member Neal are the liaisons for this board.

Mayor called for public testimony. No one spoke during public testimony.

Council Member Snyder stated there are 2 applicants and 3 vacancies. One position will remain. Council Member Snyder made a motion for board appointments as follows:

Place 1 Danielle Tucker
Place 2 Mary Stormer
Place 3 Vacant

The motion was seconded by Council Member King. The motion passed as follows: 6-1-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Irving
NAYS: Taylor
ABSENT: None
ABSTAIN: None

4. Discuss and consider action on a resolution of the City of Watauga declaring the location for the Official Agenda and Public Notice Bulletin Board, the official email address for receiving Requests for Public Information, the location for Police and Fire Civil Service postings, and the location for breastfeeding mothers at work
Andrea Gardner, City Manager

RESOLUTION NO. 2019-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, DECLARING THE LOCATION FOR THE PRINCIPAL BULLETIN BOARD OF THE CITY OF WATAUGA FOR MEETING AND OTHER REQUIRED NOTICES; FOR THE POSTING OF NOTICES RELATED TO CIVIL SERVICE MATTERS; DECLARING THE OFFICIAL EMAIL ADDRESS FOR PUBLIC INFORMATION ACT REQUESTS SUBMITTED TO THE CITY OF WATAUGA, TEXAS; DECLARING A LOCATION WITHIN CITY HALL AS A LACTATION ROOM FOR BREASTFEEDING MOTHERS AT WORK; 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.

City Manager/City Secretary, Andrea Gardner, gave an overview of the item and explained the purpose of the Resolution.

Mayor called for public testimony. No one spoke during public testimony.

Council Member Irving made a motion to approve the item as presented. The motion was seconded by Council Member Snyder. The motion passed as follows:

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

5. Discuss and consider action on approval of a proposed resolution that continues the Park Vista Public Improvement District through Fiscal Year 20192020 {CAPTION} Sandra Gibson, CGFO, CGFM, Director of Finance

RESOLUTION NO. 2019-016

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA AUTHORIZING THE CONTINUATION OF THE PARK VISTA PUBLIC IMPROVEMENT DISTRICT ESTABLISHED JANUARY 1999 AS PROVIDED BY CHAPTER 372 OF THE LOCAL GOVERNMENT CODE; DESCRIBING THE METHOD OF ASSESSMENT; 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**

Director of Finance, Sandra Gibson, gave an overview of the item and stated the City maintains the Right of Way for this location but no additional services that would not be provided to any other neighborhood. Staff recommends this PID be continued and stated it cannot be discontinued without 50% of the homeowners or a homeowner association approval.

Council Member Neal made a motion to approve the item as presented. The motion was seconded by Council Member Irving.

Council Member Prescher asked regarding the fence in Park Vista and the PID. He stated he was informed the City was to maintain the fence in that neighborhood. Director Gibson referred the question to Director Hackleman. Director Hackleman stated the referenced property agreement was implemented prior to his tenure with the City. He stated that he will check on the issue of the fence, however, it is his belief that the city's responsibility is to mow the grass and treat the PID the same as is done for the rest of the City. It would be necessary, if it is discovered, to allocate funds in the future for the fence to be maintained.

Interim City Attorney, George Hyde, then explained the legality of the services assessment and explained the need for a new assessment if the original funds were expelled.

Council Member Prescher commented he believes the City should maintain the fence if at all possible.

Mayor Pro Tem Taylor commented what is done for one will have to be done for all.

The Mayor called for public testimony. No one spoke during public testimony.

The vote from the above motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

6. Discuss and consider action on approval of an ordinance authorizing the levying of an assessment rate of \$0.00 per \$100.00 of assessed value of property

located in the Park Vista Public Improvement District (PID) for FY20192020 {CAPTION} Sandra Gibson, CGFO, CGFM, Director of Finance

ORDINANCE NO. 2019-013

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS LEVYING ASSESSMENTS FOR USE AND SUPPORT OF THE PARK VISTA PUBLIC IMPROVEMENT DISTRICT OF THE CITY OF WATAUGA, TEXAS FOR THE 2019-2020 FISCAL YEAR; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE

Director of Finance, Sandra Gibson, stated there was nothing to add to this agenda item.

The Mayor called for public testimony. No one spoke during public testimony.

Council Member Irving made a motion to approve the item as presented. The motion was seconded by Council Member Prescher. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

7. Discuss and consider action on approval of the Watauga Economic Development Corporation (WEDC) Budget for Fiscal Year 20192020 Sandra Gibson, CGFO, CGFM, Director of Finance.

Director of Finance, Sandra Gibson, gave an overview of the item.

The Mayor called for public testimony. No one spoke during public testimony.

Council Member Downey made a motion to approve the item as presented. The motion was seconded by Council Member Neal. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

The mayor adjourned the meeting for a ten-minute recess at 8:05 p.m.

The mayor reconvened the meeting at 8:15 p.m.

8. Discuss and consider action on a resolution approving the Tax Assessment Roll for 2019 Sandra Gibson, CGFO, CGFM, Director of Finance.

RESOLUTION NO. 2019-017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATAUGA, TEXAS APPROVING AND ADOPTING THE 2019
TARRANT APPRAISAL DISTRICT CERTIFIED APPRAISAL
ROLL.**

Director of Finance, Sandra Gibson, gave an overview of the tax assessment roll.

The Mayor called for public testimony. No one spoke during public testimony.

Council Member Neal made a motion to accept the item as presented. The motion was seconded by Mayor Pro Tem Taylor. The motion passed as follows: 7-0-0-0.

AYES:	Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9. Discuss and consider action on approval of an ordinance adopting and approving the City of Watauga Budget for Fiscal Year beginning October 1, 2019 and ending September 30, 2020 {CAPTION} Sandra Gibson, CGFO, CGFM, Director of Finance.

ORDINANCE NO. 2019-014

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
WATAUGA, TEXAS ADOPTING AND APPROVING A BUDGET
FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND
ENDING SEPTEMBER 30, 2020 IN ACCORDANCE WITH THE
HOME RULE CHARTER OF THE CITY OF WATAUGA;
PROVIDING FOR THE APPROPRIATION OF FUNDS IN THE
BUDGET; PROVIDING THAT ALL ORDINANCES IN CONFLICT**

**HEREWITH ARE HEREBY REPEALED TO THE EXTENT THAT
THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE,
PROVIDING AN EFFECTIVE DATE**

The Mayor called for public testimony. No one spoke during public testimony.

Council Member Prescher made a motion to move to adopt the ordinance providing for the FY 2019-2020 Budget as presented. The motion was seconded by Mayor Pro Tem Taylor.

Council Member Prescher noted for the public, discussions have been extensive for months regarding the budget therefore, this is the reason there were no discussions by Council tonight regarding this item.

The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

10. Discuss and consider action on an ordinance adopting and approving the levying of Ad Valorem taxes for Fiscal Year October 1, 2019 through September 30, 2020 in the amount of \$0.580500 per \$100 valuation {CAPTION} Sandra Gibson, CGFO, CGFM, Director of Finance.

ORDINANCE NO. 2019-016

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
WATAUGA, TEXAS LEVYING AD VALOREM TAXES FOR USE
AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE
CITY OF WATAUGA, TEXAS FOR THE 2019-2020 FISCAL
YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR
SPECIFIC PURPOSES; PROVIDING FOR THE STATEMENT
REQUIRED BY SECTION 26.05(b) OF PROPERTY TAX CODE;
PROVIDING FOR THE DATE WHEN TAXES SHALL BECOME
DELINQUENT IF NOT PAID; PROVIDING THAT ALL
ORDINANCES IN CONFLICT HEREWITH ARE HEREBY
REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT;**

**PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE
DATE**

The Mayor called for public testimony. No one spoke during public testimony.

Council Member Downey moved that the property tax rate be increased by the adoption of tax rate \$0.580500 which effectively is a 7.89% increase in the tax rate. Council Member Downey moved to adopt a debt service tax rate of 17.4616 cents per \$100 evaluation for the 2019-2020 tax year. Council Member Downey moved to approve a maintenance and operation tax rate of 40.5884 cents per \$100 evaluation for the 2019-2020 tax year. Council Member Downey moved to approve the tax rate ordinance as presented. A record vote will be required. Council Member Downey asked the Chairman to call for the record vote.

Interim City Attorney, George Hyde, stated these motions should be passed in four (4) separate votes.

The motions were seconded by Mayor Pro Tem Taylor.

Mayor Pro Tem Taylor stated although this item is required by State requirements to be named a tax increase due to generating more dollars, the reality is the rate was reduced by 2 cents.

Council Member Prescher stated this was a good example of what happens in Austin and how it affects local government. He stated this legislation address the rates but not the evaluation of homes.

Vote One (1) The property tax rate be increased by the adoption of tax rate \$0.580500 which effectively is a 7.89% increase in the tax rate:

The motion passed as follows: 7-0-0-0.

AYES:	Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Vote Two (2) to adopt a debt service tax rate of 17.4616 cents per \$100 evaluation for the 2019-2020 tax year.

The motion passed as follows: 7-0-0-0.

AYES:	Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS:	None
ABSENT:	None

ABSTAIN: None

Vote Three (3) To approve a maintenance and operation tax rate of 40.5884 cents per \$100 evaluation for the 2019-2020 tax year.

The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

Vote Four (4) To approve the tax rate ordinance as presented.

The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

11. Discuss and consider action on an ordinance adopting and approving a property tax increase reflected in the Budget of the City of Watauga for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020 {CAPTION} Sandra Gibson, CGFO, CGFM, Director of Finance.

ORDINANCE NO. 2019-015

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA ADOPTING AND APPROVING A PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE CITY OF WATAUGA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 102.007; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE, PROVIDING AN EFFECTIVE DATE

Council Member Neal made a motion to ratify the property tax increase reflected in the City's fiscal year 2019-2020 operating budget as presented.

The motion was seconded by Council Member King. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

12. Discuss and consider action on an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid Tex Division regarding the Company's 2019 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by that attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's Legal Counsel {CAPTION} Andrea Gardner, City Manager 13. Discuss and consider action to approve an Ordinance providing for a transfer of appropriations in the Fiscal Year 20182019 Budget in the General Fund (CAPTION) Sandra Gibson, CGFO, CGFM, Director of Finance.

ORDINANCE NO. 2019-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT

ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

The Mayor called for public testimony. No one spoke during public testimony.

Council Member Neal made a motion to accept the item as presented. The motion was seconded by Council Member Downey. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

13. Discuss and consider action to approve an Ordinance providing for a transfer of appropriations in the Fiscal Year 20182019 Budget in the General Fund (CAPTION) Sandra Gibson, CGFO, CGFM, Director of Finance

ORDINANCE NO. 2019-018

AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING THE GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; TRANSFERRING VARIOUS APPROPRIATIONS AMONG ACCOUNTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ACTION NECESSARY TO ACCOMPLISH SUCH TRANSFERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES;

**PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

The Mayor called for public testimony. No one spoke during testimony.

Council Member Downey made a motion to accept the item as presented. The motion was seconded by Mayor Pro Tem Taylor. The motion passed as follows: 7-0-0-0.

AYES: Prescher, Snyder, Downey, Neal, King, Taylor, Irving
NAYS: None
ABSENT: None
ABSTAIN: None

ITEMS FOR FUTURE CITY COUNCIL MEETINGS

The Mayor asked Council for items.

Council Member Irving stated none.

Mayor Pro Tem Taylor stated none.

Council Member King stated none.

Council Member Neal stated he would like to revisit the parking minimums. City Manager, Andrea Gardner, responded this needs to be addressed by the P & Z first.

Council Member Downey stated none.

Council Member Snyder stated none.

Council member Prescher stated he would like to have the fence issue in Park Vista revisited, discussion, or a report on the PID issue.

Council Member Irving seconded Council Member Prescher's requested item.

ADJOURNMENT

The Mayor adjourned the meeting at 8:39 p.m.

APPROVED: this the day of , 2019

SIGNED: this the day of , 2019

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

NOTE: Original Audio and Video Recording of this meeting is preserved and maintained by the City Secretary's Office

**MINUTES
WATAUGA CITY COUNCIL
WORKSHOP
MONDAY, SEPTEMBER 9, 2019
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
5:30 P.M.**

The City Council of the City of Watauga, Texas convened at 5:32 p.m., for the purpose of conducting a workshop with the following members present:

Mayor, Arthur Miner
Council Member, Place 2 Tom Snyder
Council Member, Place 3 Lovie Downey
Council Member, Place 4 Andrew Neal
Council Member, Place 5 Juanita King
MPT, Council Member, Place 6 Mark Taylor

and

Andrea Gardner, City Manager
Tara Rogers, Deputy City Secretary
George Hyde, Interim City Attorney
Sandra Gibson, Director of Finance
Shawn Fannan, Fire Chief
Sal Torres, Director of Parks and Community Services
Bradley Fraley, Chief Information Officer/PIO

with

Council Member, Place 7 Kim Irving, arriving late with notice.
Council Member, Place 1 Scott Prescher, absent.

Presentations:

1. Discuss and consider direction to the City Manager on Cost Recovery programs and the SAFER (Staffing for Adequate Fire and Emergency Response) Grant for the Watauga Fire Department

City Council met to receive an overview, discuss, and consider direction to the City Manager on Cost Recovery programs and the SAFER Grant for the Watauga Fire Department.

Mayor Pro Tem gave the floor to Chief Fannan, who introduced Brant Stovall from Emergifire. Mr. Stovall and Chief Fannan led the presentation regarding cost recovery programs. Chief Fannan led the presentation and discussion regarding the Safer Grant.

During the course of discussion, information was exchanged between Council, City Staff, and Mr. Stovall. Council gave a consensus to the City Manager to move forward with what was needed to bring the above items to a Special Council Meeting. No vote or other action was taken on the information presented.

2. Discuss and provide direction to City staff regarding a City lighting project and possible project options

Director of Parks and Community Services, Sal Torres, presented information on trail lighting replacement options for Capp Smith Park. City Staff, Chad Stevens, answered questions regarding the problems with the current lighting at the park.

During the course of discussion, information was exchanged between Council and City Staff. By consensus, Council directed the use of solar powered pole lights. Council asked for a future report on other city parks that may need lighting and on the funds remaining from the project, if any, that could be used at other city park locations.

ADJOURNMENT

The Mayor adjourned the workshop at 6:38 p.m.

APPROVED: this day of , 2019

SIGNED: this day of , 2019

APPROVED:

Arthur Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

NOTE: Original Audio and Video Recording of this meeting is preserved and maintained by the City Secretary's Office

**MINUTES
WATAUGA CITY COUNCIL
SPECIAL MEETING
MONDAY, SEPTEMBER 16, 2019
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 P.M.**

CALL TO ORDER

The City Council of the City of Watauga, Texas convened at 6:32 p.m., for the purpose of conducting a special meeting with the following members present:

Mayor Arthur L. Miner
Council Member, Place 1 Scott Prescher
Council Member, Place 2 Tom Snyder (absent with notice)
Council Member, Place 3 Lovie Downey
Council Member, Place 4 Andrew Neal
Council Member, Place 5 Juanita King
Mayor Pro Tem/Council Member, Place 6 Mark Taylor
Council Member, Place 7 Kim Irving (absent with notice)

and

Andrea Gardner, City Manager
Tara Rogers, Deputy City Secretary
Sandra Gibson, Director of Finance
Shawn Fannan, Fire Chief
Sal Torres, Director of Parks and Community Services
Paul Hackleman, Director of Public Works
Bradley Fraley, Chief Information Officer/PIO

INVOCATION

The invocation was given by Mr. Schrott.

PLEDGE OF ALLEGIANCE

The pledge to the American Flag and Texas Flag was led by Mayor Miner.

PUBLIC TESTIMONY

Mujeeb Kazi, 6245 Rufe Snow Drive, Suite 240, Watauga, TX.
Wanted to notify the community about India's governmental actions. People of Kashmir are in unrest. The people are suffering due to shortage of food. The current Prime Minister of India has been banned from entering the United States due to his involvement with terrorism. The current regime is placing its people in duress. He expressed concerns that over eight million people will be murdered and requested the citizens of Watauga write letters to the US Congress and Secretary of State for the United States to request action be taken. He concluded by providing a written document to each member of the City Council and the City Manager.

Mary Stormer, 6545 Old Mill Circle, Watauga, Tx.

Inquired as to why doesn't Watauga have a grants writer. She stated she has been where there are cities that have grant writers. She has been where you can pay a grants writer a percentage of the grant.

She also expressed concerns about communications. She knows that other cities use Facebook Live, etc. She further stated that our community has people that are disabled and unable to attend meetings.

She also requested the Request to Speak Form be placed on the City's website.

Additionally, she expressed her support for shade structures due to the chance of melanoma.

Ms. Gardner provided factual information related to the Request to Speak Form and noted the form is available on the City's website.

Consent Agenda All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items.

1. Consider action on the July 8, 2019 Regular Council Meeting Minutes.
Tara Rogers, Deputy City Secretary
Andrea Gardner, City Manager
2. Consider action to reschedule the November 11, 2019 regular and workshop Meetings of the Watauga City Council to November 12, 2019.
Tara Rogers, Deputy City Secretary
Andrea Gardner, City Manager

Council Member Andrew Neal made a motion to the consent agenda as presented. Council Member, Lovie Downey seconded the motion.

The item passed 5-0-2-0.

PUBLIC HEARING

There were no public hearing items.

ACTION ITEMS

1. Discuss and consider action to approve a proposed ordinance amending the classifications of the City of Watauga Fire Department to add six (6) Firefighter positions {CAPTION}
Marcia Reyna, Human Resources and Civil Service Director
Andrea Gardner, City Manager

City Manager, Andrea Gardner, provided the staff presentation for actions items 1-10.

Mayor called for public testimony. There was no public testimony.

Council Member, Andrew Neal, made a motion to accept the item as presented. Mayor Pro Tem, Mark Taylor, seconded the motion.

The item passed 5-0-2-0.

2. Discuss and consider action to approve an ordinance amending the Personnel Improvement Plan for Fiscal Years 20202024 {CAPTION}

The Mayor called for public testimony. There was no public testimony.

Mayor Pro Tem, Mark Taylor, made a motion to approve the item as presented. Council Member, Scott Prescher, seconded the motion.

The item passed 5-0-2-0.

3. Consideration and action on approval of an Ordinance of the City of Watauga, Texas, amending the General Fund Budget for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020; approving supplemental appropriations.{CAPTION}

Sandra Gibson, CGFO, CGFM, Director of Finance

Andrea Gardner, City Manager

The Mayor called for public testimony. There was no public testimony.

Council Member, Andrew Neal, made a motion to accept the item as presented. Council Member, Lovie Downey, seconded the motion.

The item passed 5-0-2-0.

4. Discuss and consider action on a resolution accepting the SAFER (Staffing for Adequate Fire and Emergency Response) grant award for FY 2018 and authorizing the City Manager to act on behalf of the City to comply with all SAFER Grant requirements associated with the FY 2018 award.

Shawn Fannan, Fire Chief

Andrea Gardner, City Manager

The Mayor called for public testimony. There was no public testimony.

Council Member, Lovie Downey, made a motion to accept the item as presented. Council Member, Andrew Neal, seconded the motion.

The item passed 5-0-2-0.

5. Discuss and consider action on an ordinance establishing and implementing a program to charge mitigation rates for the deployment of emergency services by the Watauga Fire Department.

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

The Mayor called for public testimony.

Mary Stormer, 6545 Old Mill Circle, Watauga, TX.

Stated she was curious about the implementation of the program. She wanted to know if the false alarms applied to residential and commercial properties.

Chief Fannan addressed Ms. Stormer's concerns and informed her that the false alarms didn't apply to residents.

Council Member, Lovie Downey, made a motion to approve the item. Council Member, Juanita King, seconded the motion.

The item passed 5-0-2-0.

6. Discuss and consider action authorizing the Mayor to execute an agreement between the City of Watauga and EmergiFire, LLC for Fire/Emergency Response Billing services in a form approved by the City Attorney.

Shawn Fannan, Fire Chief
Andrea Gardner, City Manager

The Mayor called for public testimony.

Mary Stormer, 6545 Old Mill Circle, Watauga, TX.

Requested clarification on the agreement and asked if there is an upfront service charge. She further inquired about the ownership of the information obtained.

City Manager Gardner informed Ms. Stormer that agreement has been reviewed by the City Attorney but is not yet complete and explained the purpose behind the posting language "form approved by the City Attorney".

Council Member, Andrew Neal, made a motion to accept the item as presented. Council Member, Lovie Downey, seconded the motion.

The item passed 5-0-2-0.

7. Discuss and consider action authorizing the City Attorney to provide Intermedix notification of the City's intent to cancel the existing Ambulance Billing Services agreement effective January 26, 2020

Shawn Fannan, Fire Chief
Andrea Gardner, City Manager

The Mayor called for public testimony. There was no public testimony.

Council Member, Lovie Downey, made a motion to accept the item as presented.
Council Member, Scott Prescher, seconded the motion.

The item passed 5-0-2-0.

8. 8. Discuss and consider action authorizing the Mayor to execute a specialized professional services agreement between Emergicon, LLC and the City of Watauga for ambulance billing services in a form approved by the City Attorney.
Shawn Fannan, Fire Chief
Andrea Gardner, City Manager

The Mayor called for public testimony.

Mary Stormer, 6545 Old Mill Circle, Watauga, TX.
She stated the terms of the agreement prevented the City from utilizing a different vendor for two years after contract cancelation.

City Manager Gardner corrected the information and reminded Ms. Stormer that the City Attorney has yet to finalize the agreement with the vendor.

Council Member, Andrew Neal, made a motion to accept as presented. Council Member, Juanita King, seconded the motion.

The item passed 5-0-2-0.

9. Discuss and consider action to authorize the Mayor to execute a Business Associate Agreement between the City of Watauga and Emergicon, LLC in a form approved by the City Attorney.
Shawn Fannan, Fire Chief
Andrea Gardner, City Manager

The Mayor called for public testimony. There was no public testimony.

Council Member, Andrew Neal, made a motion to accept the item as presented.
Council Member, Lovie Downey, seconded the motion.

The item passed 5-0-2-0.

10. Discuss and consider action to approve a sales order with Emergicon, LLC for ESO software services paid by Emergicon, LLC through a Service Provider Agreement with ESO on behalf of the City of Watauga.
Shawn Fannan, Fire Chief
Andrea Gardner, City Manager

The Mayor called for public testimony. There was no public testimony.

Council Member, Lovie Downey, made a motion to accept the item as presented.
Mayor Pro Tem, Mark Taylor, seconded the motion.
The item passed 5-0-2-0.

The Council adjourned into executive session at 7:28 p.m.

EXECUTIVE SESSION

The City Council will convene in executive session pursuant to (Texas Open Meetings Act), Chapter 551 of the Texas Government Code, Section 551.074 to deliberate upon and discuss personnel matters and Section 551.071 consultation with City Attorney 1. The City Council shall recess its Regular Session and reconvene in Executive Session to discuss the following items pursuant to the below referenced section of the Texas Government Code: 1) Section 551.074 (Personnel) to deliberate regarding the duties of the City Manager (Andrea Gardner); and 2) Section 551.071 (Consultation with Attorney) to seek the advice of its attorney related to recent publicly made allegations or irregularities during the last City Council election.

The Mayor reconvened the Regular Meeting at 8:30 p.m.

No action was taken on the items discussed in executive session.

ADJOURNMENT

Mayor Miner adjourned the Special Meeting at 8:30 P.M.

APPROVED: _____ this _____ day of _____, 2019

SIGNED: _____ this the _____ day of _____, 2019

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

NOTE: Original Audio and Video Recording of this meeting is preserved and maintained by the City Secretary's Office

**MINUTES
WATAUGA CITY COUNCIL
SPECIAL MEETING
SATURDAY, SEPTEMBER 21, 2019
- SUNDAY, SEPTEMBER 22, 2019
HILTON GARDEN INN – CONFERENCE CENTER
635 E PEARL STREET, GRANBURY, TX 76049
8:00 AM**

CALL TO ORDER

The City Council of the City of Watauga, Texas convened at 8:02 a.m.

ROLL CALL

The following members were present:

Mayor, Arthur Miner
Mayor Pro Tem/Council Member, Place 6, Mark Taylor
Council Member, Place 1, Scott Prescher
Council Member, Place 2, Tom Snyder
Council Member, Place 3, Lovie Downey
Council Member, Place 4, Andrew Neal
Council Member, Place 5, Juanita Kina
Council Member, Place 7, Kim Irving

and

Andrea Gardner, City Manager / City Secretary
Robert Parker, Chief of Police
Sandra Gibson, Director of Finance
Paul Hackleman, Director of Public Works
Marcia Reyna, Director of Human Resources/Civil Service
Lana Ewell, Library Director
George Hyde, City Attorney

and

Bill Hidell, Hidell Associates Architects
Denny Boles, Brinkley Sargent Wiginton Architects
Nick Hardwick, Enterprise Fleet

PUBLIC TESTIMONY

No Public Testimony given.

ACTION ITEMS

Action Items were not presented; however, the following topics were discussed.

1. Discuss and provide direction to the City Manager on benefits offered to new hires

Marcia Reyna, Director of Human Services/Civil Service, presented the item to the Council. The consensus of the Council was to establish a limited tuition reimbursement to include a payback provision in the event the employee separates from city employment within two (2) years of receiving said reimbursement. The Council directed Andrea Gardner, City Manager, to continue further evaluation of employee benefits.

No vote or action was taken at this time.

2. Discuss and provide direction to the City Manager on shared services and the creation of a Code Enforcement Task Force

Robert Parker, Chief of Police, presented the item to Council. The consensus of the Council was to not pursue shared services of Animal Control. The Council expressed interest in creating a Code Enforcement Task Force or exploring the possibility of utilizing the VIPS (Volunteers in Police Service) to assist.

No vote or action was taken at this time.

The meeting recessed at 9:53 a.m., and reconvened at 10:02 a.m.

3. Discuss and provide direction to the City Manager on the results of the City of Watauga Public Library Needs Assessment

Lana Ewell, Director of Library Services presented to Council. Bill Hidell with Hidell Associates Architects was introduced to join the discussion. The consensus of the Council was for the construction of a 37,000 square foot building to be located next to the Hector F. Garcia Community Center.

No vote or action was taken at this time.

4. Discuss and provide direction to the City Manager on the City of Watauga Police Department Needs Assessment

Robert Parker, Chief of Police, Andrea Gardner, City Manager, presented the item to Council. Denny Boles with Brinkley Sargent Wiginton Architects, was introduced to join the discussion. The consensus of the Council was to request a financial analysis of the construction of a new building to be provided in December 2019.

No vote or action was taken at this time.

The meeting adjourned for lunch at 11:58 a.m., and reconvened at 1:52 pm.

5. Discuss and provide direction to the City Manager on financial impacts resulting from the 86th Legislative Session

Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was for additional information to be gathered regarding Interlocal cyber security that includes qualifying staff from a neighboring larger city to provide and charge for training.

No vote or action was taken at this time.

6. Discuss and provide direction to the City Manager on mosquito abatement program in the City of Watauga

Paul Hackleman, Director of Public Works, and Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was to keep the mosquito abatement program in its current state.

No vote or action was taken at this time.

7. Discuss and provide direction to the City Manager on developing an ordinance of the City of Watauga to regulate Short Term Rentals within the corporate boundaries

Paul Hackleman, Director of Public Works, and Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was for the development of appropriate fees to be established and the review of the existing ordinance to determine if revisions are need for said fees.

No vote or action was taken at this time.

8. Discuss and provide direction to the City Manager on development of a street maintenance program and street maintenance fee

Paul Hackleman, Director of Public Works, and Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was to develop a street maintenance program and establish related fees.

No vote or action was taken at this time.

9. Discuss and provide direction to City Manager on Small Cell Antenna Manual adopted September 2017

Paul Hackleman, Director of Public Works, and Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was to move forward with the most advantageous code and manual changes in which the City Staff and City Attorney will work together to complete.

No vote or action was taken at this time.

10. Discussion and provide direction to the City Manager on speed limits for city streets

Paul Hackleman, Director of Public Works, and Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was to keep speed limits and park zones at their current limits.

During the discussion, the meeting recessed for break at 4:00 p.m., and reconvened at 4:15 p.m.

The meeting recessed for the day at 5:31 p.m.

The meeting reconvened Sunday, September 22, 2019 at 8:03 a.m.

11. Discuss and provide direction to the City Manager on the capital projects and debt process with emphasis on the arbitrage impacts to the City

Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was for the City Manager to pursue cancelling the VVC contract, requiring interest earnings on bonds to be used for debt services or for other purposes with prior Council authority, and contracting a firm to handle CIP project management.

No vote or action was taken at this time.

12. Discuss and provide direction on a fleet maintenance program through Enterprise Fleet

Andrea Gardner, City Manager, presented the item to Council. Nick Hardwick with Enterprise Fleet was introduced to join the discussion. The consensus of the Council was to move forward with further evaluation of the Enterprise Fleet Program.

No vote or action was taken at this time.

The meeting recessed for a break at 10:10 a.m., and reconvened at 10:25 a.m.

13. Discuss and provide direction to the City Manager on the City's Strategic Plan for FY 2021 and updates provided on the FY 2020 Strategic Plan

Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was to extend the strategic plan from 5 to 10 years, to include the following updates:

Strategic Initiatives

Planning Issue: Maintain financial strength of the City

Remove (Due to item completion)

2. Develop an internal audit committee within one year.

Revise:

- ~~4. Continue to seek grant opportunities for parks and trails projects on an annual basis.~~
3. Continue to seek grant opportunities for programs and projects on an annual basis.

Planning Issue: Develop a sustainable economic development effort

Include:

- ~~1. Develop a new business recruitment strategy within two years.~~
1. Develop a tax abatement policy within two years.
- ~~2. Develop and economic development incentive policy within one year.~~
2. Prepare and approve ballot measure to return the ¼ cent sales tax to economic development use in May 2020 election.
- ~~3. Develop tax abatement policy within two years.~~

Revised and Moved (#2)

~~4. Evaluate the need to conduct an election to return the ¼ cent sales tax to economic development use in May 2020 election~~

~~5. Identify and implement a budget strategy for economic development prior to FY 2020~~

Include:

Planning Issue: Expand public safety through non-enforcement efforts

Evaluate lighting options that will create improvements in safety for Watauga residents and visitors within ten years

Planning Issue: Strengthen future planning

Include:

Prepare ordinance to include on the May 2020 ballot, a General Obligation. Bond proposition for the construction of a new Police Facility and Library. Prepare and submit for Council consideration a permit process and any required ordinance revisions for Short Term Rental properties.

Prepare for further review a phased-in program for a Street Maintenance Program and associated fee within (6) months.

Develop an on-line (website link) for a street maintenance program be developed within (7) years.

Improve the carbon footprint within the City within (10) years.

Review expansion options for the animal control facilities and operations within (6) years.

Improve the walk-ability and bicycling options in the City within (10) years.

Evaluate the transition to hybrid or electric vehicles within (10) years.

Continue to evaluate code compliance processes to improve the overall beautification of the City within (3) years.

Planning Issue: Improve community involvement

Include:

Continue Watauga 101 Citizens Academy annually.

Enhance citizen volunteer opportunities within (6) years.

Identify technological options that encourage citizen participation within (10) years.

Planning Issue: Attract, retain and motivate qualified staff

Revise #1. Develop and Implement Continue to review and revise the recruitment and retention strategy annually.

Include:

Review and prepare a cost benefit analysis for a Paid Time Off program prior to September 2020.

Evaluate employee and dependent medical benefits and eligibility options prior to March 2020 to include a single forgiveness option for the proposed emergency room visit penalty.

No vote or action was taken at this time.

14. Discuss and provide direction to the City Manager and City Attorney regarding creating a Code of Conduct Policy for the Watauga City Council and Mayor

Andrea Gardner, City Manager, presented the item to Council. The consensus of the Council was to send suggested items to include in the Code of Conduct Policy to George Hyde, City attorney, via email and copy Mayor Miner, by Tuesday, October 22, 2019.

No vote or action was taken at this time.

The meeting recessed for lunch at 12:50 p.m., and reconvened at 2:40 p.m.

15. Discuss and provide direction to the City Manager on transportation initiatives for the City of Watauga

Andrea Gardner, City Manager, stated that there was no information to present regarding this item. Information will be provided during a 2020 Council Workshop.

No vote or action was taken at this time.

EXECUTIVE SESSION

The Council recessed into Executive Session at 2:42 p.m.

1. Section 551.074 (Personnel) to deliberate regarding the duties of the City Attorney (George Hyde)
2. Section 551.071 (Consultation with Attorney) to deliberate and seek the advice of its attorney related to obligations of city elected officials resulting from SB1640 amending Texas Government Code Section 551.143 "Prohibited Series of Communications" and SB 944 establishing "Preservation of Information" obligations

RECONVENE

The meeting reconvened from Executive Session at 4:31 p.m.

No vote or action was taken during Executive Session.

ADJOURNMENT

The meeting adjourned at 4:34 p.m.

NOTE: Original Audio Recording of this meeting is preserved and maintained by the City Secretary's Office



AGENDA MEMORANDUM

DATE: September 23, 2019

TO: Honorable City Council Members

FROM: Marcia Reyna, Human Resources and Civil Service Director

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action to approve a resolution amending Policy 9.01 Mobile Communication Devices in the Personnel, Administration and Financial Policies and Procedures Manual

BACKGROUND/INFORMATION:

On September 9, 2019 City Council approved a revision to Policy 9.01 Mobile Communications in order to comply with SB 944 passed during the 86th Legislative Session. After further review, it has been determined that archiving public information on personal devices on a quarterly rather monthly basis is less burdensome to City officers and employees and a better approach.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

City Administration respectfully requests that the City Council consider action to approve Resolution 2019-021 to amend Policy 9.01 Mobile Communication Devices in the Personnel, Administration and Financial Policies and Procedures Manual.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Resolution Policy 9.01 Mobile Communication Devices (Legal)
2. 9.01 Mobile Communication Devices DRAFT

REVIEWED BY:

Tara Rogers, Deputy City Secretary

George Hyde, Legal

Marcia Reyna, Human Resources and Civil Service Director

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/23/2019

Approved - 10/1/2019

Approved - 10/1/2019

Final Approval - 10/1/2019

**CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2019-021**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY
OF WATAUGA, TEXAS AMENDING POLICY 9.01
MOBILE COMMUNICATION DEVICES OF THE
PERSONNEL, ADMINISTRATION AND FINANCIAL
POLICIES AND PROCEDURES MANUAL REGARDING
THE USE OF MOBILE COMMUNICATION DEVICES
AND RETENTION OF CITY INFORMATION;
PROVIDING FOR REPEAL; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article III, Section 3.07(m) of the Home Rule Charter of the City of Watauga, Texas (hereinafter “the City”) provides that the City Council fix the salaries and compensation of the city officers and employees, and establish qualifications, rules and standards of and for all employees of the City; and

WHEREAS, City Council approved a revision to Policy 9.01 Mobile Communication Devices on September 9, 2019 in order to comply with Senate Bill 944 passed during the 86th Legislature; and

WHEREAS, City Staff thinks that the current Policy 9.01 requirement that City officers and employees archive public information in the form of text messages, emails, pictures, etc. on a monthly basis may be unduly burdensome on City officers and employees; and

WHEREAS, City Council desires to change the Policy 9.01 archiving requirement of public information in the form of text messages, emails, pictures, etc. from a monthly basis to a quarterly basis in order to lessen the burden on City officers and employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The City Council of the City of Watauga hereby finds that the statements set forth in the recitals of this Resolution are true and correct and hereby incorporates such recitals as a part of this Resolution.

II.

Policy 9.01 Mobile Communication Devices of the City's Personnel, Administration and Financial Policies and Procedures Manual as set forth in Exhibit "A" attached hereto and incorporated by reference, is hereby adopted.

III.

This Resolution shall be and is hereby cumulative of all other Resolutions of the City of Watauga, Texas, 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 Resolutions are hereby repealed.

IV.

If any section, sub-section, 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 the Resolution.

V.

This Resolution shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the 14th day of October, 2019.

APPROVED:

ARTHUR L, MINER, Mayor

ATTEST:

ANDREA GARDNER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

GEORGE HYDE, Interim City Attorney



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Mobile Communication Devices
INITIAL EFFECTIVE DATE	November 14, 2016
LAST REVISION DATE	October 14, 2019
POLICY NUMBER	9.01

OBJECTIVE This policy addresses the use of personally-owned Mobile Communication Devices (MCDs) or City-issued MCDS for business purposes by employees or Council Members

SCOPE This policy applies to employees and Council Members who receive an allowance for their personal mobile communication device, use their personal mobile device for city business or have been provided with a City issued mobile communication device.

POLICY

This policy will address issues surrounding personal mobile communication devices (MCDs) and city-issued MCDs. While at work, employees are expected to exercise the same discretion in using personal mobile devices as is expected for the use of city-issued mobile devices. Excessive personal calls during the workday, regardless of the mobile device used, can interfere with employee productivity and may be distracting to others. Therefore, personal mobile calls, texting, and web browsing/social media websites should be limited to use during non-work time where possible, on breaks, lunch, or before/after work. Friends and family members should be asked to limit their calls to emergency use, or to leave a message for a return call when the employee is on break. Abuse of this policy may result in the loss of the use of a city-owned mobile phone and/or disciplinary action.

A. Definitions

1. **Mobile Communications Device (MCD):** Any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with capability to access the Internet (generally referred to as a Smart Phone).
2. **Conversation:** Communication exchange between two (2) or more individuals taking place in voice or data format.

B. Personally Owned Mobile Communication Devices

The City will continue providing City-owned MCDs for assignment to eligible individual employees, however, employees with access to a personal MCD are encouraged to utilize the stipend process. On-call and medic phones will remain City-owned devices and issued to departments for shared, temporary or infrequent use.

1. Eligibility

Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be submitted in writing by the Department Director to the City Manager for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one (1) of the following categories:

- a. **Public/Personal Safety:** The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. **Accessibility:** The employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. **Responsiveness:** The employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement. These requests would be reviewed and approved by the City Manager.

2. Allowance

The MCD allowance is not intended to pay the full costs of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable costs that the employee incurs while using the device/service as part of their City job duties and responsibilities. The MCD Allowance guidelines are as follows:

- a. The employee is responsible for procuring and paying for all services and equipment.
- b. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- c. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or overtime.

Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.

- d. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as Federal Income Tax, TMRS, etc. The allowance provided will be calculated on a monthly payment. This monthly payment will be then multiplied by twelve months, for a total annual cost to the City. The total annual cost will then be divided by the number of pay periods in a year and distributed to the employee as part of their payroll check every two weeks.
- e. The employee must retain an active MCD service as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employees' own expense.
- f. There are two (2) Tier Levels for Mobile Communication Device allowances.

Tier I: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls, text messaging, capability of receiving/sending email, contacts, calendar events with City's Microsoft Exchange. The employee will receive a monthly stipend of \$75. Each October the employee will receive an annual hardware stipend of \$75. In compliance with the IRS regulations, the stipends will be reported as income on the employee's W2.

Tier II: Employee meets requirements under this policy. Employee must possess cellular MCD with capability of making/receiving phone calls and text messaging. The employee will receive a monthly stipend of \$40. Each October the employee will receive an annual hardware stipend of \$40. In compliance with the IRS regulations, the stipends will be reported as income on the employee's W2.

3. Employee Responsibilities

- a. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
- b. Provide Department Director and Human Resources with current contact information or address of the communication device within three (3) days of activation. MCD Allowance Authorization Form (**See Form A**) must be completed by HR and approved by the Employee, Department Director and City Manager before implementation.
- c. Acknowledge that Department Director periodically request that the employee provide a copy of the first page of the phone bill in order to verify that they have an active mobile communications device. **Department Directors may also**

periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.

- d. Assure availability for communication, be in possession of the MCD, and have it charged and turned on during the days/times as specified by Department Director.
- e. Notify supervisor immediately of damaged, lost, or stolen MCD, and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by Department Director. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, Information Technology will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device. If theft is suspected, employees must file a police report and cooperate with law enforcement.
- f. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- g. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Watauga's email or other information system are reminded that these systems are intended for official City business only.
- h. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- i. **Acknowledge that MCD records may be subject to the Public Information Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, emails, all types of messaging, photographs, internet usage, and application usage. Information related to phone conversations typically obtained through the Public Information Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.**
- j. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.

- k. Make the personal MCD phone number available for inclusion in the City's telephone and department directories as deemed appropriate by supervisor.
- l. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- m. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.

4. Departmental Responsibilities

- a. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- b. The Department Director has the option of revoking the allowance approval.
- c. If an employee transfers, changes positions or for any reason is no longer eligible for a mobile communications device allowance, the supervisor will submit a Payroll Authorization Form showing the service end date to terminate the allowance and will notify Human Resources immediately.
- d. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.
- e. Departments will budget the monthly allowance and annual device allowance for all approved devices within their annual budgets.

5. Information Technology Responsibilities

- 1. The Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor to vendor.
- 2. When necessary, Information Technology will load City-licensed or City-required applications onto employee-owned MCDs.
- 3. Information Technology will not provide any troubleshooting services for employees who elect to purchase devices other than those recommended by Information Technology. Limited support may be provided for employees purchasing recommended devices.
- 4. Information Technology will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.

C. City-Issued Mobile Communication Device

The City will own and retain a certain number of mobile communications devices (MCDs) as departmental pool phones and for emergency use, or disaster response/recovery purposes. The intent of these MCDs is to improve and better facilitate communication with employees serving on a shift rotation basis or to employees in temporary situations.

City-owned MCDs issued to employees will improve efficiency, enable employees to respond promptly in emergency situations, and/or provide safety for Watauga citizens and employees when more conventional and cost effective means of communications are not available.

1. Eligibility

Justification for a City-owned MCD should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Requests for new City-owned MCD's should be submitted in writing to City Manager ([See Form B](#)) for processing and approval. It should not be issued based solely on position or title. Eligibility must also fall under at least one of the following categories:

- a. Public/Personal Safety: The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- b. Accessibility: The employee requires immediate direct communication to conduct urgent city business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- c. Responsiveness: The employee requires immediate direct communication to conduct urgent city business to ensure responsiveness to operational and/or support functions.

2. General Guidelines for Use

After justification for a City-owned MCD has been approved, a device will be assigned to the department. City-owned MCD guidelines are as follows:

- a. Departments should only "check-out" the MCD to employees serving in positions which meet the Eligibility criteria defined above, serve on a shift rotation basis, or to employees who need to communicate while in temporary situations. It may not be assigned to an individual employee on a long-term basis.
- b. The device must be used for City-related business **ONLY**.
- c. The IRS may require that specific information be documented for each communication a City-owned MCD. Each department may be consulted to provide that information periodically.

- d. The device may not be utilized for personal use by any employee.

3. Employee Responsibilities

- a. For departments that have MCDs for “check-out”, the employee must “check-out” the City-owned MCD on a temporary basis or on an as needed basis (on-call, project, etc). “Check-outs” must be approved by the Department Director.
- b. Personal use of a City-owned MCD is strictly prohibited and will not be tolerated. Employee will be responsible for reimbursing the City for any personal usage. If personal usage continues, the employee may be reprimanded and suspended from usage of City-owned MCDs.
- c. Employees using City-issued MCDs shall have no expectation of privacy in mobile phone calls, pictures, or text messages on these phones.
- d. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City’s Social Media Policy, etc.) currently in effect which pertain to MCDs. Employees whose job responsibilities include driving and who are issued a MCD for business use are expected to refrain from using their phone (includes web browsing, texting, taking pictures, etc.) while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before using the MCD. Special care should be taken in situations where there is traffic, inclement weather, or unfamiliar area.
- e. Employees whose MCDs are capable of accessing the City of Watauga’s email or other information systems are reminded that these systems are intended for official City business only.
- f. Ensure that MCDs audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- g. Employees in possession of a City-owned MCD are expected to protect the equipment from loss, damage, or theft. Upon separation of employment or at any time upon request, the employee will be asked to produce the phone for return and inspection. Employees unable to present the phone in good working condition within 24-hours may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will have such charges deducted from their final check.

4. Departmental Responsibilities

- a. Once eligibility is established, the Department Director must submit a detailed written justification/request to the City Manager for approval. The approved request will be forwarded to the Finance Department to be fulfilled.

- b. Finance will maintain logs which shows date and time MCD was “checked-out” including which employee used the MCD. Should the MCD need repair or replacement, the department will provide this request to the Finance Department.
- c. The Department Director must periodically review the need for MCDs used by employees for business purposes.
- d. Supervisors are responsible for ensuring that employees do not conduct personal conversations on City-owned MCDs. Department Director and/or supervisor have the discretion to suspend usage of City-owned MCDs to employees who exhibit continued personal usage as well as conducting employee reprimand.
- e. As with any policy, management staff is expected to serve as role models for proper compliance and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

5. Information Technology Responsibilities

- a. Information Technology will provide recommendation for contracted service providers and MCDs.
- b. When necessary, Information Technology will load City-licensed or City-required applications onto City-owned MCDs. Limited support may be provided.

D. Public Information Act

Employees are advised that records related to calls, text messages, and/or pictures made and received on City-owned MCDs are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

In compliance with Senate Bill 944 passed in 2019 and its amendment to the Public Information Act, new and former employees and Council Members are required to preserve public information on a privately owned device for the period of time specified in the Texas State Records Retention Schedule. Employees and Council Members are required to archive public information in the form of text messages, emails, pictures, etc. on a quarterly basis. Employees must scan the information to the Laser Fiche accounts established for their departments. Documents can be given to the department’s Records Liaison for the purpose of archiving to Laser Fiche.

E. Monitoring of Mobile Phone Calls

Employees should be aware that mobile phone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor mobile phone conversations without the consent of one of the parties to the conversation.

Although it is technically difficult, inadvertent monitoring of private mobile conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided mobile phone.

DRAFT



FORM A

**MOBILE COMMUNICATIONS DEVICE
ALLOWANCE AUTHORIZATION FORM**

Employee Name _____	Employee No. _____
Job Title _____	Department _____

Start Date _____	End Date _____	
Voice Service – Monthly Allowance ___ \$40 Plan	Voice +Data Service – Monthly Allowance ___ \$75 Plan	Equipment Replacement ___ \$75 (available Oct 1) ___ \$40 (available Oct 1)

The City of Watauga will pay an amount up to the amount an employee would normally incur for a plan sufficient to meet the employee's business needs.

Employee:

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities. I understand the amounts received under this plan are taxable income and not part of my base salary. I understand I am responsible for all costs and contract terms associated with my service plan.

Employee's Signature

Date

Department Director:

I certify this allowance is necessary to cover work related expenses for mobile communication usage. Business justification/explanation:

--

Mobile Device Number:

Department Director Signature

Date

City Manager Signature

Date



FORM B

MOBILE COMMUNICATIONS DEVICE

CITY OWNED

Employee Name _____ Employee No. _____

Job Title _____ Department _____

Check- out _____ Check-In _____

Employee:

I certify that I have read the Mobile Communications Device Allowance Policy and agree to the employee responsibilities.

Employee's Signature

Date

Department Director:

I certify this MCD is necessary to facilitate communication with employees serving on a shift rotation basis or on-call situations.

Business justification/explanation:

Mobile Device Number:

Department Director Signature

Date

City Manager Signature

Date



AGENDA MEMORANDUM

DATE: September 23, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action on approval of the Monthly Financial Report ending August 31, 2019

BACKGROUND/INFORMATION:

Attached is the Monthly Financial Report for the period of August 31, 2019 for City Council review and approval.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Council Report - Monthly Report for August 2019

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 10/1/2019

Approved as to form for inclusion on Agenda



Monthly Financial Report

AUGUST, 2019

Sales Tax

The City's sales tax receipts from the State Comptroller received in the month of September 2019 (reflecting July 2019 sales receipts) increased by 4.18%, or \$13,973 from the same time last year. This amount includes prior period adjustments, future period adjustments and audit collections. The Crime Control Prevention District's sales tax received increased by 1.95%, or \$2,145.

The State Comptroller's office reports that net sales tax payments for cities statewide are up 4.75% in comparison with prior year. Watauga's fiscal year-to-date net sales tax receipts are up 3.82% in comparison with last year.

A comparison of July 2019 sales tax receipts for Watauga and surrounding cities are shown below:

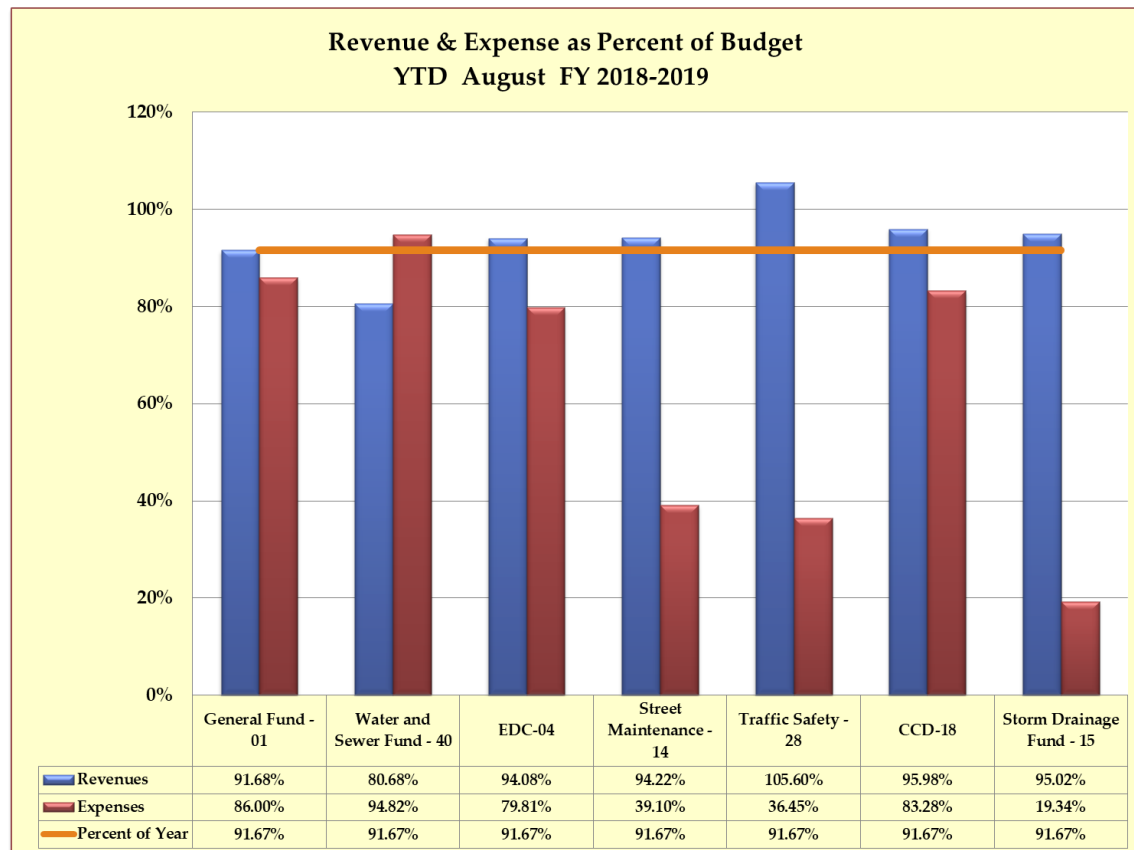
SALES TAX RECEIPTS COMPARISONS JULY 2018 vs. JULY 2019 RECEIVED FROM COMPTROLLER - SEPTEMBER FISCAL YEAR 2018-19

Sales Tax Receipts for the Month:					
City	JULY 2019 Sales	JULY 2018 Sales	\$ Change	% Change	
Richland Hills	\$ 471,865.73	\$ 307,103.80	\$ 164,761.93	53.65%	
Roanoke	\$ 1,449,065.49	\$ 1,147,777.06	\$ 301,288.43	26.25%	
Haltom City	\$ 1,174,383.84	\$ 1,046,738.93	\$ 127,644.91	12.19%	
Colleyville	\$ 472,410.23	\$ 431,764.70	\$ 40,645.53	9.41%	
Saginaw	\$ 446,996.13	\$ 412,108.50	\$ 34,887.63	8.47%	
Keller	\$ 930,415.61	\$ 868,284.68	\$ 62,130.93	7.16%	
Bedford	\$ 919,927.33	\$ 858,542.09	\$ 61,385.24	7.15%	
Fort Worth	\$ 13,341,143.56	\$ 12,536,904.90	\$ 804,238.66	6.41%	
N. Richland Hills	\$ 1,235,213.81	\$ 1,162,458.23	\$ 72,755.58	6.26%	
Watauga	\$ 348,227.22	\$ 334,254.52	\$ 13,972.70	4.18%	
Hurst	\$ 1,246,929.23	\$ 1,197,891.77	\$ 49,037.46	4.09%	
Eules	\$ 1,585,619.84	\$ 1,532,302.85	\$ 53,316.99	3.48%	
Southlake	\$ 2,224,801.75	\$ 2,275,565.70	\$ (50,763.95)	-2.23%	
Grapevine	\$ 3,253,349.50	\$ 3,387,162.94	\$ (133,813.44)	-3.95%	

Source: State Comptroller

Financial Highlights

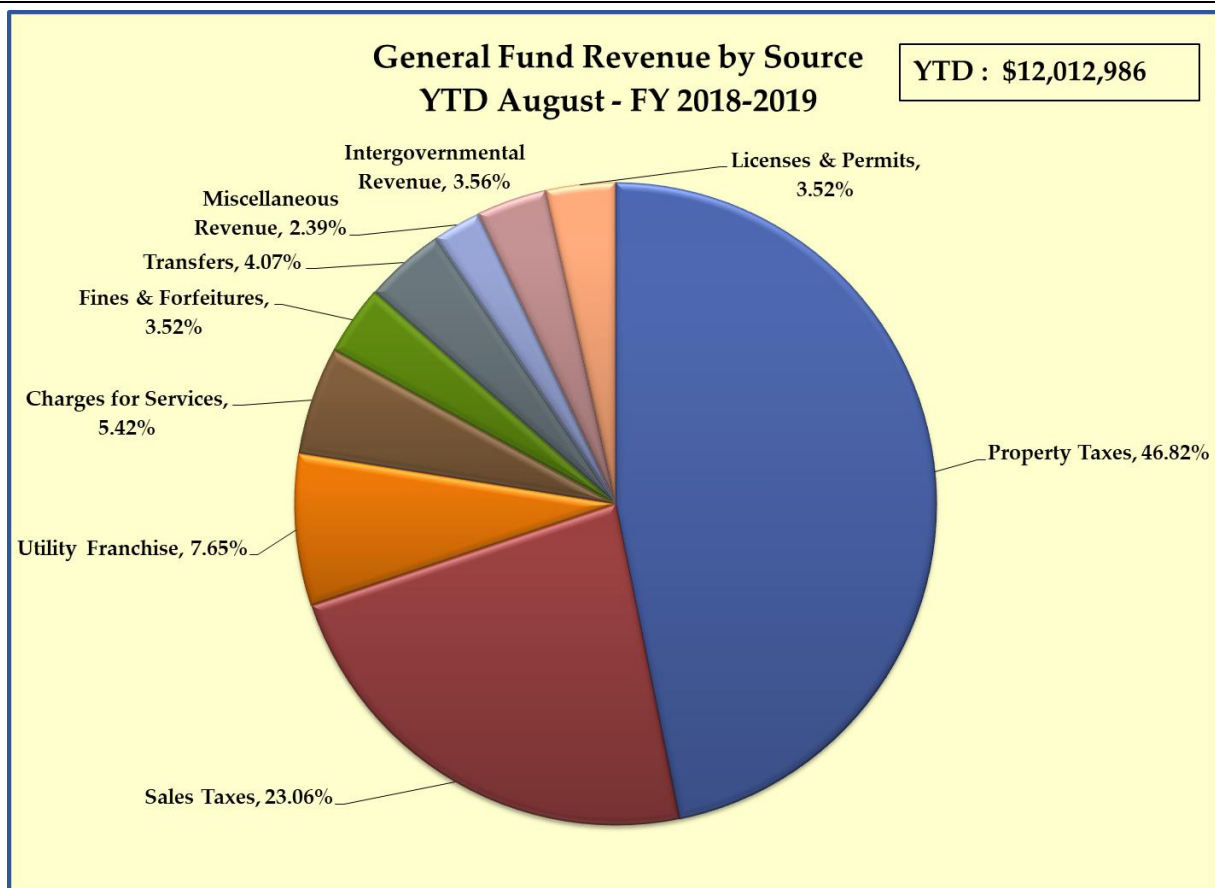
Through August, 2019, the City is 92% through the fiscal year. All revenue and expenses are reflected in the chart below and details of each fund's revenues and expenditures are attached.



General Fund

Revenues – Year-to-date revenues are in line with expectations representing 91.7% of budget collected.

Property Tax - Year-to-date, the City has received 99.8% of budgeted property taxes. Receipts are in line with expectations at this time. The majority of the City's ad valorem tax receipts are received in the month of December and January.



Utility Franchise Revenue - The majority of franchise receipts are received on a quarterly basis. The City has received 90.3% of budgeted franchise fee revenues through August, 2019. The City also receives annual electric and gas franchise fees on an annual basis. The electric and gas franchise fees were received in March, 2019.

Licenses and Permits - License and permit fees are at 79.8% of budget collected, a decrease of \$260,613 over prior year, primarily due to the Parkview subdivision being completed last fiscal year.

Charges for Services - Charges for Services revenues are at 85.7% of budget collected. Charges for services include recreation fees, ambulance services, garbage collection fees and animal adoption fees.

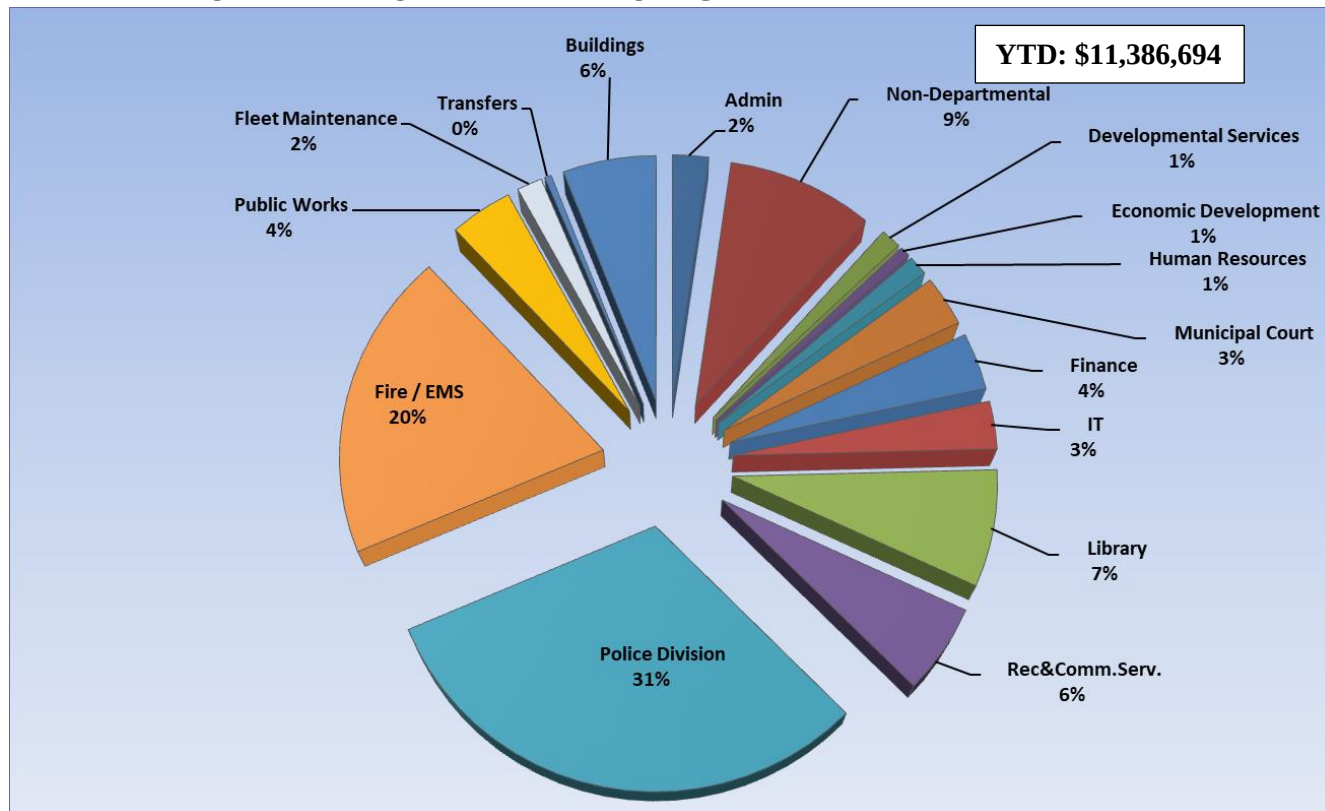
Fines and Forfeitures - Fines and Forfeitures are at 56.8% of budget which is \$19,845, or 4.9% higher than last year's collections. Citations have been trending upwards the last couple of months due to additional personnel assigned to traffic enforcement.

Miscellaneous Revenue - Miscellaneous revenues include Interest earnings, rental of recreational facilities, and other revenue. These receipts total \$286,971 which is 75.9% of budgeted revenues.

Intergovernmental Revenue and Transfers - Intergovernmental Revenue is 85.2% of budget and Transfers are at 86.1% of budget.

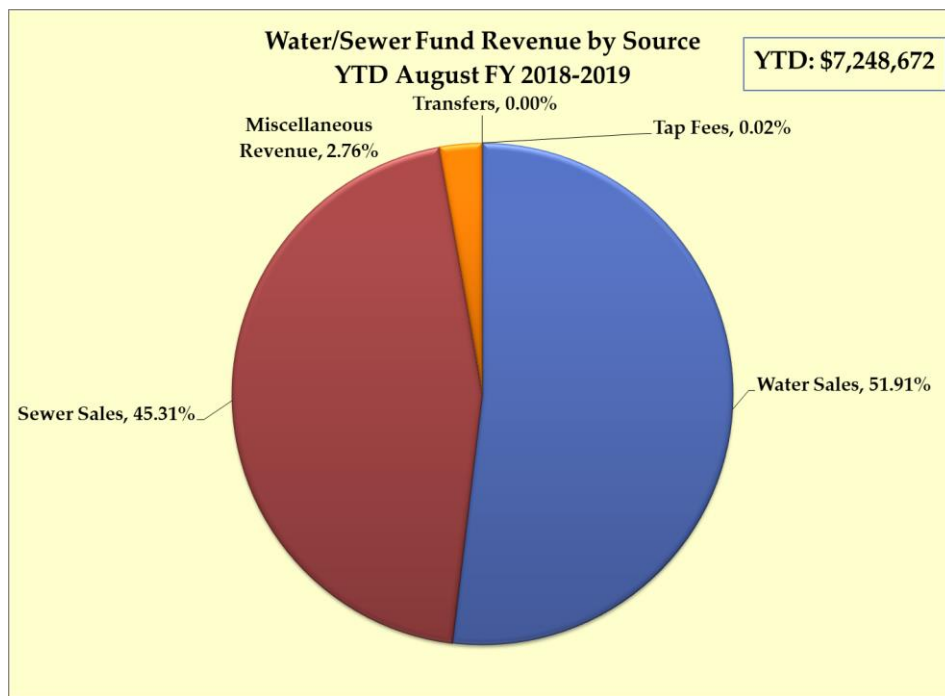
Expenses - General fund expenses in total are in line with budget expectations at 86% of budget expended. Expenditures are 3.3% higher in comparison to prior year.

GENERAL FUND EXPENDITURES BY DEPARTMENT



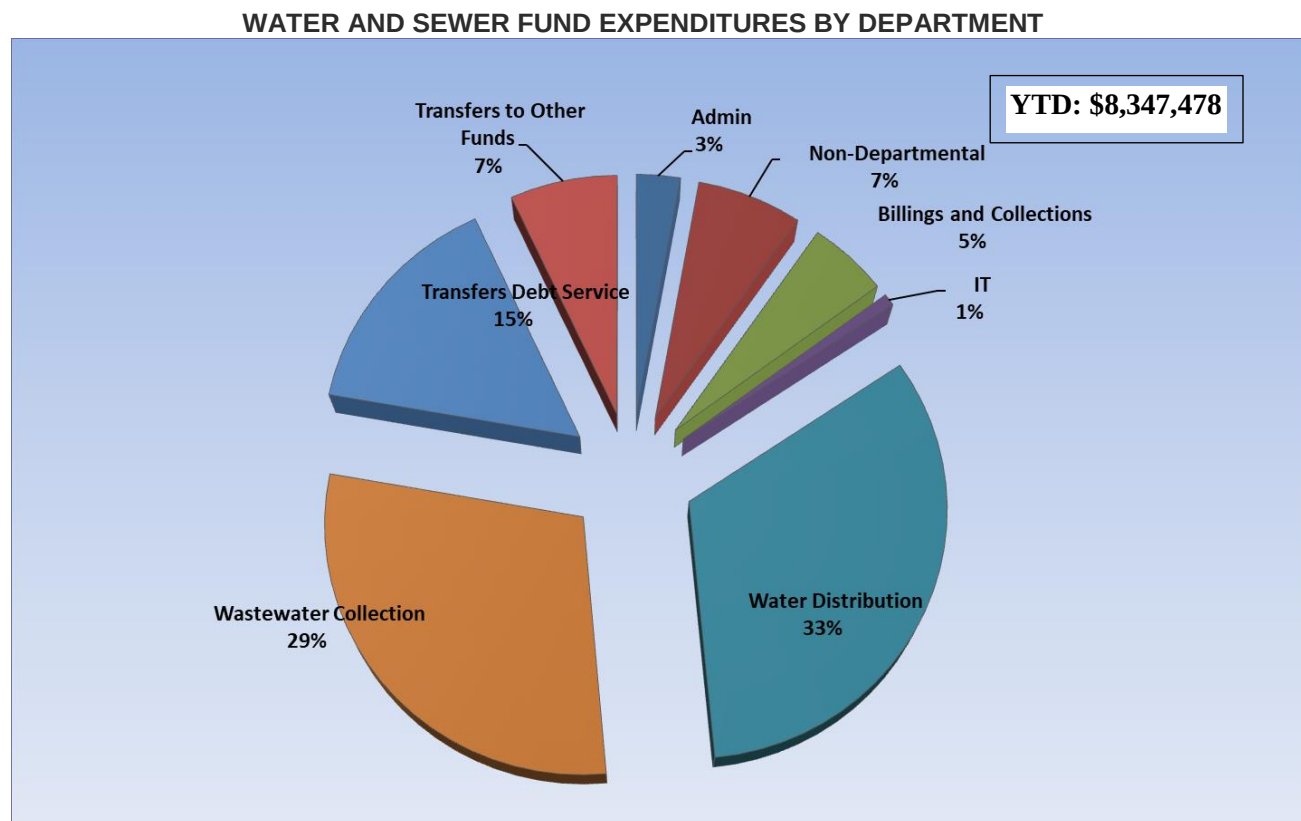
Water and Sewer Fund

Water and sewer revenues are currently at 80.7% of budgeted revenues through August, 2019. Water revenues have decreased by 8.75% in comparison to last year due to lower consumption. Wastewater revenues have decreased 2.85% in comparison to last year. Total year-to-date revenues are \$461,965 lower than last year.



Miscellaneous Sales - Miscellaneous sales include penalty revenue, EPA revenue, service charges, returned check fees, and damaged/tampering fees. This category of revenue is at 93.2% of budget collected.

Expenses – Year-to-date expenses in the Water/Sewer fund are higher than budget expectations and are currently at 94.8%. This is primarily due to increased wastewater costs from the City of Ft. Worth for increased wastewater volume treated. Earlier this fiscal year, the excessive rainfall has caused the City to experience inflow and infiltration in the City's wastewater lines. The breakdown of expenses by department is shown below:



Storm Drain Fund – Revenues have increased 2.26% when compared with FY2017-18 and represent 95% of budget collected. Expenses are at 19.3% of budget in this fund through August 2019. The capital improvement projects budgeted in this fund total \$2.4 million that includes the Whitley Road 2 drainage project that began this fiscal year.

Special Revenue Funds - In the Street Maintenance Fund, revenues are on target with 94.2% of budget collected and expenses are at 39.1% of budget. The Crime Control and Prevention District has collected 96% of total revenues and is at 83.3% of budget expended. The Economic Development Corporation Fund has collected 94.1% of sales tax revenues and is at 79.8% of budget expended through August, 2019. The Traffic Safety Fund (Red Light ticket program) has collected \$847,663 of fines or 106% of budget year-to-date and expenditures are at 36.4% of budget at this time. The City's photographic enforcement program was discontinued effective 6/2/2019 due to the passage of HB1631 but collections continued through 8/31/2019 for tickets issued before termination of the program.

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

GENERAL FUND - 01

REVENUE:	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
TAXES							
AD VALOREM	5,583,000	5,570,455	99.78%	0.22%	5,161,333	409,122	7.93%
Delinquent	26,000	24,464	94.09%	5.91%	11,391	13,073	114.76%
Penalty & Interest	27,000	29,020	107.48%	-7.48%	26,275	2,746	10.45%
SALES TAX	2,967,000	2,769,786	93.35%	6.65%	2,681,288	88,498	3.30%
UTILITY FRANCHISE	1,017,000	918,635	90.33%	9.67%	850,742	67,893	7.98%
LICENSES & PERMITS	529,000	422,357	79.84%	20.16%	682,970	(260,613)	-38.16%
INTERGOVERNMENTAL REVENUE	502,600	427,990	85.16%	14.84%	450,787	(22,797)	-5.06%
CHARGES FOR SERVICES	760,000	650,984	85.66%	14.34%	644,230	6,754	1.05%
FINES & FORFEITURES	745,700	423,239	56.76%	43.24%	403,394	19,845	4.92%
MISCELLANEOUS INCOME	378,200	286,971	75.88%	24.12%	273,025	13,946	5.11%
OPERATING TRANSFERS IN	568,000	489,083	86.11%	13.89%	510,066	(20,983)	-4.11%
TOTAL REVENUE	\$13,103,500	\$12,012,986	91.68%	8.32%	\$11,695,502	\$317,483	2.71%
ADMINISTRATION	293,800	258,281	87.91%	12.09%	234,312	23,969	10.23%
HUMAN RESOURCES	168,250	143,775	85.45%	14.55%	146,404	(2,630)	-1.80%
BUILDINGS - PW	819,000	672,168	82.07%	17.93%	662,371	9,797	1.48%
FINANCE	459,850	412,412	89.68%	10.32%	393,338	19,074	4.85%
MUNICIPAL COURT - FIN	410,450	367,834	89.62%	10.38%	356,370	11,464	3.22%
DEVELOPMENTAL SERVICES - PW	176,018	146,618	83.30%	16.70%	217,418	(70,801)	-32.56%
LIBRARY	985,700	838,972	85.11%	14.89%	816,858	22,114	2.71%
RECREATION	706,082	636,403	90.13%	9.87%	628,751	7,653	1.22%
POLICE	4,074,650	3,526,813	86.56%	13.44%	2,963,419	563,395	19.01%
FIRE/EMS	2,576,350	2,230,840	86.59%	13.41%	2,058,587	172,253	8.37%
PUBLIC WORKS - STREETS	618,950	452,878	73.17%	26.83%	452,546	332	0.07%
FLEET MANAGEMENT - PW	203,800	180,536	88.58%	11.42%	169,777	10,759	6.34%
NON-DEPARTMENTAL	1,211,700	1,053,772	86.97%	13.03%	1,108,989	(55,217)	-4.98%
INFORMATION TECHNOLOGY	395,050	345,342	87.42%	12.58%	305,130	40,212	13.18%
ECONOMIC DEVELOPMENT	93,580	72,549	77.53%	22.47%	163,598	(91,049)	-55.65%
TRANSFERS TO OTHER FUNDS	47,500	47,500	100.00%	0.00%	341,000	(293,500)	-86.07%
TOTAL EXPENDITURES	\$13,240,730	\$11,386,694	86.00%	14.00%	\$11,018,867	\$367,827	3.34%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$137,230)	\$626,292			\$676,636	(\$50,343.98)	

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

DEBT SERVICE FUND - 03

REVENUE:	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
TAXES							
AD VALOREM	2,420,000	2,399,136	99.14%	0.86%	2,240,140	\$158,996	7.10%
Delinquent	12,000	10,618	88.48%	11.52%	5,262	\$5,356	101.80%
Penalty & Interest	10,000	11,365	113.65%	-13.65%	10,506	\$859	8.18%
INTEREST EARNINGS	800	18,633	2329.19%	-2229.19%	11,473	\$7,161	62.42%
OTHER FINANCING SOURCES	-	0	-	-	0	\$0	-
OPERATING TRANSFERS IN	-	0	-	-	0	\$0	-
TOTAL REVENUE	\$2,442,800	\$2,439,752	99.88%	0.12%	\$2,267,381	\$172,372	7.60%
 Contractual & Sundry	 2,496,122	 2,489,917	 99.75%	 0.25%	 2,084,116	 \$405,801	 19.47%
TOTAL EXPENDITURES	\$2,496,122	2,489,917	99.75%	0.25%	2,084,116	\$405,801	19.47%
 EXCESS REVENUE OVER (UNDER) EXPENDITURES	 (\$53,321.58)	 -\$50,164			 \$183,265	 -\$233,430	

100.00%

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

WATER & SEWER - 40

REVENUE:	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
WATER SALES	4,800,000	3,669,228	76.44%	23.56%	4,020,881	(351,653)	-8.75%
SEWER SALES	3,750,000	3,202,627	85.40%	14.60%	3,296,653	(94,026)	-2.85%
MISCELLANEOUS	209,000	194,785	93.20%	6.80%	193,522	1,263	0.65%
PENALTY	205,000	153,778	75.01%	24.99%	159,165	(5,387)	-3.38%
INTEREST	20,000	27,004	135.02%	-35.02%	17,865	9,139	51.16%
TRANSFERS	-	-	-	-	-	-	0.00%
TAP FEES	-	1,250	-	-	22,550	(21,300)	-94.46%
SALE OF ASSETS	-	-	-	-	-	-	-
TOTAL REVENUE	\$8,984,000	\$7,248,672	80.68%	19.32%	\$7,710,637	(\$461,965)	-5.99%
ADMINISTRATIVE	271,300	237,495	87.54%	12.46%	243,916	(6,421)	-2.63%
NON-DEPARTMENTAL	655,180	570,296	87.04%	12.96%	628,609	(58,313)	-9.28%
BILLING & COLLECTIONS	507,800	433,893	85.45%	14.55%	408,523	25,370	6.21%
MGT. INFO SYSTEMS	75,900	66,120	87.11%	12.89%	65,604	516	0.79%
WATER DISTRIBUTION	2,899,400	2,743,797	94.63%	5.37%	2,285,745	458,053	20.04%
WASTEWATER COLLECTION	2,407,700	2,439,320	101.31%	-1.31%	1,532,719	906,601	59.15%
TRANSFERS	1,986,500	1,856,557	93.46%	6.54%	1,820,790	35,767	1.96%
TOTAL EXPENDITURES	\$8,803,780	\$8,347,478	94.82%	5.18%	\$6,985,905	\$1,361,573	19.49%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$180,220	(\$1,098,806)			\$724,732	(\$1,823,538)	

100.00%

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

ECONOMIC DEVELOPMENT CORP - 04

REVENUE:	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
SALES TAX	728,000	682,000	93.68%	6.32%	662,362	19,639	2.96%
INTEREST EARNINGS	7,500	9,992	133.22%	-33.22%	8,664	1,328	15.33%
INTEREST/ESCROW	-	-	-	-	-	-	-
CONTRIBUTIONS/OTHER	-	-	-	-	-	-	-
TOTAL REVENUE	\$735,500	\$691,992	94.08%	5.92%	\$671,025	20,967	3.12%
PERSONNEL SERVICES	447,400	365,091	81.60%	18.40%	390,972	(25,881)	-6.62%
NON-DEPARTMENTAL	21,390	18,697	87.41%	12.59%	14,390	4,307	29.93%
SUPPLIES	63,100	35,131	55.67%	44.33%	34,065	1,066	3.13%
MAINTENANCE	62,200	46,904	75.41%	24.59%	63,833	(16,929)	-26.52%
CONTRACTUAL & SUNDRY	144,100	115,416	80.09%	19.91%	90,637	24,779	27.34%
TRANSFERS	50,900	47,392	93.11%	6.89%	33,166	14,226	42.89%
CAPITAL OUTLAY	5,500	5,500	100.00%	0.00%	6,200	(700)	0.00%
TOTAL EXPENDITURES	794,590	634,131	79.81%	20.19%	\$ 633,263	868	0.14%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$59,090)	\$57,861			\$37,762	\$20,099	

100.00%

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

STREET MAINTENANCE FUND - 14

REVENUE:	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
SALES TAX	723,000	681,245	94.22%	5.78%	654,899	26,346	4.0%
INTEREST EARNINGS	9,000	15,176	-	-	11,659	3,518	30.2%
INTEREST/ESCROW	-	-	-	-	-	0	-
CONTRIBUTIONS/OTHER	-	-	-	-	-	0	-
TOTAL REVENUE	\$ 732,000	\$696,421	94.22%	5.78%	666,557	\$29,863	4.48%
MAINTENANCE	100,000	73,323	73.32%	26.68%	80,530	(7,206)	-8.9%
CONTRACTUAL & SUNDRY	8,000	595	7.44%	92.56%	4,065	(3,470)	-85.4%
CAPITAL OUTLAY	600,000	202,918	33.82%	66.18%	179,810	23,108	12.9%
TOTAL EXPENDITURES	708,000	276,836	39.10%	60.90%	264,405	\$12,431	4.7%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$24,000	\$419,585			\$402,153	\$17,432	

100.00%

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

STORM DRAIN FUND - 15

	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
USERS FEE	1,452,000	1,347,396	92.80%	7.20%	1,331,586	15,810	1.19%
OTHER REVENUE	-	509	-	-	-	509	-
INTEREST INCOME	25,000	55,491	221.96%	-121.96%	40,829	14,661	35.91%
			-	-		-	-
TOTAL REVENUE	\$1,477,000	\$1,403,396	95.02%	4.98%	\$1,372,415	\$30,981	2.26%
PERSONNEL	497,200	390,994	78.64%	21.36%	\$393,888	(2,894)	-0.73%
SUPPLIES	38,600	16,315	42.27%	57.73%	\$21,881	(5,566)	-25.44%
MAINTENANCE	56,500	11,978	21.20%	78.80%	\$9,486	2,493	26.28%
CONTRACTUAL & SUNDRY	203,230	132,129	65.01%	34.99%	\$144,241	(12,113)	-8.40%
CAPITAL	2,483,000	7,062	0.28%	99.72%	\$72,828	(65,766)	-90.30%
TRANSFERS TO OTHER FUNDS	103,600	95,787	92.46%	7.54%	\$108,746	(12,959)	-11.92%
TOTAL EXPENDITURES	\$3,382,130	\$654,264	19.34%	80.66%	\$751,070	(\$96,806)	-12.89%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$1,905,130)	\$749,132			\$621,345	\$127,787	

100.00%

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

CRIME CONTROL DISTRICT - 18

	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
SALES TAX	1,436,000	1,349,658	93.99%	6.01%	1,302,321	47,337	3.63%
INTEREST EARNING/OTHER	57,000	83,302	146.14%	-46.14%	15,972	67,331	421.56%
			-	-		-	-
TOTAL REVENUE	\$1,493,000	\$1,432,960	95.98%	4.02%	\$1,318,292	\$114,668	8.70%
PERSONNEL SERVICES	994,000	799,214	80.40%	19.60%	\$786,525	12,688	1.61%
SUPPLIES	147,500	118,401	80.27%	19.73%	\$112,874	5,527	4.90%
MAINTENANCE	206,000	203,311	98.69%	1.31%	\$193,833	9,478	4.89%
CONTRACTUAL & SUNDRY	316,870	273,512	86.32%	13.68%	\$255,741	17,771	6.95%
TRANSFERS	44,000	40,743	92.60%	7.40%	\$363,446	(322,703)	-88.79%
CAPITAL OUTLAY	24,500	7,940	32.41%	67.59%	\$28,807	(20,868)	0.00%
TOTAL EXPENDITURES	1,732,870	1,443,120	83.28%	16.72%	\$1,741,227	(\$298,108)	-17.12%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$239,870)	(\$10,159)			\$ (422,935)	\$412,776	

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

Traffic Safety - 28

REVENUE:	CURRENT BUDGET	8/31/2019 YTD ACTUAL	% USED	% REMAINING	8/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
FINES & FORFEITURES	800,000	844,832	105.60%	-5.60%	898,111	(53,279)	-5.93%
INTEREST	-	2,831	-	-	1,191	1,640	-
		-	-	-	-	-	-
TOTAL REVENUE	800,000	847,663	105.96%	-5.60%	899,301	(51,639)	-5.74%
PERSONNEL SERVICES	263,200	135,791	51.59%	48.41%	104,757	31,033	29.62%
SUPPLIES	4,500	720	16.00%	84.00%	2,000	(1,280)	0.00%
CONTRACTUAL & SUNDRY	506,060	139,804	27.63%	72.37%	187,022	(47,218)	-25.25%
CAPITAL OUTLAY	7,600	8,455	111.25%	-11.25%	49,822	(41,367)	0.00%
TOTAL EXPENDITURES	781,360	284,769	36.45%	63.55%	343,601	(58,832)	-17.12%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$18,640	\$562,893			\$555,700	\$7,193	

100.00%



AGENDA MEMORANDUM

DATE: September 28, 2019

TO: Honorable City Council Members

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance
Jennifer Walls, Purchasing Agent

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action to approve participation in the list of cooperative purchasing organizations and interlocal agreements utilized by the City of Watauga on an as-needed basis for Fiscal Year 2019-2020 purchasing goods and services

BACKGROUND/INFORMATION:

Per authority granted by the Local Government Code Section 271.102 and Texas Government Code Chapter 791, government entities may utilize cooperative purchasing organizations and interlocal agreements. It is requested that Council review and consider approval of the attached listing of cooperative purchasing organizations and interlocal agreements that the City may wish to utilize on an as-needed basis during Fiscal Year 2019-2020.

Local Government Code 271.102 allows for a government entity to participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

Texas Government Code Chapter 791, The Interlocal Cooperative Act, generally allows a government entity to enter into an agreement with another local government entity, such as a county or another city, to perform specific governmental functions and services. The Act further provides that a government entity may agree with another local government, a state agency, or a council of governments to purchase goods and services from that entity. However, a government entity may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under this chapter in an amount greater than \$50,000 unless a person designated by the local government certifies that the project does not require the preparation of plans and specifications by an architect or engineer under current law, or if current law



AGENDA MEMORANDUM

requires plans and specifications to be prepared by an architect or engineer, that has been done. In addition, an interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase engineering or architectural services.

Compliance with the requirements of any of the cooperative or interlocal agreement purchasing statutes described in Texas Local Government Code Chapter 791 automatically satisfies the competitive bidding requirements of the state law and there is no charge to any participating entity.

FINANCIAL IMPLICATIONS:

There is no charge to any participating entity.

RECOMMENDATION/ACTION DESIRED:

Consider action to approve the list of cooperative purchasing organizations and interlocal agreements utilized by the City of Watauga on an as-needed basis for Fiscal Year 2019-2020 purchasing goods and services

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. COOPERATIVE PROGRAMS & INTERLOCAL AGREEMENTS LISTING

REVIEWED BY:

Sandra Gibson, CGFO, CGFM, Director of Finance

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 10/1/2019

Approved - 10/3/2019

Final Approval - 10/3/2019

COOPERATIVE PURCHASING ORGANIZATIONS

AGENCY

BUYBOARD COOPERATIVE
DEPARTMENT OF INFORMATION RESOURCES
HCDE CHOICE PARTNERS
GOODBUY PURCHASING COOPERATIVE
HOUSTON-GALVESTON AREA COUNCIL (H-GAC)
NATIONAL IPA
NORTH TEXAS SHARE (NCTCOG)
PACE PURCHASING COOPERATIVE
SOURCEWELL (FORMERLY NJPA)
TARRANT COUNTY COOPERATIVE PURCHASING PROGRAM
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS (TEXAS SMARTBUY)
TIPS PURCHASING COOPERATIVE
US COMMUNITIES

EFFECTIVE

AUGUST, 2005
2007
MAY, 2013
JANUARY, 2016
OCTOBER , 1990
DECEMBER, 2004
JUNE, 2017
APRIL, 2017
FEBRUARY, 2014
JANUARY, 1997
2007
JULY, 2011
MARCH, 2004

INTERLOCAL AGREEMENTS

AGENCY

CITY OF ARLINGTON
CITY OF COLLEYVILLE
CITY OF DALLAS
CITY OF DENTON
CITY OF EULESS
CITY OF FORT WORTH
CITY OF FRISCO
CITY OF GRAPEVINE
CITY OF HALTOM CITY
CITY OF HURST
CITY OF KELLER
CITY OF KENNEDALE
CITY OF LEANDER
CITY OF NORTH RICHLAND HILLS
CITY OF SOUTHLAKE
COUNTY OF BRAZORIA

EFFECTIVE

MAY, 2005
APRIL, 2006
AUGUST, 2008
JUNE, 2016
APRIL, 2006
FEBRUARY, 2005
AUGUST, 2018
APRIL, 2006
DECEMBER, 2005
DECEMBER, 2005
DECEMBER, 2005
APRIL, 2006
APRIL, 2009
APRIL, 2005
OCTOBER, 2017
AUGUST, 2016



AGENDA MEMORANDUM

DATE: September 28, 2019

TO: Honorable City Council Members

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance
Jennifer Walls, Purchasing Agent

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action to authorize the payment of annual expenditures in amounts anticipated to exceed \$50,000 for recurring and estimated contractual expenses incurred for goods or services throughout Fiscal Year 2019-2020.

BACKGROUND/INFORMATION:

Per City Charter Section 9.08 Purchasing, all contracts, purchases, and expenditures exceeding the maximum amount permitted by state law, which is currently \$50,000, must be approved by the City Council.

These vendors are utilized mainly by cooperative purchasing programs or interlocal agreements as noted on the attached spreadsheet and therefore meet the requirements per Local Government Code Chapter 252, Local Government Code Chapter 271, and the Interlocal Cooperative Act Texas Government Code Chapter 791.

The City of Watauga utilizes various vendors for recurring purchase of goods and services throughout the Fiscal Year. These purchases are different from the one-time expenditures staff brings to Council as required for approval. These are various goods and services purchased as needed throughout the Fiscal Year and are expected to exceed the current maximum amount of \$50,000 permitted by Texas state law in total expenditures for the year.

Therefore, staff is requesting Council approval of the vendors as presented with expected expenditures in excess of \$50,000 for recurring purchases of goods and services as needed during Fiscal Year 2019-2020.

FINANCIAL IMPLICATIONS:

Funds are budgeted and approved in various departmental budgets for Fiscal Year 2019-2020.

RECOMMENDATION/ACTION DESIRED:



AGENDA MEMORANDUM

Consider action to approve vendors with anticipated annual expenditure exceeding the maximum amount of \$50,000 permitted by Texas State Law for recurring goods or services for Fiscal Year 2019-2020

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. ANNUAL VENDORS OVER \$50K APPROVAL

REVIEWED BY:

Sandra Gibson, CGFO, CGFM, Director of Finance

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 10/1/2019

Approved - 10/3/2019

Final Approval - 10/3/2019

VENDOR	ESTIMATED EXPENSES FISCAL YEAR 2019-2020	UTILIZATION PROCESS
AXON ENTERPRISES	\$65,000	BUYBOARD COOPERATIVE
CDW GOVERNMENT	\$60,000	DIR/NATIONAL IPA COOPERATIVE PURCHASING
CITY OF FORT WORTH	\$55,000	GENERAL EXEMPTION
CITY OF N. RICHLAND HILLS	\$2,100,000	GENERAL EXEMPTION
DATAPROSE	\$70,000	CITY OF FORT WORTH INTERLOCAL AGREEMENT
DOLIVER ENTERPRISES	\$90,000	GENERAL EXEMPTION
FORT WORTH WHOLESALE WASTEWATER	\$2,000,000	GENERAL EXEMPTION
GEXA ENERGY	\$220,000	GENERAL EXEMPTION
INGRAM LIBRARY SERVICES	\$100,000	CPA STATEWIDE CONTRACT AND GENERAL EXEMPTION
MARTIN EAGLE OIL COMPANY	\$150,000	NATIONAL IPA/CITY OF FORT WORTH INTERLOCAL AGREEMENT
RELIABLE PAVING	\$300,000	CITY OF HALTOM CITY INTERLOCAL AGREEMENT
REYNOLDS ASPHALT	\$300,000	TARRANT COUNTY COOPERATIVE PURCHASING
RUSSELL RODRIGUEZ HYDE BULLOCK	\$175,000	PROFESSIONAL SERVICES EXEMPTION



AGENDA MEMORANDUM

DATE: September 30, 2019

TO: Honorable City Council Members

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance
Jennifer Walls, Purchasing Agent

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action on the first renewal of contracts from Bid # 19-001 for Topsoil, Sand and Rock as presented

BACKGROUND/INFORMATION:

On Thursday, October 25, 2018 sealed bids were received and opened for Bid # 19-001 Topsoil, Sand and Rock for the purchase of topsoil, sand and rock on an as needed basis. Bid documents were sent to thirteen (13) vendors and responses were received from four (4) vendors: CJA Enterprises LLP, HJG Trucking Inc., Lowery Sand and Gravel Company and Turf Materials.

This bid is utilized by Public Works Department on an as needed basis.

Bid # 19-001 was approved by Council on October 31, 2018 as indicated to CJA Enterprises LLP and Turf Materials for the initial one-year term through October 30, 2019.

The bid contains the option for renewals of two additional one-year periods. All awarded vendors were contacted and agreed to renew for the first renewal period.

CJA Enterprises LLP has agreed to renew with no increase requested. Turf Materials has requested a one (\$1) dollar increase on topsoil and sand due to manufacturer increases.

Upon council approval, Bid # 19-001 Topsoil, Sand and Rock will be extended with the increases as indicated for the first renewal period through October 30, 2020.

FINANCIAL IMPLICATIONS:

Funds are budgeted and available for the various departments.



AGENDA MEMORANDUM

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Bid Tab - 19-001 - Topsoil, Sand and Rock
2. Renewal 1st - CJA
3. Renewal 1st - Turf

REVIEWED BY:

Sandra Gibson, CGFO, CGFM, Director of Finance

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 10/1/2019

Approved - 10/3/2019

Final Approval - 10/3/2019

BID# 19-001 - TOPSOIL, SAND AND ROCK**OCTOBER 25, 2018**

Item #	Item Description	QTY		CJA ENTERPRISES, LLP		HJG TRUCKING INC.		LOWERY SAND & GRAVEL COMPANY		TURF MATERIALS	
				Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	FLEXBASE (CRUSHED LIMESTONE)	2000	TONS	\$16.40	\$32,800.00	\$22.99	\$45,980.00	\$21.50	\$43,000.00	\$16.95	\$33,900.00
2	CRUSHED ROCK - 3/4"	1000	TONS	\$18.15	\$18,150.00	\$26.24	\$26,240.00	\$24.50	\$24,500.00	\$18.95	\$18,950.00
3	TOPSOIL	1000	YARDS	\$19.55	\$19,550.00	\$22.99	\$22,990.00	\$29.50	\$29,500.00	\$18.75	\$18,750.00
4	MANUFACTURED SAND	1000	TONS	\$16.65	\$16,650.00	\$23.99	\$23,990.00	\$23.96	\$23,960.00	\$20.50	\$20,500.00
5	BEDDING OR CUSHION SAND (NATURAL SAND)	2000	YARDS	\$18.13	\$36,260.00	\$15.99	\$31,980.00	\$18.50	\$37,000.00	\$14.95	\$29,900.00
6	ROCK RUBBLE RIP RAP	500	TONS	\$29.75	\$14,875.00	NO BID		\$38.50	\$19,250.00	\$31.95	\$15,975.00

Notes:

CJA ENTERPRISES: Cushion Sand is purchased by the ton. The price per ton is \$ 14.50 which converts to \$18.13 a yard.
 Topsoil is purchased by the ton. The price per ton is \$17.00 which converts to \$19.55 a yard.



October 14, 2019

CJA Enterprises LLP
362 Crossroads Rd.
Collinsville, TX 76233

Attn: Ms. Carla Peacock

Subject: Notification of Contract Renewal for Topsoil, Sand and Rock for City of Watauga Bid No. 19-001.

Dear Ms. Peacock,

The City of Watauga is providing notification of contract renewal, pending City Council approval, for "Topsoil, Sand and Rock for City of Watauga Bid No. 19-001". This renewal shall become effective November 13, 2019 pending City Council approval (CC Award date_____). Your company has not requested an increase in contract rates at this renewal. Therefore, all pricing, terms and conditions shall remain in effect per the original award.

The terms and conditions proposed and accepted in the renewal agreement are as follows:

Line Items Awarded:	Line Item(s): 1, 2, 4 and 6.
Payment Terms:	Net 30 days (Unless otherwise noted – such as pre- and/or partial payment)
Method of Payment:	Shall be made by purchasing card or purchase order.
Delivery Terms:	FOB Destination
Delivery Locations:	IF STATED IN THE BID DOCUMENT
Term of Contract:	Shall be effective for twelve months from date of renewal and is eligible for additional one (1) more one (1) year annual renewal.
City Contact:	Jennifer Walls
Send all billing to:	City of Watauga Accounts Payable 7105 Whitley Rd. Watauga, TX 76148
Other Charges:	The City of Watauga is a tax exempt municipal corporation and is exempt from all federal, state, and local sales taxes.

All other specifications, terms and conditions shall be provided in the original procurement documents. No other attachments to or in response to this agreement will be accepted unless approved in writing by the Purchasing Agent or an authorized representative of the City of Watauga.

Thank you for participating in our procurement process. Please call 817-514-5733 with any questions.

Sincerely,

Jennifer Walls
Purchasing Agent
City of Watauga
7105 Whitley Rd.
Watauga, TX 76148
jwalls@wataugatx.org

Contract Renewal Accepted:

Signed: _____ Date: _____

Mayor Art Miner
City of Watauga



October 14, 2019

Turf Aggregates LLC dba Turf Materials
P.O. Box 270149
Flower Mound, TX 75027-0149

Attn: Mr. Doug Meador

Subject: Notification of Contract Renewal for Topsoil, Sand and Rock for City of Watauga Bid No. 19-001.

Dear Mr. Meador,

The City of Watauga is providing notification of contract renewal, pending City Council approval, for "Topsoil, Sand and Rock for City of Watauga Bid No. 19-001". This renewal shall become effective November 13, 2019 pending City Council approval (CC Award date_____). Your company has not requested an increase in contract rates at this renewal. Therefore, all pricing, terms and conditions shall remain in effect per the original award.

The terms and conditions proposed and accepted in the renewal agreement are as follows:

Line Items Awarded:	Line Item(s): 3 and 5.
Payment Terms:	Net 30 days (Unless otherwise noted – such as pre- and/or partial payment)
Method of Payment:	Shall be made by purchasing card or purchase order.
Delivery Terms:	FOB Destination
Delivery Locations:	IF STATED IN THE BID DOCUMENT
Term of Contract:	Shall be effective for twelve months from date of renewal and is eligible for additional one (1) more one (1) year annual renewal.
City Contact:	Jennifer Walls
Send all billing to:	City of Watauga Accounts Payable 7105 Whitley Rd. Watauga, TX 76148
Other Charges:	The City of Watauga is a tax exempt municipal corporation and is exempt from all federal, state, and local sales taxes.

All other specifications, terms and conditions shall be provided in the original procurement documents. No other attachments to or in response to this agreement will be accepted unless approved in writing by the Purchasing Agent or an authorized representative of the City of Watauga.

Thank you for participating in our procurement process. Please call 817-514-5733 with any questions.

Sincerely,

Jennifer Walls
Purchasing Agent
City of Watauga
7105 Whitley Rd.
Watauga, TX 76148
jwalls@wataugatx.org

Contract Renewal Accepted:

Signed: _____ Date: _____

Mayor Art Miner
City of Watauga

TURF MATERIALS

LINE ITEM	ITEM DESCRIPTION	Estimated Quantity	Current Pricing	1st Renewal Pricing	Increased Cost
3	TOPSOIL	1000 Yards	\$18.75	\$19.75	\$1.00 per Yard
5	BEDDING OR CUSHION SAND (NATURAL SAND)	2000 Yards	\$14.95	\$15.95	\$1.00 per Yard



August 22, 2019

TURF MATERIALS INC
PO BOX 270149
FLOWER MOUND, TX 75027

Dear Southwest Division Customer,

At Vulcan, we value you as a partner in serving the U.S. construction industry and we are honored that you continue to choose us as your supplier of construction materials products and services.

As we enter the second half of 2019, we know that you have started your planning process for the remainder of this year and 2020. The purpose of this letter is to begin a dialogue between our companies as we experience historical inflation patterns at this stage of the current economic cycle. Labor constraints and tariffs are combining with a strong construction demand to create additional inflationary pressures. As a producer of construction materials products and services, our real cost inputs on consumables are rising. **Due to these inflationary pressures, we will begin our forward pricing conversations across all of our geographies between now and through the month of September.**

Just to illustrate the current economic environment, with which you are no doubt familiar:

- Residential and highway construction wages are up 6.4% and 4.8% respectively year-to-date
- Steel pipe and tubing, joist and rebar continue to increase at 14%, 5%, and 2% respectively year-to-date
- Tires, electric motors and lubricants are experiencing mid to low single digit increases in 2019
- Heavy mobile equipment prices are up 6% to 7% year-to-date
- Trucking rates are up 5%, while rail rates have increased by 8%, after 6% growth in 2018

Our representatives will be requesting the opportunity to meet with you to outline our action plans in an effort to offset the rising costs impacting all construction related businesses. These plans are to contemplate:

- Any 2019 work not covered by existing orders or quotes.
- 2020 pricing plans established by October 1, 2019. This new pricing will be utilized as we provide quotations for work beginning after January 1, 2020.
- On newly quoted work that may continue deep into 2020 the inclusion of price escalators. These will vary by the scope of the project.

We thank you in advance for your time and consideration. We look forward to continuing as your chosen supplier of construction materials products and services.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lott".

Jeff Lott
President, Southwest Division
Vulcan Materials Company



AGENDA MEMORANDUM

DATE: October 1, 2019

TO: Honorable City Council Members

FROM: Robert Parker, Chief of Police

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action on a resolution to declare the official email address for Public Information Requests submitted to the Watauga Police Department for police records

BACKGROUND/INFORMATION:

The Police Department didn't request a separate email address be established under the Resolution approved on September 9, 2019; however, the Records Division has determined that crucial time could be lost in the processing of police department records. The Public Information Act allows a City 10 days to notify the Attorney General's Office of the intent to seek an opinion for a specific request for public information and another 15 days beyond the 10 days to provide a "Legal Brief" on the matter. Declaring a separate email address to obtain public information for "police department records" will eliminate the need for the City Secretary's Office to receive and then forward such request(s) to the Records Division of the Police Department.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council approve Resolution No. 2019-022 declaring "records@wataugatx.org" as the official email address for submitting request(s) of police department records under the Public Information Act.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Resolution to Declare Email Address for PD Records

REVIEWED BY:

George Hyde, Legal
Robert Parker, Chief of Police
Andrea Gardner, City Manager

Approved - 10/3/2019
Approved - 10/3/2019
Final Approval - 10/3/2019

Approved as to form for inclusion on Agenda

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2019-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS DECLARING THE OFFICIAL EMAIL ADDRESS FOR PUBLIC INFORMATION ACT REQUESTS SUBMITTED TO THE WATAUGA POLICE DEPARTMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga, Texas approved Resolution No. 2019-015 on September 9, 2019, in part declaring the official email address for public information requests for the City of Watauga; and

WHEREAS, the Watauga Police Department Records Division has since requested a separate email address for public information requests seeking police department records to ensure timely process of such requests; and

WHEREAS, the City Council of the City of Watauga, Texas pursuant to Chapter 552 of the Texas Government Code, declares records@wataugatx.org as the official email address for submitting requests for public information specific to the Watauga Police Department 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 City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Watauga, Texas that:

I.

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

II.

The Mayor of the City of Watauga, Texas is hereby authorized to execute for and on behalf of the City of Watauga, 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 City of Watauga, Texas 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 shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas on this 14th day of October 2019.

APPROVED

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George Hyde, Interim City Attorney



AGENDA MEMORANDUM

DATE: October 1, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

THROUGH:

SUBJECT: Consider action on a resolution adopting the City's Strategic Plan for FY 2020-2030

BACKGROUND/INFORMATION:

During the 2019 Council Retreat, the City Council received an update on the current Strategic Plan and provided necessary revisions to the plan. The draft resolution and Strategic Plan are attached for Council review and consideration.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council approve Resolution No. 2019-023 adopting the Strategic Plan for FY 2020-2030.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Exhibit A - Strategic Planning 2020-2030 FINAL 100119
2. Resolution Strategic Plan 2020-2030

REVIEWED BY:

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 10/3/2019

Final Approval - 10/3/2019

City of Watauga

STRATEGIC PLAN

FISCAL YEAR 2020-2030



Andrea Gardner
City Manager

Delivered:
March 7, 2019

City Council



Art Miner
Mayor



Scott Prescher
Place 1



Tom Snyder
Place 2



Lovie
Downey



Andrew Neal
Place 4



Juanita King
Place 5



Mark Taylor
Mayor Pro
Tem
Place 6



Kim Irving
Place 7

City Staff



Andrea Gardner
City Manager/City Secretary



**Robert
Parker**



Sandra Gibson
Finance



Marcia Reyna
Human



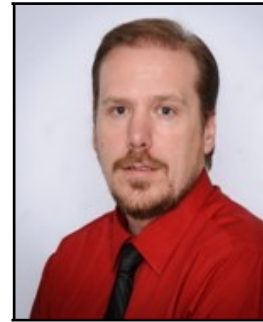
Shawn Fannan
Fire



Sal Torres
Parks and
Community Services



Lana Ewell
Library



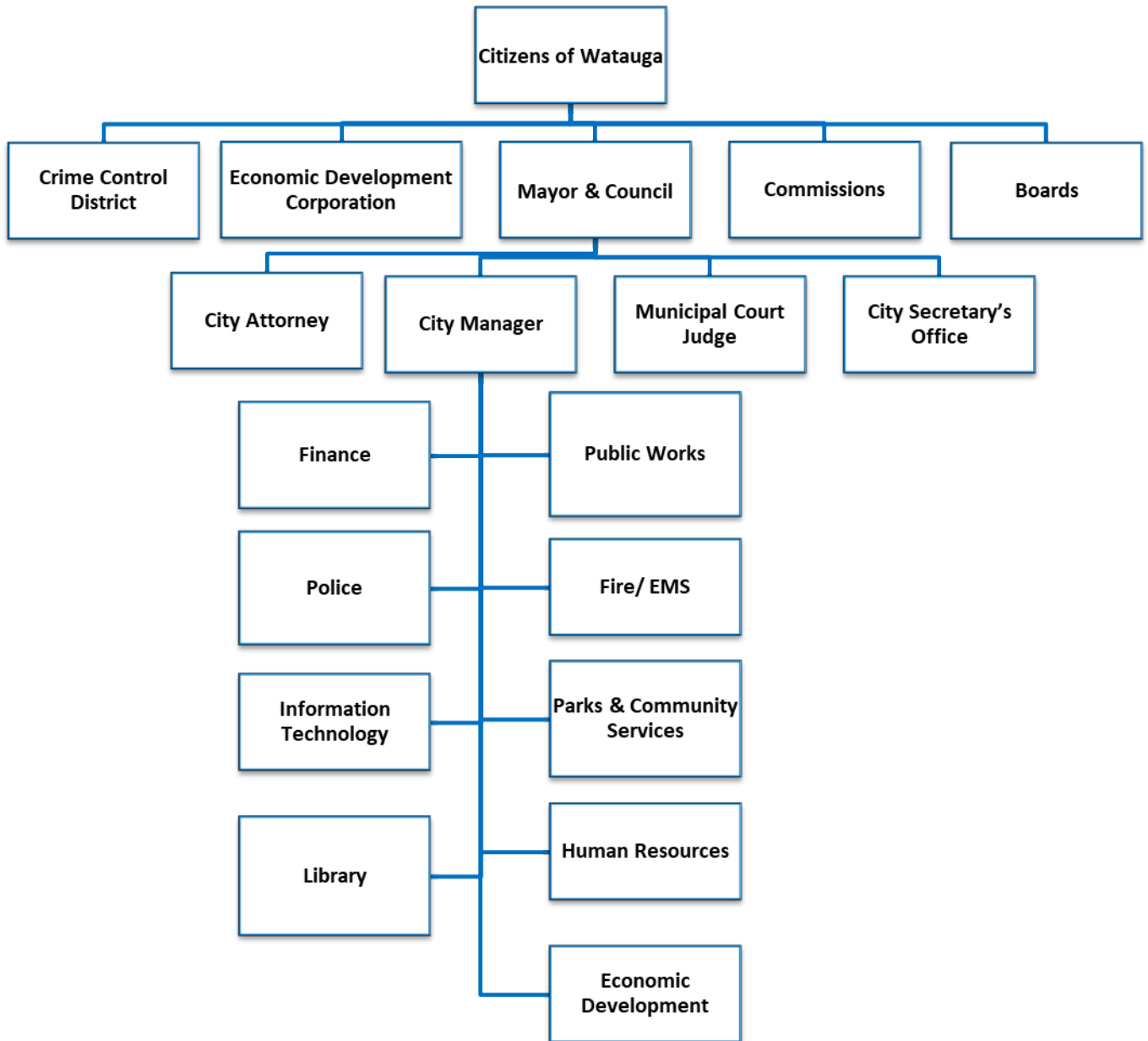
Bradley Fraley
Information
Technology



**George
Hyde**



Stewart Bass
Municipal



Acknowledgements

The City of Watauga would like to recognize the members of the governing body and the following employees for contributing to the development of the City's Strategic Plan.

Governing Body

Arthur L. Miner—Mayor
 Mark Taylor-Mayor Pro Tem/Council Place 6
 Scott Prescher—Council Member, Place 1
 Tom Snyder—Council Member, Place 2
 Lovie Downey—Council Member Place 3
 Andrew Neal—Council Member Place 4
 Juanita King—Council Member, Place 5
 Kim Irving—Council Member, Place 7

Members of City Staff

Andrea Gardner—City Manager/City Secretary
 Robert Parker—Chief of Police
 Shawn Fannan—Fire Chief
 Sandra Gibson—Director of Finance
 Sal Torres—Parks & Community Services Director
 Lana Ewell—Library Director
 Marcia Reyna—Human Resources & Civil Service Director
 Bradley Fraley—Chief Information Officer

Executive Summary

“Success is 20% skills and 80% strategy. You might know how to read, but more importantly, what’s your plan to read?”

— Jim Rohn

Strategic planning is a systematic and continuous process where people make decisions about intended future outcomes, how those outcomes are to be accomplished and how success is measured and evaluated. This executive summary is intended to provide an overview of the City of Watauga’s Strategic Planning process.

In the first quarter of each calendar year, the governing body meets to review the City’s Strategic Plan that includes goals and action items for the upcoming fiscal year. Prior to the second quarter of the current calendar year, the governing body finalizes the City’s Strategic Plan by approval through a resolution. Under the current City Administration, the Executive Team will complete its own planning session during the second quarter of the calendar year and develop an Action Plan that provides detailed tasks for completion of the goals and action items assigned by the governing body.

Vision Statement

A Community that meets the needs of citizens by offering a high quality of life through transparent governance.

City Goals

The goals approved by the governing body are:

1. Establish an environment conducive to strong and sustainable economic development
2. Enhance a secure and safe City
3. Enhance quality of life through recreational, cultural and education services
4. Enhance responsible fiscal management and excellent governance
5. Sustain and enhance infrastructure network
6. Commitment to maintain a highly skilled, well trained, fairly compensated, customer service-oriented workforce

Strategic Initiatives

Planning Issue:

Maintain financial strength of the City

Strategic Initiatives:

1. Maintain sound fiscal management practices and review those practices, policies and procedures to ensure the City's bond rating is maintained or improved on an annual basis.
2. Continue to review and evaluate the City's potential to participate in the Opportunity Zones program on an annual basis.
3. Continue to seek grant opportunities for programs and projects on an annual basis.

Planning Issue:*Develop a sustainable economic development effort***Strategic Initiatives:**

1. Develop a tax abatement policy within two years.
2. Prepare and approve a ballot measure to return the ¼ cent sales tax to economic development use in May 2020 election.

Planning Issue:*Expand public safety through non-enforcement efforts***Strategic Initiatives:**

1. Evaluate lighting options that will create improvements in safety for Watauga residents and visitors within ten years.

Planning Issue:*Strengthen future planning***Strategic Initiatives:**

1. Complete an update to the Comprehensive Plan every ten years.
2. Conduct a review of City ordinances and develop a five-year schedule for updating ordinances within one year.
3. Complete ordinance rewrites within five years.
4. Prepare an ordinance to include on the May 2020 ballot, a General Obligation Bond proposition for the construction of a new Police Facility and Library.

5. Prepare and submit for Council consideration a permit process and any required ordinance revisions for Short Term Rental properties.
6. Prepare for further review a phased-in program for a Street Maintenance Program and associated fee within 6 months.
7. Develop an on-line (website link) for a street maintenance program be developed within seven years.
8. Improve the carbon footprint within the City within 10 years.
9. Review expansion options for the animal control facilities and operations within six years.
10. Improve the walkability and bicycling options in the City within ten years.
11. Evaluate the transition to hybrid or electric vehicles within ten years.
12. Continue to evaluate code compliance processes to improve the overall beautification of the City within three years.

Planning Issue:

Improve community involvement

Strategic Initiatives:

1. Conduct a citizen survey every three years.
2. Continue the Watauga 101 Citizens Academy annually.
3. Enhance citizen volunteer opportunities within six years.
4. Identify technological options that encourage citizen participation within 10 years.

Planning Issue:*Improve the City Brand***Strategic Initiatives:**

1. Develop a marketing strategy within one and half years.

Planning Issue:*Attract, retain and motivate qualified staff***Strategic Initiatives:**

1. Continue to review and revise the recruitment and retention strategy annually.
2. Evaluate the need to add personnel in the Information Technology Department during each annual budget cycle and Personnel Improvement Plan update.
3. Conduct an employee survey every three years.
4. Review and prepare a cost benefit analysis for a Paid Time Off program prior to September 2020.
5. Evaluate employee and dependent medical benefits and eligibility options prior to March 2020 to include a single forgiveness option for the proposed emergency room visit penalty.

“A Great Place to Live”



“Capp Smith Park located at 5800 Robin Drive and serving as a beautiful and relaxing backdrop for Watauga’s newest 55 Lot Subdivision with average home values of \$292,500.”

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2019-023

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS ADOPTING THE STRATEGIC PLAN FOR THE FISCAL YEAR 2020-2030; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Watauga (hereinafter "the City") is committed to maintaining financial strength of the City, developing a sustainable economic development effort, strengthening future planning, improving community involvement, improving the City Brand, and attracting, retaining and motivating qualified staff; and

WHEREAS, the Strategic Plan for Fiscal Year 2020-2030 provides for the administration of programs and initiatives to maintain financial strength of the City, develop a sustainable economic development effort, strengthen future planning, improve community involvement, improve the City Brand, and to attract, retain and motivate qualified staff for the purpose of continuing to make the City, "A Great Place to Live" ; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AS FOLLOWS:

I.

The facts and recitations set forth in the preamble of this Resolution are hereby found to be true and correct and adopted herein for all purposes.

II.

The proposed Program, "Strategic Plan Fiscal Year 2020-2030," set forth in Exhibit "A," attached hereto and incorporated by reference, is hereby adopted.

III.

This Resolution shall be and is hereby cumulative of all other Resolutions of the City of Watauga, Texas, 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 Resolutions are hereby repealed.

IV.

If any section, sub-section, 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 the Resolution.

V.

This Resolution shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Section 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this 14th day of October 2019.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Andrea M. Gardner, City Manager/City Secretary

APPROVED AS TO FORM AND LEGALITY:

George Hyde, City Attorney



AGENDA MEMORANDUM

DATE: August 21, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consider action on approval of an Interlocal agreement with the City of North Richland Hills to continue the Teen Court program

BACKGROUND/INFORMATION:

The Northeast Tarrant Teen Court was established in October, 2010 between the City of Watauga, City of North Richland Hills, and the City of Haltom City. Richland Hills began participating with the other cities in Fiscal Year 2014. Teen Court is a voluntary program, which allows Juvenile Class C misdemeanor offenders to "pay" for their citation through community service and involvement in the judicial process. The Teen Court program has been very successful with an average of 85 Watauga area teenagers participating. We recommend the continuation of Watauga's participation in the Northeast Tarrant Teen Court Program. The Interlocal Agreement is for a period of October 1, 2019 to September 30, 2020, with an option to renew for one additional year.

The cost of Watauga's share of the Teen Court Program to be reimbursed to North Richland Hills will be \$9,522.00. Watauga's allocation is 46% of the \$20,787 estimated program costs which include:

1. 1/2 the cost of salary and benefits of the Bailiff for 34 teen court sessions. North Richland Hills pays for 1/2 of the year cost and the other 1/2 is split between Haltom City and Richland Hills and Watauga.
2. Cost of salary and benefits for a part-time Teen Court Clerk.
3. Estimated supply costs.

Watauga, along with Haltom City and Richland Hills will also be responsible for providing a Teen Court Board Member and Teen Court Judge to add in the rotation of scheduling with NRH Board Members and Teen Court Judges.

North Richland Hills will provide a court facility for holding Teen Court, office space for the Teen Court Clerk, and will pay 100% of the salary of the Juvenile Case Manager



AGENDA MEMORANDUM

who supervises the Coordinator. In addition, North Richland Hills pays 1/2 of the annual salary and benefits of the Bailiff. The allocation is an increase of \$269.00 from last year's allocation.

The attached Interlocal has been reviewed and approved by legal.

FINANCIAL IMPLICATIONS:

Funds have been budgeted in the Juvenile Case Manager fund in the FY2019-2020 Budget.

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend approval of the Interlocal Agreement as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Interlocal for NETTC 2019-2020

REVIEWED BY:

Tara Rogers, Deputy City Secretary
George Hyde, Legal
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 9/20/2019
Approved - 10/1/2019
Approved - 10/1/2019
Final Approval - 10/1/2019

STATE OF TEXAS §

§

INTERLOCAL AGREEMENT

COUNTY OF TARRANT §

THIS AGREEMENT is entered into this the 1st day of October, 2019, by and between the Cities of North Richland Hills, Haltom City, Watauga and Richland Hills, Texas, municipal corporations, (hereafter referred to as "Cities" or "each participating City") the parties acting herein under the authority and pursuant to the terms of Chapter 791, INTERLOCAL COOPERATION CONTRACTS, Texas Government Code, for the purpose of establishing the terms under which a Teen Court program will be established and funded.

WHEREAS, the City of North Richland Hills has a Teen Court program established and operating and the Cities of Haltom City, Watauga and Richland Hills desire to make this program available to the residents of their respective cities; and,

WHEREAS, the Cities find that the terms and conditions set out herein for providing for the operation of a Teen Court for the parties hereto is equitable and will provide benefits to each; **NOW THEREFORE**,

W I T N E S S E T H :

For and in consideration of the mutual promises and covenants herein made, the benefits flowing to each of the parties hereto, and other good and valuable consideration, the Cities of North Richland Hills, Haltom City, Watauga and Richland Hills, Texas do hereby contract and agree as follows:

SECTION 1. The Teen Court is a volunteer program which allows juvenile misdemeanor offenders an alternative to the criminal justice system while allowing them to assume responsibility for their own actions by involvement in the judicial process and community service in order that their offenses will not be recorded; bringing juvenile offenders before a jury of their peers and to the community for constructive punishment which will provide the youths with an understanding of the judicial system and a realization of their roles (responsibilities) in the community.

SECTION 2. The City of North Richland Hills shall provide a court facility available for holding teen court on Monday nights and provide a Judge and Bailiff for all weekly sessions, employ a Teen Court Clerk to assist in administering and coordinating the activities of the Teen Court program and provide office space for the clerk. The Teen Court Clerk will work under the supervision of the North Richland Hills Juvenile Case Manager, who shall be responsible for preparation of Excel spread sheets for statistical reporting purposes.

SECTION 3. Haltom City, Watauga and Richland Hills agree to provide a Teen Court Board Member and Teen Court Judge to add in the rotation of scheduling with NRH Board Members and Teen Court Judges.

- SECTION 4.** Haltom City, Watauga and Richland Hills shall reimburse North Richland Hills for the cost of the salary and benefits of the Teen Court Clerk plus estimated supply costs and shared cost of Bailiff fees. Such costs for salary, benefits and supplies is \$20,787.00 for the year beginning October 1, 2019. Haltom City agrees to pay 41%, (\$8,576.00), Watauga agrees to pay 46% (\$9,522.00) and Richland Hills agrees to pay 13% (\$2,689.00). Each party shall make respective payments from current revenues available to the paying party.
- SECTION 5.** North Richland Hills has an existing Teen court Advisory Board in its jurisdiction appointed to such board by the City Council. Haltom City, Watauga and Richland Hills shall have the right to appoint one additional member to such advisory board.
- SECTION 6.** This Agreement shall be for the initial period beginning October 1, 2019 and ending September 30, 2020 upon execution of hereof by all parties hereto, with the option to renew for one additional year.
- SECTION 7.** Any party hereto may terminate its participation in this Agreement without recourse or liability upon thirty (30) days written notice to the other parties. Should either of the other three parties terminate their participation, North Richland Hills may terminate this agreement or renegotiate with the remaining party or parties.
- SECTION 8.** This Agreement is made pursuant to Chapter 791 and Subchapter E, Chapter 418, Texas Government Code. It is agreed that in the execution of this Agreement, no party waives any immunity or defense that would otherwise be available to it, against claims arising from the exercise of governmental powers and functions.

SIGNED AND EXECUTED this the _____ day of _____, A.D.,
2019, at Tarrant County, Texas.

CITY OF NORTH RICHLAND HILLS

BY: _____
Mark Hindman, City Manager

Attest:

Alicia Richardson, City Secretary

(City Seal)

Approved as to Form and Legality:

Maleshia McGinnis, City Attorney

SIGNED AND EXECUTED this the _____ day of _____, A.D.,
2019, at Tarrant County, Texas.

CITY OF HALTOM CITY, TEXAS

BY: _____
Keith R. Lane, City Manager

ATTEST:

Art Camacho, City Secretary

(City Seal)

Approved as to Form and Legality:

Attorney from Toase Law Firm -City Attorney

SIGNED AND EXECUTED this the _____ day of _____, A.D.,
2019, at Tarrant County, Texas.

CITY OF WATAUGA, TEXAS

BY: _____
Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

(City Seal)

Approved as to Form and Legality:

George E. Hyde - Russell Rodriguez Hyde Bullock, Interim City Attorney

SIGNED AND EXECUTED this the _____ day of _____, A.D.,
2019, at Tarrant County, Texas.

CITY OF RICHLAND HILLS, TEXAS

BY: _____
Eric Strong, City Manager

ATTEST:

Cathy Bourg, City Secretary

(City Seal)

Approved as to Form and Legality:

Wayne Olson -Toase Law Firm, City Attorney



AGENDA MEMORANDUM

DATE: September 20, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager regarding potential revisions to Sec. 42-83(b) of the City of Watauga Code of Ordinances

BACKGROUND/INFORMATION:

This agenda item was requested by Council Member Scott Prescher with concurrence from Council Member Andrew Neal.

The City of Watauga requires deposits for customers to establish a water account with the City based on the Fee Schedule, Chapter 12-42. The Code of Ordinances, Section 42-83(b) states that, if a customer has an account in good standing for two (2) years, the customer may provide a written request for refund of this deposit amount.

Sec. 42-83 (b) Refund or credit. Guidelines for residential customers to receive a refund/credit to their accounts prior to terminating utility service are as follows:

- (1) The residential customer will have to make the request in writing.*
- (2) The account will have to be in good standing for a period of two consecutive years before a refund is granted. (The account will have no arrears, penalties or insufficient checks posted during that time.)*
- (3) The refund will be made to the person listed on the account. (Code 2001, § 13.203; Code 2010, § 13.04.043)*

When a customer terminates utility services with the City, utility deposits on file are applied towards the customer's final bill. If the deposit results in a credit balance, refund checks are mailed to the forwarding address on file.

The City considers an account current if the customer pays within 30 days of billing. On average, each month the City has approximately 6,941 customers, or 83.6% that pay within the 30 day time frame. Another 1,364 customers, or 16.4% pay accounts



AGENDA MEMORANDUM

within 60 days of billing and incur a late fee of 10%.

The amount of utility accounts considered bad debt, as of September 30, 2019 is \$934,778.96.

The City's utility related bad debt increased by \$202,336 over the last 5 years. This is an annual average growth of \$40,000 in bad debt. Please see the attached graph for a 5-year history of utility related bad debt. Applying customer deposits to the final bills reduces the balance owed to the City and has the potential of decreasing the amount of bad debt the City will incur should a customer terminating service fail to pay their final bill amount.

Many surrounding cities do not allow refunds of deposits prior to termination of services. These cities include North Richland Hills, Saginaw, Roanoke, Lake Worth, Keller and Euless. The cities of Bedford, Hurst and Haltom City allow refunds of deposits upon written request if accounts are in good standing.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and provide direction.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Utility Related Bad Debt

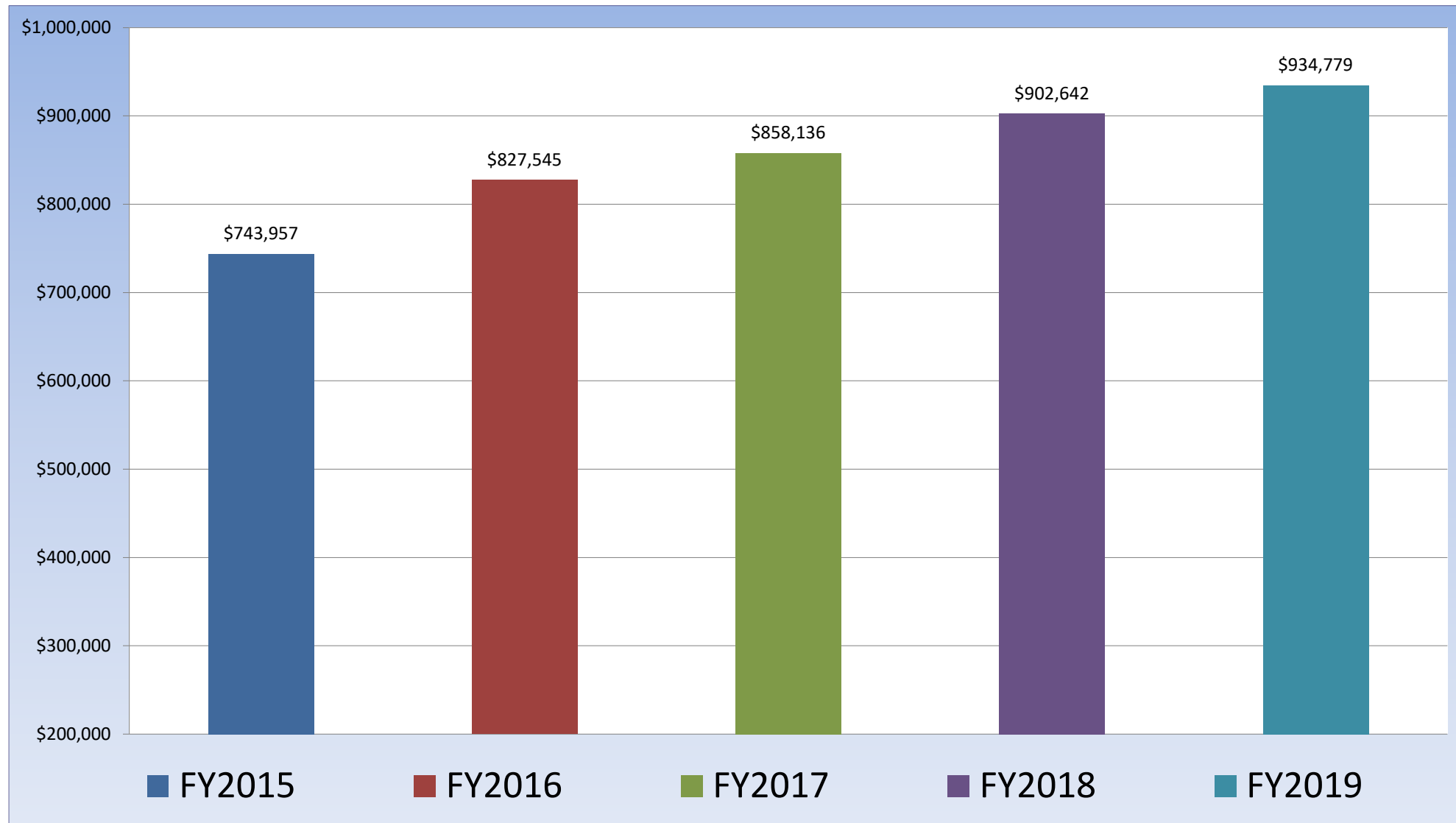
REVIEWED BY:

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

Approved as to form for inclusion on Agenda

Approved - 10/1/2019
Final Approval - 10/2/2019

UTILITY RELATED BAD DEBT







AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, OCTOBER 14, 2019
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular City Council Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

DATE: September 23, 2019
TO: Honorable City Council Members
FROM: Andrea Gardner, City Manager
SUBJECT: Discuss and consider action to authorize the City to enter into multiple agreements to transition most of the City's fleet of vehicles to a lease and maintenance program offered by Enterprise Fleet Management Trust

BACKGROUND/INFORMATION:

During FY 2019, City staff worked with Enterprise Fleet to evaluate the City's existing fleet and the future needs. As part of the Council Retreat in September 2019, Enterprise presented the Council with information on an equity lease program. Council provided direction to continue the review and provide a follow up report.

FINANCIAL IMPLICATIONS:

Sufficient funds exist within various funds to cover the cost of the program. The program is anticipated to generate a savings for the City.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council consider the information provided by Enterprise and take action as appropriate.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. GP1J - City of Watauga - TEXAS GOV Amendment to Equity MLA - FM TRUST - .._

REVIEWED BY:

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

Approved - 10/3/2019
Approved - 10/3/2019
Final Approval - 10/3/2019

Meeting Notices and Reservation of Rights

The City Council 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, October 4, 2019 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

Andrea Gardner

Andrea Gardner, City Secretary



AMENDMENT TO MASTER EQUITY LEASE AGREEMENT

THIS AMENDMENT (“Amendment”) is attached to, and made a part of, the MASTER EQUITY LEASE AGREEMENT (“Agreement”) by and between Enterprise FM Trust, a Delaware statutory trust (“Lessor”) and the lessee whose name and address is set forth on the signature page below (“Lessee”). This Amendment is made for good and valuable consideration, the receipt of which is hereby acknowledged by the parties.

Section 12 of the Master Equity Lease Agreement is amended to read as follows:

INDEMNITY: As Lessee is a unit of local government of the State of Texas and is subject to, and comply with, the applicable provisions of the Texas Tort Claims Act, as set out in Civil Practices and Remedies Code, Section 101.001 et. seq. and the remedies authorized therein regarding claims or causes of action that may be asserted by breach of this Agreement. To the extent permitted by Texas law, Lessee agrees to defend and indemnify Lessor, Servicer, any other agent of Lessor and their respective successors and assigns from and against any and all losses, damages, liabilities, suits, claims, demands, costs and expenses (including, without limitation, reasonable attorneys’ fees and expenses) which Lessor, Servicer, any other agent of Lessor or any of their respective successors or assigns may incur by reason of Lessee’s breach or violation of, or failure to observe or perform, any term, provision or covenant of this Agreement, or as a result of any loss, damage, theft or destruction of any Vehicle or related to or arising out of or in connection with the use, operation or condition of any Vehicle. The provisions of this Section 12 shall survive any expiration or termination of this Agreement. Nothing herein shall be deemed to affect the rights, privileges, and immunities of Lessee and the foregoing indemnity provision is not intended to be a waiver of any sovereign immunity afforded to Lessee pursuant to Texas law.

Section 17 of the Master Equity Lease Agreement is amended to read as follows:

Subject to the provisions of Section 15, this Agreement will be binding upon Lessee and its heirs, executors, personal representatives, successors and assigns, and will inure to the benefit of Lessor, Servicer, any other agent of Lessor and their respective successors and assigns. This Agreement will be governed by and construed in accordance with the substantive laws of the State of Texas (determined without reference to conflict of law principles).

Section 19 of the Master Equity Lease Agreement is amended to read as follows:

NON-APPROPRIATION: Lessee’s funding of this Agreement shall be on a Fiscal Year basis and is subject to annual appropriations. Lessor acknowledges that Lessee is a municipal Corporation, and being a unit of government, is precluded by the Texas State Constitution and other laws from entering into obligations that financially bind future governing bodies, and that, therefore, nothing in this Agreement shall constitute an obligation of future legislative bodies of the County or State to appropriate funds for purposes of this Agreement. Accordingly, the parties agree that the lease terms within this Agreement or any Schedules relating hereto are contingent upon appropriation of funds by the County or State. The parties further agree that should the County or State fail to appropriate such funds, the Lessor shall be paid all rentals due and owing hereunder up until the actual day of termination. In addition, the parties agree that Lessor may recover the losses incurred by the Lessor for having to sell the vehicles on the open used car market prior to the end of the scheduled term (as determined in Section 3 and Section 14 of this Agreement).

Additional Section 20 is added to the Master Equity Lease Agreement and reads as follows:

No Boycotting Israel. As required by Chapter 2270, Texas Government Code, Lessor hereby verifies that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, “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.

All references in the Agreement and in the various Schedules and addenda to the Agreement and any other references of similar import shall henceforth mean the Agreement as amended by this Amendment. Except to the extent specifically amended by this Amendment, all of the terms, provisions, conditions, covenants, representations and warranties contained in the Agreement shall be and remain in full force and effect and the same are hereby ratified and confirmed.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment to Master Equity Lease Agreement as of the date signed below.

LESSEE: City of Watauga

Signature: _____

By: _____

Title: _____

Address: _____

Date Signed: _____, _____

LESSOR: Enterprise FM Trust

By: Enterprise Fleet Management, Inc. its attorney in fact

Signature: _____

By: _____

Title: _____

Address: _____

Date Signed: _____, _____



AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, OCTOBER 14, 2019
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 PM

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DATE: September 23, 2019
TO: Honorable City Council Members
FROM: Arthur L. Miner
SUBJECT: Discuss and provide direction to the Mayor for reviewing the roles and responsibilities of board chairpersons and members

BACKGROUND/INFORMATION:

Mayor Miner requested the agenda item in accordance with the Council Rules of Procedure. The Mayor is requesting authorization from the City Council to conduct a meeting with the members of the various Boards, Committees and Commissions to provide an overview of the roles and responsibilities for the Boards.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

Mayor Miner respectfully requests the Council authorize a meeting with the Mayor and Board Members to discuss roles and responsibilities.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Approved as to form for inclusion on Agenda

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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.

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Andrea Gardner

Andrea Gardner, City Secretary



BURGESS & NIPLE

3950 Fossil Creek Blvd., Suite 210 | Fort Worth, TX 76137 | 817.306.1444

October 2, 2019

Paul Hackleman, P.E.
Public Works Director
City of Watauga, Texas
7800 Virgil Anthony Blvd.
Watauga, Texas 76148

Reference: 2019-2020 Water and Wastewater CIP – Professional Services Proposal

Dear Mr. Hackleman:

Burgess & Niple (B&N) is pleased to submit this Agreement for Professional Services to provide professional services for the City of Watauga. This agreement is for B&N to provide Engineering Services for five (5) groups of projects for the 2019-2020 Water and Wastewater CIP. Attached is the Agreement, which is prepared for the Mayor's signature.

Thank you for the opportunity to serve the City of Watauga.

Respectfully submitted,
BURGESS & NIPLE, INC.
TBPE FIRM REGISTRATION NO. F-10834



William D. Wendland, P.E.
Associate
Director, Fort Worth Public Sector

Attachment

BURGESS & NIPLE

AGREEMENT BETWEEN CITY OF WATAUGA, TEXAS AND BURGESS & NIPLE, INC. FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT EFFECTIVE AS OF _____ ("Effective Date") between CITY OF WATAUGA, TEXAS ("CLIENT") and Burgess & Niple, Inc. ("ENGINEER"). ENGINEER agrees to provide the services described below to CLIENT for 2019-2020 Water and Wastewater CIP ("ASSIGNMENT").

Client Legal Name: City of Watauga, Texas

Street Address: 7105 Whitley Road

City: Watauga State: Texas Zip Code: 76148

Contact Person: Paul Hackleman, P.E., Public Works Director

Phone: (817) 514-5837 Fax: (817) 514-5854

☐ Corporation
☒ Public Agency

☐ Partnership
☐ Individual

☐ Sole Proprietor
☐ Limited Liability Company (LLC)

THE ASSIGNMENT: The CLIENT, through its Capital Improvements Program, the issuance of the 2019 Certificates of Obligation and the 2019-2020 annual budget, has identified five (5) groups of water and wastewater projects. CLIENT desires to engage the ENGINEER to provide professional engineering services for all five (5) groups of projects.

SCOPE OF SERVICES: ENGINEER shall provide the services to CLIENT described in accordance with the terms and conditions of this Agreement. This Agreement shall include this Agreement form; Exhibit A – Scope of Services, Exhibit B – Location Maps and Exhibit C – Hourly Fee Schedule.

ASSIGNMENT START: CLIENT shall execute both copies of Agreement. A signed original of the Agreement returned to the office indicated will consummate our Agreement and serve as authorization for ENGINEER to proceed with the services. The person signing this contract warrants that he or she has the authority to sign as or on behalf of the CLIENT for whom or for whose benefit ENGINEER'S services are rendered. This Agreement may be executed by a facsimile signature that, when so executed, shall be deemed to be an original of the same Agreement.

TIME FOR COMPLETION: Engineer shall complete its obligations within a reasonable time. All services are to be completed by December 31, 2022 and is hereby agreed to be reasonable. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably. If Owner authorizes changes in the scope, extent, or character of the Project or Engineer's services, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably. Owner shall make decisions and carry out its other responsibilities in a timely manner so as not to delay the Engineer's performance of its services. If Engineer fails, through its own fault, to complete the performance required in this Agreement within the time set forth, as duly adjusted, then Owner shall be entitled, as its sole remedy, to the recovery of direct damages, if any, resulting from such failure.

CLIENT and ENGINEER further agree as follows:

1.01 Basic Agreement

- A. ENGINEER shall provide, or cause to be provided, the services set forth in this Agreement, Exhibit A – Scope of Services and Exhibit B – Location Maps and CLIENT shall pay ENGINEER for such Services as set forth in Paragraph 10.01.
- B. The CLIENT and the ENGINEER understand, acknowledge, and agree that the ENGINEER shall be acting as an independent contractor at all times during the performance of this agreement and no provision or obligation expressed or implied in this agreement shall create an employment, agency, or fiduciary relationship.

2.01 Payment Procedures

- A. ENGINEER will prepare a monthly invoice in accordance with ENGINEER'S standard invoicing practices and submit the invoice to CLIENT.
- B. CLIENT will pay ENGINEER'S monthly invoices in accordance with Texas Government Code Title 10. General Government; Subtitle F. State and Local Contracts and Fund Management, Chapter 2251. Payment for Goods and Services.
- C. If CLIENT does not give ENGINEER written notice disputing an invoice within thirty (30) days of the date thereof, the invoice shall conclusively be deemed correct. All payments made by CLIENT should specify the invoice numbers being paid. If payments are received that do not specify the invoices being paid, ENGINEER may, at its sole discretion, apply payments against outstanding interest or invoices.
- D. In the event sales tax is imposed on professional services, CLIENT shall be responsible for this additional cost.
- E. Overtime work requested by the CLIENT shall be invoiced at 1.5 times the hourly rates set forth in Exhibit C. Work on Sundays or legal holidays shall be invoiced at 2.0 times the hourly rates set forth in Exhibit C. No guarantees are made as to the availability of ENGINEER'S personnel for overtime work.
- F. ENGINEER shall not be required to release its files or work product to the CLIENT or to any other party until such time as ENGINEER receives full payment for all services rendered, including reimbursable expenses and interest incurred under the Agreement.

3.01 Additional Services

- A. If authorized by CLIENT, or if required because of changes in the ASSIGNMENT, ENGINEER shall furnish services in addition to those set forth above.
- B. CLIENT shall pay ENGINEER for such additional services an amount equal to the cumulative hours charged to providing the Additional Services under the Assignment by each class of ENGINEER'S employees, times standard hourly rates for each applicable billing class; plus reimbursable expenses and ENGINEER'S Consultants' charges, if any or at established Unit Costs. ENGINEER'S standard hourly rates, reimbursable expenses schedule, and applicable unit cost items are set forth in Exhibit C. Additional Services require written authorization by CLIENT prior to performance of such services.

4.01 Termination

- A. The Agreement may be terminated with or without cause by either party on thirty (30) days' written notice, the end of such notice period being the effective date of termination. CLIENT shall pay ENGINEER in accordance with the Agreement for all services performed and reimbursable expenses incurred through the effective date of termination.

5.01 *Controlling Law*

- A. This Agreement is to be governed by the laws of the State of Texas. Each party consents to and submits itself to jurisdiction of the courts of the State of Texas, and to venue in Tarrant County, Texas.
- B. For claims, disputes, or other matters in question between the parties to the Agreement arising out of or relating to the Agreement or breach thereof, the parties shall endeavor to settle these matters by mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect, unless the parties mutually agree otherwise. Demand for mediation shall be filed in writing with the other party to the Agreement and with the American Arbitration Association. A demand for mediation shall be made within a reasonable time after the claim, dispute, or other matter in question has arisen.

6.01 *Successors, Assigns, and Beneficiaries*

- A. CLIENT and ENGINEER each is hereby bound and the partners, successors, executors, administrators, and legal representatives of CLIENT and ENGINEER (and to the extent permitted by paragraph 6.01.B the assigns of CLIENT and ENGINEER) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all agreements and obligations of this Agreement.
- B. Neither CLIENT nor ENGINEER may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or ENGINEER.

7.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER'S services and all warranties are specifically disclaimed, including warranties of merchantability and fitness for a particular purpose. ENGINEER may employ such consultants as ENGINEER deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by the CLIENT. ENGINEER is responsible for the work product of such consultants employed by ENGINEER.
- B. Upon payment in full for completed services, original documents, plans, designs, and survey notes developed in connection with services performed hereunder belong to and remain the property of the CLIENT in consideration of which it is mutually agreed that the CLIENT will use them solely in connection with the Assignment, save with the express consent of the ENGINEER. The ENGINEER may retain reproducible copies of such documents.
- C. ENGINEER shall not at any time supervise, direct, or have control over any work by CLIENT'S contractors, nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor engaged by the CLIENT, for safety precautions and programs incident to the work progress of a CLIENT'S contractor, nor for any failure of any contractor engaged by CLIENT to comply with laws and regulations applicable to such contractor's work.
- D. ENGINEER neither guarantees the performance of any contractor engaged by the CLIENT nor assumes responsibility for any such contractor's failure to furnish and perform its work in accordance with the contract between CLIENT and such contractor.

- E. ENGINEER shall not be responsible for the acts or omissions of any CLIENT-engaged contractor, subcontractor, or supplier, or of any CLIENT-engaged contractor's agents or employees or any other persons (except ENGINEER'S own employees) at the ASSIGNMENT site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by CLIENT.
- F. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the ENGINEER'S Joint Contract Documents Committee (No. C-700, 2007 Edition).
- G. A VARIETY OF RISKS POTENTIALLY AFFECT ENGINEER BY VIRTUE OF ITS ENTERING INTO AN AGREEMENT TO PERFORM PROFESSIONAL SERVICES ON CLIENT'S BEHALF. IN ORDER FOR CLIENT TO OBTAIN THE BENEFIT OF A FEE THAT DOES NOT NEED TO ACCOUNT FOR UNLIMITED RISKS, TO THE FULLEST EXTENT PERMITTED BY LAW, CLIENT AND ENGINEER (1) WAIVE AGAINST EACH OTHER, AND THE OTHER'S EMPLOYEES, OFFICERS, DIRECTORS, AGENTS, INSURERS, PARTNERS, AND CONSULTANTS, ANY AND ALL CLAIMS FOR OR ENTITLEMENT TO SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES ARISING OUT OF, RESULTING FROM, OR IN ANY WAY RELATED TO THE ASSIGNMENT, AND (2) AGREE THAT ENGINEER'S TOTAL LIABILITY TO CLIENT UNDER THIS AGREEMENT SHALL BE LIMITED TO \$50,000 OR THE TOTAL AMOUNT OF COMPENSATION RECEIVED BY ENGINEER, WHICHEVER IS GREATER.
- H. In the event that ENGINEER undertakes to provide construction cost estimation services, the following shall apply. Evaluation of the CLIENT'S ASSIGNMENT budget, preliminary estimates of construction costs, and detailed estimates of construction costs (if any), or any portion thereof prepared by ENGINEER represent ENGINEER'S judgment, based upon the information provided to ENGINEER at the time of evaluation or preparation, as a design professional familiar with the construction industry. It is recognized, however, that neither ENGINEER nor the CLIENT has control over the cost of labor, materials, or equipment, over a contractor's methods of determining bid prices, or over competitive bidding, market, or negotiating conditions. Accordingly, ENGINEER does not have any responsibility in the event that bids or negotiated prices vary from the CLIENT'S ASSIGNMENT budget or from any estimate or construction cost or evaluation prepared or agreed to by ENGINEER.
- I. The parties acknowledge that ENGINEER'S scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If ENGINEER or any other party encounters a Hazardous Environmental Condition, ENGINEER may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the ASSIGNMENT affected thereby until CLIENT: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the site is in full compliance with applicable Laws and Regulations.
- J. The parties acknowledge that ENGINEER'S Scope of Services does not include any services specifically not included within ENGINEER'S Scope of Service
- K. The parties acknowledge that ENGINEER'S Scope of Services is based upon the ordinance, criteria and/or policies and procedures currently in effect in the City of Watauga, Texas, as reasonably interpreted. Any revisions to these policies could impact the proposed civil engineering services and therefore necessitate and appropriate adjustment in the above fees.
- L. With the execution of this Agreement, ENGINEER and CLIENT shall designate specific individuals to act as ENGINEER'S and CLIENT'S representatives with respect to the Assignment and the responsibilities of the CLIENT under the Agreement. Such an individual shall have the authority to transmit instructions, receive information, and render decisions relative to the Assignment on behalf of the respective party whom the individual represents.

- M. In accordance with Chapter 2270, Texas Government Code, the City may not enter into a contract with a company, excluding a sole proprietorship, with 10 or more full-time employees for goods or services valued at \$100,000 or more unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

The signatory executing the Agreement on behalf of ENGINEER verifies that ENGINEER and its parent companies, wholly-owned subsidiaries, majority-owned subsidiaries and other affiliates, if any, do not boycott Israel and, to the extent the Agreement is a contract for goods or services, will not boycott Israel during the term of the Agreement. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, "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. The signatory understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the signatory and exists to make a profit.

- N. The signatory executing the Contract on behalf of ENGINEER represents that neither ENGINEER nor any of its parent companies, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the entity and each of its parent companies, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The signatory understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the signatory and exists to make a profit.

8.01 *Total Agreement*

- A. This Agreement (consisting of pages 1 to 26, inclusive), together with any expressly incorporated appendix or attachments, constitutes the entire agreement between CLIENT and ENGINEER and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

9.01 *Severability*

- A. If any part, term, or provision of the Agreement is held to be illegal or unenforceable, the validity and enforceability of the remaining parts, terms, and provisions of the Agreement shall not be affected, and the rights of the ENGINEER and CLIENT shall be construed and enforced as if the Agreement did not contain the illegal or unenforceable part, term, or provision.

10.01 *Payment for Scope of Services (Maximum Sum Basis)*

- A. Using the procedures set forth in paragraph 2.01, CLIENT shall pay ENGINEER for Scope of Services as follows:

1. A total Maximum Sum amount of **One Million One Hundred Thirty-Three Thousand Dollars and No Cents (\$1,133,000.00)** based on the following assumed distribution:
 - i. Group 1: \$231,000
 - ii. Group 2: \$284,000
 - iii. Group 3: \$170,000
 - iv. Group 4: \$158,000
 - v. Group 5: \$290,000
2. CLIENT and ENGINEER agree to allow the Public Works Director to substitute one or more projects within individual groups prior to the start of design of the individual group so long as the estimated construction value of the replacement project(s) is/are within 15% of the original project.
3. ENGINEER may alter the distribution of compensation between individual groups noted herein to be consistent with services actually rendered but shall not exceed the total Maximum Sum amount unless approved in writing by the CLIENT.
4. The Maximum Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated in the Maximum Sum to account for labor costs, overhead, profit, expenses (other than any expressly allowed Reimbursable Expenses), and Consultant charges.
5. The portion of the compensation amount billed monthly for ENGINEER'S services will be based upon ENGINEER'S estimate of the percentage of the Maximum Sum Items and Unit Cost Items actually completed during the billing period. The compensation amount stipulated is conditioned on a period of service ending by December 31, 2022. If such end date is extended, the compensation amount for Engineer's services shall be appropriately adjusted.

SIGNATURES ON NEXT PAGE

Agreement between City of Watauga, Texas and Burgess & Niple, Inc. for professional services
2019-2020 Water and Wastewater CIP

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

CLIENT: **City of Watauga, Texas**

ENGINEER: **Burgess & Niple, Inc.**
TBPE Firm Registration NO. F-10834

By: _____
Arthur L. Miner

By:  _____
Edwin J. Muccillo, P.E.

Title: Mayor

Title: Chairman

Date Signed: _____

Date Signed: October 2, 2019

Address for giving notices:

Address for giving notices:

7105 Whitley Road

3950 Fossil Creek Blvd., Suite 210

Watauga, TX 76148

Fort Worth, Texas 76137

Address for remitting invoices:

Attention: Burgess & Niple, Inc. – Accounting Department

5085 Reed Road

Columbus, Ohio 43220

Designated Representative (Paragraph 7.01 L.):

Designated Representative (Paragraph 7.01 L.):

Name: Paul Hackleman, P.E.

Name: William Wendland, P.E.

Title: Public Works Director

Title: Director, Fort Worth Public Sector

Phone Number: (817) 514-5837

Phone Number: (817) 306-1444, x6105

Facsimile Number: (817) 514-5854

Facsimile Number: (817) 306-1555

Email Address: PHackleman@wataugatx.org

Email Address: billy.wendland@burgessniple.com

EXHIBIT A

SCOPE OF SERVICES

The five (5) groups of water and wastewater projects are as follows:

Projects	Limits	Est. Const.	Engrg. Fee	Total
Group 1				
S2 - Whispering	Wooddale to Stardust	\$119,000	\$15,000	\$134,000
S3 - Brookdale	Hightower to Ridgecrest	\$290,000	\$38,000	\$328,000
S4 - Summit Ridge	Rufe Snow to Avalon	\$200,000	\$26,000	\$226,000
S5 - Oaklawn	Mickey to McCoy	\$157,000	\$21,000	\$178,000
S9 - Village Park	Greendale to Ridgetop	\$355,000	\$47,000	\$402,000
S10 - Watauga Road	Patsy to Morris	\$139,000	\$18,000	\$157,000
Rehab up to 345 SSMH; Remove and Replace up to 3 SSMH; and up to 5 Point Repairs according to recommendations made in the November 2015 Sanitary Sewer Evaluation Final Report	See location map	\$618,000	\$66,000	\$684,000
Group 1 Subtotal		\$1,878,000	\$231,000	\$2,109,000
Group 2				
S6 - Hickoryhill	Whitley to Maplehill	\$741,000	\$99,000	\$840,000
S7 - Echo Hill	Hightower to Chapman	\$829,000	\$111,000	\$940,000
S8 - Quail Run	Herschel to Highcrest	\$555,000	\$74,000	\$629,000
Group 2 Subtotal		\$2,125,000	\$284,000	\$2,409,000
Group 3				
Summertime - Water, Sewer, P&D	Rufe Snow to Carousel	\$1,413,410	\$170,000	\$1,583,410
Group 4				
W1 - Greenfield	to Cul-de-sac	\$112,000	\$12,000	\$124,000
W7 - Melinda	Jackie to Marigold	\$596,000	\$65,000	\$661,000
W8 - Macarthur	Douglas to Rebecca	\$343,000	\$37,000	\$380,000
F18 - Rufe Snow (To Loop System)	Old Mill Cir to Stardust Dr S	\$311,000	\$44,000	\$355,000
Group 4 Subtotal		\$1,362,000	\$158,000	\$1,520,000
Group 5				
SSS 2019-2020			\$290,000	\$290,000
2019-20 Water & Wastewater CIP totals		\$6,778,410	\$1,133,000	\$7,911,410

Each of the five groups will be treated as separate projects within this Assignment.

Groups 1, 2, 3 and 4:

ENGINEER will prepare construction plans, specifications and cost estimates so that the CLIENT can advertise to receive bids for the construction of each group of projects in individual, single bid packages, e.g., four (4) total bid packages will be prepared by the ENGINEER. For each bid package, up to five (5) hard copies of the plans, specifications and cost estimates will be provided to the CLIENT along with an electronic PDF version. One set of Record Drawings will be delivered at the end of construction for each project group.

ENGINEER will utilize City of Watauga aerial maps and base maps supplemented with on-the-ground topographic survey to layout and design the improvements. Attendance at up to one (1) public meeting is included for each group. Except for Group 4, no easements are anticipated to be needed nor are any easements included in this scope of work. Group 4 may need up to five (5) utility easements. Preparation of easement documents for these five (5) utility easements are included in the Scope of Services. CLIENT is responsible for negotiating and obtaining all easements. ENGINEER will assist the CLIENT in advertising, bidding and awarding of the projects. ENGINEER will provide construction administration services of the projects awarded for construction. Construction Administration is defined as monthly site visits, answering contractor's and CLIENT'S questions during construction, attending monthly construction meetings, reviewing contractor's monthly payment applications and preparing record drawings.

EXHIBIT A
SCOPE OF SERVICES

Exclusions:

The project groups only include the Scope of Services listed above. It does not include abstracting services, arborist services, construction staking services, subsurface utility engineering (SUE) investigation services (potholing) or submittals and reviews for State of Texas ADA compliance or inspections.

Group 5:

Continuing the CLIENT'S ongoing Sanitary Sewer Evaluation Study (SSES) program, ENGINEER will smoke test up to 142,100 LF of sanitary sewer lines, clean and CCTV up to 28,400 LF of sanitary sewer lines and inspect up to 498 manholes. The limits of work shall be south of Chapman Road and east of Highway 377, exclusive of the sewer lines and manholes within the channels, which were part of a recent SSES. ENGINEER will prepare a report of the findings and submit it to the CLIENT.

EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 1

Whispering Lane 8" SS

Length: 327 Feet

Est. Engr. & Constr.: \$134,000

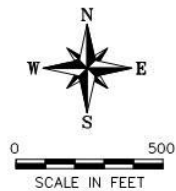
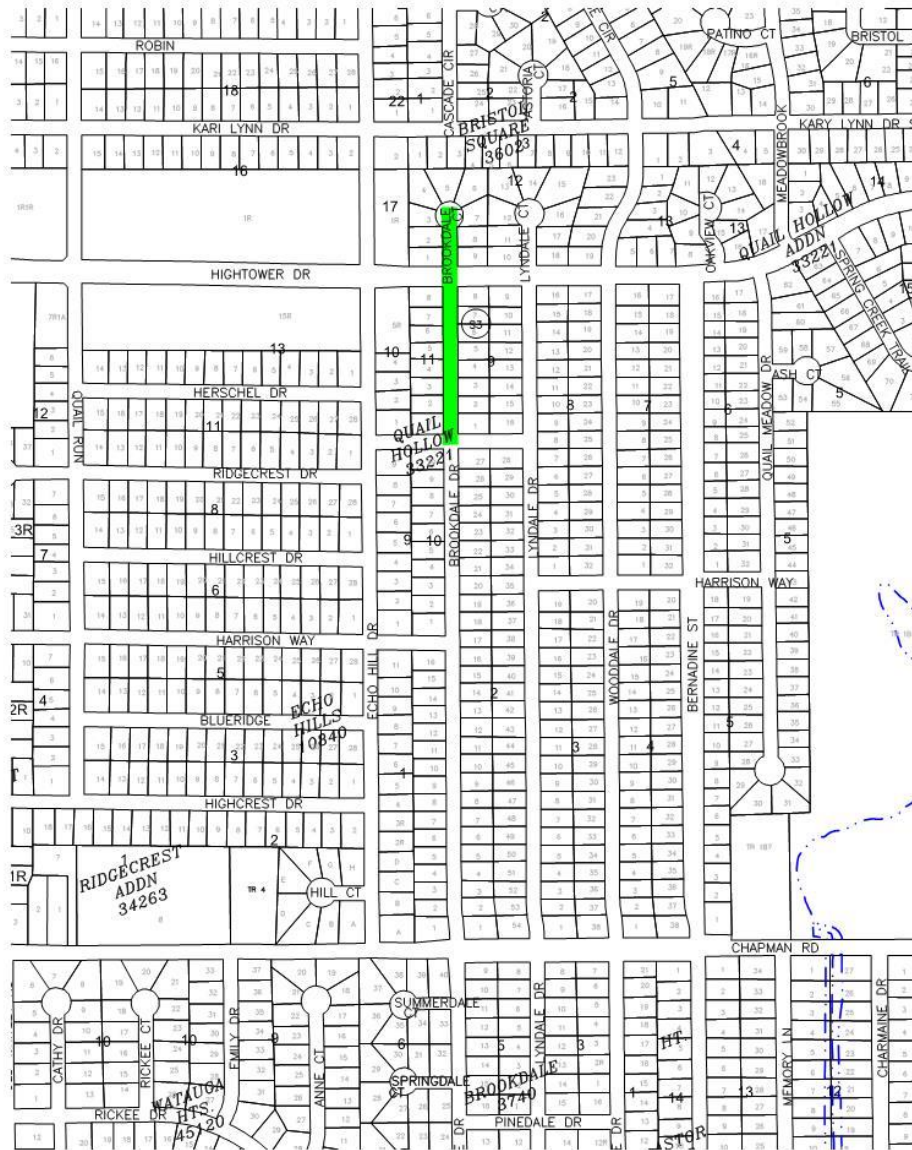


BURGESS & NIPLE
CIVIL ENGINEERS, ARCHITECTS
1000 W. WATAUGA, SUITE 100
WATAUGA, TEXAS 76798
PHONE: 817-561-0001
FAX: 817-561-0002

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EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 1

Brookdale Drive 8" SS

Length: 800 Feet

Est. Engr. & Constr.: \$328,000



BURGESS & NIPLE
REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS
1996 REGISTRATION NO. P-10004

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EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 1

Summit Ridge Drive 8" SS

Length: 551 Feet

Est. Engr. & Constr.: \$226,000

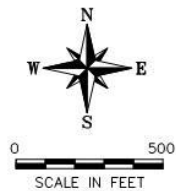
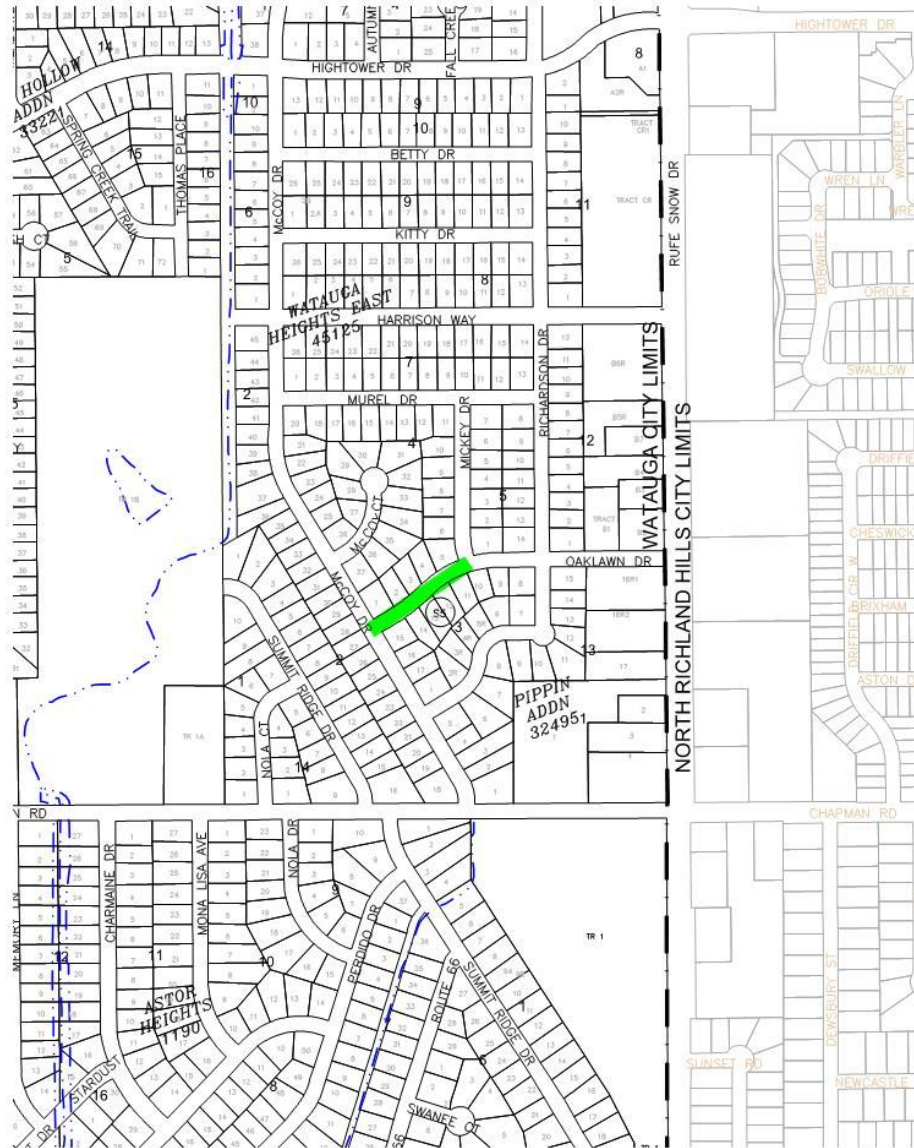


BURGESS & NIPLE
REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS
EXPIRATION DATE 09/01/2024
TXPE REGISTRATION NO. P-10004

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EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 1

Oaklawn Drive 8" SS

Length: 432 Feet

Est. Engr. & Constr.: \$178,000

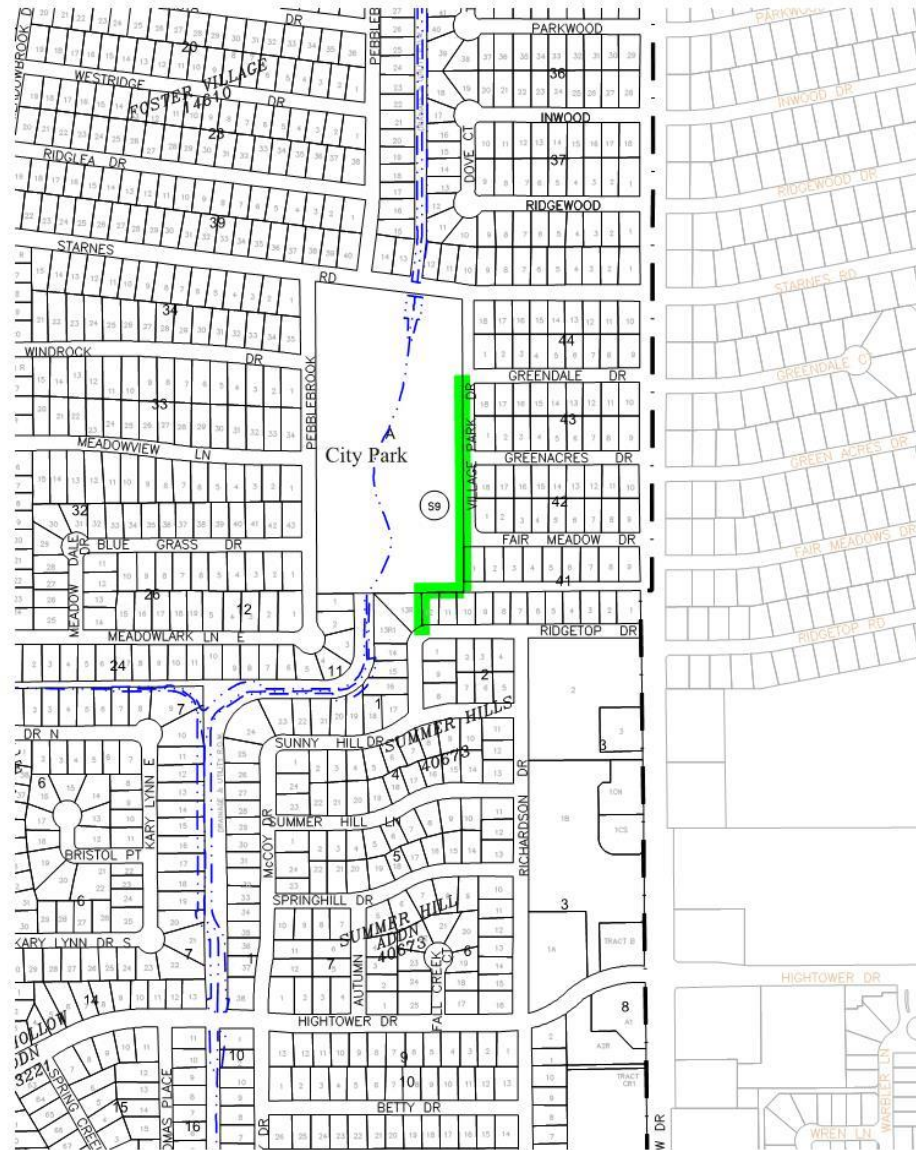


BURGESS & NIPLE
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STATE OF TEXAS
1996 REGISTRATION NO. P-10004

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EXHIBIT B LOCATION MAPS

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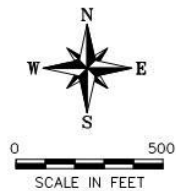


SANITARY SEWER PROJECT
Group 1

Village Park 8" SS

Length: 978 Feet

Est. Engr. & Constr.: \$402,000

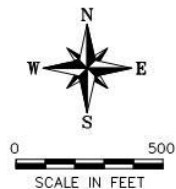


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REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS
1994 REGISTRATION NO. P-10004

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EXHIBIT B **LOCATION MAPS**

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SANITARY SEWER PROJECT
Group 1

Watauga Road 8" SS

Length: 700 Feet

Est. Engr. & Constr.: \$157,000



BURGESS & NIPLE
REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS, LICENSE NO. 10000
P.O. BOX 10000
DALLAS, TEXAS 75201-0000

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EXHIBIT B LOCATION MAPS

2019 CIP Group 1 Manhole Rehab & Repair

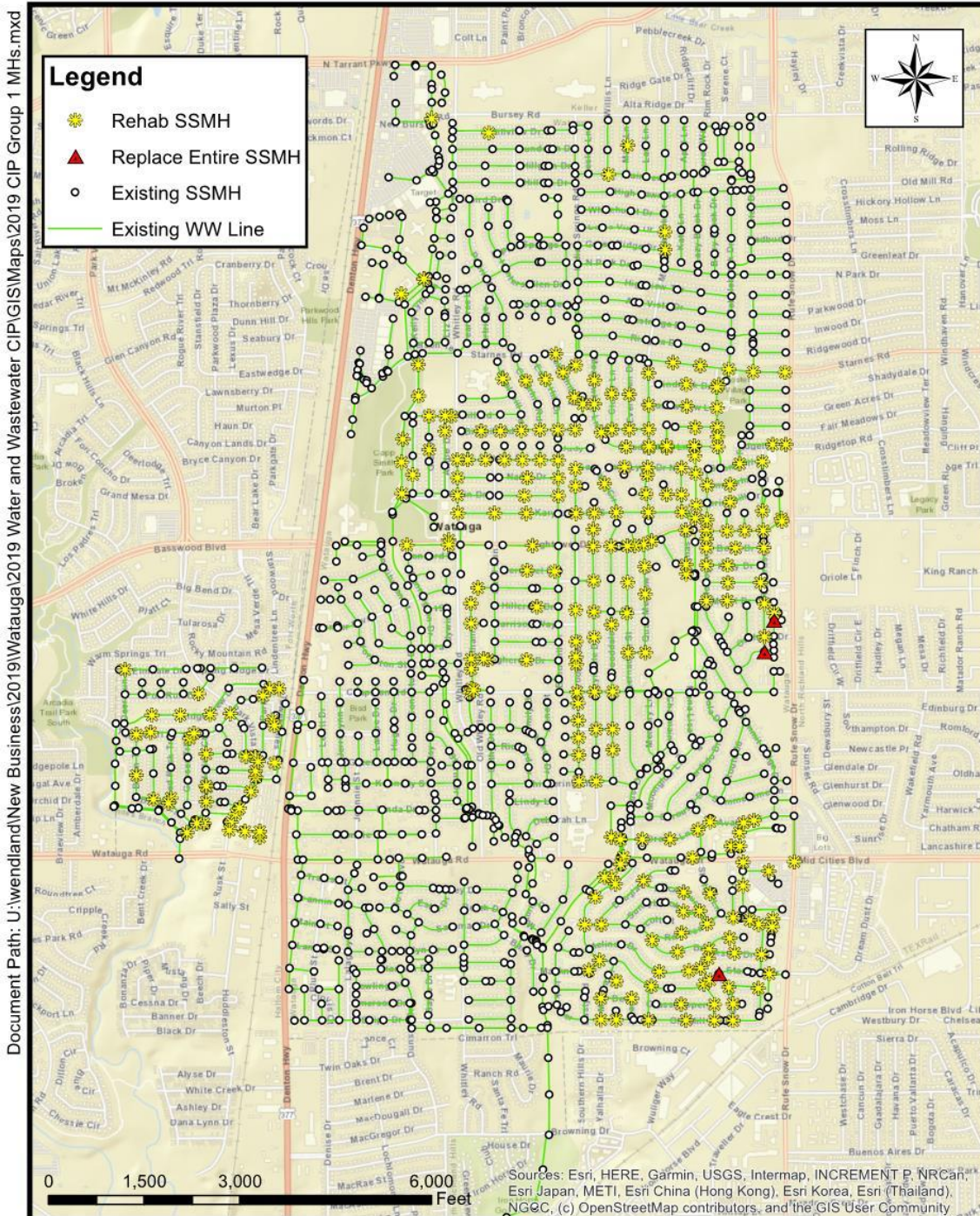


EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 2

Hickoryhill Road 8" SS

Length: 2046 Feet

Est. Engr. & Constr.: \$840,000

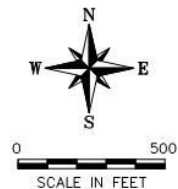


BURGESS & NIPLE
REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS
EXPIRATION DATE 09/01/2024
TXPE REGISTRATION NO. P-10004

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EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 2

Echo Hill Dr. 12" and 10" SS

Length: 2289 Feet

Est. Engr. & Constr.: \$940,000

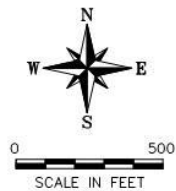


BURGESS & NIPLE
REGISTERED PROFESSIONAL ENGINEERS
P.O. BOX 10000, WATAUGA, TEXAS 75391
PHONE: 817/524-1111
TXPE REG. REGISTRATION NO. P-10004

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EXHIBIT B LOCATION MAPS

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SANITARY SEWER PROJECT
Group 2

Quail Run 8" SS

Length: 1531 Feet

Est. Engr. & Constr.: \$629,000

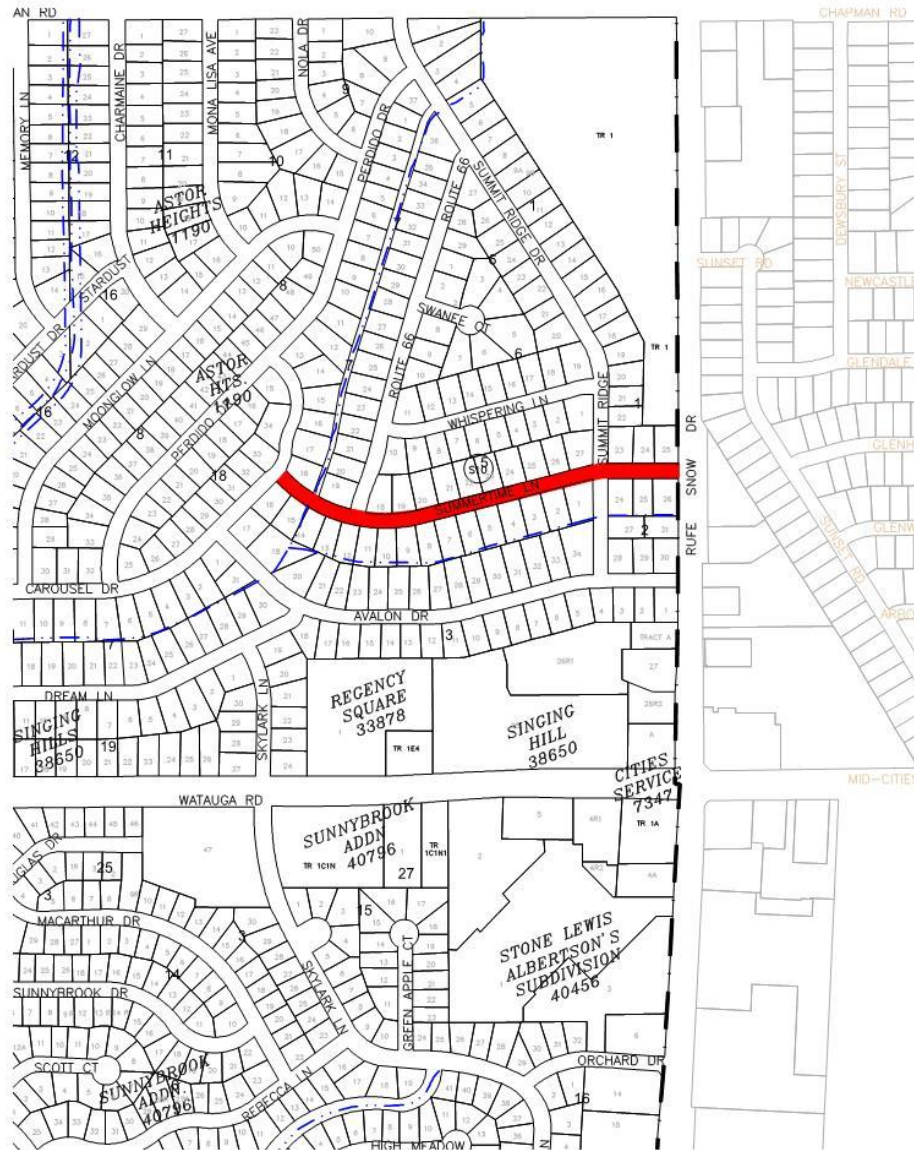


BURGESS & NIPLE
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STATE OF TEXAS
1996 REG. NO. 10000
1996 REG. NO. 10000

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EXHIBIT B LOCATION MAPS

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PAVING, DRAINAGE, WATER AND
SANITARY SEWER PROJECT
Group 3

Summertime Lane

Length: 1410 Feet

Est. Engr. & Constr.: \$1,583,410

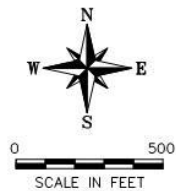


BURGESS & NIPLE
CIVIL ENGINEERS, ARCHITECTS, PLANNERS
1000 W. WATKINS ST., SUITE 100
WATAUGA, TEXAS 75494
PHONE: 817/854-4444
FAX: 817/854-4444

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EXHIBIT B LOCATION MAPS

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WATER PROJECT
Group 4

Greenfield Court 8" Water Line

Length: 417 Feet

Est. Engr. & Constr.: \$124,000

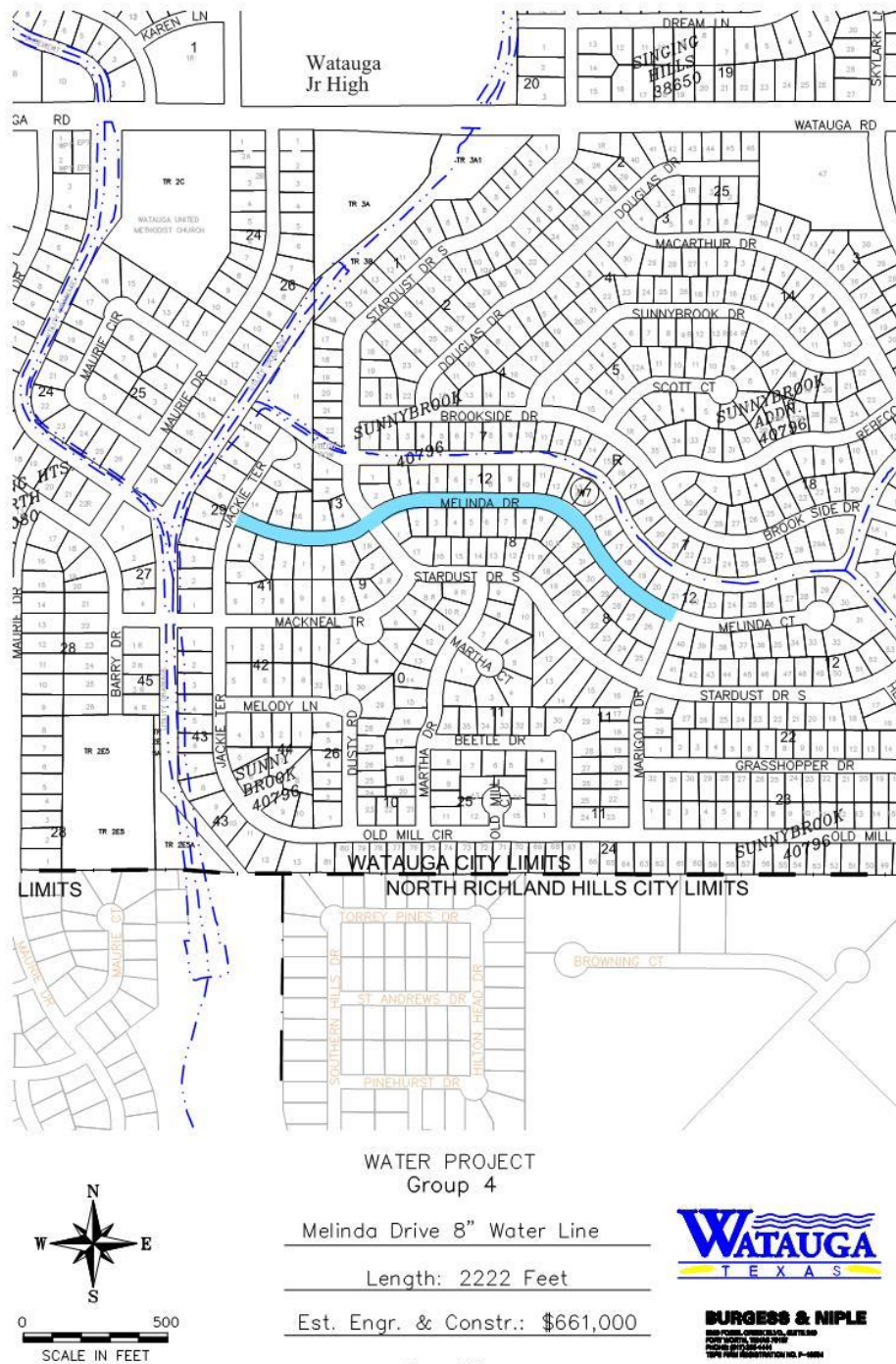


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REGISTERED PROFESSIONAL ENGINEERS
STATE OF TEXAS
PHONE: 817-574-6644
TXPE REG. REGISTRATION NO. P-10004

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EXHIBIT B LOCATION MAPS

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LOCATION MAPS

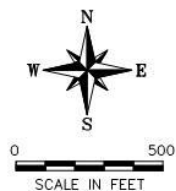


WATER PROJECT
Group 4

MacArthur Drive 8" Water Line

Length: 1279 Feet

Est. Engr. & Constr.: \$380,000

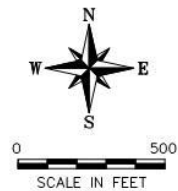
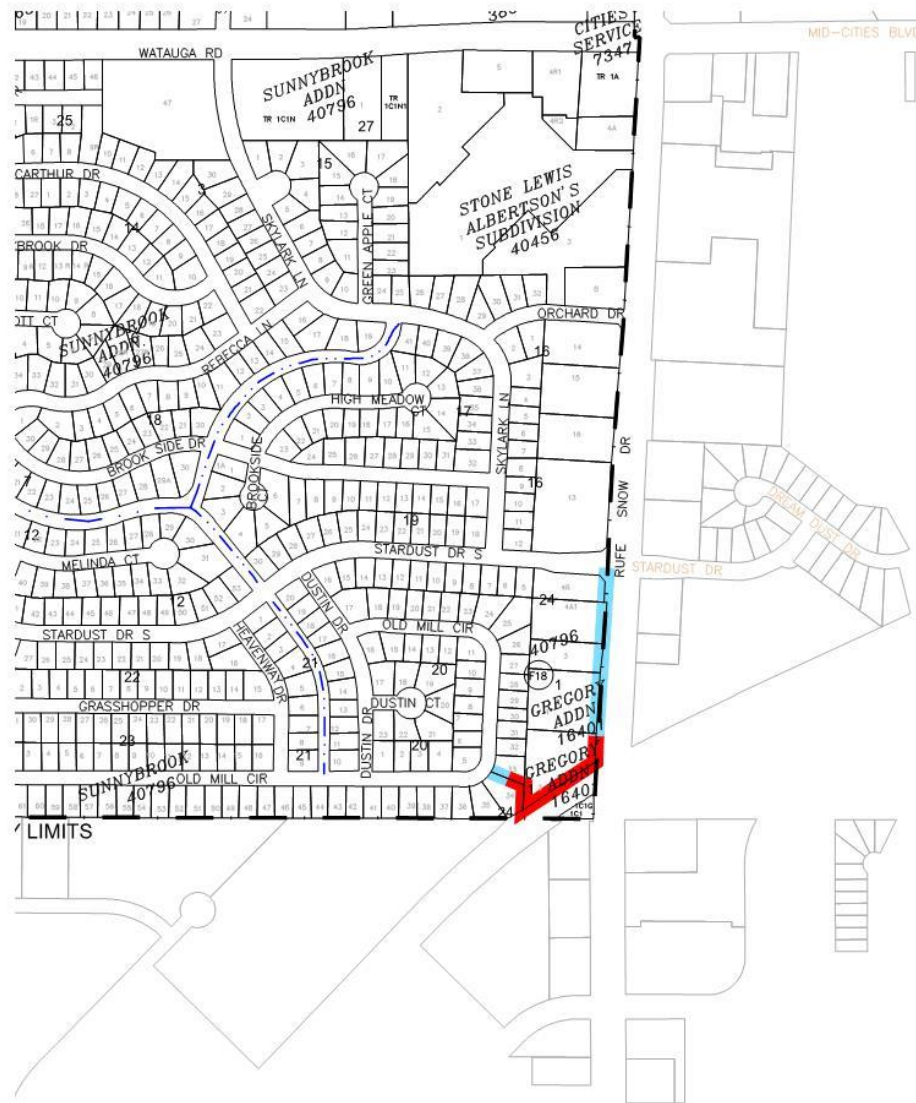


BURGESS & NIPLE
 888 FORD, CORNELIUS, N.C. 28131
 FORT WORTH, TEXAS 76107
 PHONE (817) 395-4441
 TYPE PUMP REGISTRATION NO. F-48854

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EXHIBIT B LOCATION MAPS

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WATER PROJECT
Group 4

Rufe Snow Drive 8" Water Line

Length: 1160 Feet

Est. Engr. & Constr.: \$355,000



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REGISTERED PROFESSIONAL ENGINEERS
PUBLIC WORKS, WATER SUPPLY
PHONE: 817/748-6444
TXPE REG. REGISTRATION NO. P-16094

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2019 CIP Group 5 SSES Location Map

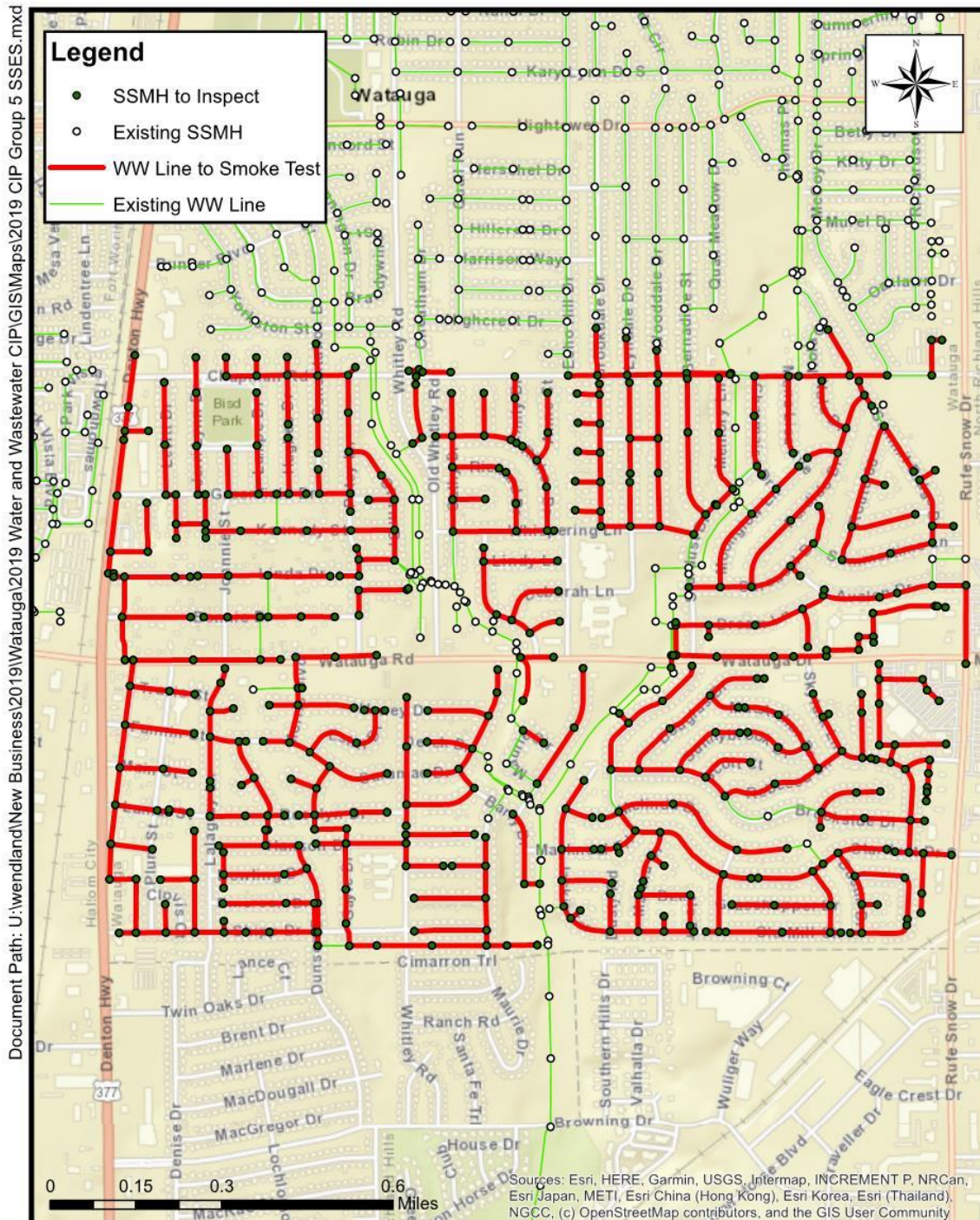


EXHIBIT C
ENGINEERING SERVICES
HOURLY FEE SCHEDULE

Effective April 1, 2019 — March 31, 2020
Rates are subject to revision April 1 of each year

<u>Description</u>	<u>Hourly Rate*</u> <u>Min. - Max.</u>
Principal/Associate.....	\$170 - \$275
Senior Project Manager.....	\$130 - \$250
Project Engineer	\$100 - \$175
Graduate Engineer	\$80 - \$125
Senior Technician.....	\$90 - \$180
Technician.....	\$70 - \$130
Administrative	\$70 - \$110
Direct Expenses.....	Cost + 0%
Local Travel (Auto mileage)	Current IRS Allowable Rate + 0%
Subcontract Work	Cost + 0%

*Actual hourly rates are based upon experience level and expertise



AGENDA MEMORANDUM

DATE: July 17, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Discuss and consider action to approve an ordinance authorizing the issuance of "City of Watauga, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2019" in an amount not to exceed \$8,850,000.00; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and an official bid form; complying with the requirements of the letter of representations previously executed with the depository trust company; authorizing the execution of any necessary engagement agreements with the City's Financial Advisors and/or Bond Counsel; and providing an effective date {CAPTION}

A. STAFF PRESENTATION

B. PUBLIC COMMENT

BACKGROUND/INFORMATION:

During the June 10, 2019 Council meeting, staff presented information regarding projects that are proposed to be financed through a debt issuance. These projects include water and sewer infrastructure projects, and various capital equipment needs to include vehicles and equipment that are necessary for City operations.

On July 8, 2019, Council approved a Resolution authorizing the publication of Notice of Intention notifying residents of the Council's intention to issue Certificates of Obligation in an amount not to exceed \$8,850,000. The Certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's Utility System.



AGENDA MEMORANDUM

The requirements for the publication of the Notice of Intention have now been met. It is estimated that the \$8,850,000 Certificates of Obligation issuance would require debt service payments of an average of \$600,000 annually. Debt service payments have been structured for the Utility Fund to allow for lower principal in the first two years.

Debt service for the water and wastewater projects and capital outlay items relating to the Utility Fund operations would be paid from water and sewer user fees. Debt service for General Fund capital outlay items would be paid from ad valorem taxes.

The attached ordinance has been reviewed and approved by legal. This is a draft ordinance reviewed as to form. The sale of the Certificates is scheduled for August 12, 2019 and the ordinance will be finalized at that time.

FINANCIAL IMPLICATIONS:

Approximately \$600,000 annually in debt service payments to be paid for by the Utility Fund user fees and Ad Valorem taxes.

RECOMMENDATION/ACTION DESIRED:

I MOVE TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF WATAUGA, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019"

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. CIP 2019 Bond Issuance -Updated 6-11-2019
2. Watauga Ordinance

REVIEWED BY:

Raquel Guajardo, Assistant to the City Secretary
George Hyde, Legal
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 7/26/2019
Approved - 7/30/2019
Final Approval - 7/30/2019

EXHIBIT 'A' – SCOPE OF SERVICES

**US 377 GREEN RIBBON
LANDSCAPE PLANS PHASE 2**

PROJECT DESCRIPTION:

CONSULTANT will provide Construction Documents to implement the proposed improvements based on the landscape master plan submitted for green ribbon funding. In the spirit and compliance with existing plans, codes, and ordinances the project shall consist of a landscape plan with a landscape budget of \$400,000 for the west ROW beginning on the corner of North Tarrant Parkway in Watauga, Texas and working south as the budget permits for the area shown in Exhibit "C" (budget for landscape and irrigation only). The construction plans will address softscape elements such as aggregates, planting, and irrigation.

LANDSCAPE ARCHITECTURE SERVICES

A. CONSTRUCTION DOCUMENTS

- 1. Survey & Approximate Right-of-Way Determination:** CONSULTANT will use the previously performed survey done for the Watauga 377 Green Ribbon project which limits include: from 10-feet beyond the east right-of-way to 10-feet beyond the west right-of-way (approximately 60-feet wide), beginning at the southwest corner of North Tarrant Parkway and US 377 and ending at the north of the used car dealership located on the northwest corner of Watauga Road and US 377. Project limits shall remain within the confines of the existing ROW.

Not Included in this item:

- Any additional survey areas outside of the previous Watauga 377 Green Ribbon survey scope.

- 2. SUBMITTALS & COORDINATION MEETINGS:** A Landscape Architect from Pacheco Koch will attend up to (4) four meetings and or presentations to coordinate with other team members and the owner during the design phase, and submit plans for formal TxDOT review as required.

Included in this item:

- Up to (3) three meetings with TxDOT and City Staff to coordinate the design and submittals.
- One (1) formal presentation to Planning and Zoning and/or City Council.
- Up to (4) four Formal review submittals and responses to TxDOT at 30%, 60%, 90% and Final plans.

- 3. LANDSCAPE ARCHITECTURE:** Pacheco Koch will provide plans for the general requirements sheets and the elements required for the construction of the project required in the TxDOT format.

Included in this item:

- Cover sheet and Index of Drawings
- Summary of Quantity and Pay Item Sheets
- TxDOT project general notes and general details sheets
- Traffic Control, Erosion Control, SWPPP, EPIC sheets (Environmental).
- Grading, drainage, and erosion control structures
- Dimensional control plans for mow curbs, ornamental cobble, or walls.
- Construction details.

Not included in this item:

- Community Branding Monument
- Trail engineering.
- Coordination with Railroad.

- 4. LANDSCAPE PLANTING PLANS:** Pacheco Koch will provide a Landscape Planting Plan that consists of selection and location of ornamental plantings, street or site shade trees, turf, mulches and associated items.

Included in this item:

- Planting plans, details, and schedules in TxDOT format.

- 5. LANDSCAPE IRRIGATION PLANS:** Pacheco Koch will provide a Landscape Irrigation Plan that consists of a fully automated irrigation system to service plantings on the site as required.

Included in this item:

- Irrigation plans, details, calculation, and schedules in TxDOT format.

Not included in this item:

- Non-potable water source or water harvesting. Should this be required, it can be done as an additional service.

- 6. LANDSCAPE CONSTRUCTION ADMINISTRATION:** Pacheco Koch will provide limited Construction Administration services related to the work shown on the Landscape Planting and Irrigation Plans.

A representative will process shop drawings and product submittals, respond to RFIs, and issue supplemental instructions if required related to the work shown on the Landscape Architecture, Planting and/or Irrigation Plans provided by Pacheco Koch. Submittals not required by the contract documents or not related to plans developed by the landscape architect will not be reviewed.

EXHIBIT A to Agreement between the
City Watagua, Texas (OWNER) and
Pacheco Koch Consulting Engineers,
Inc., (CONSULTANT) for Consulting
Services

At the Client's request, a representative will attend up to five (5) Owner/Architect/Contractor (OAC) project coordination meetings during construction.

At the request of the Owner, Pacheco Koch will visit the site at critical junctures during the course of site construction up to five (5) times. Recommended times for site visits could include:

- Paving mockups and site formwork/reinforcing.
- Testing of the irrigation main line and landscape drainage structures.
- Upon completion of soil preparation and finish grade, after plant material has been laid out, but prior to actual planting.
- Substantial Completion Walk-Through.
- Final Completion Walk-Through.

This shall not be construed as performing continuous construction inspection.

Services not included in this contract:

- *Subsurface Utility Engineering.*
- *Branding Monument Design.*
- *Trail design.*
- *Mailer/Notifications of public meetings.*
- *Venue selection or arrangements for stakeholder meetings.*

END OF EXHIBIT 'A'

EXHIBIT 'B' – COMPENSATION AND METHOD OF PAYMENT

**US 377 GREEN RIBBON
LANDSCAPE PLANS PHASE 2**

COMPENSATION:

For all professional services included in EXHIBIT 'A', Scope of Services, the CONSULTANT shall be compensated a total sum fee of \$37,900.00 as summarized below. The total sum fee shall be considered full compensation for the services described in EXHIBIT A, including all labor materials, supplies, and equipment necessary to deliver the services.

Landscape Architecture Services

A. Construction Documents

1. Submittals and Coordination Meetings	\$ 3,500.00
2. Landscape Architecture	\$ 7,000.00
3. Landscape Planting Plans	\$12,700.00
4. Landscape Irrigation Plans	\$ 9,300.00
5. Landscape Construction Administration	\$ 3,900.00

TOTAL	\$36,400.00
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B. Reimbursable Expenses (Estimate)	\$ 1,500.00
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METHOD OF PAYMENT:

The CONSULTANT shall be paid monthly payments as described in Article 3 of the AGREEMENT. The cumulative sum of such monthly partial fee payments shall not exceed the total current project budget including all approved Amendments. Each invoice shall be verified as to its accuracy and compliance with the terms of this Agreement by an officer of the CONSULTANT.

Monthly statements for reimbursable services performed by sub consultants will be based upon the actual cost to the CONSULTANT plus ten percent (10%). Direct expenses for services such as printing, express mail, fees, mileage and other direct expenses that are incurred during the progress of the project will be billed at 1.1 times the CONSULTANT'S cost.

END OF EXHIBIT 'B'

Exhibit C

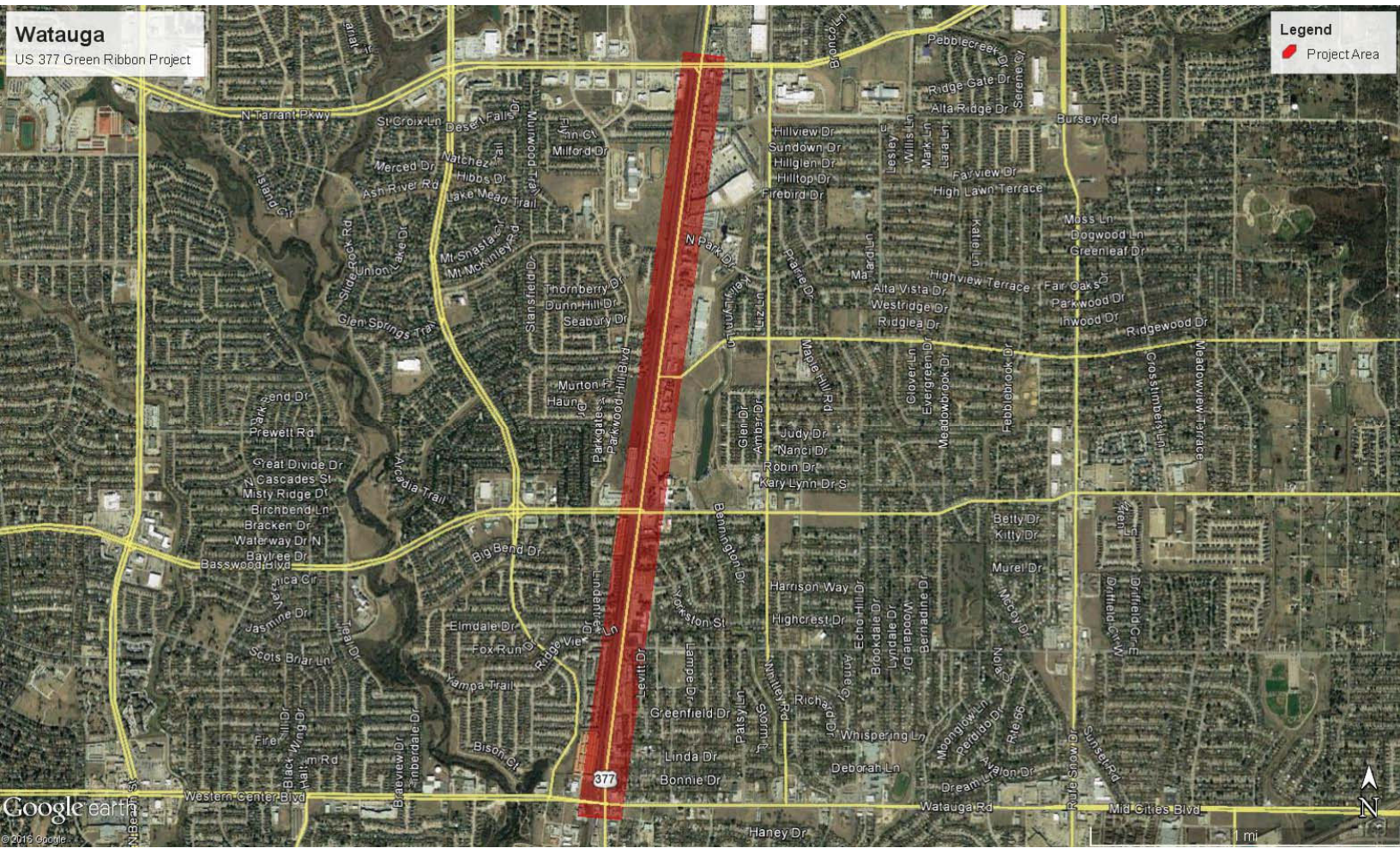


Exhibit D

US 377 Green Ribbon Landscape Plans - Phase II																																																	
Recommended Project Schedule																																																	
	Month / Year	August 19				September 19					October 19				November 19				December 19				January 20				February 20				March 20				April 2				May 20				June 20						
	Week of	5	12	19	26	2	9	16	23	30	7	14	21	28	4	11	18	25	2	9	16	23	30	6	13	20	27	3	10	17	24	2	9	16	23	30	6	13	20	27	4	11	18	25	1	8	15	22	29
Task 1.0 -Contract Documents																																																	
Task 1.01	Grant Award																																																
Task 1.02	Perpare 60% Plan																																																
Task 1.03	60% Plan Submittal																																																
Task 1.04	60% Plan Review																																																
Task 1.05	Perpare 90% Plans																																																
Task 1.06	95% Plan Submittal																																																
Task 1.07	95% Plan Review																																																
Task 1.08	Prepare Final Plans																																																
Task 1.09	Final Plan Submittal																																																
	TxDOT Letting Date																																																

ProductionMeeting/Page TurnDeadline

AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

This Agreement for Professional Consulting Services (the “Agreement”), made effective as of the date executed, is made between Pacheco Koch Consulting Engineers, Inc., a Texas limited liability company, (hereinafter referred to as “CONSULTANT”) whose mailing address is 4060 Bryant Irvin Road, Fort Worth, Texas 76109-4113, and the City of Watauga, Texas, a municipal corporation, (hereinafter referred to as “OWNER”), whose mailing address is 7105 Whitley Road, Watauga, Texas 76148.

Recitals:

WHEREAS, OWNER desires to engage the services of CONSULTANT as an independent contractor and not as an employee in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, CONSULTANT desires to render Professional Consulting services for OWNER in accordance with the terms and conditions set forth in this Agreement in connection with **WATAUGA 377 GREEN RIBBON PHASE 2 (the “Project”)**;

NOW THEREFORE, in exchange for the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

Article 1 Scope of Services

- 1.1 In consideration of the mutual covenants contained herein, CONSULTANT shall perform the Professional Consultant services for the Project as set forth in Exhibit “A”, which is attached and made a part hereof, in accordance with the terms of this Agreement.
- 1.2 CONSULTANT will commence the services upon receipt of an executed copy of this Agreement signed by an authorized representative of OWNER and by an authorized representative of CONSULTANT.
- 1.3 CONSULTANT shall not be responsible for an OWNER’s directive or substitution made without CONSULTANT’s agreement and which agreement shall not be unreasonably withheld.
- 1.4 OWNER, without invalidating this Agreement, may request changes within the general scope of the Service required by this Agreement by altering or adding to the Services to be performed, and any such changes in the Services shall be performed subject to this Agreement. Upon receiving OWNER’s request, CONSULTANT shall return to OWNER a written change proposal setting forth an adjustment to the services, schedule and/or cost estimated by CONSULTANT to represent the value of the requested changes. Following OWNER’s review of CONSULTANT’s change proposal, OWNER shall execute said written Supplemental Agreement authorizing CONSULTANT to perform the changes in the Services.
- 1.5 The parties acknowledge and agree that any and all opinions and cost estimates provided by CONSULTANT represent a professional opinion consistent with the normal and customary standard of care.

- 1.6 All designs, drawings, specifications, documents, and other work products of CONSULTANT, whether in hard copy or in electronic form, are instruments of service for this Project, whether the Project is completed or not. Reuse, change, or alteration by the OWNER or by others acting through or on behalf of OWNER of any such instruments of service without the written permission of CONSULTANT will be at OWNER's sole risk. OWNER shall own the final designs, drawings, specifications and documents.

Article 2

Compensation and Method of Payment

- 2.1 CONSULTANT shall be compensated by payment of fees as set forth in Exhibit "B" and any subsequent executed Supplemental Agreement(s) to said proposal.
- 2.2 Unless otherwise provided herein, payment to CONSULTANT shall be monthly based on CONSULTANT's monthly invoice that shows the total amount of fees earned to date and the amount due and payable as of the current statement, in a form reasonably acceptable to OWNER.
- 2.3 CONSULTANT will submit an invoice to OWNER at the end of each month, on a basis as stipulated in Exhibit "B".
- 2.4 Payment shall be made by OWNER within 30 days after receipt of the invoice.
- 2.5 OWNER shall provide written notification to CONSULTANT within 15 days of receipt of the invoice should OWNER object to all or any part of charges appearing on the invoice. The portion of the invoice that is not in dispute shall be paid by OWNER within 30 days of receipt of said invoice.

Article 3

Schedule, Personnel, and Equipment

- 3.1 CONSULTANT agrees to commence services upon receipt of an executed copy of the Agreement from OWNER and to complete the required services in accordance with a work schedule as set forth in Exhibit "D" (the "Work Schedule"). CONSULTANT will not be held responsible for delays beyond CONSULTANT's control.
- 3.2 CONSULTANT shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should OWNER require additional services not included under this Agreement, CONSULTANT shall make reasonable effort to provide such additional services at mutually agreed charges or rates, within the agreed upon revised time schedule, and without decreasing the effectiveness of the performance of services required under this Agreement.
- 3.3 To the extent reasonably necessary for CONSULTANT to perform the services under this Agreement, CONSULTANT shall be authorized to engage the services of any subcontractors, agents, assistants, persons, or corporations that CONSULTANT may deem proper to aid or assist in the performance of the services under this Agreement with the prior written approval of OWNER. The cost of such personnel and assistance shall be included in the compensation to CONSULTANT as described in Article 2.
- 3.4 CONSULTANT shall furnish the facilities, equipment, and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.

- 3.5 Upon request of OWNER, CONSULTANT shall submit progress reports and attend progress meetings as may be required from time to time based upon Project demands. Each progress report shall detail the work accomplished and special problems or delays experienced on the Project during the previous report period, and the planned work activities and special problems or delays anticipated for the next report period.
- 3.6 CONSULTANT shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or disability.

Article 4

Delays and Termination

- 4.1 OWNER or CONSULTANT may terminate this Agreement upon thirty (30) days written notice to the other party. In the event of such termination, the CONSULTANT shall be entitled to compensation for any services completed to the reasonable satisfaction of OWNER in accordance with this Agreement prior to such termination.
- 4.2 If OWNER suspends the Project, CONSULTANT shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, CONSULTANT shall be compensated for expenses incurred in the interruption and resumption of CONSULTANT's services. CONSULTANT's fees for the remaining services and the time schedules shall be equitably adjusted.
- 4.3 OWNER's failure to make payment to CONSULTANT in accordance with the payment terms herein shall constitute a material breach of this Agreement and shall be cause for termination by CONSULTANT.
- 4.4 Contractual end date shall be August 31, 2021 unless construction is not complete, at which time the OWNER will extend the duration of the contract as necessary to complete construction by written direction to the CONSULTANT.

Article 5

Right of Entry

- 5.1 CONSULTANT will provide notice of 15 business days to OWNER of any need for right of entry from third parties so that OWNER may secure right of entry. OWNER shall provide for CONSULTANT's right to enter from time to time, property owned by OWNER and/or others, the entry upon which is necessary for CONSULTANT to fulfill the scope of services included hereunder.
- 5.2 Should the project property not be owned by OWNER, OWNER shall obtain and provide written right of entry from the property owner(s) unless otherwise stated in Exhibit "A".

Article 6

Information Provided by Others

- 6.1 CONSULTANT shall indicate to OWNER the information needed for rendering of services hereunder, and OWNER shall provide to CONSULTANT such information as is available to OWNER. OWNER recognizes it is impossible for CONSULTANT to assure the sufficiency of such information, either because it is impossible to do so, or because of errors or omissions, which may have occurred in assembling the information. OWNER shall be responsible for, and CONSULTANT may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by OWNER to CONSULTANT pursuant to this Agreement. CONSULTANT may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement.

- 6.2 Subject to the standard of care set forth here within, CONSULTANT and its subconsultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.

Article 7 Construction Activities

- 7.1 OWNER agrees that CONSULTANT shall not have any control over, nor shall it be responsible for, job site safety or for construction means, methods, sequence, techniques and procedures necessary for performing, superintending and/or coordination of all construction activities as such responsibilities are the sole responsibility of the general contractor or OWNER. Accordingly, OWNER warrants that this intent shall be made evident in OWNER's agreement with the general contractor.
- 7.2 CONSULTANT shall have no responsibility for discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

Article 8 Jurisdiction and Applicable Law

- 8.1 This Agreement is to be governed by the laws of Tarrant County and the State of Texas.
- 8.2 In compliance with Sec. 29 of the Professional Land Surveying Act, as enacted by the Legislature of the State of Texas, CONSULTANT is required to inform OWNER that land surveying services in the State of Texas are under the jurisdiction of the Texas Board of Professional Engineers and Land Surveyors, 1917 South IH-35, Austin, Texas 78741, (512) 440-7723. Complaints regarding surveying services rendered may be addressed to that agency. The firm registration number is TBPELS No. 10008000.

ARTICLE 9 INDEMNIFICATION

- 9.1 **CONSULTANT SHALL INDEMNIFY AND HOLD HARMLESS OWNER FROM AND AGAINST LAWSUITS, CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, DAMAGES, FORFEITURES, PENALTIES, FINES, COSTS AND EXPENSES, INCLUDING BUT NOT LIMITED TO, REASONABLE ATTORNEY'S FEES AND EXPENSES, BY WHOMEVER ASSERTED, TO THE EXTENT THE SAME ARE CAUSED BY THE NEGLIGENT OR INTENTIONAL ACTS OF CONSULTANT OR ITS EMPLOYEES OR SUBCONSULTANTS IN THE PERFORMANCE OF THE SERVICES IN THIS AGREEMENT.**

Article 10 Conflicts of Interest

- 10.1 CONSULTANT represents that no official or employee of OWNER has any direct or indirect pecuniary interest in this Agreement.

- 10.2 The signatory executing the Contract on behalf of CONSULTANT represents that neither CONSULTANT nor any of its parent companies, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the entity and each of its parent company, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The signatory understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the signatory and exists to make a profit.

Article 11

Insurance

- 11.1 CONSULTANT shall, during the term hereof, maintain in full force and effect the following insurance: (1) a policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the CONSULTANT's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000 Dollars per occurrence for injury to persons (including death), and for property damage; (2) a policy of automobile liability insurance covering any vehicles owned and/or operated by CONSULTANT, its officers and employees, and used in the performance of this Agreement; (3) statutory Worker's Compensation Insurance covering all of CONSULTANT's employees involved in the provision of services under this Agreement; and (4) Professional Liability Insurance covering damages arising out of the negligent acts, errors or omissions.
- 11.2 All insurance and certificate(s) of insurance shall contain the following provisions: (1) name OWNER, its officers and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability Insurance; (2) provide for at least thirty (30) days prior written notice to the OWNER for cancellation or non-renewal of the insurance; (3) provide for a waiver of subrogation against the OWNER for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.
- 11.3 All insurance companies providing the required insurance shall be authorized to transact business in Texas and be rated at least "A" by AM Best or other equivalent rating service.
- 11.4 A certificate of insurance evidencing the required insurance shall be submitted to the OWNER prior to commencement of services.

Article 12 Assignment

- 12.1 Unless otherwise noted, neither CONSULTANT nor OWNER shall assign this Agreement in whole or in part without the prior written consent of both parties. CONSULTANT shall not subcontract any portion of the work to be performed hereunder, except that CONSULTANT may use the services of persons and entities not in the employ of CONSULTANT when it is appropriate and customary to do so. Such persons and entities include, but are not necessarily limited to, surveyors, specialized consultants, and testing laboratories. CONSULTANT's use of others for additional services shall not be unreasonably restricted by OWNER provided CONSULTANT notifies OWNER in advance.
- 12.2 Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

Article 13 Notices

- 13.1 Any notice given hereunder shall be deemed served when hand-delivered in writing to an officer or other duly appointed representative of the party to whom the notice is directed or, if sent by commercial courier service, upon delivery to the address specified in the notice or, if sent by registered or certified mail to the business address identified below, upon the deposit of such notice in a properly addressed and postage paid envelope in the United States Mail.

If intended for OWNER:

Paul Hackleman
Public Works Director
City of Watauga
7105 Whitley Road
Watauga, Texas 76148
Telephone: 817-514-5806
Email: phackleman@cowtx.org

If intended for CONSULTANT:

Mark A. Pacheco, P.E., R.P.L.S.
President
4060 Bryant Irvin Road
Fort Worth, Texas 76109
Telephone: 817-412-7155
Email: mpacheco@pkce.com

Article 14
Standard of Care

- 14.1 The standard of care for all professional consulting services performed or furnished by CONSULTANT under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. CONSULTANT makes no warranties, express or implied, under this Agreement or otherwise, in connection with CONSULTANT's services.

Article 15
Entire Agreement

- 15.1 The Agreement (including attached schedules) constitutes the sole and entire agreement between CONSULTANT and OWNER. This Agreement replaces and supersedes all prior discussions and agreements between the OWNER and CONSULTANT with respect to the matters contained herein. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument signed by both OWNER and CONSULTANT.

Article 16
Independent Contractor

- 16.1 It is understood and agreed by and between the parties that CONSULTANT, in satisfying the conditions of this Agreement, is acting independently and that OWNER assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by CONSULTANT pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of OWNER. CONSULTANT shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. There is no intended third-party beneficiary to this agreement.

Article 17
Audits and Records

- 17.1 CONSULTANT agrees that, during the term hereof, OWNER and its representatives may, during normal business hours and as often as deemed necessary, inspect, audit, examine and reproduce any and all of CONSULTANT's records relating to the services provided pursuant to this Agreement for a period of one (1) year following the date of completion of services as determined by OWNER or date of termination if sooner.

Article 18
Miscellaneous Provisions

- 18.1 All waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

- 18.2 Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONSULTANT, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
- 18.3 OWNER shall not rely in any way on any document unless it is issued in final form, signed or sealed by CONSULTANT or one of its subconsultants.
- 18.4 A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.
- 18.5 To the fullest extent permitted by law, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of Substantial Completion.

The following Appendices and/or Exhibits are attached to and made a part of this Agreement:

- Exhibit A – Scope of Services
- Exhibit B – Compensation & Method of Payment
- Exhibit C – Aerial of Projects Limits

Executed in two (2) counterparts, each of which is deemed to be an original and as of the day and date first written in this Contract.

EXECUTED this _____ day of _____, 20____.

OWNER:

CONSULTANT:

By: _____

By:  _____

Name: _____

Name: Mark A. Pacheco, P.E., R.P.L.S.

Title: _____

Title: President

Witness: _____

Witness:  _____

Prior to 2016 the State of Texas mowed the Denton Highway west corridor three (3) times per year.



View in Keller north of N. Tarrant Parkway (left) vs. Watauga south of N. Tarrant Parkway (right) showing the difference between city contracted mowing vs. state mowing.

Phase 1 of Green Ribbon, replacing grass in TxDot right-of-way with rocks and drought resistance plantings.



Phase 2 of Green Ribbon is to start to fill in the gaps. We plan to start at the northern end of Denton Highway and proceed south.

August 14, 2019

Paul Hackleman
Director of Public Works
City of Watauga
7800 Virgil R. Anthony Sr. BLVD
Watauga, Texas 76148

RE: Green Ribbon Funding – FY2020

Dear Mr. Hackleman:

The Texas Department of Transportation (TxDOT) Fort Worth District has preliminarily approved the City of Watauga's proposed US 377/Denton HWY project for Green Ribbon Landscape funds in the 2020 fiscal year (September 2019 through August 2020). The City of Watauga has been tentatively approved for a fixed amount of **\$400,000**. Direct State Costs will not be charged, but bid item costs over \$400,000 will be the City's responsibility.

This selection is preliminary, pending scope clarification, a signed Advance Funding Agreement and Landscape Maintenance Agreement.

We will be setting up meetings with each local entity and TxDOT staff to go over the proposed projects, discuss maintenance responsibilities, and draft the Advance Funding Agreement to be signed by the City and TxDOT.

If you should have any questions, please contact me at kimberly.phillips.white@txdot.gov or (817) 370-6639.

Sincerely,



Kimberly Phillips White, RLA ASLA PMP
District Landscape Architect
Fort Worth District

cc: Matt Evans, P.E. – Director of Maintenance
Ricardo Gonzalez, P.E. – Director of Transportation Planning & Development
Jaime Aparicio, P.E. – Assistant Director of Maintenance
Minh Tran, P.E. – Area Engineer NTAO

PLANTS & MATERIALS LIST

Re: **US 377 Green Ribbon**
Watauga, Texas

Date: October 1, 2019
PK No.: 2089-17.347

US 377 Phase I Plants & Materials List & Photos:

1. Desert Willow



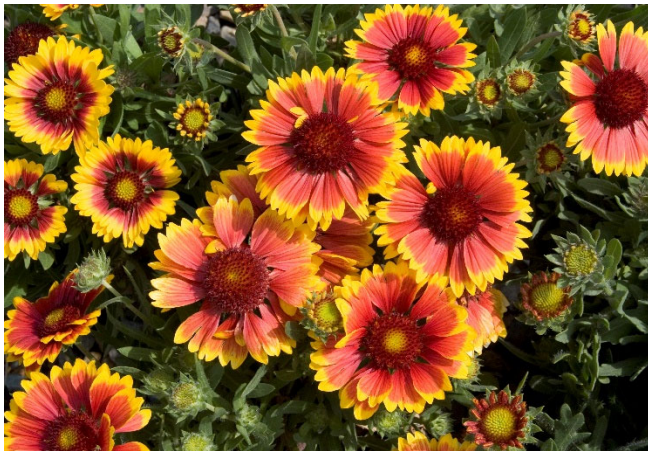
2. Wax Myrtle



3. Silvermound Artemisia



4. Blanket Flower



5. Red Yucca



6. Spineless Prickly Pear



7. Soft Leaf Yucca



8. Decorative Rip Rap – Small



9. New Mexico Cobble



10. Brazos River Rock



Dorothy Witmeyer 02 October 2019
[Project Manager]