



AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, JULY 25, 2022
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. Parks and Recreation Month
Arthur Miner, Mayor

PUBLIC COMMENT If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the City Council and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City

Council nor shall it constitute deliberation or formal action. Individual citizens addressing the City Council during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Council and no formal Council action will be taken.

PUBLIC TESTIMONY FOR ACTION ITEMS Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the City Council may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a Council member and the citizen will not count toward the time limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated time.

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 approval of the minutes for the May 9, 2022, Regular City Council meeting, June 25, 2022 Special Meeting, and the April 11, May 9, and June 27, 2022 Workshops.
2. Consider approval of the reappointment to the Civil Service Commission
Arthur Miner, Mayor

PUBLIC HEARINGS / ACTION

ACTION ITEMS

1. Consider action to approve a resolution accepting the American Rescue Act Funding and establishing the ARPA Project Spending Plan Framework.
Joshua Jones, City Manager
2. Consider action to approve an ordinance to amend the Fiscal Year 2021-2022 Budget to appropriate revenues and expenditures relating to the American Rescue Act Plan funding

Sandra Gibson, Director of Finance

3. Discuss, and consider creating and appointing members to a sub-committee to review the Council Rules of Procedures.

Jan Hill, Board Member

4. Consider action to adopt a Resolution by the City Council of the City of Watauga, Texas approving the advanced funding agreement between the City of Watauga, Texas and the Texas Department of Transportation for the Green Ribbon Program Phase 3; providing for Severability, providing an effective date (for right-of-way landscaping improvements from North Tarrant Parkway to Watauga Road along Highway US377)

Paul Hackleman, Director of Public Works

REPORTS

ITEMS FOR FUTURE AGENDAS

EXECUTIVE SESSION The City Council will recess its open meeting and reconvene in executive session to discuss the following items pursuant to the below referenced section(s) of the Texas Government Code:

RECONVENE The City Council will return to open session in the City Council Chamber for possible discussion and action as a result of the Executive Session.

ITEMS OF EXECUTIVE SESSION DELIBERATION

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.

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, Linda Proskey, 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 July 22, 2022, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.


Linda Proskey, City Secretary





AGENDA MEMORANDUM

DATE: July 20, 2022
TO: Honorable City Council Members
FROM: Arthur Miner, Mayor
THROUGH: Joshua Jones, City Manager
SUBJECT: Parks and Recreation Month

BACKGROUND/INFORMATION:

Since 1985, America has celebrated July as the nation's official Park and Recreation Month. Proclaiming July as Park and Recreation Month is an opportunity for the community and local leadership to officially acknowledge the importance of parks and recreation and the benefits it provides to the people.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Park and Recreation Month 2022

REVIEWED BY:

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 7/21/2022

Final Approval - 7/21/2022



Proclamation

- Whereas,** parks and recreation programs are an integral part of communities throughout this country, including the City of Watauga, Texas; and
- Whereas,** our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and
- Whereas,** parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and
- Whereas,** parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and
- Whereas,** parks and recreation areas are fundamental to the environmental wellbeing of our community; and
- Whereas,** parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and
- Whereas,** our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and
- Whereas,** the U.S. House of Representatives has designated July as Parks and Recreation Month; and
- Whereas,** Watauga recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, I, Arthur L. Miner, Mayor of the City of Watauga, Texas, do hereby proclaim the month of July 2022 as

“PARK AND RECREATION MONTH”

and encourage all citizens to become active participants in the many fantastic programs offered through the City of Watauga's Parks and Community Services Department.

Proclaimed this the 25th day of July, 2022.

Arthur L. Miner, Mayor

ATTEST

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: July 12, 2022

TO: Honorable City Council Members

FROM:

THROUGH: Linda Proskey, City Secretary

SUBJECT: Consider approval of the minutes for the May 9, 2022, Regular City Council meeting, June 25, 2022 Special Meeting, and the April 11, May 9, and June 27, 2022 Workshops.

BACKGROUND/INFORMATION:

Minutes from the May 9, 2022 Regular City Council meeting, June 25, 22, Special Meeting retreat and the April 11, May 9, annd June 27, 2022 City Council workshops.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and approve the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. May 9, 2022 City Council Regular Meeting - Draft Minutes
2. May 9, 2022 Work Session Draft Minute
3. June 27, 2022 Workshop Minutes Draft
4. Retreat minutes
5. April 11, Workshop

REVIEWED BY:

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 7/19/2022

Final Approval - 7/20/2022



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, MAY 9, 2022
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 PM**

CALL TO ORDER

Mayor Arthur L. Miner called the meeting to order at 6:30 p.m.

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner
Andrew Neal
Pat Shelbourne
Tom Snyder
Lovie Downey
Malissa Minucci
Mark Taylor
Jan Hill

Mayor
Mayor Pro Tem/Council Member Place 4
Council Member Place 1 - Absent with notice
Council Member Place 2
Council Member Place 3
Council Member Place 5
Council Member Place 6
Council Member Place 7

and
Joshua Jones
Linda Proskey
Deby Woodard
Bradley Fraley
David Berman
Randy Richards
Robert Parker
Keith Hartman
Jeannette Garcia
Chad Stephens

City Manager
City Secretary
Assistant Finance Director
Chief Information Officer
City Attorney
Building Official
Police Chief
Assistant Chief of Police
Planning & Zoning Coordinator
Interim Director of Parks & Comm. Services

INVOCATION

Police Chaplain Dennis Hester, Senior Pastor at First Baptist Watauga provided the invocation.

PLEDGE OF ALLEGIANCE

United States and Texas Flags

ANNOUNCEMENTS

Mayor Pro Tem Neal announced the summer reading fest at the public library starting June 1 and

Wataugafest this weekend.

Mayor Miner Added that the summer reading at the public library will kick off at the splashpad.

PRESENTATIONS

1. **Presentation of a proclamation to KISD for Teacher Appreciation week/month**
Mayor Miner presented the proclamation to Superintendent Dr. Rick Westfall
2. **Presentation of a proclamation to BISD for Teacher Appreciation Month.**
Mayor Miner presented the proclamation to Dr. Lorene Ownby, Executive Director of Elementary Education and Clarence Simmons, Executive Director of Secondary Education
3. **Presentation of Service Awards for City of Watauga Employees celebrating a Milestone Anniversary during the month of May**
City Manager Joshua Jones presented the service awards to Keith Hartman for 20 years of service and Andrew Ivy for 30 years.
4. **Presentation of a proclamation for Ehlers-Danlos Syndromes and Hypermobility Spectrum Disorders awareness month**
Mayor Miner presented the proclamation to Joanne Meyers.

PUBLIC COMMENT

There were no requests for public Comment

REPORTS

1. **Update from Parks and Recreation on upcoming events**
Chad Stephens, Interim Parks & Community Services Director gave the report. He spoke about Watauga Fest being held May 19-22, the Splashpad season opener, Donuts with Dad for Father's Day, Senior's anniversary luncheon, Flyer's Day, Big Vehicle Day, Movie nights at the Splashpad, Kid fishing and Camp-out, Senior Fishing tournament.

Councilmember Taylor asked about the Concert in the Park.
Mr. Stephens said that it was not budgeted for this year it is something.
Councilmember Taylor wishes to see this comeback next year.

Councilmember Hill asked about the Christmas Tree lighting.

Councilmember Neal asked if the events require preregistration for the events and if so how.
Mayor Miner Splashpad and the work going on at the playground does not want to see opening day of the Splashpad moved back because of it. Also, he complemented the Parks Department on doing an amazing job, while being shorthanded.

Mr. Stephens said that concrete will be completed prior, and the shade structure will be a couple weeks into June. It will still be scheduled for Memorial Day weekend.

CONSENT AGENDA

1. **Consider action on approval of a Resolution for submission of an Edward Byrne Memorial Justice Assistance Grant application for the High Visibility DWI Enforcement Project to the Office of the Governor, State of Texas**

Councilmember Hill Pulled item from Consent

2. **Consider action on approval of a Resolution for submission of a Mental Health Resources for First Responders project grant U.S. Department of Justice, Office for Victims of Crime, to the Officer of the Governor, State of Texas**

Councilmember Hill Pulled item from Consent

3. **Consider action on approval of a Resolution of the City Council of the City of Watauga, Texas, designating Sandra Gibson, Deby Woodard, and Kimberly Rupkalvis as City of Watauga representatives to ensure compliance with Section 26.04 and 26.17, Tax Code; providing for repeal; providing for a severability clause; and providing for an effective date.**

Councilmember Taylor Pulled item from Consent

4. **Consider approval of the Interlocal Agreement between Tarrant County and the City of Watauga for COVID-19 vaccination program reimbursement**
5. **Consider action on approval of the Monthly Financial Report for the period ending March 31, 2022**
6. **Consider action on approval of the Quarterly Investment Report for the period ending March 31, 2022**
7. **Consider action on approval of a Resolution for submission of an Homeland Security Grant application for the Tactical Drones for Critical Incident Response project to the Office of the Governor, State of Texas**

Councilmember Hill Pulled item from Consent

8. **Consider action on approval of a Resolution for submission of a Homeland Security Grant for the SkyWatch Tower project to the Office of the Governor, State of Texas**

Councilmember Hill Pulled item from Consent

9. **Consider action on approval of an Ordinance amending Chapter 12 Fee Schedule Section 12-30 Recreational Fees**

Councilmember Taylor Pulled item from Consent

10. **Consider action by the City Council of the City of Watauga, Texas declaring seven (7) pieces of equipment as surplus property belonging to the City of Watauga; and authorizing disposal of the surplus property; and purchase of one (1) piece of equipment**
11. **Consider action to approve the April 2020 Bylaws Amendment previously approved by the Watauga Economic Development Corporation on April 19, 2022.**
12. **Consider approval to authorize the City of Watauga to enter into a Construction Contract with JR West Texas Concrete, LLC in the amount of \$73,890.00 for the construction of**

Hightower Rain Garden pursuant to Bid #22-004 and authorize the City Manager to execute all documents necessary to the contract

Councilmember asked for action items 6 & 7 to be moved to the consent agenda under advice from council that action items could not be moved to consent.

City Attorney stated that for transparency action items should not be moved to consent. The public assumes that there will be some presentation, deliberation, and vote by moving to consent you take it out of that realm.

Councilmember Taylor removed his request.

Mayor Miner stated that items 1, 2, 3, 7, 8, 9 will be removed from consent and become action items 1-6

Mayor Miner called for a Motion. Mayor Pro Tem Neal made a motion to accept what is left of the consent agenda. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

PUBLIC TESTIMONY FOR ACTION ITEMS

There were no requests for public testimony

PUBLIC HEARINGS / ACTION

1. **Public hearing to receive comments for or against a request for a zoning change with a specific use permit (SUP) and consider action on the final report regarding an Ordinance of the City Council of the City of Watauga, Texas granting a Zoning Change from General Business (GB) to Commercial (C) with a specific use permit (SUP) to allow for an auto paint and body shop at 5617 Main Street, being Block 10 Lot 7R of the Watauga Addition, located east of Pine Street, west of Plum Street and north of Main Street to the owner/agent of such property; providing for repeal; providing for severability; providing a penalty; providing an effective date; and containing other provisions relating to the subject. Owner, Mike Brown and Donna Wagner. Agent, Body Rocks Paint & Body, LLC., Jackie Hays, General Manager. (Z.22-01w/SUP)**

Randy Richards, Assistant Director of Public Works gave the presentation 15 notices were sent out and they received one back in favor of the change. He stated that the request does meet the standards of the land use plan.

Mayor Miner stated that at the P & Z meeting a question was asked since there wasn't at firm plans that moving forward that everything would fall in line with our ordinances and building code. Mr. Richards confirmed that this was correct.

Public hearing was opened at 7:05 p.m. since there were no speaker the public hearing was closed at 7:06.

Mayor Miner called for a Motion. Councilmember Hill made a motion to approve as presented.

Councilmember Downey seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

Recess

Councilmember Downey asked for a recess.

Mayor Miner recessed the meeting for a five-minute break at 7:10 p.m.

Reconvene

Mayor Miner reconvened the meeting at 7:16 p.m.

ACTION ITEMS

1. Consider action on approval of a Resolution for submission of an Edward Byrne Memorial Justice Assistance Grant application for the High Visibility DWI Enforcement Project to the Office of the Governor, State of Texas (Was consent item 1)

Councilmember Hill stated that under the terms of the grant, the application must be available for public comment before the application goes for approval. She wanted to make sure that we met the terms. She was unsure if voting under the consent agenda would meet the requirements. She asked if the grant amount was all that would be spent, how long the grant was for how many officers will be dedicated, and for how long.

Ben Davis, Grant & Recognition Program Manager, said the program is for 1-year after, and would be re-evaluated, to see if we would continue with the program. The North Texas Council of Governments will be reviewing the applications and do the evaluation to determine who will receive the funds.

Mayor Miner read the public requirements for a JAG application.

Councilmember Hill asked if the application was here for public comment, and since it is not on the agenda to do so, should it be placed on the next agenda.

David Berman, City Attorney, viewed the federal regulation and said that it did not look like the application needed to be part of the agenda packet and believes that we have met the qualifications.

Mayor Miner called for a Motion.

Councilmember Taylor made a motion to move forward with the process of submission for the grant and follow-up with any requirements for the grant. Councilmember Downey seconded the motion.

Mayor Miner clarified that the motion is to approve a Resolution for submission of an Edward Byrne Memorial Justice Assistance Grant application for the High Visibility DWI Enforcement Project to the Office of the Governor, State of Texas

Mayor Miner called for a vote.

Motion carried 5-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor
Nays: Hill
Abstain: None
Absent: Shelbourne

2. Consider action on approval of a Resolution for submission of a Mental Health Resources for First Responders project grant U.S. Department of Justice, Office for Victims of Crime, to the Officer of the Governor, State of Texas (Was consent item 2)

Councilmember Hill asked that if this was going to be for 1st responders only or is it for any members of staff.

Ben Davis, Grant & Recognition Program Manager, said the program was just for the 1st responders

Mayor Miner called for a Motion. Councilmember Hill made a motion to approve as presented. Councilmember Downey seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill
Nays: None
Abstain: None
Absent: Shelbourne

3. Consider action on approval of a Resolution for submission of a Homeland Security Grant application for the Tactical Drones for Critical Incident Response project to the Office of the Governor, State of Texas (Was consent item 7)

Councilmember Hill asked if there was sufficient staff to train and operate these safely with being short-staffed already.

Ben Davis, Grant & Recognition Program Manager, believes it would not be a burden on staff and that the grant won't be until Sept., so there is time. He feels this would be good for the city to have the technology and allow us to be ahead when it does become standard issue.

Councilmember Downey wondered if the training would it count towards the officers' training hours.

Mayor Miner called for a Motion. Councilmember Snyder made a motion to approve as presented. Councilmember Minucci seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill
Nays: None
Abstain: None
Absent: Shelbourne

4. Consider action on approval of a Resolution for submission of a Homeland Security Grant for the SkyWatch Tower project to the Office of the Governor, State of Texas (Was consent item 8)

Councilmember Hill asked where we will deploy it, store it, and will the individual who is assigned have a vehicle if they need to respond to an emergency. If used at a private or commercial

location, will the city be reimbursed any costs.

Ben Davis, Grant & Recognition Program Manager it is mobile so it can be used where needed, holiday's, events, the policy is not in place for deployment or use and reimbursements, storage has not been discussed. Policies in use in not part of the grant. Can also be manned by volunteer staff.

Councilmember Taylor believes it a good program and piece of equipment if we can get the grant.

Councilmember Downey wanted to know the upkeep cost and life of the equipment.

Ben Davis, Grant & Recognition Program Manager, said upkeep is minimal and as far as the life he can only go by the one in North Richland Hill's which is over 10 years old.

Mayor Miner said that it does come with cameras.

Mayor Miner called for a Motion. Councilmember Taylor made a motion to approve as presented. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

5. Consider action on approval of a Resolution of the City Council of the City of Watauga, Texas, designating Sandra Gibson, Deby Woodard, and Kimberly Rupkalvis as City of Watauga representatives to ensure compliance with Section 26.04 and 26.17, Tax Code; providing for repeal; providing for a severability clause; and providing for an effective date. (Was consent item 3)

Councilmember Taylor would like the designated representative position title and not a person's name in case someone leaves the city.

Sandra Gibson, Director of Finance, and David Berman, City Attorney, agreed.

Mayor Miner called for a Motion. Councilmember Taylor made a motion to approve the resolution, but changing the names of the individuals and replacing them with the titles of the offices which will be designated. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

6. Consider action on approval of an Ordinance amending Chapter 12 Fee Schedule Section 12-30 Recreational Fees (Was consent item 9)

Councilmember Taylor wants an explanation as to what the fees cover. The city's responsibilities and the citizens responsibilities when someone rents a facility. He wants to be sure we are communicating the terms of the agreement for renting.

agreement for renting.

Chad Stephens, Interim Parks Director, stated one of the changes is to do away with a deposit. Since there is no staff to inspect the facilities, they are asking to change to a rental fee to reserve the facility. When you rent a room, the fee goes to use of table chairs and electric and heating and cooling. There is a rental agreement. All the information about rental facilities is online.

Mayor Miner called for a Motion. Councilmember Taylor made a motion to approve as presented. Councilmember Downey seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

7. Discuss and consider action to approve authorization for the City Manager and Finance staff to proceed with negotiations and execution of a contract agreement for waste collection and recycling services with Frontier Waste. (Was action item 1)

Deby Woodard, Assistant Director of Finance, presented the item. The 7-member Waste Collection Committee reviewed and scored the proposals, and this item is based on their recommendation.

Mayor Miner called for a Motion. Councilmember Downey made a motion to approve as presented. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 5-1-0-0.

Ayes, Downey, Snyder, Minucci, Taylor, Hill

Nays: Neal

Abstain: None

Absent: Shelbourne

8. Discuss items for the Charter Review Commission to consider. (Was action item 2)

Mayor Miner opened the discussion.

Mayor Pro Tem Neal would like the Commission to review the requirement for the City Manager to live within the city limits, requiring a member of P & Z to own property or be a homeowner of the city and make sure it is within the law. Also, look at paying the council a stipend.

Councilmember Taylor would like the commission to explore if there is a need for the commission.

Mayor Miner would like the commission to look at three-year terms for council.

Councilmember Snyder would like the verbiage in the charter reviewed about council absences.

9. Discuss and Consider action to nominate an individual(s) for the Hometown Hero Award

(Was action item 3)

Mayor Miner presented the item and made a nomination to Lt. James Parham for organizing and collecting ballistic vests for the Ukraine and took them over to distribute them to civilians.

Mayor Miner called for a Motion. Councilmember Hill moved to close the nominations and accept the nomination for Lt. James Parham as Hometown Hero nominee. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

10. Discuss and consider nominations for the Regional Transportation Council (Was action item 4)

Mayor Miner presented the item and suggested that the nominees be Mayor Oscar Trevino and Councilmember Scott Turnage both of North Richland Hills.

Councilmember Taylor nominated Mayor Oscar Trevino and Mayor Arthur Miner.

Mayor Miner called for a Motion. Councilmember Taylor made a motion to nominate Oscar Trevino as the primary and Arthur Miner as the secondary. Councilmember Downey seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

11. Discuss and consider action to provide a recommendation to the Mayor and City Council to remove Parks Advisory Board Member Place 5 for failing to attend meetings. (Was action item 5)

Mayor Miner presented the item. The Mayor was informed by the Parks Board liaison Councilmember Hill that Lindy Riggall has failed to attend the Parks meeting. He also said that from now on, all board removals and placements need to go on the consent agenda.

Mayor Miner called for a Motion. Councilmember Taylor made a motion to remove Place 5, Lindy Riggall for nonattendance. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

12. Discuss and consider the appointment of Council Liaisons to the WEDC, Animal Services Advisory, and Library Boards. (Was action item 6)

Mayor Miner wishes to appoint Councilmember Malissa Minucci to the Animal Services Board and the Library Board and Councilmember Neal to the WEDC. He also pointed out that last year the council voted unanimously that attendance at the meetings by the council member liaisons was mandatory, and this was not happening.

Mayor Miner called for a Motion. Councilmember Taylor made a motion to move forward with the liaison appointments as presented. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

13. Discuss and consider an appointment to Place 3 (unexpired term) on the Library Board; Place 1 (unexpired term) on the Charter Review Commission; Place 2 on the WEDC (Was action item 7)

Mayor Miner presented the item. He would like to appoint Ann Rodriguez to Place 3 on the Library Advisory Board, Jillian Giles to Place 1 on the Charter Review Commission Calvin Lewis to Place 2 on the WEDC.

Mayor Miner called for a Motion. Councilmember made a motion to approve as presented. Councilmember seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

Ayes, Downey, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne

ITEMS FOR FUTURE AGENDAS

Councilmember Downey, policy for staff retention after the cost of if training/school/academy. Wants a workshop with City Manager and finance on Homestead Exemptions. Councilmember Snyder Seconded the items.

Councilmember Hill wants to discuss the policy on city rentals and prioritizing facilities. Also discuss what can be done for a business who were told they needed an event permit, so they expended cost. but permit was denied. Councilmember Downey seconded the items.

ADJOURNMENT

Mayor Miner adjourned the meeting at 8:32 p.m.

APPROVED: this _____ day of _____, 2022.

SIGNED: this _____ day of _____, 2022.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, 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 MEETING
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
MONDAY, May 9, 2022

CALL TO ORDER

The Workshop Meeting of the City Council was called to order at 5:30 p.m.

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner	Mayor
Andrew Neal	Mayor Pro Tem/Council Member Place 4
Pat Shelbourne	Council Member Place 1(Absent with notice)
Tom Snyder	Council Member Place 2
Lovie Downey	Council Member Place 3
Malissa Minucci	Council Member Place 5
Mark Taylor	Council Member Place 6
Jan Hill	Council Member Place 7

and

Joshua Jones	City Manager
Linda Proskey	City Secretary
Sandra Gibson	Finance Director
Bradley Fraley	Chief Information Officer
David Berman	City Attorney

ANNOUNCEMENTS

Councilmember Hill thanked the people who voted in the elections.

PRESENTATIONS

1. Presentation and discussion on American Rescue Plan Funding Coronavirus State and Local Fiscal Recovery Funding and Proposed Projects.

City Manager Joshua Jones presented the item. The ARPA Funds item was gone over in the last meeting, and that presentation, is included in the packet. The proposed projects with their cost estimates have been updated. The cost for retrofitting the community center as a heating and cooling center, is now included along with all the projects previously submitted to the City Manager by department directors as requested by a council member.

Councilmember Taylor stated that he believes the concept of the ARPA funds is to

restore the city to its position before Covid hit. In his review of the projects, he saw the prioritization of unfunded positions and commented that the Parks and Rec. department was hit hard with employee cutbacks. He feels that they need to look at funding projects that directly impact the citizens and not indirectly. Such as parks and events. He said it is his understanding that the department is down to 3 ½ people and that they should look at revamping and re-staffing the recreation center. Also, he said that we also need to look at the Wi-Fi. The citizens should be able to sit in the parking lot and have access to unsecured Wi-Fi. He was also looking for the expenders for the CIP and did not see any. He also feels the website is not user-friendly and needs to be updated.

Mayor Pro Tem Neal said that on October 12 last year, they approved infrastructure upgrades to the Wi-Fi. He mentioned the company he works for has been waiting on the devices they ordered last year, so this could be why the Wi-Fi isn't updated. He wanted to know if there was a plan in the budget for the next five years to take on the additional payroll.

City Manager Joshua Jones said staff needs to know if these funds are available for use for personnel. So, as they go through the budget process and the departmental requests, they can account for and make predictions for those things. Mentioned that this meeting is not an approval of the budget but to give direction so that we know these funds are available for the use's outlines.

Councilmember Hill said in her experience when you fund a position, and that funding goes away three years down the line, you lose that position. She does not believe it is wise to budget for personnel in any department if you don't know if the taxes will cover it in the future. She said we need a budget that addresses ongoing needs and then uses the ARPA funds to enhance those needs knowing that the money goes away in three years.

City Manager Joshua Jones clarified that he is not asking the council to approve the distribution of funds. He is only for direction on whether the funds can be earmarked for these things. So, when working on the proposed budget, they will know if it is possible to use the ARPA funds to refill, re-staff and recruit to fill staffing holes. If a position cannot be funded in three years, it will not make it into the proposed budget to the council.

Councilmember Hill said she sees in the budget there are unfunded positions, and that means to her that we don't have the funds to fill them and were not planned out for three to five years.

Councilmember Downey said she agrees with the other council members. She wants this be brought into the retreat and wants a side-by-side comparisons and projections for the next five years. Also, she would like to know what will make the biggest community impact and a priority list for the frozen unfilled positions.

City Manager Joshua Jones commented that he could assume that these funds could be used for these purposes and include them in the proposed budget.

Councilmember Downey said yes and reiterated she would like to see a side-by-side comparison.

Councilmember Hill said she wants to see what we can afford now with the money and

what we can't afford later. Also, she wants to know on the unfunded liability what percent will it pay down and will there be any attempt made to make sure that number doesn't pop back up.

City Manager Joshua Jones asked Finance Director Sandra Gibson if she had the unfunded liability information.

Finance Director Gibson said that the total liability was about 3 million

City Manager Joshua Jones said that he needs to know how much money will be allowed for personnel positions so that they can formulate a plan so that this won't happen.

Councilmember Hill said she agrees with Councilmember Downey to have this at the retreat.

Mayor Miner asked if there were any other questions. Hearing none, he adjourned the meeting.

ADJOURNMENT

Mayor Miner adjourned the meeting at 5:53 p.m.

APPROVED: this _____ day of _____, 2021.

SIGNED: this _____ day of _____, 2021.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, 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, JUNE 27, 2022
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
5:30 PM**

CALL TO ORDER

The Workshop Meeting of the City Council was called to order at 5:30 p.m.

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner	Mayor
Lovie Downey	Mayor Pro Tem/Council Member Place 3
Pat Shelbourne	Council Member Place 1 (Absent with notice)
Tom Snyder	Council Member Place 2 (Absent with notice)
Andrew Neal	Council Member Place 4
Vacant	Council Member Place 5
Mark Taylor	Council Member Place 6
Jan Hill	Council Member Place 7 Late 5:32 p.m.

and

Linda Proskey	City Secretary
Bradley Fraley	Chief Information Officer
Sandra Gibson	Finance Director
David Berman	City Attorney

ANNOUNCEMENTS

No Announcements

PRESENTATIONS

1. Local Option Residence Homestead Exemption Presentation

Ms. Gibson presented this item to the council. Council Member Taylor inquired about how this could affect the tax rate and shifting the burden to others that don't own a home. Ms. Gibson clarified these questions and went into detail about economic growth and the tax rate. Mayor Miner inquired about disabled veterans and that exemption. Ms. Gibson addressed this. Mayor Pro Tem Downey concurred with Council Member Taylor about the tax rate, economic growth, and shifting the burden is not going to help the city but drive business away. She thanked Ms. Gibson for all the work and detail placed in the presentation. Mayor Miner also thanked Ms. Gibson for the presentation and seeing no further discussion move to adjournment.

ADJOURNMENT

Mayor Miner adjourned the meeting at 5:52 p.m.

APPROVED: this _____ day of _____, 2022.

SIGNED: this _____ day of _____, 2022.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, 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 JUNE 25, 2022
WATAUGA COMMUNITY CENTER
7901 INDIAN SPRINGS ROAD
WATAUGA TX 76148
9:00 AM**

CALL TO ORDER

Mayor Miner called the meeting to order at 9:05 a.m.

ROLL CALL

Arthur L. Miner
Lovie Downey
Pat Shelbourne
Tom Snyder
Andrew Neal
Malissa Minucci
Mark Taylor
Jan Hill

Mayor
Mayor Pro Tem/Council Member Place 4
Council Member Place 1 (Absent with notice)
Council Member Place 2 (Absent with notice)
Council Member Place 4
Council Member Place 5
Council Member Place 6
Council Member Place 7

and

Joshua Jones
Linda Proskey

City Manager
City Secretary

PUBLIC COMMENT

No requests for public comment

ACTION ITEMS

1. Discuss and provide direction to the City Manager on the upcoming fiscal year 2022-2023 budget.

Mr. Jones presented the item. He is looking for direction on the budget. He would like to know the council's input on the budget and their opinion on the suggestions of projects for the ARPA funds. Showed the strategic plan that was approved last year. He went over the vision and the eight goals approved by the

council last year. He said that when the directors are submitting their department's budget requests, they must identify which of the council's eight goals their request will match.

They discussed the following as possible uses for the ARPA funds and upcoming budget:

- a) Establish an environment conducive to strong and sustainable economic development, keeping businesses from leaving and finding new business, grant opportunities, and tax abatement policy.
- b) Improved community involvement and getting more diversified people on boards and commissions.
- c) Staff motivation through policies, quality of life, better workflow solutions through technology, flex schedules, replacing positions previously removed due to Covid, employee shortage, Unfunded Liability/Leave Bank Reduction/Sick Time. C.O.L.A.
- d) Public Safety, mental health officer, staffing, response times, Emergency Management Grants, Skywatch tower, traffic control.
- e) Street Maintenance, sales tax revenue fund being exhausted this year, and how to refund.
- f) Infrastructure, capital improvement, sidewalk replacement, water pipe replacement, and smart meters.
- g) Code Compliance, bulk trash compliance, waste management, short-term rentals.
- h) Police and Library facilities, electric fleet vehicles, current vehicles, and equipment.
- i) Parks, enhancing citizens' lives through programs at the parks and library, equipping the recreation center as a cooling/warming station, more events, solar panels, and solar lights, and a dog park.
- j) IT, website, more citizen surveys.

Mr. Taylor gave Mr. Jones the green light to use the ARPA funds for the projects presented in the presentation previously submitted when completing the proposed budget for the 2022-2023 FY for consideration. None of the council members opposed.

Councilmember Downey did ask for the position for the ARPA fund manager to be evaluated.

Councilmember Downey and Councilmember Hill agree to use funds to update the website.

All the council agreed that the unfunded liability needs to be reduced and wants an aggressive approach to allocate as many ARPA funds as possible.

Councilmember Hill mentioned emergency management grants, and Mayor Miner would like to see a workshop done on what is available to the city.

City Manager Jones thanked the council for their input and direction on the ARPA Funds and Budget.

ADJOURNMENT

Mayor Miner adjourned the meeting at 3:22 p.m.

APPROVED: this _____ day of _____, 2022.

SIGNED: this _____ day of _____, 2022.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, 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 MEETING
MONDAY, APRIL 11, 2022
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
5:30 PM**

CALL TO ORDER

Mayor Miner called the meeting to order at 5:30 P.M.

ROLL CALL

Arthur L. Miner
Andrew Neal
Pat Shelbourne
Tom Snyder
Lovie Downey
Malissa Minucci
Mark Taylor
Jan Hill

Mayor
Mayor Pro Tem/Council Member Place 4
Council Member Place 1
Council Member Place 2
Council Member Place 3
Council Member Place 5
Council Member Place 6
Council Member Place 7

and

Joshua Jones
Linda Proskey
David Berman
Deby Woodard
Robert Parker
Shawn Fannan
Benjamin Davis
Bradley Fraley

City Manger
City Secretary
City Attorney
Assistant Finance Director
Police Chief
Fire Chief
Grants & Recognition Program Manager
Director of IT & Communications

ANNOUNCEMENTS

None

PRESENTATIONS

Presentation and discussion on American Rescue Plan Funding Coronavirus State and Local Fiscal Recovery Funding and Proposed Projects.

Benjamin Davis, Grants & Recognition Program Manager, gave the presentation. The American Rescue Plan Act (ARPA) of 2021 was part of a \$1.9 trillion economic stimulus bill, of that 130.2 billion were sent out and shared between local municipalities. The City of Watauga will receive \$6.066 million, and we have until December 32, 2026, to spend the funds. The city much provides periodic reports to the treasury.

Joshua Jones, City Manager, presented the proposed budget for the ARPA funds. He also answered questions that the council had on broadband, retention pay, rehiring for positions previously eliminated for Covid, leave bank reduction, EV stations, pipe identification, warming and cooling stations with generators, and CIP projects.

ADJOURNMENT

Mayor Miner adjourned the meeting at 6:14 p.m.

APPROVED: this _____ day of _____, 2022.

SIGNED: this _____ day of _____, 2022.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, City Secretary

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



AGENDA MEMORANDUM

DATE: July 22, 2022
TO: Honorable City Council Members
FROM: Arthur Miner, Mayor
THROUGH: Arthur Miner, Mayor
SUBJECT: Consider approval of the reappointment to the Civil Service Commission

BACKGROUND/INFORMATION:

Per Chapter 143, Section 143.006 of Texas Local Government Code, the commission consists of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality. Members serve staggered three-year terms with the term of one member expiring each year. If a vacancy occurs or if an appointee fails to qualify within 10 days after the date of appointment, the chief executive shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment. Barry Sullivan is currently serving on the Civil Service Commission with a term expiration date of June 30, 2022. This would renew his term until June 30, 2025.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 7/22/2022

Final Approval - 7/22/2022



AGENDA MEMORANDUM

DATE: July 7, 2022

TO: Honorable City Council Members

FROM: Joshua Jones, City Manager

THROUGH:

SUBJECT: Consider action to approve a resolution accepting the American Rescue Act Funding and establishing the ARPA Project Spending Plan Framework.

BACKGROUND/INFORMATION:

The City of Watauga was allocated \$6,066,047 through the American Rescue Plan Act. Half of the funding was received in August, 2021 and the second half is expected in August, 2022. In March, 2022, the City was allocated an additional \$5,994 from funds not claimed from other entities.

The proposed framework for projects funded through ARPA was presented at the City Council Meetings on April 11, 2022 and May 17, 2022. Additionally, the framework was discussed during the June 25, 2022 Strategic Planning Retreat. The proposed funding will benefit many areas of the city with infrastructure, restoring of positions, incentives to recruit and retain staff, equipment and technology upgrades, and other projects. Proposed projects and programs will begin as soon as possible, with individual project timelines in development. All projects must be completed by December 31, 2026.

The proposed projects will use funds received by the city under the American Rescue Plan Act of 2021, approved by Congress in spring 2021. Under the Treasury's Interim Rule, the ARPA funds were authorized for specific types of projects related to minimizing the impact of COVID-19 and making investments in infrastructure such as water, sewer and broadband. The Treasury Department released the Final Rule in April, 2022 that allowed for a broader use of funds for general government services under a standard allowance for revenue loss of up to \$10 million.

FINANCIAL IMPLICATIONS:

Funding is provided by the ARPA and is approximately \$6.066 million. Funds must be expended by December 31, 2026 or returned to the Treasury.

RECOMMENDATION/ACTION DESIRED:



AGENDA MEMORANDUM

Staff recommends approval of the resolution accepting the American Rescue Act funds and establishing the framework for the American Rescue Plan Act Spending Plan

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Res approving ARPA Funds and Framework

REVIEWED BY:

Sandra Gibson, Director of Finance

David Berman, City Attorney

Sandra Gibson, Director of Finance

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 7/20/2022

Approved - 7/21/2022

Approved - 7/21/2022

Approved - 7/21/2022

Final Approval - 7/21/2022

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2022-_____

**A RESOLUTION OF THE CITY COUNCIL OF WATAUGA,
TEXAS, ACCEPTING FUNDING FROM THE AMERICAN
RESCUE PLAN ACT; AND ESTABLISHING AND APPROVING A
SPENDING PLAN FRAMEWORK; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, on March 11, 2021, the President of the United States of America signed into law House Bill 1315, the American Rescue Plan Act (ARPA), to provide continued relief from the impact of the Covid-19 pandemic; and

WHEREAS, on May 10, 2021, the United States Department of the Treasury announced the launch of the Coronavirus State and Local Recovery Funds (SLFRF), established by ARPA, to provide \$350 billion in emergency funding for state, local, tribal, and territory governments in recovering from the impacts of the coronavirus pandemic; and

WHEREAS, the City of Watauga is expected to receive \$6,066,047.81 in funding; such funding is to be received in two tranches, with approximately one half in August, 2021, and the remaining funding approximately 12 months later, and

WHEREAS, the City of Watauga has received the first tranche of ARPA funds from the United States Department of Treasury in the amount of \$3,033,023.91; and

WHEREAS, The United States Department of Treasury has adopted guidance regarding the use of ARPA Funds; and

WHEREAS, the City of Watauga will follow the guidelines set forth by the United States Department of Treasury in the use of ARPA Funds.

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

SECTION 1. The City Council does hereby accept the allocation of funds in the amount of \$6,066,047.81 allocated to it by the ARPA; and such funds will be placed in a special revenue grant fund for the purpose of tracking all approved transactional activities. The City Council further acknowledges receipt of the amount of \$3,033,023.91 on August 25, 2021 and an additional allocation of \$5,994.22 on March 11, 2022. The remaining allocation of \$3,033,023.90 is anticipated to be received in August, 2022 and shall be placed in the special revenue grant fund upon receipt.

SECTION 2. The City Council hereby approves the ARPA Spending Plan Framework included as Attachment A for expending these funds.

SECTION 3. This resolution shall be and is hereby cumulative of all other resolutions of the Watauga City Council 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.

SECTION 4. 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.

SECTION 5. 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 all subsequent approvals thereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas on this 25th day of July 2022.

APPROVED

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, Secretary

APPROVED AS TO FORM AND LEGALITY:

David Berman, City Attorney

ATTACHMENT A



American Rescue Plan Act Fiscal Recovery Spending Plan

March 1, 2021 to December 31, 2026		REVISED BUDGET
Grant Distribution (Revenues)		
	Grant Funds August, 2021 (received)	\$ 3,033,024
	Additional Allocation March, 2022 (received)	\$ 5,994
	Grant Funds August, 2022 (to be received)	\$ 3,033,024
	TOTAL ALLOCATION	\$ 6,072,042
Proposed Programs/Expenditures		
Category: Infrastructure		
	Project Overview and Identified Need	
1. Water and Wastewater Projects	Provides additional funding for projects (group 3 in City's CIP) for Summertime Lane paving, drainage, water and sanitary sewer improvements. (Funding covers anticipated inflationary gap to complete project)	\$ 1,308,410
2. Park Vista Stormwater Rehabilitation	Program to extend culvert within Park Vista Park and better manage stormwater	\$ 807,520
3. Lead Pipe Identification	Funding to locate and identify water service pipe materials throughout the City.	\$ 800,000
	Infrastructure Total	\$ 2,915,930
Category: Personnel		
1. Restoring positions	Restores unfunded positions - Parks & Rec (5), Public Works (2)	\$ 708,100
2. Leave bank liability reduction	Addresses budgetary issue and supports leave reduction plan	\$ 1,074,400
3. Appreciation Pay	Funding to assist with retention of staff issue in order to provide continued services to citizens.	\$ 375,000
4. Position Funding	Provides funding for 1/2 Finance Grant position to manage ARPA Grant and Human Resources position to manage additional reporting requirements and HR duties.	\$ 231,000
5. Police Special Unit Program	Funding to provide additional development opportunities to police officers to help with retention. Program provides funding for officers being equipped and trained on Special Weapons and Tactics Team (SWAT).	\$ 60,000
6 Recruitment and retention incentives	Addresses recruitment issues for various departments	\$ 161,544
	Personnel Total	\$ 2,610,044
Category: Equipment		
1. Public Works Generator	Replace and upgrade existing backup generator and build housing for weather protection	\$ 300,000
2. Personal Protective Equipment	Personal Protective Equipment for Fire Personnel to better equip and protect emergency service workers	\$ 115,475
3. Remote Access Devices	Provides for additional devices for checkout/remote devices	\$ 10,500
	Equipment Total	\$ 425,975
Category: Supplies/Contractual Services		
1. Cybersecurity enhancements/software	Enhanced protection of City network	\$ 69,200
2. Single Audit and software for grant compliance	Grant Compliance tools	\$ 32,750
3. Municipal Court Software Enhancements	Software to enhance efficiency in court operations	\$ 15,375
4. City Wide sanitizer stations	City wide placement of sanitizer stations to reduce transmission of virus	\$ 2,768
	Supplies/Services Total	\$ 120,093
TOTAL BUDGET		\$ 6,072,042



AGENDA MEMORANDUM

DATE: July 7, 2022

TO: Honorable City Council Members

FROM: Sandra Gibson, Director of Finance

SUBJECT: Consider action to approve an ordinance to amend the Fiscal Year 2021-2022 Budget to appropriate revenues and expenditures relating to the American Rescue Act Plan funding

BACKGROUND/INFORMATION:

Section 102.010 of the Local Government Code authorizes the City Council of the City of Watauga to make changes in the Fiscal Year 2021-2022 budget for municipal purposes. Furthermore, Article IX, Subsection 9.04A of the City Charter allows for supplemental appropriations under certain circumstances. If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council may carry the excess into the next fiscal year or, by ordinance, may make supplemental appropriations within the same fiscal year up to the amount of such excess. The attached ordinance and Attachment A details the proposed budget amendment with revenues and appropriations relating to the American Rescue Plan Act (ARPA) funding for certain programs/projects to commence this fiscal year. A summary of these items is listed below:

Revenues:

- 1) Provide for ARPA grant revenues in the amount of \$1,356,243

Expenditures:

- 1) Infrastructure: Lead Identification Program, \$800,000;
- 2) Personnel: Funding for positions, \$24,850; and Appreciation Pay, \$375,000;
- 3) Equipment: Personal Protective Equipment (Fire Department), \$115,475
- 4) Supplies/Contractual: Cybersecurity enhancements; \$25,400; Grant Compliance Software \$12,750, and Sanitizer stations, \$2,768

FINANCIAL IMPLICATIONS:

Funding providing through the ARPA Grant

RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the Ordinance Amending the FY2021-2022 Budget to provide for appropriations relating to the ARPA projects/programs



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Attachment A Supplemental Revenues and Appropriations ARPA
2. CITY OF WATAUGA PROPOSED ARPA SPENDING PLAN budget amendment
3. Watauga Budget Amendment Ordinance 9.04A Budget 2021-2022

REVIEWED BY:

Sandra Gibson, Director of Finance

David Berman, City Attorney

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 7/21/2022

Approved - 7/21/2022

Approved - 7/22/2022

Final Approval - 7/22/2022

ATTACHMENT A:

SUPPLEMENTAL REVENUES AND APPROPRIATIONS
FY 2021-2022

FUND: GRANT FUND				
REVENUES				
	DESCRIPTION	Current Budget	Proposed Amendment	Amended Budget
GRANT	ARPA GRANT FUNDING	\$ -	\$ 1,356,243.00	\$ 1,356,243.00
TOTALS			\$ 1,356,243.00	
EXPENDITURES				
	DESCRIPTION	Current Budget	Proposed Amendment	Amended Budget
Infrastructure	Lead ID Project	\$ -	\$ 800,000.00	\$ 800,000.00
Personnel	Funding for positions and retention/appreciation pay	\$ -	\$ 399,850.00	\$ 399,850.00
Equipment	Personal Protective Equipment (Fire)	\$ -	\$ 115,475.00	\$ 115,475.00
Supplies and Contractual	Cybersecurity enhancements, Budget Software Grant Compliance Tool, sanitizer stations		\$ 40,918.00	\$ 40,918.00
TOTALS			\$ 1,356,243.00	\$ 1,356,243.00



American Rescue Plan Act Fiscal Recovery Spending Plan

March 1, 2021 to December 31, 2026		FY 2022 PROPOSED BUDGET AMENDMENT
Grant Distribution (Revenues)		
	Grant Funds August, 2021 (received)	
	Additional Allocation March, 2022 (received)	
	Grant Funds August, 2022 (to be received)	
	TOTAL ALLOCATION	\$ 1,356,243
Proposed Programs/Expenditures	Project Overview and Identified Need	
Category: Infrastructure		
1. Water and Wastewater Projects	Provides additional funding for projects (group 3 in City's CIP) for Summertime Lane paving, drainage, water and sanitary sewer improvements. (Funding covers anticipated inflationary gap to complete project)	
2. Park Vista Stormwater Rehabilitation	Program to extend culvert within Park Vista Park and better manage stormwater	
3. Lead Pipe Identification	Funding to locate and identify water service pipe materials throughout the City.	\$ 800,000
4. Hickory Hill Road Sanitary Sewer	Project involved replacement and rehabilitation of insufficient existing centralized wastewater collection and conveyance materials.	
	Infrastructure Total	
Category: Personnel		
1. Restoring positions	Restores unfunded positions - Parks & Rec (5), Public Works (1)	\$ 18,000
2. Leave bank liability reduction	Addresses budgetary issue and supports leave reduction plan	
3. Appreciation Pay	Funding to assist with retention of staff issue in order to provide continued services to citizens.	\$ 375,000
4. Position Funding	Provides funding for 1/2 Finance Grant position to manage ARPA Grant and Human Resources position to manage additional reporting requirements and HR duties.	\$ 6,850
5. Police Special Unit Program	Funding to provide additional development opportunities to police officers to help with retention. Program provides funding for officers being equipped and trained on Special Weapons and Tactics Team (SWAT).	
6 Recruitment and retention incentives	Addresses recruitment issues for various departments	
	Personnel Total	
Category: Equipment		
1. Public Works Generator	Replace and upgrade existing backup generator and build housing for weather protection	
2. Personal Protective Equipment	Personal Protective Equipment for Fire Personnel to better equip and protect emergency service workers	\$ 115,475
3. EV Charging Stations	Install Level II Electric Vehicle charging stations, foundation, and software. Supplies alternate fueling needs for public and city use.	
4. Remote Access Devices	Provides for additional devices for checkout/remote devices	
	Equipment Total	
Category: Supplies/Contractual Services		
1. Cybersecurity enhancements/software	Enhanced protection of City network	\$ 25,400
2. Single Audit and software for grant compliance	Grant Compliance tools	\$ 12,750
3. Municipal Court Software Enhancements	Software to enhance efficiency in court operations	
4. City Wide sanitizer stations	City wide placement of sanitizer stations to reduce transmission of virus	\$ 2,768
	Supplies/Services Total	
	TOTAL BUDGET	\$ 1,356,243

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING THE GENERAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; INCREASING CERTAIN APPROPRIATIONS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ACTION NECESSARY TO ACCOMPLISH SAME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 13, 2021, the City Council of the City of Watauga, Texas, passed, adopted and approved the City of Watauga, Texas, General Budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022 (“Fiscal Year 2021-2022”); and

WHEREAS, Section 102.010 of the Local Government Code authorizes the City Council of the City of Watauga to make changes in the Fiscal Year 2021-2022 budget for municipal purposes; and

WHEREAS, Article IX, Subsection 9.04A of the City Charter authorizes the City Council to increase one or more appropriations, when determined by the city manager that the revenues available will be sufficient to meet the amount appropriated; and

WHEREAS, in accordance with state law and the City Charter, the City Council is of the opinion that the budget should be amended;

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

SECTION 1.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2.

The General Budget of the City of Watauga, Texas, for Fiscal Year 2021-2022, be and is hereby amended as set forth in Exhibit “A,” which is attached hereto and incorporated herein by reference.

SECTION 3.

The appropriate officials are hereby authorized and directed to take those steps necessary to accomplish such amendment and to cause the same to be duly reflected in the records of the City, and a true and certified copy thereof shall be filed with the Cuntly Clerk of Tarrant County, Texas.

SECTION 4.

This ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which such event conflicting provisions of this Ordinance, in which such event conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 5.

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

SECTION 6.

This Ordinance 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 Sections 3.11 and 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 ____ day of ____, _____.

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, City Secretary

APPROVED AS TO FORM AND LEGALITY:

David Berman, City Attorney



AGENDA MEMORANDUM

DATE: July 12, 2022

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works

THROUGH: Joshua Jones, City Manager

SUBJECT: Consider action to adopt a Resolution by the City Council of the City of Watauga, Texas approving the advanced funding agreement between the City of Watauga, Texas and the Texas Department of Transportation for the Green Ribbon Program Phase 3; providing for Severability, providing an effective date (for right-of-way landscaping improvements from North Tarrant Parkway to Watauga Road along Highway US377)

BACKGROUND/INFORMATION:

In August of 2020, the City applied for a third Green Ribbon Program Grant through the Texas Department of Transportation (TxDot). In November of 2021, the City was awarded \$400,000 from TxDot. The grant money may only be used for plantings, irrigation and direct associated features. This phase does include minor drainage improvements within the TxDot right-of-way (ROW),

In January of 2022, the City entered into an agreement for Professional Services in the amount of \$45,100 with Pacheco Koch, LLC, for the Green Ribbon project along Denton Highway. In November of 2017, the City conducted a Public Meeting to gather input from citizens and businesses to select locations, planting style/type, and design recommendations. The Public Meeting input recommended a low maintenance design style.

We are nearing the bidding phase of the project and TxDot requests the City Council authorizes approval of the Advance Funding Agreement for the Green Ribbon Program between the City of Watauga and TxDOT regarding landscaping improvements from North Park Drive to Starnes Road on U.S. Highway 377. The City of Watauga is only responsible for Utility Relocation, Environmental and Mitigation, Architectural and Engineering Services, and Right of Way (Real Property). Our agreement with Pacheco Koch covers everything except Utility Relocation and Right of Way (Real Property). We do not plan on needing to fund either of these two items. Therefore, other than minor construction cost overruns the City of Watauga has already provided the \$45,100 obligation listed on Attachment B (Project Budget) of the AFA.



AGENDA MEMORANDUM

FINANCIAL IMPLICATIONS:

Construction Cost Est. \$400,000.00
Grant Funding \$400,000.00
2021-22 Budget Available \$50,000

If construction cost exceed \$400,000, the City of Watauga would have to approve and pay for the overages.

RECOMMENDATION/ACTION DESIRED:

Approval of a resolution approving the Advanced Funding Agreement for the Green Ribbon Program Phase 3 on-system between the City of Watauga and the Texas Department of Transportation regarding landscaping improvements from North Tarrant Parkway to Watauga Road on U.S. Highway 377.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga Resolution TxDOT AFA Green Ribbon (7.13.22)
2. AFA - TxDot - 0081-02-076_CSD Approved DRAFT AFA

REVIEWED BY:

Paul Hackleman, Director of Public Works
David Berman, City Attorney
Deby Woodard, Assistant Director of Finance
Sandra Gibson, Director of Finance
Joshua Jones, City Manager
Linda Proskey, City Secretary
Approved as to form for inclusion on Agenda

Approved - 7/18/2022
Approved - 7/18/2022
Approved - 7/18/2022
Approved - 7/18/2022
Approved - 7/19/2022
Final Approval - 7/20/2022

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, APPROVING THE ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF WATAUGA TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE GREEN RIBBON PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON THE CITY'S BEHALF; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga (the "City" has adopted a strategic plan to improve the aesthetic appeal of our community; and

WHEREAS, the Texas Department of Transportation (TXDOT) Green Ribbon Program is a cooperative program that works with cities to fund landscape improvements along TxDOT roadways; and

WHEREAS, in November of 2021, the City was awarded a third Green Ribbon Program grant in the amount of \$400,000 for plantings, irrigation, and direct associated features; and

WHEREAS, the City Council recognizes that it is in the best interest of the citizens of the City of Watauga that the City enter into an Advance Funding Agreement with TxDOT, a contract in which both TxDOT and the City agree to contribute labor and funds to develop or maintain a highway project; and

WHEREAS, in January of 2022, the City entered into an agreement for professional services with Pacheco Koch, LLC for the Green Ribbon Project along Denton Highway; and

WHEREAS, TxDOT and the City have agreed to contract with each other for the construction, inspection, and maintenance of said improvements in an Advance Funding Agreement; and

WHEREAS, the City Council authorizes approval of the Advance Funding Agreement for the Green Ribbon Program between the City of Watauga and TxDOT regarding landscaping improvements from North Park Drive to Starnes Road on U.S. Highway 377.

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 City Council of the City of Watauga, Texas, accepts and approves the Advance Funding Agreement with the Texas Department of Transportation attached hereto and incorporated herein as Exhibit

“A” for the design and installation of the Green Ribbon Landscape Improvements along the west side of US 377 from North Park Drive to Starnes Road. Further, the City Manager for the City of Watauga is hereby authorized to sign the Agreement on the City’s behalf.

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, 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 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, as the law and Charter in such cases provide.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this ____ day of _____, 2022.

APPROVED:

ARTHUR L. MINER, Mayor

ATTEST:

LINDA PROSKY, City Secretary

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, City Attorney

TxDOT:				Federal Highway Administration:	
CSJ #	0081-02-076			CFDA No.	20.205
District #	02-FTW	AFA ID	Z00003198	CFDA Title	Highway Planning and Construction
Code Chart 64 #	44510				
Project Name	US 377; North Park Drive to Starnes Road			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT **For** **A Green Ribbon Program** **On-System**

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of Watauga**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116073** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Landscape Development**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated _____, which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), which is attached to and made a part of this Agreement.

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NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	N/A	Utilities	Article 8
2.	Local Government	Environmental Assessment and Mitigation	Article 9
3.	Local Government	Architectural and Engineering Services	Article 11
4.	State	Construction Responsibilities	Article 12
5.	N/A	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of removing the existing naturally occurring grasses and low mixed scrub along the west side of US 377, North Park Drive to Starnes Road, and replacing it with aggregates, low water plant materials and drip irrigation. The new irrigation will be incorporated into an existing system. Minor drainage improvements will be incorporated so as not to impact future landscape improvements, no improvements being deeper than 24".

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not

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- continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.
- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
 - C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
 - D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
 - E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.
 - F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
 - G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
 - H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
 - I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment B. At a

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- minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
 - K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
 - L. The State will not pay interest on any funds provided by the Local Government.
 - M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
 - N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
 - O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
 - P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
 - Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

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5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

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9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

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12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance

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verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of Watauga ATTN: City Manager 7105 Whitley Road Watauga, TX 76148	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government. .

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20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including

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procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 - 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

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- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

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27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment

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and Suspension.” By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. **Lobbying Certification**

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. **Federal Funding Accountability and Transparency Act Requirements**

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject

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to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.

- B. The Local Government agrees that it shall:
1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

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32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

Signature

Kenneth Stewart
Typed or Printed Name

Director of Contract Services
Typed or Printed Title

Date

Signature

Josh Jones
Typed or Printed Name

City Manager
Typed or Printed Title

Date

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ATTACHMENT A LOCATION MAP SHOWING PROJECT



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ATTACHMENT B PROJECT BUDGET

Construction costs will be allocated based on 80% Federal funding and 20% State funding until the federal funding reaches the the maximum obligated amount. The State will then be responsible for 100% of the construction costs.

Environmental and engineering costs will be allocated based on 100% Local Government funding. The Local Government will then be responsible for 100% of any overruns for environmental and engineering costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Environmental (by Local Government)	\$2,255	0%	\$0	0%	\$0	100%	\$2,255
Engineering (by Local Government)	\$42,845	0%	\$0	0%	\$0	100%	\$42,845
Construction (by State)	\$400,000	80%	\$320,000	20%	\$80,000	0%	\$0
Subtotal	\$445,100		\$320,000		\$80,000		\$45,100
Environmental Direct State Costs	\$113	0%	\$0	100%	\$113	0%	\$0
Right of Way Direct State Costs	\$1	0%	\$0	100%	\$1	0%	\$0
Engineering Direct State Costs	\$2,142	0%	\$0	100%	\$2,142	0%	\$0
Utility Direct State Costs	\$1	0%	\$0	100%	\$1	0%	\$0
Construction Direct State Costs	\$27,960	0%	\$0	100%	\$27,960	0%	\$0
Indirect State Costs	\$21,231	0%	\$0	100%	\$21,231	0%	\$0
TOTAL	\$496,548		\$320,000		\$131,448		\$45,100

Initial payment by the Local Government to the State: \$0.00

Payment by the Local Government to the State before construction: \$0.00

Estimated total payment by the Local Government to the State \$0.00

This is an estimate. The final amount of Local Government participation will be based on actual costs.

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ATTACHMENT C
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER