



AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, JUNE 24, 2024
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

PUBLIC COMMENT This is an opportunity for citizens to address the Council on items not posted on the current meeting agenda. Only those who have submitted a proper "Request to Speak Form" Shall be permitted to speak. Citizens should provide their name and address for the record and will have no more than 3 minutes to speak. If representing an organization or group, the speaker should identify who they represent. Those wishing to speak are reminded 1). All comments are to be directed to the Council. 2) Be respectful of others. 3) No profanity permitted. 4) Violators will be removed from the premises. No discussion by the Council or Staff is allowed except to correct factual inaccuracies or request that the item be placed on a future agenda.

PUBLIC TESTIMONY FOR ACTION ITEMS This is an opportunity for citizens to address the Council on current agenda action items (excludes presentations and reports). Only those persons who have submitted a proper "Request to Speak Form" will be allowed to speak. Citizens will be required to state their name and address for the record. They have up to 3 minutes to speak, and their comments must be germane to the item. If speaking for an organization or group, the speaker should identify the group represented. Council members may ask questions or discuss the item with the citizens directly.

REPORTS

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

1. Consider action to approve the repair of the Hector F. Garcia Recreation Center Foundation with Nortex Concrete Lift & Stabilization utilizing the Grand Prairie Contract #21259-R-2 Pavement Leveling Services and an additional \$15,000 in contingency funding
Paul Hackleman, Director of Public Works
Joseph Grasmick, Fleet and Facilities Superintendent
2. Consider action on a Resolution of the City Council of the City of Watauga, Texas, authorizing the City Manager to negotiate and execute on behalf of the City an Amendment of Interlocal Agreement for Whitley Road Reconstruction for funding through the Tarrant County 2021 Transportation Bond Program (2021 TBP) by and between the City of Watauga, Texas, and the Tarrant County, Texas; providing for repeal; providing for severability; and providing for an effective date
Paul Hackleman, Director of Public Works
3. Consider action approving the purchase of demolition services from BELFOR Property Restoration, for the Watauga Parks & Community Services Department, utilizing Omnia contract #R200101 and FY24 funds in an amount not to exceed \$94,200.
Timothy Hamilton, Parks and Recreation Director
4. Consider approval of the June 10, 2024 City Council Workshop meeting
Linda Proskey, City Secretary
5. Consider the approval of the June 10, 2024, Regular City Council meeting.
Linda Proskey, City Secretary

PUBLIC HEARINGS

ACTION ITEMS

1. Consideration and approval of a resolution by the City Council of the City of Watauga, Texas, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in securities and exchange commission rule 15c2-12; and providing an effective date
Sandra Gibson, Interim City Manager and Director of Finance

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

ITEMS FOR FUTURE AGENDAS

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 [City Council/Board/Commission/Committee] 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 June 21, 2024, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

/S/ Linda Proskey
City Secretary





AGENDA MEMORANDUM

DATE: May 30, 2024

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works
Joseph Grasmick, Fleet and Facilities Superintendent

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action to approve the repair of the Hector F. Garcia Recreation Center Foundation with Nortex Concrete Lift & Stabilization utilizing the Grand Prairie Contract #21259-R-2 Pavement Leveling Services and an additional \$15,000 in contingency funding

BACKGROUND/INFORMATION:

The Fiscal Year 2023-24 approved Budget provides funding for the repair of the Hector F. Garcia Recreation Center Foundation. In addition, the budget has funds for the Water Tower Elevator Upgrade, which is being reevaluated for consideration in the Fiscal Year 2025-26 Budget due to further investigation on the elevator and the onboarding of a Fleet and Facilities Superintendent last April 2024.

Texas Local Government Code Chapter 252 requires Council approval of expenditures in excess of \$50,000.

The Fleet and Building Maintenance Division of the Public Works Department obtained a quote for repairing the foundation from Nortex Concrete Lift & Stabilization utilizing the Grand Prairie Contract #21259-R-2 Pavement Leveling Services for the amount of \$90,902.50. We are including a \$15,000 contingency which would bring the total allocation for the foundation repair to \$105,902.50. Utilizing the current elevator funding and the foundation repair budgets from the Fiscal Year 2023-24, will cover this foundation repair.

The City has an Interlocal Agreement with the City of Grand Prairie which allows us to utilize contracts offered by other local governments. Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the Texas Local Government Code authorize all local governments to contract with each other to perform governmental functions or services, including administrative functions normally associated with the operation of government, such as purchasing of necessary equipment, supplies and services.



AGENDA MEMORANDUM

The codes were designed to allow government entities the ability to utilize contracts for products and services that meet all state and local purchasing laws and requirements.

FINANCIAL IMPLICATIONS:

The purchase will be funded from the \$70,000 budgeted for the foundation repair and \$35,902.50 from the Water Tower Elevator Repair in the amount of \$105,902.50 which includes a \$15,000 Contingency

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommends the City Council approval for the purchase of the foundation repairs at the Hector F. Garcia Recreation Center from Nortex Concrete Lift & Stabilization

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Quote - Grand Priarie - Nortex Foundation Reair - Recreation Center
2. Purchase Rider - Nortex - Foundation - Recreation Center
3. Form 1295 - Nortex

REVIEWED BY:

Joseph Grasmick, Fleet and Facilities Superintendent	Approved - 6/6/2024
Randy Richards, CFM, Assistant Director of Public Works	Approved - 6/17/2024
Deby Woodard, Assistant Director of Finance	Approved - 6/17/2024
David Berman, City Attorney	Approved - 6/17/2024
Paul Hackleman, Director of Public Works	Approved - 6/18/2024
Sandra Gibson, Interim City Manager and Director of Finance	Approved - 6/18/2024
Linda Proskey, City Secretary	Final Approval - 6/18/2024

Approved as to form for inclusion on Agenda

**Nortex Concrete Lift & Stabilization**

201 NW 26th St
Fort Worth, TX 76164
(817) 831-1240 Office
(817) 831-1245 Fax

Remit Payment To:

P.O. Box 4935
Fort Worth, TX 76164

ESTIMATE

TO: CITY OF WATAUGA
7800 VIRGIL R. ANTHONY SR. BLVD
WATAUGA, TEXAS 76148

RE: VOID-FILLING AND/OR UNDERSEALING OF CONCRETE PAVEMENT WITH POLYURETHANE FOAM

DATE: June 04, 2024

LOCATIONS			QUANTITY (LBS)
1	FRONT ENTRANCE SIDEWALK	50 SQ.FT. 3.00" LIFT	250
2	FLUME	189 SQ.FT. 4.00" LIFT	800
3	BACK SIDEWALK, 2 ENTRANCES, AC PAD	600 SQ.FT. 3.50" LIFT	2175
4	BIG AC PAD	340 SQ.FT. 5.00" LIFT	1550
5	BASKETBALL COURT	2,880 SQ.FT. 4.00" LIFT	5200
totals:			9975

WATAUGA SENIOR CITIZENS CENTER: 7857 INDIAN SPRINGS ROAD

COMPLETION TIME: 6 - 7 DAYS

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENSION
1	PAVEMENT LEVELING SERVICES	LB	9,975	\$3.90	\$38,902.50
	EXTERIOR HELICAL PIERS	PIERS	33	\$1,575.76	\$52,000.00

TOTAL:	\$90,902.50
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ALL PRICING, TERMS, AND CONDITIONS ARE BASED OFF OF THE CITY OF GRAND PRAIRIE, TEXAS
CONTRACT #21259 - R-2 PAVEMENT LEVELING SERVICES

SCOPE OF WORK INCLUDES REMOVAL OF 12" MOWSTRIP

SCOPE OF WORK DOES NOT INCLUDE BRICK/MASONRY, DRYWALL PATCHING, PAINT, GRADEWORK
PLUMBING, AND OTHER UTILITIES

GOVERNMENTAL CONTRACT AND PURCHASING RIDER FOR CONTRACTS WITH THE CITY OF WATAUGA, TEXAS

By submitting a response to a solicitation or bid, or by entering into a contract for goods or services and/or by accepting a purchase order, the contractor, consultant or vendor, identified below, agrees that the below terms and conditions shall govern all agreements with the City unless otherwise agreed to by a **specifically executed provision** within the contract or purchase order, provided same is permissible by law. Absent a specifically executed provision, the below terms are BINDING and SUPERSEDE any and all other terms and/or conditions whether oral or written.

Application. This GOVERNMENTAL CONTRACT AND PURCHASING RIDER FOR CONTRACTS WITH THE CITY OF WATAUGA, TEXAS (“Governmental Rider”) applies to, is part of, and takes precedence over any conflicting provision in or attachment to the Response to Solicitation or Bid, Contract or Purchase Order, as applicable, (“Contract”) (attached hereto) of (Nortex Concrete Lift & Stabilization), (“Vendor”). The Contract involved in this Governmental Rider is described as follows:

Void-Filling and/or undersealing – Exterior helical piers – Foundation Repairs – Recreation Center

Payment Provisions. The City’s payments under the Contract, including the time of payment and the payment of interest on overdue amounts, are subject to Chapter 2251, Texas Government Code. The City reserves the right to modify any amount due to Vendor presented by invoice to the City if necessary to conform the amount to the terms of the contract.

Multiyear Contracts. If the City’s City Council does not appropriate funds to make any payment for a fiscal year after the City’s fiscal year in which the contract becomes effective and there are no proceeds available for payment from the sale of bonds or other debt instruments, then the Contract automatically terminates at the beginning of the first day of the successive fiscal year. (Section 5, Article XI, Texas Constitution). It is understood and agreed the City shall have the right to terminate the Contract at the end of any City fiscal year if the governing body of the City does not appropriate funds sufficient to continue the contract, as determined by the City’s budget for the fiscal year in question. The City may execute such termination by giving Vendor a written notice of termination at the end of its then current fiscal year.

Local Preference. The City Council supports the local preference option for purchasing. In accordance with Chapter 271.9051 of the State of Texas Local Government Code, the City Council may choose to award a competitive bid to a bidder whose principal place of business is in the City limits, provided that this bid is within 5% of the lowest bid price received, provided such action is not prohibited by law. The City determines that any such local bidder offers the City the best combination of contract price and additional economic development opportunities.

No Ex-Parte Communications during Competitive Bidding Period. To insure the proper and fair evaluation of a response, the City prohibits ex parte communication initiated by the proposed Vendor to a City official or employee evaluating or considering the responses prior to the time a formal decision has been made. Questions and other communication from vendors will be permissible until 5:00 pm on the day specified as the deadline for questions. Any communication

between the proposed Vendor and the City after the deadline for questions will be initiated by the appropriate City official or employee in order to obtain information or clarification needed to develop a proper and accurate evaluation of the response. Ex parte communication may be grounds for disqualifying the offending Vendor from consideration or award of the solicitation then in evaluation, or any future solicitation.

Abandonment or Default. A Vendor who abandons or defaults the work on the contract and causes the City to purchase goods, materials or services elsewhere may be charged for any increased cost of goods, materials and/or services related thereto; may be considered disqualified in any re-advertisement of the service; and may not be considered in future bids for the same type of work for a period of three years for the same scope of work, goods or services.

Disclosure of Litigation. Each prospective Vendor shall include in its proposal a complete disclosure of any civil or criminal litigation or investigation pending which involves the Vendor or which has occurred in the past in which the Vendor has been judged guilty or liable by a competent court regardless of whether the Court Order or Judgment is final or on appeal.

Cancellation. the City reserves the right to cancel the contract without penalty by providing 30 days prior written notice to the Vendor. Termination under this paragraph shall not relieve the Vendor of any obligation or liability that has occurred prior to cancellation. **NOTE: This contract is subject to cancellation, without penalty, at any time the City deems the vendor to be non-compliant with contractual obligations.**

Annual Vendor Performance Review. The City reserves the right to review the Vendor's performance at the end of each twelve-month contract period and to cancel all or part of the Contract (without penalty) or continue the contract through the next period.

Compliance with other laws and certification of eligibility to contract. Any offer to contract with the City shall be considered an executed certification that the Vendor will comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, (as amended during the contracting period) and any orders and decrees of any court, administrative bodies or tribunals in any matter affecting the performance of the Contract, including without limitation, immigration laws, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations.

Compliance with all Codes, Permitting and Licensing Requirements. The successful Vendor shall comply with all national, state and local laws and regulations as well as those of any other authorities that have jurisdiction pertaining to equipment and materials used and their application. None of the terms or provisions of the specification shall be construed as waiving any rules, regulations or requirements of these authorities. The successful Vendor shall be responsible for obtaining all necessary permits, certificates and/or licenses to fulfill contractual obligations.

Liability and Indemnity of City. Any provision of the Contract is void and unenforceable if it: (1) limits or releases either party from liability that would exist by law in the absence of the provision; (2) creates liability for either party that would not exist by law in the absence of the provision; or (3) waives or limits either party's rights, defenses, remedies, or immunities that would exist by law in the absence of the provision. (Section 5, Article XI, Texas Constitution)

Indemnity and Independent Vendor Status of Vendor. Vendor shall indemnify, save harmless and defend the City, its officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees and any and all other costs or fees (whether grounded in Constitutional law, Tort, Contract, or Property Law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the Contract and/or arising out of a willful or negligent act or omission of the Vendor its officers, agents, and employees. It is understood and agreed that the Vendor and any employee or sub-contractor of Vendor shall not be considered an employee of the City. The Vendor shall not be within protection or coverage of the City's workers' compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect. City specifically reserves the right to reject any and all Vendor's employees, representatives or sub-contractors and/or their employees for any cause, should the presence of any such person on City property or their interaction with City employees be found not in the best interest of the City or is found to interfere with the effective and efficient operation of the City's workplace.

Liens. Vendor agrees to and shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods and services which may be provided under the Contract. At the City's request the Vendor shall provide and shall cause all subcontractors to provide a proper release of all liens, or satisfactory evidence of freedom from liens shall be delivered to the City.

Confidentiality. Any provision in the Contract that attempts to prevent the City's disclosure of information that is subject to public disclosure under federal or Texas law is invalid. (Chapter 552, Texas Government Code).

Tax Exemption. The City is not liable to Vendor for any federal, state, or local taxes for which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any item. Texas limited sales tax exemption certificates will be furnished upon request. Vendors shall not charge for said taxes. If billed, the City will remit payment less sales tax.

Contractual Limitations Period. Any provision of the Contract that establishes a limitations period that does not run against the City by law or that is shorter than two years is void. (Sections 16.061 and 16.070, Texas Civil Practice and Remedies Code)

Sovereign Immunity. Any provision of the Contract that seeks to waive the City's immunity from suit and/or immunity from liability is void unless agreed to by specific acknowledgement of the provision within the contract.

Governing Law and Venue. Texas law governs this Contract and any lawsuit on this Contract must be filed in a court that has jurisdiction in Tarrant County, Texas.

Right to trial by Jury. Any provision of the Contract that seeks to waive an aggrieved Party's right to trial by jury is void unless agreed to by specific acknowledgement of the provision within the contract.

Certificate of Interested Parties (TEC Form 1295). For contracts that require City Council approval or that is for services that would require a person to register as a lobbyist under Chapter 305 of the Government Code, the City may not accept or enter into a contract until it has received from the Vendor a completed and signed Texas Ethics Commission (TEC) Form 1295 complete with a certificate number assigned by the (TEC), pursuant to Texas Government Code § 2252.908 and the rules promulgated thereunder by the TEC. The Vendor understands that failure to provide said form complete with a certificate number assigned by the TEC may prohibit the City from entering the Contract.

Pursuant to the rules prescribed by the TEC, the TEC Form 1295 must be completed online through the TEC's website, assigned a certificate number, printed, signed and provided to the City. The TEC Form 1295 may accompany the bid or may be submitted separately but must be provided to the City prior to the award of the contract. Neither the City nor its consultants have the ability to verify the information included in a TEC Form 1295, and neither have an obligation nor undertake responsibility for advising any potential Vendor with respect to the proper completion of the TEC Form 1295.

Energy Boycott. In accordance with Chapter 2274, Texas Government Code (Acts 2021, 87th Leg., S.B. 13), the City may not enter into a contract with a company, excluding a sole proprietorship, with 10 or more full-time employees for goods or services valued at \$100,000 or more unless the contract contains a written verification from the company that the company: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract. The signatory executing the Contract on behalf of Vendor verifies Vendor does not boycott energy companies and will not boycott energy companies during the term of the Contract. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, and does not apply if the City determines the requirements of Subsection 2274.002(b) are inconsistent with the City's constitutional or statutory duties related to the issuance, incurrence or management of debt obligations or the deposit, custody, management, borrowing or investment of funds.

Firearms. In accordance with Chapter 2274, Texas Government Code (Acts 2021, 87th Leg., S.B. 19) the City may not enter into a contract with a company, excluding a sole proprietorship, with 10 or more full-time employees for goods or services valued at \$100,000 or more unless the contract contains a written verification from the company that the company: (1) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) will not discriminate during the term of the contract against a firearm entity or firearm trade association. The signatory executing the Contract on behalf of Vendor verifies Vendor does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, and does not apply if the City contracts with a sole-source provider or if the City does not receive any bids, if applicable, from a company that is able to provide the required verification.

Critical Infrastructure. In accordance with Chapter 2274, Texas Government Code, the City may not enter into a contract or agreement with a company, excluding a sole proprietorship, with 10 or more full-time employees for goods or services valued at \$100,000 or more (1) if the company would be granted direct or remote access to or control of critical infrastructure in Texas, excluding access specifically allowed by the City for product warranty and support purposes and (2) if the City knows the company is (A) owned by or the a majority of stock or other ownership interest of the company is held or controlled by (i) individuals who are citizens of China, Iran, North Korea, Russia, or a designated country or (ii) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of such countries, or (B) headquartered in such countries. The signatory executing the Contract on behalf of Vendor represents that neither Vendor nor any of its parent companies, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates is a company of which the City may not contract pursuant to Section 2274.0102, Texas Government Code. The foregoing verification is made solely to comply with Section 2274.0102, Texas Government Code.

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

The signatory executing the Contract on behalf of Vendor verifies that Vendor and its parent company, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent the Contract is a contract for goods or services, will not boycott Israel during the term of the Contract. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, “boycott Israel” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The signatory understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the signatory and exists to make a profit. This section does not apply to a Vendor which is a sole proprietorship and/or which has less than 10 full-time employees. This section does not apply to a contract valued at less than \$100,000.

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

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

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

CITY OF WATAUGA, TEXAS

By: _____
Sandra Gibson, Interim City Manager

Date: _____

Nortex Concrete Lift & Stabilization, Inc.
Vendor

By:  _____

Name: _____ Casey DeRosa _____

Title: _____ General Manager _____

Date: _____ 06/03/2024 _____

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Nortex Concrete Lift & Stabilization, Inc.
Fort Worth, TX United States

Certificate Number:
2024-1164203

Date Filed:
05/21/2024

Date Acknowledged:
6-4-24

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

City of Watauga, TX

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

COW05072024
Foundation Repair

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



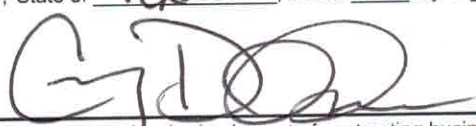
6 UNSWORN DECLARATION

My name is Casey DeRosa, and my date of birth is 12/26/83.

My address is 201 NW 26TH ST. Fort Worth, TX 761164 USA.
(street) (city) (state) (zip code) (country)

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

Executed in Tarrant County, State of Texas, on the 21 day of May, 2024.
(month) (year)


Signature of authorized agent of contracting business entity
(Declarant)



AGENDA MEMORANDUM

DATE: June 6, 2024

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action on a Resolution of the City Council of the City of Watauga, Texas, authorizing the City Manager to negotiate and execute on behalf of the City an Amendment of Interlocal Agreement for Whitley Road Reconstruction for funding through the Tarrant County 2021 Transportation Bond Program (2021 TBP) by and between the City of Watauga, Texas, and the Tarrant County, Texas; providing for repeal; providing for severability; and providing for an effective date

BACKGROUND/INFORMATION:

In April 2021, the Public Works Department and Burgess and Niple, Inc. prepared a grant submission of 14 applications for various projects to be partially funded by the Tarrant County 2021 Transportation Bond Program. Whitley Road 5 was selected by Tarrant County for funding in the amount of \$3,197,695.00 or 50% of the actual cost, whichever is lower.

The City and Tarrant County entered into an Interlocal Agreement for the disbursement of funds through the Tarrant County 2021 Transportation Bond Program. Each year, Tarrant County issues a time extension until the funds are exhausted.

The attached Amendment of Interlocal Agreement for Whitley Road is the 2nd extension, moving the termination date to September 30, 2025, unless extended in writing by both parties.

The CITY understands that the CITY will be responsible for any other expenses incurred by the CITY in performing the services under this ILA, as well as, all costs exceeding \$3,197,695.00.

The Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, provides legal authority for the parties to enter into this agreement.

Upon City Council approval, Tarrant County shall consider the Interlocal Agreement at their Commissioners Court.



AGENDA MEMORANDUM

The limits of Whitley Road 5 are from Starnes Road to N. Tarrant Parkway with paving work stopping at Bursey Road. The design will include a street section, separate bike/pedestrian sidewalk/trails, underground storm drainage, 12" water mains, and other miscellaneous items of work.

There is funding in the approved 2023-24 Budget (2020 and 2021 Certificates of Obligation, Storm Drain, and Tarrant County 2021 Transportation Bond Program) for Whitley Road 5. The updated estimated design and construction cost for Whitley Road 5 is \$6,423,000.

The timeline for design has the City of Watauga placing this project out for advertisement in late summer of 2024.

FINANCIAL IMPLICATIONS:

Grant funds received by the City of Watauga in the amount of \$3,397,695.00

RECOMMENDATION/ACTION DESIRED:

Consider approval of an Amendment of Interlocal Agreement for Whitley Road Reconstruction for funding through the 2021 TBP

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. ILA Proposed Amendment - Whitley Road 5 - TBP 2021 - Agenda June 24-2024
2. Resolution - Amendment - ILA TCB 2021 Grant Whitley 5
3. ILA - 1st Renewal - Whitley Road 5 - TBP 2021 - Signed
4. ILA - Original - Whitley Road 5 - TBP 2021 - Signed

REVIEWED BY:

David Berman, City Attorney	Approved - 6/7/2024
Deby Woodard, Assistant Director of Finance	Approved - 6/17/2024
Randy Richards, CFM, Assistant Director of Public Works	Approved - 6/17/2024
Paul Hackleman, Director of Public Works	Approved - 6/17/2024
Sandra Gibson, Interim City Manager and Director of Finance	Approved - 6/18/2024
Linda Proskey, City Secretary	Final Approval - 6/18/2024

Approved as to form for inclusion on Agenda

STATE OF TEXAS §
 § **Amendment No. 1 of Interlocal Agreement**
 § **for Whitley Road Reconstruction**
COUNTY OF TARRANT §

BACKGROUND

Tarrant County (“COUNTY”) and the City of Watauga (“CITY”) entered into an Interlocal Agreement approved by Tarrant County Commissioners Court Order No. 140497, for financial support of up to \$3,197,695.00, for the cooperative funding of improvements to the construction (or reconstruction) of Whitley Road from Starnes Road to North Tarrant Parkway (“Project”) as described in the 2021 Tarrant County Bond Program.

Therefore, the COUNTY and CITY agree to the following revisions. Paragraphs III, IV, and V from the original Interlocal Agreement are repealed and replaced with the following language:

III.
TERM

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2025, unless terminated as described in Section XIII in the original ILA or extended in writing and approved by both parties.

IV.
FISCAL FUNDING ACKNOWLEDGEMENT

Tarrant County bond funds will be encumbered on a fiscal year basis in accordance with the Certification of Available Funds shown herein. In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA Amendment, then the affected party will immediately notify the other party of such occurrence and this Amendment may be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V.
REIMBURSEMENT PROCESS

The COUNTY agrees to reimburse the CITY for 50% of the actual eligible PROJECT costs in an amount not to exceed \$3,197,695.00. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY’s proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete along with identification of final project costs. COUNTY bond funds for the Project are allocated as follows:

County Payment by Phase*

Design:	\$390,000.00
ROW Acquisition:	\$0.00
Construction:	<u>\$2,807,695.00</u>
TOTAL:	\$3,197,695.00

TBP Funding Category: 2021 Call for Projects

** Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.*

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein. The CITY agrees that the COUNTY retains control over when reimbursement payments will be disbursed to the CITY.

In addition to the foregoing replacement language, Attachment A is removed and deleted from the original Interlocal Agreement in full. All other paragraphs, terms and language outside of paragraphs III, IV, and V as well as Attachment A remain unchanged and in effect.

APPROVED on this day the _____ day of _____, 2024, by Tarrant County.

Commissioners Court Order No. _____.

TARRANT COUNTY, TEXAS

CITY OF WATAUGA

Tim O'Hare, County Judge

Arthur L. Miner, Mayor

APPROVED AS TO FORM:

Criminal District Attorney's Office*

City Attorney

City Secretary (If applicable)

* By law, the Criminal District Attorney’s Office may only approve contracts for its clients. We reviewed this document as to form from our client’s legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:

\$ _____ *as follows:*

Fiscal year ending September 30, 2024: \$1,325,898.00 2021 TBP Call for Projects – Pct 3

Auditor's Office

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, APPROVING AN AMENDMENT OF INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR A JOINT FUNDING INTERLOCAL AGREEMENT FOR WHITLEY ROAD RECONSTRUCTION; 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") and the Tarrant County desire to enter into a non-exclusive interlocal agreement whereby the Tarrant County will provide funding through the Tarrant County 2021 Transportation Bond Program (2021 TBP); and

WHEREAS, the interlocal agreement is of mutual interest and benefit to Tarrant County and Watauga and will further the objectives of both parties in a manner consistent with the objectives of political subdivisions of the State of Texas; and

WHEREAS, the City Council authorizes approval of the Interlocal Agreement, finding that the agreement is in the best interests of the citizens of the City of Watauga.

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 Amendment of Interlocal Agreement between the City of Watauga and the Tarrant County attached hereto and incorporated herein as Exhibit "A" providing for funding through the Tarrant County 2021 Transportation Bond Program (2021 TBP), and further authorizes the City Manager for the City of Watauga 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 _____, 2024.

APPROVED:

ARTHUR L. MINER, Mayor

ATTEST:

LINDA PROSKY, City Secretary

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, City Attorney

STATE OF TEXAS

§
§
§
§

**Renewal No. 1 of Interlocal Agreement
for Whitley Road Reconstruction**

COUNTY OF TARRANT

BACKGROUND

1. Tarrant County ("COUNTY") and the City of Watauga ("CITY") entered into an Interlocal Agreement approved by Tarrant County Commissioners Court Order No. 140497, for financial support of up to \$3,197,695.00, for the cooperative funding of improvements to the construction (or reconstruction) of Whitley Road from Starnes Road to North Tarrant Parkway ("Project") as described in the 2021 Tarrant County Bond Program.
2. The COUNTY and CITY agree to the revised payment schedules attached to this Renewal No. 1.
3. The Project is incomplete, and the parties desire to renew the Interlocal Agreement for the 2024 Fiscal Year.

Therefore, the COUNTY and CITY agree to the following:

1. The COUNTY and the CITY renew the Interlocal Agreement for the COUNTY's 2024 Fiscal Year, with the Interlocal Agreement expiring September 30, 2024, or upon completion of the Project as determined by the COUNTY, whichever occurs sooner.
2. The COUNTY and CITY agree to the revised Payment Schedule in Attachment A.
3. All terms and conditions of the original Interlocal Agreement and subsequent amendments remain in effect except to the extent modified by this Renewal No. 1.

APPROVED on this day the _____ day of _____, 2024, by Tarrant County.

Commissioners Court Order No. _____.

**TARRANT COUNTY
STATE OF TEXAS**

CITY OF WATAUGA

Tim O'Hare, County Judge



Arthur L. Miner, Mayor

APPROVED AS TO FORM:

Criminal District Attorney's Office*

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

APPROVED AS TO FORM AND CONTENT:



City Attorney

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF
\$ _____:

Certification of Funds Available as follows:

Fiscal year ending September 30, 2024	\$1,325,898.00
Fiscal year ending September 30, 2025	\$1,871,797.00
Fiscal year ending September 30, 2026	\$0.00

	\$3,197,695.00

Auditor's Office

ATTACHMENT A

Project Information

Jurisdiction: City of Watauga
Project Name: Whitley Road Reconstruction

Project Schedule (by month/year)

	<u>Start Date</u>	<u>Duration (mo.)</u>	<u>End Date</u>
Design:	Jun-22	18	Dec-23
ROW Acquisition:	-	-	-
Construction:	May-24	15	Aug-25

County Payment by Phase*

Design:	\$390,000.00
ROW Acquisition:	\$0.00
Construction:	<u>\$2,807,695.00</u>
TOTAL:	\$3,197,695.00

TBP Funding Category: 2021 - Call for Projects Category Pct 3

**Invoice Schedule*

Design = Completion of Design Phase

ROW Acquisition = Completion of Property Acquisition and/or utility relocation

Construction = Monthly or quarterly throughout the construction period.

Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.

Reimbursement Schedule by Fiscal Year Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
FY24	\$390,000.00	\$0.00	\$374,359.00	\$561,539.00	\$1,325,898.00
FY25	\$561,539.00	\$561,539.00	\$561,539.00	\$187,180.00	\$1,871,797.00
FY26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



C.O.# 140497

**COMMISSIONERS COURT
COMMUNICATION**

REFERENCE NUMBER _____

PAGE 1 OF 7

DATE: 03/14/2023

**SUBJECT: APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE CITY
OF WATAUGA RELATED TO THE WHITLEY ROAD
RECONSTRUCTION PROJECT - 2021 TRANSPORTATION BOND
PROGRAM**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court approve an Interlocal Agreement (ILA) with the City of Watauga to provide funding through the 2021 Transportation Bond Program (TBP) related to the Whitley Road Reconstruction Project.

BACKGROUND

On August 3, 2021, the Commissioners Court, through Court Order #136021, accepted a prioritized list of thirty-three (33) projects recommended by the participating cities and the Court-appointed Project Evaluation Committee (PEC) for funding in the Call for Projects category of the 2021 TBP. The Whitley Road Reconstruction Project is included in the approved list of projects.

With voter approval of Proposition A on November 2, 2021, and with Commissioner Court approval of the issuance of bond funds on May 24, 2022, through Court Order #138185, the County is now proceeding with the execution of a ILA with the City of Watauga related to the Whitley Road Reconstruction Project. This project will be funded through the 2021 TBP.

This project will consists of construction (or reconstruction) of Whitley Road from Starnes Road to North Tarrant Parkway. The redesign of Whitley Road will incorporate concrete street paving, sidewalks, dedicated bike lanes, pedestrian crossings, storm drainage, water mains, and wastewater mains.

This ILA has been reviewed by the Auditor's Office and approved as to form by the Criminal District Attorney's Office.

FISCAL IMPACT

The fiscal impact to Tarrant County for FY 2023 will be \$1,390,008.00 in 2021 TBP funds to be disbursed in accordance with the schedule in Attachment A of this ILA. Funds are available in account 579061/47800-2023/6840100000.

SUBMITTED BY:	Transportation	PREPARED BY: APPROVED BY:	Randy Skinner Randy Skinner
---------------	----------------	------------------------------	--------------------------------

STATE OF TEXAS § Funding Interlocal Agreement for
§ Whitley Road Reconstruction
COUNTY OF TARRANT §

This interlocal agreement (ILA) is entered into between Tarrant County, Texas, hereinafter referred to as COUNTY, and the City of Watauga, hereinafter referred to as CITY, and collectively referred to as the "parties", for the purpose of providing funding through the Tarrant County 2021 Transportation Bond Program (2021 TBP) to a needed transportation project within the boundaries of both parties which the Commissioners Court of the COUNTY and the governing body of the CITY find serves a public purpose and promotes the public welfare of the citizens of Tarrant County.

The COUNTY and the CITY make the following findings of fact:

1. This ILA is made pursuant to Chapter 791 of the Texas Government Code and the Tarrant County 2021 Transportation Bond Program Policy, as amended;
2. To the extent necessary, the parties will use current revenues to pay obligations in this ILA;
3. The project benefits the public in that it is a needed transportation project;
4. The COUNTY and the CITY each has the legal authority to perform its obligations in this ILA;
5. The division of costs provided in this ILA constitute adequate consideration to each party;
and
6. Both parties acknowledge they are each a "governmental entity" and not a "business entity" as those terms are defined in Texas Government Code Section 2252.908, and therefore, no disclosure of interested parties is required.

I.
PROJECT DESCRIPTION

This Project, hereinafter referred to as "Project", will consist of the construction (or reconstruction) of Whitley Road from Starnes Road to North Tarrant Parkway. The redesign of Whitley Road will incorporate concrete street paving, sidewalks, dedicated bike lanes, pedestrian crossings, storm drainage, water mains, and wastewater mains.

II.
SCOPE OF SERVICES PROVIDED BY CITY

The services to be provided by the CITY shall include, but are not limited to, the following:

- A. All total project costs including construction, right of way acquisition, utility relocation, engineering, planning, surveying and governmental approval costs (collectively referred to as "Costs");
- B. Following project completion, the CITY will provide the overall total project cost summary with final cost share between funding partners;
- C. Construction agreement administration, site review, permitting and inspection;
- D. The CITY agrees to facilitate the efficient operations of Project through ongoing transportation system maintenance efforts, including signal timing optimization as applicable;
- E. Interagency coordination, including CITY notification to the North Central Texas Council of Government (NCTCOG) and the COUNTY of any amendments or modifications to the Metropolitan Planning Organization's Transportation Improvement Program (TIP);
- F. A detailed quarterly project schedule documenting the percent complete for each major component of the Project shall be provided to the COUNTY;
- G. The CITY will invite the County to project groundbreaking or ribbon cutting events;
- H. The CITY will include the following language on all public notices, web pages, and on-site signage related to the project:

"This project is funded by the City of Watauga and the Tarrant County Commissioners Court through the Tarrant County 2021 Transportation Bond Program"

III.
TERM

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2023, unless terminated as described in Section XIII in this ILA or extended in writing and approved by both parties.

IV.
FISCAL FUNDING ACKNOWLEDGEMENT

In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA, then the affected party will immediately notify the other party of such occurrence and this ILA shall be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V.
REIMBURSEMENT PROCESS

The COUNTY agrees to reimburse the CITY for 50% of the actual eligible PROJECT costs in an amount not to exceed \$3,197,695.00. The COUNTY's reimbursement will be in accordance with the reimbursement schedule shown in Attachment A. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete.

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein.

VI.
AGENCY-INDEPENDENT CONTRACTOR

Neither the COUNTY nor any employee thereof is an agent of the CITY, and neither the CITY nor any employee thereof is an agent of the COUNTY. This ILA does not and shall not be construed to entitle either party or any of their respective employees, if applicable, to any benefit, privilege or other amenities of employment by the other party.

The COUNTY will have no right to control the manner or means of construction of the CITY's contractor for this PROJECT.

VII.
ASSIGNMENT

Neither party may assign, in whole nor in part, any interest it may have in this ILA without the prior written consent of the other party.

VIII.
THIRD PARTY BENEFICIARY EXCLUDED

No person other than a party to this ILA may bring a cause of action pursuant to this ILA as a third-party beneficiary. This ILA may not be interpreted to waive the sovereign or governmental immunity of any party to this ILA to the extent such party may have immunity under Texas law.

IX.
AUDIT OF RECORDS

The CITY's records regarding this PROJECT shall be subject to audit by the COUNTY during the term of this ILA and for five years after the completion of the PROJECT.

X.
ENTIRE AGREEMENT

This ILA represents the entire understanding of and between the parties and superseded all prior representations. This ILA may not be varied orally but must be amended by written document of subsequent date duly executed by these parties.

XI.
VENUE

This ILA shall be governed by the laws of the State of Texas and venue for any action under this ILA shall be in the district courts of Tarrant County, Texas.

XII.
SCHEDULING

The CITY agrees that the COUNTY retains control over the reimbursement payment schedule identified in Attachment A. The COUNTY agrees to notify the CITY of any changes to the reimbursement payment schedule 30 days in advance, if such changes are the result of COUNTY requirements. Such notification will be in the form of written correspondence by e-mail or regular mail.

XIII.
TERMINATION

Until funded by the COUNTY as described in Section V, this ILA may be terminated by either party by providing written notice to the other party at least thirty (30) days prior to the intended date of termination. Such notice shall be deemed given when personally delivered or mailed by certified or registered mail (with return-receipt and postage prepaid) and addressed to:

COUNTY:
County Administrator
Tarrant County
100 E. Weatherford Street, Ste. 404
Fort Worth, Texas 76196

CITY:
City Manager
City of Watauga
7105 Whitley Road
Watauga, TX 76148

**XIV.
SOVEREIGN POWERS**

The COUNTY and the CITY agree and understand neither Party waives or surrenders any of its governmental powers by execution of this ILA.

APPROVED on this day the 14 day of March, 2023, by Tarrant County.

Commissioners Court Order No. 140497.

TARRANT COUNTY, TEXAS



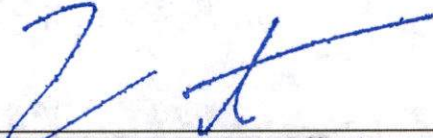
Tim O'Hare, County Judge

CITY OF WATAUGA

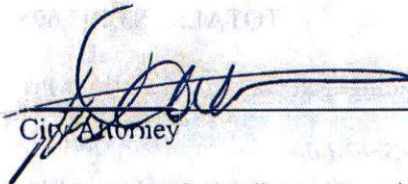


Arthur L. Miner, Mayor

APPROVED AS TO FORM:



Criminal District Attorney's Office*



City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:

\$ 1,390,008.00 as follows:

Fiscal year ending September 30, 2023:	\$1,390,008.00
Fiscal year ending September 30, 2024:	\$1,807,687.00
Fiscal year ending September 30, 2025:	\$0.00
Fiscal year ending September 30, 2026:	\$0.00



\$3,197,695.00

Auditor's Office

ATTACHMENT A

Project Information

Jurisdiction: City of Watauga
Project Name: Whitley Road Reconstruction

Project Schedule (by month/year)

	<u>Start Date</u>	<u>Duration (mo.)</u>	<u>End Date</u>
Design:	Jun-22	8	Feb-23
ROW Acquisition:	-	-	-
Construction:	Mar-23	14	May-24

County Payment by Phase*

Design: \$390,0000.00
ROW Acquisition: \$0.00
Construction: \$2,807,695.00

TOTAL: \$3,197,695.00

TBP Funding Category: 2021 Call for Projects

**Invoice Schedule*

Design = Completion of Design Phase

ROW Acquisition = Completion of Property Acquisition and/or utility relocation

Construction = Monthly or quarterly throughout the construction period.

Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.

Reimbursement Schedule by Fiscal Year Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
FY23	\$0.00	\$390,000.00	\$400,003.00	\$600,005.00	\$1,390,008.00
FY24	\$600,005.00	\$600,005.00	\$607,677.00	\$0.00	\$1,807,687.00
FY25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FY26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



AGENDA MEMORANDUM

DATE: June 10, 2024

TO: Honorable City Council Members

FROM: Timothy Hamilton, Parks and Recreation Director

THROUGH: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action approving the purchase of demolition services from BELFOR Property Restoration, for the Watauga Parks & Community Services Department, utilizing Omnia contract #R200101 and FY24 funds in an amount not to exceed \$94,200.

BACKGROUND/INFORMATION:

In the FY2019/20 budget, funds were allocated to demolish the Old Senior Center located at 7857 Indian Springs Rd. During the fiscal year, quotes were obtained, and additional funding was required. Therefore, the house was not demolished. In subsequent budget years, funds were tight, and the cost continued to escalate.

The existing house is not in compliance with current standards for a commercial building, contains asbestos, and is dilapidated and an attraction to vandals/trespassers. The past decisions by the City Council have been to demolish the building, and with this in mind, it was placed as a request in the FY2023/24 budget process. With the approved budget, a decision was made, due to the heavy regulatory nature of the demolition process when asbestos is present, to utilize Omnia Partners Purchasing Cooperative in the procurement of demolition services. BELFOR Property Restoration responded with a final quote of \$85,200. Staff added \$9,000 in contingency considerations in case of unforeseen issues during the demolition process which brings to the total to \$94,200.

FINANCIAL IMPLICATIONS:

Funds for this project are available through the FY24 budget; \$70,000 in the Parks Division and \$24,200 in Contingency funds.

RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the purchase of demolition services from BELFOR Restoration Services, for an amount not to exceed \$94,200 utilizing Omnia Partners Purchasing Cooperative.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. BELFOR Property Restoration quote - 06-05-24
2. Omnia Contract



AGENDA MEMORANDUM

3. BELFOR FORM 1295

REVIEWED BY:

Deby Woodard, Assistant Director of Finance

David Berman, City Attorney

Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 6/18/2024

Approved - 6/19/2024

New -



BELFOR Property Restoration

15600 Trinity Blvd., Suite 106 - Grand Prairie, TX 76155
(972) 975-1600 Tel. - (972) 988-0564 Fax.
TX License # 18271 - Fed ID # 84-1309171

Insured: City of Watauga Demo/Abatement Omnia #R200101
Property: 7857 Indian Springs Road
Watauga, TX 76148

Estimator: Brian Eustace

Business: (214) 317-7508
E-mail: brian.eustace@us.belfor.com

Claim Number:

Policy Number:

Type of Loss:

Date Contacted:	5/3/2024 10:59 AM		
Date of Loss:	5/3/2024 10:59 AM	Date Received:	5/3/2024 10:59 AM
Date Inspected:	5/8/2024 10:59 AM	Date Entered:	5/16/2024 10:57 AM
Price List:	TXDF8X_MAR24		
	Restoration/Service/Remodel		
Estimate:	WATAUGADEMO		

We would like to thank you for the opportunity to provide you with this estimate. The total cost for the repairs detailed in the following estimate is \$85,200.00.

The attached estimate details the specific work to be completed. Additional work outside of that specified in this estimate will be through separate proposal(s) and/or change order(s) detailing the additional/changed scope of work as well as the terms and pricing of those changes. Repairs will be scheduled after a signed copy of this estimate is received.

Progress payments may be billed at 25%, 50%, 75%, and 90% of completion with the balance due upon substantial completion of this scope of work. Change orders will be billed as completed and credits will be applied to the final contract billing.

Unless noted otherwise, the customer is required to provide heat, water and electricity on-site for the duration of this project. The customer is responsible for providing continuous access to the project area during normal business hours, Monday - Friday, 8:00 am - 5:00 pm. Where an item is being replaced, we will be matching the existing item's quality, color, finish, texture or material as close as possible where applicable unless noted otherwise, there is no guaranty either specified or implied on exact matches. This estimate does not include hazardous material testing or abatement unless specifically detailed in the following estimate.

This estimate is valid for 30 days from 6/5/2024. If you have any questions about this estimate, please contact Brian Eustace to discuss those questions.

I/we agree to the terms and conditions of this proposal.

_____	Date _____	_____	Date _____
Owner/Authorized signature		BELFOR Representative	



BELFOR Property Restoration

15600 Trinity Blvd., Suite 106 - Grand Prairie, TX 76155
(972) 975-1600 Tel. - (972) 988-0564 Fax.
TX License # 18271 - Fed ID # 84-1309171

WATAUGADEMO

Abatement

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
1. Asbestos Abatement and Haul off/disposal	1.00 EA	0.00	37,000.00	0.00	7,400.00	44,400.00
Totals: Abatement				0.00	7,400.00	44,400.00

Air monitoring and Clearance testing

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
2. Air monitoring, air clearance	1.00 EA	0.00	11,000.00	0.00	2,200.00	13,200.00
Totals: Air monitoring and Clearance testing				0.00	2,200.00	13,200.00

Knock Down Demo

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
3. Demo of house, sidewalks, basement and haul off and back fill basement with dirt.	1.00 EA	0.00	23,000.00	0.00	4,600.00	27,600.00
Totals: Knock Down Demo				0.00	4,600.00	27,600.00
Line Item Totals: WATAUGADEMO				0.00	14,200.00	85,200.00



BELFOR Property Restoration

15600 Trinity Blvd., Suite 106 - Grand Prairie, TX 76155
(972) 975-1600 Tel. - (972) 988-0564 Fax.
TX License # 18271 - Fed ID # 84-1309171

Summary for Contents

Line Item Total	71,000.00
Overhead	7,100.00
Profit	7,100.00
Replacement Cost Value	\$85,200.00
Net Claim	\$85,200.00

Brian Eustace



BELFOR Property Restoration

15600 Trinity Blvd., Suite 106 - Grand Prairie, TX 76155
(972) 975-1600 Tel. - (972) 988-0564 Fax.
TX License # 18271 - Fed ID # 84-1309171

Recap of Taxes, Overhead and Profit

	Overhead (10%)	Profit (10%)
Line Items	7,100.00	7,100.00
Total	7,100.00	7,100.00



BELFOR Property Restoration

15600 Trinity Blvd., Suite 106 - Grand Prairie, TX 76155
(972) 975-1600 Tel. - (972) 988-0564 Fax.
TX License # 18271 - Fed ID # 84-1309171

Recap by Room

Estimate: WATAUGADEMO		
Abatement	37,000.00	52.11%
Air monitoring and Clearance testing	11,000.00	15.49%
Knock Down Demo	23,000.00	32.39%
Subtotal of Areas	71,000.00	100.00%
Total	71,000.00	100.00%



BELFOR Property Restoration

15600 Trinity Blvd., Suite 106 - Grand Prairie, TX 76155
(972) 975-1600 Tel. - (972) 988-0564 Fax.
TX License # 18271 - Fed ID # 84-1309171

Recap by Category

O&P Items	Total	%
USER DEFINED ITEMS	71,000.00	83.33%
O&P Items Subtotal	71,000.00	83.33%
Overhead	7,100.00	8.33%
Profit	7,100.00	8.33%
Total	85,200.00	100.00%



Belfor USA Group, Inc.

Disaster Restoration Solutions

BELFOR is the world leader in property damage restoration and repair. With locations in over 30 countries, we analyze and restore fire, water and storm damage of every kind and on any scale. We enable organizations to overcome the consequences of damage quickly, smoothly and cost-effectively. We invest every effort in minimizing business interruptions and getting things back to normal as quickly as possible. Because every loss event is different, we treat each case individually. With BELFOR, you always receive a tailor-made service based on a careful analysis of the damage and your needs.

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- **Disaster and Non-Disaster Restoration of Operational Services**

Region 4 ESC - TX | R191601

- **Job Order Contracting Services**

Region 4 ESC - TX | R200101

[VIEW CONTRACT
DOCUMENTATION](#)

[CONTACT US](#)



OMNIA Partners & BELFOR

PUBLIC SECTOR | EDUCATION & GOVERNMENT

BELFOR is a privately-owned company with offices around the world, providing the ability to respond quickly. Since we are not franchised, we maintain complete control of quality and consistency of services at local and national levels. The BELFOR record spans decades of successful restoration of commercial, industrial, and institutional buildings, documents, and contents. BELFOR's vast experience and record of consistent completion of jobs on schedule and within budget have made BELFOR one of the most sought-after reconstruction specialists in the world.

BENEFITS

- Emergency Response
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- General Contracting and Reconstruction
- Document and Media Recovery
- Air Duct Cleaning
- Contents Restoration
- Electronics Restoration

CONTRACTS

Disaster and Non-Disaster Restoration of Operations Services

Contract #: R191601
Region 4 ESC - TX
May 1, 2020 to April 30, 2022
Option to renew for three (3) additional one-year periods through April 30, 2025
RENEWED THROUGH April 30, 2024

Job Order Contracting Services

Contract #: R200101
Region 4 ESC - TX
May 1, 2020 to April 30, 2022
Option to renew for three (3) additional one-year periods through April 30, 2025
RENEWED THROUGH April 30, 2024

Gary Alexander | gary.alexander@us.belfor.com | 631-478-7801

Belfor Contract Documentation

U.S. Communities, National IPA, & NCPA are wholly-owned subsidiaries of OMNIA Partners, dba OMNIA Partners, Public Sector. All public sector participants already registered with National IPA, U.S. Communities, or NCPA continue to have access to all contracts, with certain exceptions, in the portfolio and do not need to re-register to use a legacy National IPA, legacy U.S. Communities, legacy NCPA, or new OMNIA Partners contract. U.S. Communities, National IPA, and NCPA remain separate legal entities and lead agency contracts completed under each brand are effective and available for use through the contract's approved term. In the event we believe re-registration is necessary for any reason, OMNIA Partners will let you know.

Disaster and Non-Disaster Restoration of Operational Services

Region 4 ESC - TX

Contract Number: R191601

Initial Term: May 1, 2020 through April 30, 2022

Renewal Options: Option to renew for three (3) additional one-year periods through April 30, 2025

RENEWED THROUGH April 30, 2025

Executive Summary

- [Executive Summary](#)
- [Due Diligence](#)

Master Agreement Documents

- [Official Signed Contract](#)
- [Contract Award Documents](#)
- [Contract Renewal 1](#)
- [Contract Renewal 2](#)
- [Contract Renewal 3](#)
- [Contract Update 1](#)

- [Contract Update 2](#)
- [Contract Update 3](#)
- [Contract Update 4](#)

Response Evaluation

- [Supplier Response to RFP](#)
- [Evaluation Documents](#)

Solicitation Process

- [Original RFP Document](#)
- [RFP Questions and Answers](#)
- [Proof of Publication](#)
- [RFP Request List](#)
- [Historically Underutilized Business Outreach](#)
- [RFP Opening Documents](#)

Job Order Contracting Services

Region 4 ESC - TX

Contract Number: R200101

Initial Term: May 1, 2020 to April 30, 2022

Renewal Options: Option to renew for three (3) additional one-year periods through April 30, 2025

RENEWED THROUGH April 30, 2025

Any Work Order Assignments executed against this Master Agreement during the effective term may survive beyond the expiration of the Master Agreement as established and agreed to by both parties. The anticipated full term of the contract is up to five (5) years. The Contractor shall have the right to enter local “service” agreements with Participating Public Agencies accessing the contract through OMNIA Partners, so long as the effective date of such agreement is prior to the expiration of the Master Agreement. All local agreements may have a full

potential term (any combination of initial and renewal periods) not to exceed five (5) years.

Executive Summary

- [Executive Summary](#)
- [JOC Summary](#)
- [Due Diligence](#)

Master Agreement Documents

- [Official Signed Contract](#)
- [Contract Award Documents](#)
- [Contract Renewal 1](#)
- [Contract Renewal 2](#)
- [Contract Renewal 3](#)
- [Contract Update 1](#)
- [Contract Update 2](#)
- [Contract Update 3](#)
- [Contract Update 4](#)

Response Evaluation

- [Supplier Response to RFCSP](#)
- [Evaluation Documents](#)

Solicitation Process

- [Original RFCSP Document](#)
- [RFCSP Addendum 1](#)
- [RFCSP Addendum 2](#)
- [Proof of Publication](#)
- [RFCSP Request List](#)
- [Historically Underutilized Business Outreach](#)
- [RFCSP Opening Documents](#)



5001 Aspen Grove Drive
Franklin, TN 37067

info@omniapartners.com
(866) 875-3299

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CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

BELFOR USA Group, Inc., dba BELFOR Property Restoration
Birmingham, MI United States

Certificate Number:
2024-1171653

Date Filed:
06/05/2024

Date Acknowledged:
06/18/2024

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

City of Watauga, Texas

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Senior Center demo / abatement
Disaster restoration services including asbestos abatements and mold remediations

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

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

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)



AGENDA MEMORANDUM

DATE: June 20, 2024
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider approval of the June 10, 2024 City Council Workshop meeting

BACKGROUND/INFORMATION:

Minutes for the June 10, 2024 workshop meeting.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. June 10, 2024 WORKSHOP Meeting - Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance
Linda Proskey, City Secretary

New -

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
WORKSHOP MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
JUNE 10, 2024
5:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 6:00 p.m.

ROLL CALL

The meeting convened with the following members present:

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

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

and

Sandra Gibson
Linda Proskey
David Berman
Deby Woodward
Timothy Hamilton
Alan Thomas
Rober Parker
Paul Hackleman
Trina Nosenzo

Interim City Manager/Director of Finance
City Secretary
City Attorney
Assistant Director of Finance
Director of Parks and Community Services
Assistant Fire Chief
Police Chief
Director of Public Works
Technical Services Supervisor

ANNOUNCEMENTS

PUBLIC COMMENT

No requests for public comment were received.

PUBLIC TESTIMONY FOR ACTION ITEMS

No requests for public testimony were received.

PRESENTATIONS

1. Presentation on the Proposed Capital Outlay Plan FY2025-FY2029

Sandra Gibson, Interim City Manager and Director of Finance, presented the capital outlay plan. The plan encompasses technology, furniture, equipment, and vehicles, spanning a five-year period. However, it requires annual review due to cost updates and changes in the replacement schedule.

This year's recommended items have increased primarily because the build-out of a fire truck has a lead time of 30 months, necessitating its earlier replacement. Additionally, the fire department is requesting extrication equipment and cardiac monitors. Other departmental requests include RFID-equipped computers for the library, light and heavy-duty trucks and other light equipment for public works, fitness equipment for parks and recreation, hardware and software for IT, and HVAC systems and fire alarms for facilities.

In the CCD fund, there are requests for five emergency vehicles. The water and sewer fund requests include light-duty trucks, heavy-duty trucks, and heavy equipment.

2. Presentation on the Proposed Capital Improvement Plan FY2025-FY2029

Sandra Gibson, Interim City Manager and Director of Finance, presented the capital improvement plan. This comprehensive five-year plan undergoes an annual review to ensure accuracy and relevance. Ms. Gibson detailed the total costs for each project over the next five years, outlined the required funding, and explained the strategies for financing these projects.

Timothy Hamilton, Parks and Recreation Director, discussed the projects requested by his department. He elaborated on the pole barn project and its intended uses. Additional projects include the Park Vista/White Branch Creek Trail, Park Vista Park Phase 1, and playground equipment upgrades at Hillview, Indian Springs, Capp Smith, and Virgil Anthony Parks, as well as Foster Village Park renovations.

Regarding the Foster Village cottage, Hamilton addressed its current dilapidated state and the consideration of either renovation or demolition and reconstruction to transform it into an event center. He also mentioned the need for a splash pad filtration upgrade to meet NSF/ANSI-50 standards, with UV light being the only viable option. Furthermore, he discussed plans for installing solar trail lights at Indian Springs, BISD, and Virgil Anthony Parks. Finally, he noted the challenge of replacing the 20-year-old HVAC unit at the recreation center, which would require the removal of a wall.

Trina Nosenzo, Technical Services Supervisor at the library, discussed the necessity of a circular central service desk. This new desk will optimize staffing efficiency and enhance the staff's ability to assist users with computers and copiers. Additionally, it will create space for a small café, further improving the library's services.

Paul Hackleman, Director of Public Works, reviewed the status of several ongoing projects. The enhancements to the Public Works facility parking lot are progressing,

June 10, 2024, Workshop Minutes-page 2

alongside improvements to the Bunker Hill Storm System and stormwater infrastructure upgrades in Echo Hills/Bristol Square. The Park Vista Park Culvert Extension aims to increase usable land for patrons and eliminate the need for a bridge to connect the currently divided sections of the park.

The Animal Shelter Flood Study, addressing the portion of the building located in a floodway, will provide essential information for planning necessary improvements. Similarly, the Foster Village Park Flood Study addresses floodway concerns in that area. On Whitley Road 4, work includes the demolition and pavement marking on Bursey Road, while Whitley Road 5 is nearing the bidding and construction phase, with work scheduled to commence this year.

For Hightower Drive 1, a public hearing was held in April. The Watauga Road 1 project involves a full concrete reconstruction planned in five phases. Street maintenance projects are scheduled for Whispering Drive, Bowling Drive, Lara Lane, and Kennedy Street. The 50th Year CDBG Bunker Blvd. Water Main project is part of the Community Development Block Grant program. Additionally, the CDBG_CV Round 4 Plum Street Water Main project is funded by a county grant.

Various citywide water and wastewater projects are underway to enhance infrastructure. The water lines on Maurie Drive and Barry Drive are being replaced due to frequent leaks and degradation. Lastly, the Lead Water Service Line Identification project, mandated by the EPA, involves identifying and addressing lead water service lines.

Sandra Gibson, Interim City Manager and Director of Finance, addressed the Advanced Meter Infrastructure project, emphasizing the need for debt issuance to fund its implementation. This initiative is projected to result in an approximate \$2.50 increase in the base rate for utility customers.

Additionally, Gibson reviewed the details of the proposed 2024 debt issuance, highlighting the specific projects that would be encompassed.

ADJOURNMENT

Mayor Miner adjourned the meeting at 6:29 pm

Approved: this _____ day of _____, 2024

Signed: this _____ day of _____, 2024

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: June 20, 2024
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider the approval of the June 10, 2024, Regular City Council meeting.

BACKGROUND/INFORMATION:

Meeting minutes for the June 10, 2024 Regular Council meeting.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. June 10, 2024 Council Regular Meeting - Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance
Linda Proskey, City Secretary

New -

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
JUNE 10, 2024
6:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 6:40 p.m.

ROLL CALL

The meeting convened with the following members present:

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

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

and

Sandra Gibson
Linda Proskey
David Berman
Deby Woodward
Timothy Hamilton
Alan Thomas
Rober Parker
Paul Hackleman

Interim City Manager/Director of Finance
City Secretary
City Attorney
Assistant Director of Finance
Director of Parks and Community Services
Assistant Fire Chief
Police Chief
Director of Public Works

INVOCATION

Pastor Dennis Serratt First Baptist Church of Watauga and police chaplain gave the invocation

PLEDGE OF ALLEGIANCE

June 10, 2024, City Council Regular Meeting Minutes-page 1

Mayor Miner led the Pledge of Allegiance.

ANNOUNCEMENTS

Councilmember Neal announced the library's summer reading has started. He suggested that people adopt a pet from the animal shelter.

OATHS OF OFFICE

1. The Oath of Office will be given to the following council members:

Judge Bass swore in the following council members.

Pat Shelbourne, Place 1

Cris Blackburn, Place 2

Mark Taylor, Place 6

Jan Hill, Place 7

PRESENTATIONS

1. Proclamation for Ehlers-Danlos Syndromes and Hypermobility Spectrum Disorders.

Mayor Miner presented a proclamation to Joanna Myers and LaShon Jackson-Johnson.

2. Proclamation for Juneteenth.

Mayor Miner read a proclamation for Juneteenth.

3. Presentation of Employee of the Month Award for the month of June

Mayor Miner and Sandra Gibson presented the Employee of the Month Award to Tonya DeGrand Animal Services Supervisor

4. Presentation of Service Awards for the City of Watauga Employees celebrating a Milestone Anniversary during the month of June

Mayor Miner and Sandra Gibson presented the Service Award to Max Muller

PUBLIC COMMENT

Doreen Camillone 11760 North Court, Azle TX of Mailbox Momma spoke about her business.

Trudy Palmer 5924 Clovis Ct. Watauga TX spoke about an issue of harassment and disruption she is experiencing in her neighborhood.

PUBLIC TESTIMONY FOR ACTION ITEMS

No requests for public testimony were received.

CONSENT AGENDA

1. **Consider action on a Resolution of the City Council of the City of Watauga, Texas, authorizing the City Manager to negotiate and execute on behalf of the City an Interlocal Agreement for street maintenance services by and between the City of Watauga, Texas, and Tarrant County, Texas; providing for repeal; providing for severability; and providing for an effective date.**
2. **Consider action to approve the replacement of four (4) Rooftop Air Condition Units for the Library with A&G Services through the Tarrant County RFB 2022-210 Rates and a \$16,000 contingency.**
3. **Consider approval of the reappointment of Brian Downey to Place 1 on the Civil Service Commission.**
4. **Consider approval of the Mayor's appointment of Council Liaisons to the Boards and Commissions.**
5. **Consider approval for the implementation of a Temporary Civilian Mental Health Coordinator.**
6. **Consider approval of the Monthly Financial Report for the period ending April 30, 2024.**
7. **Consider the approval of the May 13, 2024 Regular City Council meeting minutes**

Councilmember Neal made a motion to approve the consent agenda as presented. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes, Shelbourne, Blackburn, Downey, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: None

PUBLIC HEARINGS

1. **SUP.24-03: Public hearing to receive comments for or against a request for a specific use permit to allow for a massage establishment at the property commonly known as 6900 Denton Highway #108, Lot A2 Block 6, of the Bunker Hill Addition. The subject property at Sanko Plaza is located north of Bunker Boulevard and east of Denton Highway. Owner: Cider Property Inc. Applicant/Agent: Ransheng Ellis.**

Jeannette Garcia, Planner 1 presented the item and Licensed therapist Ransheng Ellis was present. The business name is A Plus Massage.

Mayor Miner opened the Public Hearing at 7:20 PM

There were no request to speak

Mayor Miner closed the Public Hearing at 7:20 PM

2. **Z.24-01: Public hearing to receive comments for or against a request for a zoning change from Single-family (SF-6) to Planned Development (PD), for property commonly known as 6355 Starnes Road, being Lot 1 Block 1, of the Indian Springs Addition. The subject property is to be subdivided into two (2) lots for an additional single-family dwelling and is located north of Starnes Road east of Whitley Road and west of Indian Springs Road. Owner/applicant: Indian Springs Addition LLC, Kevin Wong.**

Jeannette Garcia, Planner 1 presented the item and Kevin Wong Owner/applicant was present at the meeting.

Mayor Miner opened the Public Hearing at 7:28 PM

There was no request to speak.

Mayor Miner closed the Public Hearing at 7:28 PM

3. **P.24-01: Public hearing for consideration of request for approval of a replat for Lot 1 Block 1 of the Indian Springs Addition, known as 6355 Starnes Road, being north of Starnes Road east of Whitley Road and west of Indian Springs Road. The proposed replat is to subdivide the one (1) lot into two (2) lots to accommodate for an additional single-family dwelling. Owner/applicant: Indian Springs Addition LLC, Kevin Wong.**

Jeannette Garcia, Planner 1 presented the item and Kevin Wong Owner/applicant was present at the meeting.

Mayor Miner opened the Public Hearing at 7:31 PM

There was no request to speak.

Mayor Miner closed the Public Hearing at 7:32 PM

ACTION ITEMS

1. **SUP. 24-03: Consideration of a request from Ransheng Ellis for a specific use permit to allow for a massage establishment in a property commonly known as 6900 Denton Highway #108, being a portion of Sanko Plaza which is located north of Bunker Boulevard and east of Denton Highway. Owner: Cider Property Inc. Applicant/Agent: Ransheng Ellis.**

Mayor Miner called for a Motion. Councilmember Blackburn made a motion to accept the item as presented. Councilmember Taylor seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

Ayes: Shelbourne, Blackburn, Downey, Neal, Minucci, Taylor, Hill
Nays: None

Abstain: None
Absent: None

2. Z.24-01: Consideration of a request from Indian Springs Addition LLC for a zoning change from Single-family (SF-6) to a Planned Development (PD) zoning district. The subject property is commonly known as 6355 Starnes Road. The proposed request is to subdivide one (1) lot into two (2) lots to allow for construction of an additional single-family home.

Mayor Miner called for a Motion. Councilmember Hill made a motion to accept the item as presented. Councilmember Neal seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

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

3. P.24-01: Consideration of a request from Indian Springs Addition LLC for a replat of Lot 1 Block 1 of the Indian Springs Addition to allow for one additional single-family home. Jeannette Garcia, Planner I 4. Discussion and possible action on an Ordinance providing for a Trap, Neuter, Vaccinate and Release program Jan Hill, Board Member.

Mayor Miner called for a Motion. Councilmember Neal made a motion to accept the item as presented. Councilmember Shelbourne seconded the motion.

Motion carried 7-0-0-0.

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

4. Discussion and possible action on an Ordinance providing for a Trap, Neuter, Vaccinate and Release program.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, AMENDING THE CODE OF ORDINANCES, WATAUGA, TEXAS, BY AMENDING ARTICLE VI (ANIMAL CARE) OF CHAPTER 6 ("ANIMALS"), TO ADOPT AND IMPLEMENT A TRAP-NEUTER-VACCINATE-RETURN PROGRAM FOR FERAL CATS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

Councilmember Hill presented the item. She stated that the animal services are not able to implement this due to space and cost. This ordinance allows citizens to trap

feral cats and take them to be neutered or spayed and vaccinated without being penalized for it. She said this involves nothing on the behalf of the city unless they want to monitor, inspect or charge fees but those would need to be addressed by policy. She said that animal services will not be able to take the cats, this has to be done by volunteers.

Police Chief Robert Parker stated that both the staff and the Animal Services Advisory Committee have advised against the city assuming the responsibility and costs associated with a Trap-Neuter-Return (TNR) program. They have no objections to a volunteer-based TNR volunteer program, which involves returning cats to their colonies to improve their survival chances.

One aspect of the ordinance being presented tonight is that it allows individuals to bring cats to Animal Services. However, due to limited capacity, Animal Services cannot accommodate feral cats and would have to turn them away. As long as Animal Services is not held responsible for turning people away, they support a volunteer program where citizens take responsibility for the animals and the costs. Chief Parker also noted that state law has recently changed to permit TNR.

Councilmember Downey called the question. Councilmember Hill seconded it.

Mayor Miner called for a vote.

Councilmember Blackburn made a motion to accept the ordinance with the amendment to remove subsection C under a friendly amendment.

Council Member Downey accepted the friendly amendment and Councilmember Hill accepted the friendly amendment.

Councilmember Shelbourne asked to speak.

Attorney David Berman stated that he could not since the question has been called.

Mayor Miner called for a vote.

Motion carried 6-1-0-0.

Ayes, Blackburn, Downey, Neal, Minucci, Taylor, Hill

Nays: Shelbourne

Abstain: None

Absent: None

ITEMS FOR FUTURE AGENDAS

Councilmember Taylor wants a workshop on rental properties in the city.

Councilmember Hill seconded the request. Mayor Miner stated that this is already on the list for a workshop.

ADJOURNMENT

June 10, 2024, City Council Regular Meeting Minutes-page 6

Mayor Miner adjourned the meeting at 7:57 pm

Approved: this _____ day of _____, 2024

Signed: this _____ day of _____, 2024

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: June 13, 2024

TO: Honorable City Council Members

FROM: Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consideration and approval of a resolution by the City Council of the City of Watauga, Texas, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in securities and exchange commission rule 15c2-12; and providing an effective date

BACKGROUND/INFORMATION:

During the Workshop Meeting on June 10, 2024, staff presented the Capital Outlay Plan, the Capital Improvement Plan, and funding some of the plan projects and equipment through debt issuance. The City has various capital projects and equipment that are a high dollar amount and would best be financed through debt issuance in order to spread the cost of the items over their expected life span. These projects include various building improvement projects and a fire truck replacement. During the development of the Capital Improvement Plan and Capital Outlay Plan, the following projects were recommended for funding through debt issuance for Fiscal Year 2024-2025:

1. \$3.5 million for the AMI project (Utility Fund)
2. \$1.5 million for the Fire Engine replacement
3. \$1.0 million for the Public Works Parking Lot improvement project
4. \$1.1 million for parks projects and building improvement projects

With this agenda item, the Council is considering a Resolution authorizing the publication of a Notice of Intention notifying residents of the Council's intention to issue Certificates of Obligation in an amount not to exceed \$7.1 million. The Certificates of obligation would be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge and lien on certain revenues derived from the operation of the City's Utility System. The issuance of debt is desirable if the Council wishes to proceed with the proposed projects and purchase of capital equipment.

FINANCIAL IMPLICATIONS:

Cost of publishing Notice of Intention is minimal.

RECOMMENDATION/ACTION DESIRED:



AGENDA MEMORANDUM

Recommended motion language: I move that the City Council adopt a Notice of Intention Resolution

Staff recommends approval of the Resolution approving publication of a Notice of Intention to issue Certificates of Obligation for an amount not to exceed \$7.1 million.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. NOI Resolution

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 6/14/2024

David Berman, City Attorney Approved - 6/17/2024

Sandra Gibson, Interim City Manager and Director of Finance Approved - 6/18/2024

Linda Proskey, City Secretary Final Approval - 6/18/2024

Approved as to form for inclusion on Agenda

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA,
TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE
OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION;
COMPLYING WITH THE REQUIREMENTS CONTAINED IN
SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Council (the *City Council*) of the City of Watauga, Texas (the *City*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *Certificates*) in an amount not to exceed \$7,100,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through Section 271.064, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) designing, constructing, renovating, improving, and equipping the City's parks and recreational facilities, including new trail lights and renovations to the community center and splash pad; (3) constructing, acquiring, purchasing, renovating, enlarging, and improving City administrative facilities, including renovations and improvements to City Hall, the City Library, and the Public Works Department; (4) acquiring fire-fighting and other public safety equipment and vehicles, including a fire truck; (5) the purchase of materials, supplies, equipment, digital signage, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (6) payment for professional and employee services relating to the design, construction, project management, inspection, consultant services, and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain of the revenues derived from the operation of the City's utility system. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter; and

WHEREAS, prior to the offering, sale, and issuance of the Certificates, the appropriate officials of the City must review and approve the distribution of a "deemed final" preliminary official statement (the *Official Statement*) in order to comply with the requirements contained in 17 C.F.R. §240.15c2-12 (the *Securities and Exchange Commission Rule*); and

WHEREAS, based upon their review of the Official Statement, the appropriate officials of the City must find to the best of their knowledge and belief, after reasonable investigation, that the representations of facts pertaining to the City contained in the Official Statement are true and correct and that, except as disclosed in the Official Statement, there are no facts pertaining to the City that would adversely affect the issuance of the Certificates or the City's ability to pay the debt service requirements on the Certificates when due; and

WHEREAS, the City Council will comply with the requirements contained in the Securities and Exchange Commission Rule concerning the creation of a contractual obligation between the City and the proposed purchaser(s) of the Certificates (the *Purchasers*) to provide the

Purchasers with an Official Statement in a time and manner that will enable the Purchasers to comply with the distribution requirements and continuing disclosure requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, the City Council authorizes the Mayor, City Manager, Director of Finance, City Secretary, and the City Attorney, as appropriate, or their designees, to review, approve, and execute any document or certificate in order to allow the City to comply with the requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, prior to the issuance of the Certificates, the City Council is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, and if the City maintains an internet website, publish such notice of intent on the City's internet website, such notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the purposes for which the Certificates are to be issued, (iii) the manner in which the City Council proposes to pay the Certificates; (iv) the then-current principal amount of all outstanding ad valorem debt obligations of the City; (v) the then-current combined principal and interest required to pay all outstanding ad valorem debt obligations of the City on time and in full, which may be based on the City's expectations relative to the interest due on any variable rate ad valorem debt obligations; (vi) the maximum principal amount of the Certificates to be authorized; (vii) the estimated interest rate for the Certificates to be authorized or that the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (viii) the maximum maturity date of the Certificates to be authorized; and

WHEREAS, the City Council hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law;

WHEREAS, the City Council hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City; now, therefore,

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

SECTION 1: The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue the Certificates in an amount not to exceed \$7,100,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) designing, constructing, renovating, improving, and equipping the City's parks and recreational facilities, including new trail lights and renovations to the community center and splash pad; (3) constructing, acquiring, purchasing, renovating, enlarging, and improving City administrative facilities, including renovations and improvements to City Hall, the City Library, and the Public Works Department; (4) acquiring fire-fighting and other public safety equipment and vehicles, including a fire truck; (5) the purchase of materials, supplies, equipment, digital signage, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (6) payment for professional and employee services relating to the design, construction, project management, inspection, consultant services, and

financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's utility system. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 2: The City Secretary shall cause the notice described in Section 1 to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication shall be at least forty-six (46) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates. Additionally, the City Secretary shall cause the notice described in Section 1 to be posted continuously on the City's website for at least forty-five (45) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates.

SECTION 3: The Mayor, City Manager, Director of Finance, City Secretary, and the City Attorney, as appropriate, or their designees, are authorized to review and approve the Official Statement pertaining to the offering, sale, and issuance of the Certificates and to execute any document or certificate in order to comply with the requirements contained in the Securities and Exchange Commission Rule.

SECTION 4: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 5: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 8: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED, this the 24th day of June, 2024.

CITY OF WATAUGA, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

I, the undersigned, City Attorney of the City of Watauga, Texas, hereby certify that I read, passed upon, and approved as to form and legality the foregoing Resolution prior to its adoption and passage as aforesaid.

City Attorney, City of Watauga, Texas

Exhibit A

NOTICE OF INTENTION TO ISSUE CITY OF WATAUGA, TEXAS CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Watauga, Texas will convene at its regular meeting place in the City Hall in Watauga, Texas, at 6:30 o'clock P.M., Watauga, Texas time on August 26, 2024, and, during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$7,100,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing, acquiring, purchasing, renovating, enlarging, and improving the City's utility system; (2) designing, constructing, renovating, improving, and equipping the City's parks and recreational facilities, including new trail lights and renovations to the community center and splash pad; (3) constructing, acquiring, purchasing, renovating, enlarging, and improving City administrative facilities, including renovations and improvements to City Hall, the City Library, and the Public Works Department; (4) acquiring fire-fighting and other public safety equipment and vehicles, including a fire truck; (5) the purchase of materials, supplies, equipment, digital signage, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (6) payment for professional and employee services relating to the design, construction, project management, inspection, consultant services, and financing of the aforementioned projects. The certificates of obligation (the *Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's utility system. In accordance with Section 271.049, as amended, Texas Local Government Code, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$43,855,000; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$54,799,842; (iii) the estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$11,204,444; (iv) the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the Certificates to be authorized is February 1, 2044. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

_____/s/ Linda Proskey
City Secretary,
City of Watauga, Texas