



AGENDA
WATAUGA CITY COUNCIL
REGULAR MEETING
MONDAY, JANUARY 13, 2025
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:30 PM

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

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE United States and Texas Flags

ANNOUNCEMENTS

PRESENTATIONS

1. Presentation of Service Awards for the City of Watauga Employees celebrating a Milestone Anniversary during the month of January
2. Presentation of Employee of the Month Award for the month of January
3. Capital Improvement Plan (CIP) Projects beginning construction (1) Summertime Lane Reconstruction & (2) Park Vista Drainage Improvements
Paul Hackleman, Director of Public Works

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. Any council member wishing to pull an item may do so.

1. Consider action to approve 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 vehicle maintenance services by and between the City of Watauga, Texas, and the City of Richland Hills, Texas; providing for repeal; providing for severability; and providing for an effective date
Paul Hackleman, Director of Public Works
Joseph Grasmick, Fleet and Facilities Superintendent
2. Consider action to approve the October 14, 2024 Regular City Council meeting minutes.
Linda Proskey, City Secretary
3. Consider action to approve a resolution for a Federal Grant requesting funding for the Mental Health Coordinator position at the Watauga Police Department
Ben Davis, Grant & Recognition Program Manager
4. Consider action to approve the May 15, 2024 Special Council Meeting Canvassing the Election.
Linda Proskey, City Secretary
5. Consider the approval of minutes from the August 7, 2023 City Council meeting
Linda Proskey, City Secretary
6. Consider action to approve the October 28, 2024 Council Workshop meeting minutes.
Linda Proskey, City Secretary
7. Consider action to approve the October 28, 2024 Regular City Council meeting minutes
Linda Proskey, City Secretary
8. Consider action to approve the November 11, 2024 Regular City Council meeting minutes.
Linda Proskey, City Secretary
9. Consider action on approval of the Monthly Financial Report for the period ending November 30, 2024
Sandra Gibson, Interim City Manager and Director of Finance
10. Consider action on a Professional Services Agreement between the City of Watauga, Texas and Burgess & Niple, Inc. for the design of the Public Works Parking Lot

Paul Hackleman, Director of Public Works

11. Consider the approval of the July 10, 2023 Regular City Council meeting minutes
Linda Proskey, City Secretary

PUBLIC HEARINGS

1. Public hearing to receive comments for or against the consideration of an ordinance revising single family dwelling rental regulations and adopting short-term rental regulations within the City of Watauga.
Randy Richards, CFM, Assistant Director of Public Works
2. Public hearing to receive comments for or against the consideration of an ordinance amending Chapter 12, Code of Ordinances, Fee schedule, adopting fees for short-term rentals.
Randy Richards, CFM, Assistant Director of Public Works

ACTION ITEMS

1. Consider action to approve AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF WATAUGA, TEXAS, BY AMENDING ARTICLE XI ("SINGLE FAMILY DWELLING RENTAL PERMIT") OF CHAPTER 22 ("LICENSES, PERMITS AND BUSINESS REGULATIONS") TO AMEND SECTION 22-561, SECTION 22-562, SECTION 22-563, SECTION 22-564, SECTION 22-567, SECTION 22-568, AND SECTION 22-571, AMENDING REGULATIONS FOR SINGLE-FAMILY DWELLING RENTAL UNITS TO PROVIDE PENALTIES FOR VIOLATIONS, REVISE DEFINITIONS, REVISE REGULATIONS FOR REGISTRATION AND PERMITS, PROVIDE FOR MINIMUM STANDARDS AND INSPECTIONS, PROVIDE REGULATIONS FOR SHORT-TERM RENTAL UNITS, AND REVISE REGULATIONS RELATING THE SUSPENSION OF PERMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.
Randy Richards, CFM, Assistant Director of Public Works
2. Consider action to approve AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING CHAPTER 12 ("FEE SCHEDULE") OF THE CODE OF ORDINANCES OF THE CITY OF WATAUGA, TEXAS, AMENDING SECTION 12-22(m) OF CHAPTER 12 AMENDING AND ADDING REGISTRATION AND INSPECTION FEES FOR SINGLE FAMILY DWELLING RENTALS AND SHORT TERM RENTAL UNITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Randy Richards, CFM, Assistant Director of Public Works

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:

1. Pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. City Manager
Arthur Miner, Mayor

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

1. Consider action on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager

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 January 8, 2025, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

/S/ Linda Proskey
City Secretary





AGENDA MEMORANDUM

DATE: December 19, 2024
TO: Honorable City Council Members
FROM:
THROUGH:
SUBJECT: Presentation of Service Awards for the City of Watauga Employees celebrating a Milestone Anniversary during the month of January

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Milestone Service Awards - January 2025

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service Director

Approved - 12/23/2024

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 12/30/2024

Linda Proskey, City Secretary

Final Approval -
12/30/2024

Approved as to form for inclusion on Agenda

City of Watauga

EMPLOYEE
MILESTONE
SERVICE AWARDS

January 2025



Thank You

5 Years of Service

Kimberly Rupkalvis
Financial Services Analyst II



Thank You

5 Years of Service

Tyler Smith

Firefighter/Paramedic

Clayton Miller

Firefighter/Paramedic

Michael Maglott

Firefighter/Paramedic

Stephen Saniei

Firefighter/Paramedic

Marcus Lopez

Driver/Engineer





AGENDA MEMORANDUM

DATE: December 23, 2024
TO: Honorable City Council Members
FROM:
THROUGH:
SUBJECT: Presentation of Employee of the Month Award for the month of January

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Employee of the Month - January 2025

REVIEWED BY:

Juliet Rodriguez, Human Resources and Civil Service
Director

Approved - 12/23/2024

Sandra Gibson, Interim City Manager and Director of
Finance

Approved - 12/30/2024

Linda Proskey, City Secretary

Final Approval -
12/30/2024

Approved as to form for inclusion on Agenda

CITY OF WATAUGA

**EMPLOYEE OF THE MONTH
A W A R D**

PRESENTED TO

Kacee Honardar

Police Corporal

JANUARY
2025



*Thank you
for all you do!*



AGENDA MEMORANDUM

DATE: December 18, 2024

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works

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

SUBJECT: Capital Improvement Plan (CIP) Projects beginning construction (1) Summertime Lane Reconstruction & (2) Park Vista Drainage Improvements

BACKGROUND/INFORMATION:

Presentation - see Powerpoint

FINANCIAL IMPLICATIONS:

Presentation - no impact

RECOMMENDATION/ACTION DESIRED:

No action required

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Construction Start Presentation - Summertime & Park Vista Park Culvert Extention

REVIEWED BY:

Paul Hackleman, Director of Public Works

Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 1/7/2025

Approved - 1/7/2025

Final Approval - 1/7/2025

City Council
January 13, 2025



Construction Starting:

Summertime Lane
Improvements

Park Vista Culvert
Extension



Summertime Lane Improvements Construction Notice



CONSTRUCTION NOTICE

Water & Wastewater CIP Group 3

THIS NOTICE IS TO INFORM YOU THAT QUALITY EXCAVATION LLC IS CONTRACTED WITH THE CITY OF WATAUGA TO COMPLETE THE ABOVE LISTED PROJECT WITH A ESTIMATED COMPLETION DATE OF JANUARY 2026.

THE LIMITS OF THIS PROJECT ARE: Summertime Lane from Carousel Dr to Summit Ridge Dr. and includes a section of Route 66 north of Summertime Lane and a section of Summit Ridge Dr. at Avalon Dr.

This work will begin on or within 10 days after January 13, 2025.

The traffic control for this project will have the streets listed above closed to thru traffic. Sidewalks will also be closed at the same time. The street will be removed during the installation of the new wet utilities to be installed and will be replaced after ALL utilities are completed.

**PLEASE DO NOT USE, OR PARK, ON THE STREET SECTIONS DURING
CONSTRUCTION**

IF YOU HAVE QUESTIONS ABOUT ACCESS, SECURITY, SAFETY OR ANY OTHER ISSUE, PLEASE CALL:
Justin Hammond 940-783-2225 – QUALITY EXCAVATION, LLC
Jason Wilson 940-391-0943 – QUALITY EXCAVATION, LLC
Wayne Jarvis 817- 514-5753 – cell 682-715-8040) CITY OF WATAUGA
PUBLIC WORKS DEPARTMENT (817) 514-5806

IF YOU DESIRE MONTHLY CONSTRUCTION UPDATES BY EMAIL, PLEASE EMAIL
WAYNE JARVIS AT wjarvis@wataugatx.org AND YOU SHALL BE ADDED TO THE LIST.

Quality Excavation, LLC

**Staff and Contractor agreed
to start construction after
Christmas.**

Start January 13, 2025

Or within 10 days

End January 2026

Or sooner

2019-2020 Water & Wastewater CIP, Group 3 ARPA Funded



This project reconstructs Summertime Lane from Carousel Drive to Rufe Snow and Route 66 from Summertime Lane to Whispering Lane. It replaces the existing water and sanitary sewer with 8" diameter water line and 8" sanitary sewer main. Additionally, it constructs new underground storm drainage and extends the box culvert under Summertime Lane.



Park Vista Culvert Extension Construction Notice



CONSTRUCTION NOTICE PARK VISTA CULVERT EXTENSION

This Notice is to inform you that Maya Underground Contractors is contracted with the city of Watauga to construct the "Park Vista Culvert Extension" project. Contractor will start on January 2, 2025 with an estimated completion date of May 2, 2025.

Residents/ Streets affected: **Ridge View Dr. – Yampa Trail - Bison Trail**



**Maya Underground
Contractors, LLC**

**Staff and Contractor agreed
to start construction after
Christmas.**

**Start January 2, 2025
End May 2025**

Sidewalks will Also be Closed during Construction.

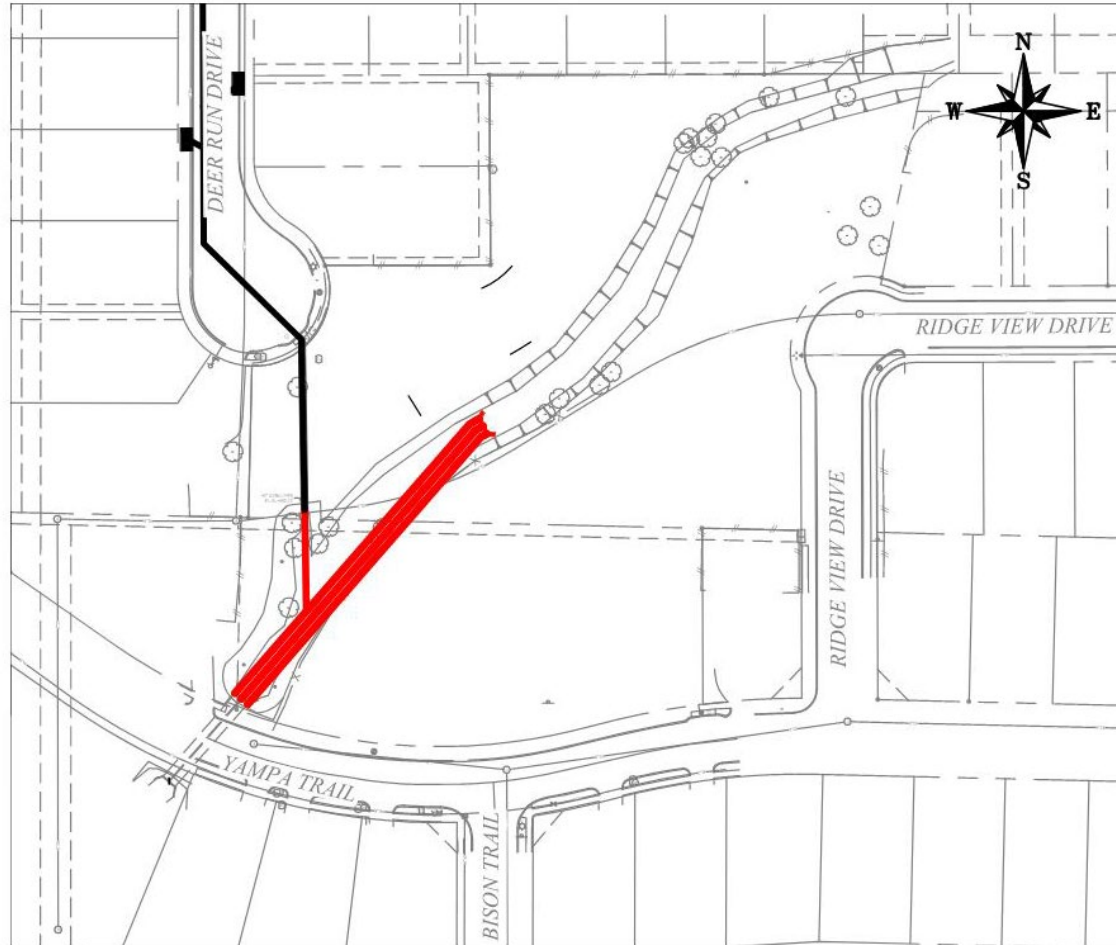
IF YOU HAVE QUESTIONS ABOUT ACCESS, SECURITY, SAFETY OR ANY OTHER ISSUE, PLEASE CALL:

Mr. Nelson Amaya @ (817) 535 – 9789 - Maya Underground
Mr. Osa Gaisoa @ (469) 343 – 9597 - Maya Underground
Mr. Wayne Jarvis @ (817) 514 – 5753) Cell (682) 715 – 8040 City of Watauga
PUBLIC WORKS DEPARTMENT (817) 514-5806

Park Vista Park Culvert Extension (ARPA)

Construction project includes:

1. Two parallel underground 5'x 5' box culverts
2. Connect to Deer Run Storm Drain
3. Headwall with safety fencing
4. Grading
5. Hydro mulch Seeding
6. Future Park Improvement under design – Construction FY 25-26



Current Construction Pictures

**CITY OF WATAUGA
PROJECT-\$517,141.95
FOR CONSTRUCTION OF
PARK VISTA PARK
CULVERT EXTENSION
PROJECTED COMPLETION - APRIL 2025**





AGENDA MEMORANDUM

DATE: December 17, 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 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 vehicle maintenance services by and between the City of Watauga, Texas, and the City of Richland Hills, Texas; providing for repeal; providing for severability; and providing for an effective date

BACKGROUND/INFORMATION:

In an effort to increase operational efficiencies, the Public Works Department has maintained Fleet Services with eight (8) of our neighboring cities. The City of Richland Hills desires to enter into an Interlocal Agreement (ILA) for Fleet Services.

This ILA is the same as the eight (8) existing ILAs we have with Keller, White Settlement, Sansom Park, Blue Mound, Trophy Club, Roanoke, Westlake and Lake Worth.

Watauga and Richland Hills have the authority to enter into this Agreement pursuant to Chapter 791, Texas Government Code.

The service agreement for Vehicle Maintenance contemplated under this Agreement is of mutual interest and benefit to Watauga and Richland Hills and will further the objectives of both parties in a manner consistent with the objectives of political subdivisions of the State of Texas. Watauga will provide vehicle maintenance services to Richland Hills, for a defined fee in the agreement.

It is mutually beneficial to both parties to execute this Agreement whereby each entity can achieve common objectives relating to the services regarding vehicle maintenance and in the interest of saving taxpayer funding.

FINANCIAL IMPLICATIONS:

Minor positive impact

RECOMMENDATION/ACTION DESIRED:



AGENDA MEMORANDUM

City staff respectfully recommends the City Council approve authorizing the City Manager to enter into the Interlocal Agreement with Richland Hills for Fleet Services

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. ILA -Richland Hills - Vehicle Maintenance - 2025 January
2. Resolution approving Interlocal Agreement Richland Hills Vehicle Service - 2025

REVIEWED BY:

David Berman, City Attorney

Approved - 1/1/2025

Paul Hackleman, Director of Public Works

Approved - 1/6/2025

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 1/7/2025

Linda Proskey, City Secretary

Final Approval - 1/7/2025

Approved as to form for inclusion on Agenda

Exhibit “A”

Interlocal Agreement with Richland Hills for Vehicle Maintenance

STATE OF TEXAS

INTERLOCAL AGREEMENT

TARRANT COUNTY

This Interlocal Agreement (the “**Agreement**”) is made and entered into by and, between The City of Watauga, Texas, a municipal corporation (hereinafter “**WATAUGA**”) and The City of Richland Hills, Texas, a home rule municipal corporation (hereinafter “**RICHLAND HILLS**”).

WHEREAS, both WATAUGA and RICHLAND HILLS has the authority to enter into this Agreement pursuant to Chapter 791, Texas Government Code (the “Interlocal Cooperation Act”); and

WHEREAS, the service agreement for Vehicle Maintenance (“Service Level Agreement”) contemplated under this Agreement is of mutual interest and benefit to RICHLAND HILLS and WATAUGA and will further the objectives of both parties in the exercise of their governmental functions in a manner consistent with the objectives of political subdivisions of the State of Texas; Watauga will provide vehicle maintenance services to RICHLAND HILLS, for a defined fee detailed below; and

WHEREAS, it is mutually beneficial to both parties to execute this Agreement whereby each entity can achieve common objectives relating to the services regarding vehicle maintenance and in the interest of saving taxpayer funding; and

WHEREAS, all payments collected by WATAUGA from vehicle maintenance services provided to RICHLAND HILLS will be considered revenue to WATAUGA and that RICHLAND HILLS shall pay all invoices presented, as statutorily prescribed by Texas Government Code Chapter 2251 (Prompt Payment Act); and

WHEREAS, in accordance with Section 791.011(d)(3) of the Interlocal Cooperation Act, each Party shall pay for the performance of governmental functions and services under this Agreement from current revenues available to that party; and

WHEREAS, RICHLAND HILLS agrees to utilize the non-exclusive vehicle maintenance services provided by WATAUGA, in this agreement for the purposes of vehicle maintenance to RICHLAND HILLS vehicles and equipment, and

NOW, THEREFORE, inconsideration of the mutual representations, terms and covenant hereafter set forth, the parties hereby agree as follows:

TERMS AND CONDITIONS

1. STATEMENT OF WORK.

WATAUGA agrees to use reasonable efforts to perform the vehicle maintenance services described in the Service Level Agreement listed below in Section 2.

2. SERVICE LEVEL AGREEMENT – Services provided by WATAUGA:

- a. Schedule vehicle maintenance and repairs when notified by RICHLAND HILLS;
- b. Provide vehicle preventative maintenance and general repair services in a timely manner; and
- c. Process monthly repair invoices for payment.

3. WARRANTY – WATAUGA

Watauga's Fleet Services Division will warrant repair labor for a period of 60 days;

- a. Parts will be warranted for 90 days, and defective or failed parts will be replaced at no charge during warranty period;
- b. All vehicle batteries will have an eighteen (18) month free replacement period; and
- c. Other than the foregoing warranties, WATAUGA makes no other warranties, guaranties or representations regarding parts or labor.

4. RATE SCHEDULE

Services provided by WATAUGA at the following rates – Preventive Maintenance (PM) services flat rated based on vehicle class as follows:

- a. Light duty PM - \$139.22 + parts
- b. Heavy duty PM - \$2,497.87 + parts
- c. Other repairs invoiced at cost plus labor rate of \$139.22 per hour + parts
- d. Parts invoiced at cost plus 25%
- e. Transporting of equipment shall be billed out at the hourly rate of \$139.22 an hour.

- f. Dispatch Watauga Service truck to repair equipment in field will be charged a \$69.61 service call - \$174.02/hr + parts during normal working business days from 7:00 am till 4:00 pm or \$208.82/hr for afterhours + parts
- g. Dispatch third party vendors to truck in field (flat tires, etc.) – Third party costs + 25%
- h. Each new budget year, the rate schedule shall be increased by three percent (3.0%). The increase shall be automatically accepted unless each City/Town Manager agrees to other provisions prior to the final budget being accepted by the City/Town Council of both entities.

5. CONTRACT PAYMENTS

RICHLAND HILLS shall reimburse WATAUGA per Section 4 on a monthly basis.

Payments shall be sent to the following address:

City of Watauga
Finance Department
7105 Whitley Road
Watauga, TX 76148
Attention: Accounts Payable

Phone: 817-514-5800

Email: accountspayable@wataugatx.org

6. THIRD PARTY

This Agreement shall not be interpreted to inure to the benefit of a third party not a party to this Agreement. This Agreement shall not be interpreted to waive any statutory or common law defense, immunity, including governmental and sovereign immunity, or any limitation of liability, responsibility, or damage of any party to this Agreement, party's agent, or party's employee, except as otherwise expressly provided by law.

7. JOINT VENTURE & AGENCY

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

8. EFFECTIVE DATE

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

9. TERM

The initial term of this Agreement shall be for the fiscal 2024/2025 budget year, beginning on October 1, 2024 and expiring on September 30, 2025 (the "Initial Term"). Following the Initial Term, unless written notice is given by either party hereto to the other not less than ninety (90) day before the expiration of this Agreement, it shall be automatically renewed for another additional period of twelve (12) months from such expiration date and shall be automatically renewed thereafter indefinitely. In the event of termination by either party, neither party shall have any further obligations to the other party under this Agreement, except that RICHLAND HILLS remains liable to WATAUGA for any outstanding invoices, if any.

9. TERMINATION

Notwithstanding anything to the contrary, either party may terminate this Agreement at any time by providing ninety (90) days written notice to the other party. Any failure by RICHLAND HILLS to timely pay any amounts due under the provisions of this Agreement shall be a material breach of this Agreement and WATAUGA may, in addition to any other remedy, terminate this Agreement for such breach immediately.

10. RIGHTS AND OBLIGATIONS OF WATAUGA

- a. WATAUGA shall provide the Services at Watauga Fleet Maintenance Garage for in-house repairs.
- b. WATAUGA shall instruct any third-party certified vehicle and equipment maintenance providers to provide the same level of service to RICHLAND HILLS vehicles and equipment as it does for WATAUGA.
- c. The certified vehicle and equipment maintenance provider will bill WATAUGA directly for services provided.
- d. WATAUGA will provide services from Certified Vehicle Technicians.
- e. Watauga will drive equipment to third party maintenance providers.
- f. Watauga will inspect third party repairs prior to returning unit to RICHLAND HILLS.

11. RIGHTS AND OBLIGATIONS OF RICHLAND HILLS

- a. RICHLAND HILLS shall pay invoices received in accordance with the Texas Prompt Payment Act, and expressly waives immunity from suit in any action by Watauga to recover past due amounts. Richland Hills holds harmless, releases and waives Watauga from and against any and all claims, losses damages and liability arising under this Agreement and the services provided hereunder.
- b. RICHLAND HILLS shall at all times be responsible for submitting the appropriate documents with a request for Services to WATAUGA.
- c. RICHLAND HILLS shall be responsible for the delivery and pick-up of vehicles or equipment requiring services.
- d. RICHLAND HILLS shall be responsible for insuring vehicles and equipment.

12. SOVEREIGN/GOVERNMENTAL IMMUNITY

Except as otherwise provided herein, neither party to this Agreement waives any claim of sovereign or governmental immunity because of its participation in this Agreement. Nothing in this Agreement shall be construed as creating any right or obligation to any third party.

13. AMENDMENT

This Agreement may be amended by the mutual written agreement of both parties hereto. The parties agree to enter an amended Agreement in order to comply with any legislative changes related to this Agreement, or due to a determination by a court of competent jurisdiction of other government authority that would cause any provision of this Agreement to be out of compliance with the current law.

14. SEVERABILITY

In the event anyone or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

15. GOVERNING LAW

The validity of this Agreement and any of its terms and provisions as well as rights and duties of the parties shall be governed by the laws of the State of Texas; and venue for any such action concerning this Agreement shall be and remain in the State District Court of Tarrant County, Texas.

16. FORCE MAJEURE

In the event that any party shall be prevented from performing any of its obligations under this Agreement by any act of God, war, riot, civil commotion, strikes, fires, flood, disease, epidemic, pandemic, quarantine, act of government, state of emergency, or by the occurrence of any event beyond the control of such party, then such party shall be excused from the performance of the obligations under this Agreement but only during such period of Force Majeure.

17. ENTIRE AGREEMENT

This Agreement represents the entire agreement among the parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral, or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

THE CITY OF RICHLAND HILLS

CITY OF WATAUGA

Sandra Gibson, Interim City Manager

Date: _____

Date: _____

Authorized Person

Paul Hackleman, P.E.
Director of Public Works

Date: _____

Date: _____

Attest:

APPROVED AS TO FORM AND LEGALITY

APPROVED AS TO FORM AND LEGALITY

City/Town Attorney

City/Town Attorney

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF RICHLAND HILLS FOR FLEET VEHICLE MAINTENANCE SERVICES; 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 City of Richland Hills desire to enter into a non-exclusive interlocal agreement whereby the City of Watauga will provide vehicle maintenance services for the maintenance and repair of Richland Hills's fleet vehicles; and

WHEREAS, the interlocal agreement is of mutual interest and benefit to Richland Hills 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 Interlocal Agreement between the City of Watauga and the City of Richland Hills attached hereto and incorporated herein as Exhibit "A" providing for the maintenance and repair of vehicles of Richland Hills, 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 _____, 2025.

APPROVED:

ARTHUR L. MINER, Mayor

ATTEST:

LINDA PROSKY, City Secretary

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, City Attorney



AGENDA MEMORANDUM

DATE: December 18, 2024
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider action to approve the October 14, 2024 Regular City Council meeting minutes.

BACKGROUND/INFORMATION:

Minutes from the October 14, 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. Oct. 14, 2024 Regular Meeting - Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved - 12/30/2024

Final Approval -
12/30/2024

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR COUNCIL MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
MONDAY, OCTOBER 14, 2024
6:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 6:50 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 (Absent w/notice)

and

Sandra Gibson
Linda Proskey
David Berman
Timothy Hamilton
Paul Hackleman
Lana Ewell
Timothy Hamilton
Deby Woodard

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

INVOCATION

Assistant Pastor Ralph Owens Victory Tabernacle Church of Watauga gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

City Council Regular Meeting Minutes for October 14, 2024-page 1

ANNOUNCEMENTS

Councilmember Neal announced Mentioned the costume exchange at the library and the Halloween bash at the community center. He also asked that people adopt a pet.

Mayor Miner stated that he just adopted a dog from the animal shelter and asked if you can please adopt a pet the animal shelter is full.

PRESENTATIONS

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

Sandra Gibson, Interim City Manager, and Mayor Miner presented the milestone awards to Vickie Atchley for 30 years with the city.

2. Employee of the Month Award for the month of October.

Sandra Gibson, Interim City Manager, and Mayor Miner presented the Employee of the Month Award to Scott Orwig with Animal Services.

PUBLIC COMMENT

Paul Hopkins, 7509 Meadowbrook Dr. Watauga, TX, spoke about the Bee Ordinance that was previously passed. He stated that he sees three issues with the ordinance. The first issue is that the ordinance limits the number of hives to two, but some people currently have more than two, putting them in violation of the ordinance. The second issue is that individuals can receive a misdemeanor if their bees attempt to sting someone. Hopkins questioned how it could be proven where the bee lives or its intent, and he believes the process should be clearly outlined in the ordinance. The third issue is that any law enforcement officer, whether police or code enforcement, may inspect the hive and is required to attempt to contact the resident beforehand. He feels this gives officers the right to enter someone's yard without permission, which he believes could be a violation of the Fourth Amendment.

PUBLIC TESTIMONY FOR ACTION ITEMS

Eric Crile 11325 Gale Ridge Terrace Fort Worth, He asked the council for their nomination to the Tarrant County Appraisal District board.

CONSENT AGENDA

- 1. Consider action on approval of the City Council Workshop minutes for August 26, 2024.**
- 2. Consider action on approval for the reappointment of Henrietta Egenti to the Library Board.**

- 3. Consider action on approval for the reappointment of Lindsey Neal to Place 2 on the Zoning Board of Adjustments and the Charter Review Commission.**
- 4. Consider action on approval of Richard Laporte to Place 1 on the Board of Appeals.**
- 5. Consider action on approval of Bryan Goswick to Place 2 on the Board of Appeals.**
- 6. Consider action on approval of the Monthly Financial Report for the period ending August 31, 2024.**
- 7. Consider action to ratify the Meet and Confer Agreement between the City of Watauga and the Watauga Police Officers' Association.**
- 8. Consider action on approval of the Library Circulation Policy.**
- 9. Consider action on approval of the Library Interlibrary Loan Policy.**
- 10. Consider action on approval of the Library Confidentiality Policy.**
- 11. Consider action on approval of the Library Insect Infestation Policy.**
- 12. Consider action on approval of a resolution to adopt the fiscal year 2024-2025 Classification plan for all employees.**
- 13. Consider action authorizing anticipated expenditures exceeding \$50,000 for Fiscal Year 2024-2025 procured by cooperative purchasing, interlocal agreements or which are exempt by law from competitive procurement.**
- 14. Consider action authorizing purchases pursuant to certain cooperative purchasing programs and interlocal agreements for Fiscal Year 2024-2025.**
- 15. Consider action by the City Council of the City of Watauga, Texas for the purchase of a John Deere Model 35 P-Tier Compact Excavator with attachments from John Deere RDO Equipment.**
- 16. Consider action to approve the purchase of Ford Trucks from Silsbee Ford through the TIPS Cooperative purchasing program - Contract #210907.**

Mayor Miner asked for a Motion. Councilmember Neal made a motion to accept the consent agenda as presented. Mayor Pro Tem Minucci 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

ACTION ITEMS

1. Consider action on approval of the Watauga Revitalization Action Program Incentive Policy (WRAP)

The program, its goals, and the associated policy were presented during the workshop. During the discussion, it was suggested that a callback or recapture provision be included in the policy, along with the need for a grant agreement for businesses participating in the program.

Based on feedback from several council members, the policy was revised to require businesses to operate continuously for one year after receiving the grant. Additionally, City Attorney David Berman has prepared the grant agreement, which will be ready for businesses when the program is launched.

Mayor Miner asked for a Motion. Councilmember Downey made a motion to approve as presented. Councilmember Shelbourne 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. Consider action to approve a Professional Services Agreement between the City of Watauga and Burgess & Niple, Inc. for General Engineering Services.

Paul Hackleman, Director of Public Works, presented the agenda item regarding the general engineering which is a yearly contract renewed annually. This contract, valued at \$30,000, supports various city engineering needs, including plan reviews, map creation, and updates or assistance with the city's GIS system.

Mayor Miner asked for a Motion. Councilmember Shelburne made a motion to accept the item as presented. Councilmember Neil 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. Consider action approving a professional services agreement between the City of Watauga, Texas and Burgess & Niple, Inc. for a FEMA Flood Study for the Watauga Animal Shelter.

Paul Hackleman, Director of Public Works, presented the item. The proposed engineering contract, costing \$66,700, is for a flood study at the animal shelter, as required by federal law. The city's strategic plan includes evaluating options to expand or renovate the shelter, which is located in a regulated floodway. Federal law prohibits construction or land modifications in such areas without a flood study and approval from the U.S. Army Corps of Engineers. The study will ensure compliance and provide a model for future changes.

The contract is for a 14-month period and will enable planning for renovations, relocations, or future decisions regarding the shelter's viability at its current location. Without this study, even minor changes like adding a fence would violate federal regulations. The study's findings will remain valid indefinitely unless significant changes to the land or floodway occur.

Councilman Taylor and Mayor Miner expressed concerns about spending money on a study given the uncertainty surrounding the shelter's future plans. They also sought assurance that the flood study would remain valid indefinitely.

Councilwoman Blackburn emphasized the need to prioritize the shelter's quality of life improvements and compliance with federal laws.

Councilman Neil inquired about the study's scope and its implications for surrounding infrastructure projects.

Councilwoman Downey supported the study, citing its necessity for any future work, including demolition or relocation.

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

Motion carried 6-1-0-0.

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

Nays: Taylor

Abstain: None

Absent: None

4. Consider action approving a professional services agreement between the City of Watauga, Texas and Burgess & Niple, Inc. for a FEMA Flood Study for the Foster Village Park.

Paul Hackleman, Director of Public Works, presented the item, explaining the need for a detailed flood study for Foster Village Park. The study is critical for renovations, as changes in the floodplain require FEMA-approved modeling. The

detailed survey will identify properties in or out of the floodplain, potentially impacting residential flood insurance requirements.

Councilman Taylor questioned the necessity of the study, citing prior flood studies in the area. Hackleman clarified that FEMA lacks the original models, this study will address current floodplain conditions, ensuring future renovations, such as ball field improvements, comply with federal regulations.

Councilman Hill Councilmember Neal and Councilman Blackburn raised concerns about the study's cost and its impact on nearby properties, particularly in cases of potential floodplain expansion or reduction. Hackleman emphasized that any significant changes, even minor grading or construction, necessitate the study to avoid legal issues or unintentional flooding.

Councilmember Downey brought up residents' concerns about parking and property impacts. Hackleman confirmed that maintenance does not trigger a study, but new construction or elevation changes would. The study will provide clarity for future improvements, including parking and facilities, while updating floodplain boundaries to reflect current conditions.

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

Motion carried 6-1-0-0.

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

Nays: Taylor

Abstain: None

Absent: None

5. Discuss and consider the nomination of a candidate to be on the ballot for the Tarrant County Appraisal District Board. Ballots will be prepared and mailed out to taxing units to vote on by October 30 and will be voted on before December 15.

The council discussed and finalized nominations for the County Appraisal District Board. Councilmember Neal expressed dissatisfaction with the TAD Board's direction and highlighted the voting influence of school districts, suggesting either abstaining or nominating Eric Crile. Councilmembers Shelbourne, Hill, and Blackwell supported Crile, citing his dedication, community involvement, and commitment to improving TAD practices.

Mayor Miner asked for a Motion. Councilmember Shelbourne made a motion to nominate Eric Crile. 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

EXECUTIVE SESSION

- 1. Pursuant to Section 551.076 and Section 551.089 of the Texas Government Code, the Council will convene in executive session to discuss matters relating to the deployment/implementation of security devices, security assessments and deployments relating to information resources technology, and network security information.**
- 2. Pursuant to Section 551.074 of the Texas Government Code, discuss matters relating to personnel as follows: discuss duties, responsibilities, pay and compensation for the interim City Manager.**

Mayor Miner recessed into executive session at 8:06 p.m.

RECONVENE

Mayor Miner reconvened the meeting at 9:14 p. m.

ITEMS OF EXECUTIVE SESSION DELIBERATION

- 1. Consideration and possible action relating to the deployment/implementation of security devices, security assessments and deployments relating to information resources technology, and network security information as discussed in the Executive Session Bradley Fraley, Chief Information Officer.**

No action was taken on this item.

- 2. Consideration and possible action relating to the duties, responsibilities, pay and compensation for the interim City Manager.**

Mayor Miner asked for a Motion. Councilmember Hill made a motion to approve a pay increase for the acting City Manager. Councilmember Downey 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

ITEMS FOR FUTURE AGENDAS

Councilmember Blackburn proposed an item changing the biweekly departmental reports to monthly, and Councilmember Hill seconded.

Councilmember Taylor wants the change with TRMS and COLA brought back before the end of December. Councilmember Hill seconded.

ADJOURNMENT

Mayor Miner adjourned the meeting at 9:17 pm

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: December 26, 2024

TO: Honorable City Council Members

FROM: Ben Davis, Grant & Recognition Program Manager

THROUGH: Robert Parker, Police Chief
Sandra Gibson, Interim City Manager and Director of Finance

SUBJECT: Consider action to approve a resolution for a Federal Grant requesting funding for the Mental Health Coordinator position at the Watauga Police Department

BACKGROUND/INFORMATION:

The Watauga Police Department seeks federal funding for a Mental Health Coordinator position which will create an Officer wellness program focused on mental health, it will also provide Critical Incident Response training to Officers and Chaplains, and in addition will establish and oversee the Department's Crisis Response Unit (CRU). This initiative will address the growing need for specialized mental health crisis management, and also the reduction of the burden on law enforcement.

FINANCIAL IMPLICATIONS:

No financial match from the City of Watauga is required

RECOMMENDATION/ACTION DESIRED:

Staff requests approval of resolution to submit Federal Grant application for Mental Health Coordinator position

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga Resolution Approving Grant Application for PD Mental Health Coordinator

REVIEWED BY:

Robert Parker, Police Chief

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 - 12/27/2024

Approved - 1/6/2025

Approved - 1/7/2025

Final Approval - 1/7/2025

CITY OF WATAUGA, TEXAS
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, APPROVING AN APPLICATION FOR GRANT FUNDING FOR THE MENTAL HEALTH COORDINATOR PROJECT AS REQUIRED BY THE EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPLICATION, AND SUBMITTAL OF THE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, STATE OF TEXAS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga, Texas, finds it in the best interest of the citizens of Watauga that the Mental Health Coordinator Project be operated for the 2025-2026 Fiscal Year; and

WHEREAS, the City of Watauga Strategic Plan Fiscal Year 2022-2032, as approved by the City Council, authorizes strategic initiatives to strengthen future planning by continuing to seek grant opportunities for programs and projects on an annual basis; and

WHEREAS, the City Council of the City of Watauga, Texas agrees that in the event of grant approval and a loss or misuse of the grant funds, the Watauga City Council assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City Council of the City of Watauga, Texas designates the Chief of the Watauga Police Department as the grantee's authorized official, with the authority to apply for, accept, reject, alter or terminate the grant on behalf of the City.

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

I.

That the findings above are found to be true and correct, and are incorporated herein.

II.

That the City of Council of Watauga, Texas approves submission of a grant application under the Edward Byrne Memorial Assistance Grant program for the City's Mental Health Coordinator project (Grant Number: 5315701) to the Office of the Governor; and does further appoint the Chief of Police of the Watauga Police Department, or designee, as the authorized official to apply for, reject, utilize, alter or terminate the grant on the City's behalf.

III.

That 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.

That if any section, sub-section, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution.

V.

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

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this 13th day of January, 2025.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, CITY ATTORNEY



AGENDA MEMORANDUM

DATE: December 30, 2024
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider action to approve the May 15, 2024 Special Council Meeting Canvassing the Election.

BACKGROUND/INFORMATION:

This was a Special council meeting to canvass the election results for the May 4, 2024 election.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. May 15, 2024 Special meeting to canvas the election

REVIEWED BY:

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

Approved - 12/30/2024

Final Approval -
12/31/2024

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
SPECIAL MEETING
CANVASS ELECTION
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD
MAY 15, 2024
12:00 PM**

CALL TO ORDER

Mayor Arthur L. Miner called the meeting to order at 12:00 p.m.

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner
Jan Hill
Pat Shelbourne
Malissa Minucci
Mark Taylor

Mayor
Mayor Pro Tem/Council Member Place 7
Council Member Place 1
Council Member Place 5
Council Member Place 6

and
Linda Proskey

City Secretary

ANNOUNCEMENTS

PUBLIC COMMENT

No Requests for public comments were received.

PUBLIC TESTIMONY FOR ACTION ITEMS

No Requests for public testimony were received.

ACTION ITEMS

- 1. Consideration and action on canvassing the votes for the May 4, 2024, General Election to include approval of a Resolution canvassing the votes and declaring the results.**

Mayor Miner presented the voting results for the May 4, 2024, General Election.

ELECTION	TOTAL EARLY VOTING VOTES CAST (Including mail ballots)	TOTAL VOTES CAST AT POLL ON ELECTION DAY	TOTAL VOTES CAST
General Election	941	845	1786

The returns of the General Election, including the returns of the early voting ballots, duly and legally made, showed that each candidate received the following votes:

NAME OF CANDIDATE	COUNCIL PLACE	TOTAL EARLY VOTING VOTES RECEIVED (Including mail ballots)	TOTAL VOTES RECEIVED AT POLL ON ELECTION	TOTAL VOTES RECEIVED
Patrick Shelbourne	1	185	162	347
Yanghui "Tira" Meyers	1	62	63	125
Tom Snyder	2	110	102	212
Cris Blackburn	2	129	118	247
Veronica Gomez	6	93	91	184
Mark Taylor	6	144	126	270
Jan Hill	7	218	183	401

Mayor Miner called for a Motion. Councilmember Hill made a motion to approve the resolution canvassing the voting tabulation as read for the May 4th election. Mayor Pro Tem Minucci seconded the motion. Mayor Miner called for a vote.

Motion carried 4-0-0-0.

Ayes, Shelbourne, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Blackburn, Downey, Neal

2. Consideration and action on canvassing the votes for the May 4, 2024, Charter Amendments Special Election, to include approval of an Ordinance canvassing the votes and declaring the results.

Mayor Miner presented the voting results for the May 4, 2024,

PROPOSITION A

Shall Section 3.01 and 3.05 of Article III of the Home Rule Charter be amended by extending the terms of office of the mayor and members of the city council from two (2) years to three (years); by adding transitional language such that three-year terms of office will begin for the mayor and councilmembers elected in May, 2025, election, and to provide that a vacancy may be filled by appointment of the council if less than 12 months remain in the term of office.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	141	118	259
Against	122	119	241

Proposition passed

PROPOSITION B

Shall Section 3.05 of Article III of the Home Rule Charter be amended by specifying the events in which the office of the mayor or councilmember shall become vacant, by replacing crimes involving moral turpitude with theft as an event of forfeiture of office, by adding illness as an excuse for absence from meetings of the council, and by reducing from four to three the number of absences from six consecutive regular meetings as grounds for forfeiture of office of members of the city council.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	224	196	420
Against	36	40	76

Proposition passed

PROPOSITION C

Shall Section 3.05 of Article III of the Home Rule Charter be amended by removing “recall election” as an event causing the initiation of forfeiture proceedings by the city council, by changing “personal emergency” to “sufficient grounds for forfeiture,” and to require that the council declare the office of a councilmember vacant, and to fill the vacancy, if a majority of the council determines that the acts giving rise to forfeiture have been established.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	183	155	338
Against	73	77	150

Proposition passed

PROPOSITION D

Shall Section 3.06 of Article III of the Home Rule Charter be amended by stating that the mayor shall be recognized as the official and ceremonial head of the City, instead of the ceremonial and governmental head of the City.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	193	164	357
Against	65	66	131

Proposition passed

PROPOSITION E

Shall Section 7.06 of Article XII of the Home Rule Charter be amended to require the city manager to reside within the City within 12 months of the commencement of employment but may continue residency outside the City if he/she resided within a radius of 15 miles when hired, and to remove the six-month extension that may be allowed by the council.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	182	155	337
Against	88	78	157

Proposition passed

PROPOSITION F

Shall Section 11.01 of Article XI of the Home Rule Charter be amended to remove the requirement that members of the City's Planning and Zoning Commission own real property within the City.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	106	94	200
Against	158	142	300

Proposition failed

PROPOSITION G

Shall Section 12.01 of Article XII of the Home Rule Charter be amended to remove the heightened requirements for grants of franchises, including the dual reading, multiple publication, 30-day waiting periods, and filing of certified copies requirements, to simplify and expedite the grant of franchises by the City.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	158	139	297
Against	96	90	186

Proposition passed

PROPOSITION H

Shall Section 13.01 of Article XIII of the Home Rule Charter be repealed as it Against longer has effect.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	187	161	348
Against	56	61	117

Proposition passed

PROPOSITION I

Shall Section 14.03 of Article XIV of the Home Rule Charter be amended to comply with state law to reduce the two-year prior continuous employment requirement to six months, such that employees who have previously been employed for at least six months may continue in their employment if a close relative is elected to office after his/her commencement of employment.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	176	154	330
Against	79	72	151

Proposition passed

PROPOSITION J

Shall Section 14.04 of Article XIV of the Home Rule Charter be amended to allow discretion to the council as to whether bonds shall be required of officers and employees who receive or disburse funds.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	138	122	260
Against	112	106	218

Proposition passed

PROPOSITION K

Shall Section 14.05 of Article XIV of the Home Rule Charter be amended to restate the City's sovereign immunity and to establish written notice requirements for claims filed against the City.

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	174	136	310
Against	80	90	168

Proposition passed

PROPOSITION L

Shall Section 14.17 of Article XIV of the Home Rule Charter be amended to correct a misspelling in the heading, so that the heading will correctly read, “Charter to become effective notwithstanding some section or portion thereof being invalid.”

	Total Number of Absentee and Early Voting Votes:	Total Number of Votes on Saturday, May 4, 2024:	Total Number of Votes:
For	229	201	430
Against	23	24	47

Proposition passed

Mayor Miner called for a Motion. Mayor Pro Tem Minucci made a motion to approve the Charter Amendment canvassing the voting tabulation as read for the May 4th election. Mayor Pro Tem Minucci seconded the motion. Mayor Miner called for a vote.

Motion carried 4-0-0-0.

Ayes, Shelbourne, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Blackburn, Downey, Neal

ITEMS FOR FUTURE AGENDAS

Mayor Arthur Miner addressed the city council and citizens to express concern over low voter turnout in the recent election, where only 3.5% of Watauga’s 14,541 registered voters participated (509 votes cast). He emphasized the importance of voting as a civic duty and a defining aspect of American democracy, contrasting it with countries where voting rights are restricted. Mayor Miner expressed hope for higher turnout in upcoming elections, including a May runoff and the November presidential election. He also thanked candidates who ran for office.

ADJOURNMENT

Mayor Miner adjourned the meeting at 12:10 pm

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary

May 15, 2024, Special Meeting Canvass Election Minutes-page 7



AGENDA MEMORANDUM

DATE: January 3, 2025
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider the approval of minutes from the August 7, 2023 City Council meeting

BACKGROUND/INFORMATION:

Minutes from the special council meeting held on August 7, 2023.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. August 7, 2023 Special Budget meeting - Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 1/7/2025
Linda Proskey, City Secretary Final Approval - 1/7/2025
Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
SPECIAL COUNCIL MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
MONDAY, AUGUST 7, 2023
6:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 7:00 p.m.

ROLL CALL

The meeting convened with the following members present:

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

Mayor
Council Member Place 1
Council Member Place 2
Council Member Place 3 (Absent with notice)
Council Member Place 4
Council Member Place 5
Council Member Place 6
Council Member Place 7

and

Joshua Jones
Linda Proskey
David Berman
Sandra Gibson
Timothy Hamilton
Paul Hackleman
Deby Woodard
Julie Rodriguez

City Manager
City Secretary
City Attorney
Director of Finance
Director of Parks and Community Services
Director of Public Works
Assistant Finance Director
Human Resources Director

INVOCATION

Pastor Dennis Hester First Baptist Church of Watauga and Watauga Police Chaplin gave the invocation.

PLEDGE OF ALLEGIANCE

City Council Special Meeting Minutes for August 7, 2023-page 1

Mayor Miner led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Miner addressed the upcoming "Clear the Shelters" event, emphasizing its importance due to the local animal shelter being at full capacity. The mayor encouraged everyone to visit the shelter and consider adopting a pet to help reduce overcrowding and provide these animals with a loving home.

Councilmember Neal expressed gratitude to the library for organizing the Summer Reading Club, describing it as enjoyable and now an annual event. He highlighted upcoming community activities, including a Movie in the Park on August 11 and the "Running Scared" 5K in October. Neal also thanked the First Baptist Church for its backpack giveaway and encouraged residents to consider adopting a pet.

Councilmember Taylor urged residents to look out for animals in their neighborhoods during the heat, ensuring they have access to water, shade, food, and protection. He emphasized the importance of reporting any animals in distress.

Councilmember Hill stated that the final section of Whitley was set to begin and encouraged residents to check the city's website for meeting dates and times to stay informed about how the construction will impact them.

PRESENTATIONS

There were no presentations

PUBLIC COMMENT

There was no request for public comment

PUBLIC TESTIMONY FOR ACTION ITEMS

There was no request for public testimony

CONSENT AGENDA

- 1. Consider action and approval of a resolution accepting the Certified Tax Roll for Tax Year 2023 from the Tarrant Appraisal District as certified by the Chief Appraiser Jeff Law (moved to action item #1)**
- 2. Consider approval of the May 13, 2023, minutes for the Budget Retreat meeting and the June 26, 2023 Budget Workshop meeting**
- 3. Consider the approval of the minutes for the May 17, 2023, City Council Special Meeting to canvass the General Election**

Mayor Miner asked the council if they wish to pull any of the items.

Councilmember Taylor asked that item #1 be removed from the consent agenda.

Mayor Miner announced that Item 1 would now be action item #1.

Mayor Miner asked for a Motion on the remaining consent items. Councilmember Hill made a motion to accept the consent agenda as presented. Councilmember Neal seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-1.

Ayes, Shelbourne, Snyder, Neal, Minucci, Taylor, Hill

Nays: None

Abstain: None

Absent: Downey

PUBLIC HEARINGS

There were no public hearings

ACTION ITEMS

1. **Consider action and approval of a resolution accepting the Certified Tax Roll for Tax Year 2023 from the Tarrant Appraisal District as certified by the Chief Appraiser Jeff Law (was consent item #1)**

Councilmember Taylor expressed frustration with understanding the appraisal report and requested that someone from TAD explain how to read it. Despite having a lengthy discussion with Mayor Miner earlier, they struggled to connect the numbers to anything previously used. Mayor Miner acknowledged the conversation and mentioned reaching out to Mr. Law multiple times without receiving a response. Sandra Gibson added that she has a mapping of the report, noting that the system had changed a few years ago, making it harder to read. She suggested inviting Jeff Law from TAD to assist the council and offered to provide the mapping in the meantime.

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

Motion carried 5-1-0-1.

Ayes, Shelbourne, Snyder, Downey, Neal, Minucci, Hill

Nays: Taylor

Abstain: None

Absent: Downey

2. **Discuss and consider action on setting a Public Hearing on the FY2023-2024 Proposed Budget for August 28, 2023 at 6:30 p.m. (was action item 1)**

Mayor Miner asked for a Motion. Councilmember Hill made a motion to set the date as August 28, 2023. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

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

3. Discuss and action and take a record vote on the proposed tax rate of \$0.5702 per \$100 valuation for the FY2023-2024 Fiscal Year (was action item 2)

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

Motion carried 6-0-0-0.

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

4. Discuss and consider action on setting the date to adopt the proposed tax rate for the FY2023-2024 Fiscal Year for September 11, 2023 (was action item 3)

Mayor Miner said this was to set the cap; it does not lock the council into anything other than preventing them from exceeding the number.

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

A record vote was taken.

Motion carried 5-1-0-1.

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

5. Discuss and consider action on setting the date to adopt the proposed tax rate for the FY2023-2024 Fiscal Year for September 11, 2023

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

Motion carried 6-0-0-1.

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

EXECUTIVE SESSION

Council did not go into executive session

ITEMS FOR FUTURE AGENDAS

Councilmember Hill would like to have a roundtable discussion on the departmental budget prior to the approval of the budget

ADJOURNMENT

Mayor Miner adjourned the meeting at 7:20 pm

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: December 30, 2024
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider action to approve the October 28, 2024 Council Workshop meeting minutes.

BACKGROUND/INFORMATION:

Minutes from the October 28, 2024 Workshop

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. October 28, 2024 Workshop minutes - Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved - 12/30/2024

Final Approval -
12/31/2024

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
WORKSHOP MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
MONDAY, OCTOBER 28, 2024
5:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 5:30 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 (Absent with notice)

and

Sandra Gibson
Linda Proskey
Timothy Hamilton
Deby Woodard
Lana Ewell

Interim City Manager/Finance Director
City Secretary
Director of Parks and Community Services
Assistant Finance Director
Library Director

ANNOUNCEMENTS

There were no announcements made.

PRESENTATIONS

1. Utility Rate Model Update and Proposed Water and Sewer Rate Increase

Sandra Gibson, Interim City Manager and Director of Finance, introduced Nyla Jamison from Waterworks, who presented financial models for the city's water and wastewater funds. Nyla reported that current expenses exceed revenues, projecting cash reserves to fall below the operating threshold by 2029 without intervention. Proposed solutions include an 8% annual wastewater rate increase from 2025–2028, followed by 3% increases to align with inflation. For water, a \$2.50 base rate increase is suggested for 2025, with 1% annual increases for 2026–2028, also transitioning to 3% inflation-aligned increases thereafter.

Council discussions clarified that the model accommodates senior discounts and allows flexibility for inflation and cost adjustments. Nyla noted similar trends in the water system, where deficits could begin in 2028, and solutions are designed to stabilize cash reserves. She will address follow-up questions through Sandra or future meetings.

2. Presentation of proposed policy changes for the City of Watauga Personnel, Administration and Financial Policies and Procedures Manual

Juliet Rodriguez, Human Resources and Civil Service Director, presented the proposed updates to city policies, including personnel administration, financial policies, and procedure manuals. Rodriguez outlined key revisions slated for potential approval on November 11. Updates include adjusting Policy 6.02 to reflect a 14-day workweek instead of a 28-day workweek and introducing Policy 6.08 to comply with Department of Labor mandates, which require exempt employees to use time clocks via new technology. Policy 9.01 proposes removing a \$75 annual cell phone hardware stipend and reducing monthly allowances for business-related mobile use. Policy 14.03, addressing social media, includes changes to align with state mandates, such as TikTok restrictions. Future revisions will address callback pay benchmarking, updates to the emergency declaration plan, and potential holiday policy adjustments. Discussions also covered mobile device reimbursement for multi-factor authentication, with Councilmember Neil emphasizing the importance of cybersecurity.

ADJOURNMENT

Mayor Miner adjourned the meeting at 6:19 p.m.

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: December 31, 2024
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider action to approve the October 28, 2024 Regular City Council meeting minutes

BACKGROUND/INFORMATION:

Meeting Minutes from the October 28, 2024 City Council Regular meeting.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. October 28, 2024 Regular CC Meeting - Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 1/3/2025
Linda Proskey, City Secretary Final Approval - 1/3/2025
Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR COUNCIL MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
MONDAY, OCTOBER 28, 2024
6:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 6:30 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 (Absent with notice)

and

Sandra Gibson
Linda Proskey
Courtney Morris
Timothy Hamilton
Paul Hackleman
Deby Woodard
Julie Rodriguez
Randy Barkley

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

INVOCATION

Pastor Tony Laredo Tabernacle Church of Watauga gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

ANNOUNCEMENTS

Councilmember Neal announced November 5th is election day, and that BISD has a bond proposition for a multi-use facility on the ballot. He also thanked the Parks Department for the Halloween Bash. Also, he and Councilmember Taylor, reminded people to please go and adopt a pet.

Mayor Miner expressed appreciation for Saturday's Halloween Bash, noting the significant effort involved and the success of the Hayride addition.

PRESENTATIONS

There were no presentations

PUBLIC COMMENT

There was no request for public comment

PUBLIC TESTIMONY FOR ACTION ITEMS

There was no request for public testimony

REPORT

Update on water service lines made of lead from the Burgess and Niple, Inc. engineering report complying with EPA Regulations

Paul Hackleman, Director of Public Works introduced Billy Wendland and John Swartzbaugh with Burgess and Niple.

John Swartzbaugh from Burgess and Niple presented findings from a federally mandated investigation into lead service lines and galvanized piping in the city. The study, funded with \$800,000 in ARPA funds, involved an extensive survey of approximately 8,500 water meters conducted between June and October. The team tested both public and private service lines for lead content. Swartzbaugh emphasized the urgency of complying with the EPA's Lead and Copper Rule revisions, which require the identification, public notification, and eventual replacement of lead-containing lines.

The results were highly favorable: only 17 properties (0.2% of the city's total) were identified with issues—6 had lead, and 11 had galvanized pipes. Remarkably, no public service lines were impacted; the issues were confined to private property. Notifications to affected residents are currently underway, with a deadline of November 13.

Swartzbaugh outlined the city's responsibilities, including publicly posting the inventory, providing water filters to affected residents, and formulating a replacement plan. He also highlighted broader implications, noting federal requirements to replace all lead service lines within 10 years and maintain updated, publicly accessible inventories. Swartzbaugh applauded the city for its proactive approach and successful mitigation efforts, which have placed it well ahead of the national average for lead service line presence.

The city plans to partner with residents to replace private service lines up to the house, with funding partially covered through ARPA and potentially additional local measures. Commercial properties, however, will need to address the issue independently. The city

also aims to implement a GIS-based public inventory to ensure transparency and compliance.

CONSENT AGENDA

- 1. Consider action on approval of a resolution setting the City Observed Holiday Dates for the 2025 Calendar Year**
- 2. Consider action on approval to declare the items shown on the October 2024 Surplus List (Library Furniture) as surplus personal property assets of the city approved for sale or disposition**
- 3. Consider action on approval of the August 26, 2024 City Council Regular meeting minutes**

Mayor Miner asked the council if they wish to pull any of the items, hearing none he asked for a Motion. Councilmember Downey made a motion to accept the consent agenda as presented. Councilmember Neal seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

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

Nays: None

Abstain: None

Absent: Hill

PUBLIC HEARINGS

There were no Public Hearings.

ACTION ITEMS

- 1. Consider action on approval of an Engineering Contract with Burgess Niple, Inc. for the design and construction administration of 50th Year Community Development Block Grant (CDBG) Project**

Paul Hackleman, Director of Public Works presented the item. This project is part of Watauga's Community Development Block Grant (CDBG) program, now in its 50th year, operating on a two-year cycle (skipping odd years). The proposal seeks to award Burgess & Niple an engineering contract worth \$60,300 to design a water main on Bucker Boulevard, connecting 5621 Bucker Boulevard to Constitution Drive, as a continuation of the 46th-year project on the same road. The city anticipates \$170,000 in grant funding from Tarrant County CDBG, with an estimated construction cost of \$350,010.

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

Motion carried 6-0-0-0.

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

2. Consider action on approval of a Professional Service Agreement with Burgess Niple, Inc. for the design and construction administration of Watauga Road

Paul Hackleman, Director of Public Works outlined the project, stating that it was added to the CIP last summer. He highlighted that this is the engineering contract for phase one improvements, covering the western city limit to the west side of the U.P. railroad tracks at Denton Highway, as well as conceptual designs for phases two through five, which extend to Rufe Snow. The project will involve extensive surveying, subsurface utility exploration, and coordination with entities such as the railroad, TxDOT, and neighboring cities. Hackleman emphasized the complexity of the undertaking, describing it as the largest public infrastructure project in Watauga's history. Councilmember Mark Taylor inquired about potential funding assistance from Tarrant County, given the road's regional importance. Hackleman responded that the project would be submitted for consideration after the Whitley 5 project is completed, but there are no guarantees of county support. As a result, the bulk of the estimated \$47 million cost will likely fall on the city, with construction at least two years away.

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

Motion carried 6-0-0-0.

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

3. Discuss and consider action on approval to waive permit fees for temporary signage for new businesses for a specified timeframe as recommended by the WEDC

Sandra Gibson, Interim City Manager and Director of Finance, presented the item to waive temporary signage permit fees for new businesses for a six-month period, as recommended by the Watauga Economic Development Corporation (WEDC). She explained that the city attorney stated the action does not require a formal ordinance but must be reflected in the minutes if approved. The waiver applies exclusively to new businesses during their initial six months of operation, with all existing signage rules and regulations remaining in effect.

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

Motion carried 6-0-0-0.

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

4. Discussion and action on approval to authorize the City of Watauga to enter into a Construction Contract with Maya Underground Contractors for the construction of Park Vista Stormwater Rehabilitation pursuant to Bid #24-005 and authorize the City Manager to execute all documents necessary to the contract utilizing ARPA Funds

Paul Hackleman, Director of Public Works presented the construction contract for storm drain improvements at Park Vista Park, which is funded by ARPA. The project involves constructing two parallel 5x5 storm drain boxes along the channel, along with a new headwall, safety fencing, and a connection to the existing storm drain from Deer Run. It is expected to take 120 days to complete and is a critical step toward advancing park improvements.

Mayor Miner asked for a Motion. Councilmember Neal made a motion to accept the item as presented. Mayor Pro Tem Minucci seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

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

5. Discussion and action on approval to authorize the City of Watauga to enter into a Construction Contract with Quality Excavation, LLC for the construction of Summertime Lane Improvements pursuant to Bid #24-007 and authorize the City Manager to execute all documents necessary to the contract utilizing ARPA and Certificate of Obligation Funds

Paul Hackleman, Director of Public Works presented the details of the project. Summertime Lane will undergo a complete reconstruction, similar to the Meadowlark project. The project is expected to take approximately 345 days to complete and will involve removing the existing pavement, replacing water and sewer mains, removing sidewalks, installing new storm drains, and repaving the street. While the project will cause significant disruption for residents, it will ultimately result in a new concrete street, enhancing property values.

Hackleman emphasized that the city will notify residents, provide flyers, and offer an email subscription for monthly updates on the project. Quality Excavation LLC, the contractor, has previously completed two successful projects for the city, including the Whitley Road projects. Eight bids were received for this project, with Quality Excavation being the lowest qualified bidder. This project is the last ARPA-funded project for the city.

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

Motion carried 6-0-0-0.

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

Nays: None

Abstain: None

Absent: Hill

6. Consider action on approval for the purchase of three (3) Cardiac Monitors for the Fire/EMS Department from Stryker Corporation

Randy Barkley, Fire Chief presented the item for the purchase of three cardiac monitors to replace the existing units on medical and first-response apparatus. The current monitors are over ten years old and are no longer supported by the manufacturer. Although grant funding was sought, the request was unsuccessful. The purchase is included in the current budget and capital plan, and a trade-in option is available to help offset some of the costs.

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

Motion carried 6-0-0-0.

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

Nays: None

Abstain: None

Absent: Hill

7. Consider action on approval of the Purchase of one Spartan CAFS pumper on a Metro Star Chassis with equipment as specified from Metro Fire Apparatus Specialist

Randy Barkley, Fire Chief presented a request to approve the purchase of a new pumper fire engine to replace the current 2012 Quint apparatus. The replacement transitions from the Quint concept to a standard engine, aligning with the department's operational needs and replacement schedule. The purchase includes a trade-in option for the existing Quint to offset some of the costs. Due to manufacturing delays, the anticipated turnaround time is approximately 600 to 800 days, with a guarantee of no more than 800 days. Securing the order promptly is necessary to maintain the frontline apparatus replacement schedule and to avoid a cost increase scheduled for November 1, 2024.

Mayor Miner asked for a Motion. Mayor Pro Tem Minucci made a motion to accept the item as presented Councilmember Shelbourne seconded the motion. Mayor Miner called for a vote.

Motion carried 6-0-0-0.

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

EXECUTIVE SESSION

- 1. Pursuant to Section 551.074 of the Texas Government Code, discuss matters relating to personnel as follows: Discuss the City Manager Search Committee and the duties /responsibilities of the City Manager**

Mayor recessed the meeting at 7:37 p.m. to go into executive session.

RECONVENE

Mayor Miner reconvened the meeting at 8:43 p.m.

ITEMS OF EXECUTIVE SESSION DELIBERATION

- 1. Consideration and possible action relating to the City Manager Search Committee and the duties /responsibilities of the City Manager.**

No action was taken.

ITEMS FOR FUTURE AGENDAS

Councilmember Blackburn would like to move the Biweekly report to monthly.

ADJOURNMENT

Mayor Miner adjourned the meeting at 8:44 p.m.

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: December 31, 2024

TO: Honorable City Council Members

FROM: Linda Proskey, City Secretary

THROUGH: Linda Proskey, City Secretary

SUBJECT: Consider action to approve the November 11, 2024 Regular City Council meeting minutes.

BACKGROUND/INFORMATION:

Meeting minutes from the November 11, 2024 Regular City Council meeting.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. November 11, 2024 Regular CC Meeting- Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 1/3/2025
Linda Proskey, City Secretary Final Approval - 1/3/2025
Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR COUNCIL MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
MONDAY, NOVEMBER 11, 2024
6:30 PM**

CALL TO ORDER

Mayor Arthur Miner called the meeting to order at 6:30 p.m.
Mayor Miner announced that it is Veterans Day and thanked all who have served.

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
Timothy Hamilton
Paul Hackleman
Lana Ewell
Timothy Hamilton
Deby Woodard

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

INVOCATION

Pastor Dennis Hester of the First Baptist Church and Watauga Police Chaplin gave the invocation.

PLEDGE OF ALLEGIANCE

City Council Regular Meeting Minutes for November 11, 2024-page 1

Scout troop 205 led the Pledge of Allegiance.

ANNOUNCEMENTS

Councilmember Neal expressed thanks to the REC and Parks Department, city staff, Sertoma for providing food, and the mayor for speaking at the Veterans Day event. He also encouraged adopting pets from the animal shelter.

Councilmember Minucci extended gratitude to the veterans, their families, Sertoma, and Joe's Coffee Shop for their involvement in the celebration. She also thanked Boy Scout Troop 205 for leading the Pledge of Allegiance.

Councilmember Taylor echoed these sentiments, honoring veterans and their families for their sacrifices.

Councilmember Hill appreciated the Boy Scouts' flag ceremony. She also thanked the council, mayor, and staff for their personal support over the past month.

Mayor Miner commended the planning and execution of the Veterans Day breakfast and event, applauding city staff and expressing pride in speaking at the occasion. He also thanked the Boy Scouts for their contributions to the meeting.

PRESENTATIONS

1. Employee of the Month Award for the month of November.

Sandra Gibson, Interim City Manager, and Mayor Miner presented the Employee of the Month Award to Micheal Ayala

PUBLIC COMMENT

There were no requests for public comment.

PUBLIC TESTIMONY FOR ACTION ITEMS

There were no requests for public testimony.

CONSENT AGENDA

- 1. Consider action on approval of the Quarterly Investment Report for the period ending September 30, 2024.**
- 2. Consider action on approval of the Capp Smith Park Splashpad Filtration Upgrade Project with Kraftsman Commercial Playgrounds & Water Parks for an amount not exceeding \$200,000.**
- 3. Consider action on approval of the Monthly Financial Report for the period ending September 30, 2024 (pre-audit).**
- 4. Consider action on approval of a Resolution of the City Council of the City of Watauga, Texas amending Policy 6.02 Overtime and Compensatory Time, Policy 9.01 Mobile Communication Devices and Policy 14.03 Social Media of the Personnel, Administration and Financial Policies and Procedures Manual;**

providing for repeal; providing for severability; and providing an effective date.

- 5. Consider action on approval of a Resolution by the City Council of the City of Watauga, Texas adding policy 6.08 Timekeeping to the Personnel, Administration and Financial Policies and Procedures Manual; providing for repeal; providing for severability; and providing an effective date.**
- 6. Consider action to ratify the renewed Meet and Confer Agreement between the City of Watauga and the Watauga Firefighters Association.**
- 7. Consider action to declare the Fire Department November 2024 Surplus List as surplus personal property assets of the city approved for sale or disposition**

Mayor Miner asked if any council member would like to pull an item from consent. Hearing none, he asked for a Motion. Councilmember Downey made a motion to accept the consent agenda 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

PUBLIC HEARINGS

There were no public hearings

ACTION ITEMS

- 1. Discuss and consider action on approval of an ordinance regarding the City of Watauga's Texas Municipal Retirement System benefits: (1) Adopting non-retroactive repeating colas, for retirees and their beneficiaries under the Texas Municipal Retirement System (TMRS) act §853.404(f) and (f-1), and (2) Authorizing annually accruing updated service credits and transfer updated service credits; providing a repealing clause; providing a severability clause; and providing for an effective date.**

Interim City Manager Sandra Gibson detailed the proposed transition from a retroactive to a non-retroactive COLA calculation for retiree benefits. This change simplifies the calculation process, ensuring uniform adjustments based on a 12-month service period and maintaining the COLA at 70% of the CPI. The updated approach reduces the city's retirement contribution rate from 17.73% to 17.04%, resulting in an annual savings of approximately \$100,000, with minimal impact on retirees. Monthly retiree adjustments would range from \$0.17 to \$20.00. The ordinance has been reviewed by the city attorney and TMRS. In response to Councilmember Neal's query, Gibson stated the city would verify if TMRS sends notifications to current retirees and confirmed the city could issue its own communication if necessary.

Mayor Miner asked for a Motion. Councilmember Shelbourne made a motion to approve 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

2. Discuss and consider action on approval of changing the staff reports from bi-weekly to monthly.

Councilmember Blackburn presented the item suggesting transitioning staff reports from bi-weekly to monthly, citing the excessive detail in bi-weekly reports and the time-consuming nature of preparing them. Councilmember Taylor supported the idea but emphasized the need for more detailed, useful reports, especially regarding resource utilization and citizen engagement with city services. Councilmember Hill also supported the change, highlighting the importance of knowing how city resources are being used. Mayor Miner suggested tabling the decision to allow each Council member to provide input on what should be included in the report, then bring it back for further discussion.

Mayor Miner asked for a Motion. Councilmember Taylor made a motion to table the item to a future meeting. 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

EXECUTIVE SESSION

1. Pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. To discuss and provide feedback regarding the annual performance evaluation of the City Secretary.

Mayor Miner recessed the meeting at 6:58 p.m. for executive session

RECONVENE

Mayor Miner reconvened the meeting at 8:00 p.m.

ITEMS OF EXECUTIVE SESSION DELIBERATION

1. **Consideration and possible action relating to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. To discuss and provide feedback regarding the annual performance evaluation of the City Secretary.**

No action was taken.

ITEMS FOR FUTURE AGENDAS

Mayor Miner asked for a place marker as a reminder to bring back the Bi-weekly report.

ADJOURNMENT

Mayor Miner adjourned the meeting at 8:02 p.m

Approved: this _____ day of _____, 2024

Signed: this _____ day of _____, 2024

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: December 30, 2024

TO: Honorable City Council Members

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

THROUGH:

SUBJECT: Consider action on approval of the Monthly Financial Report for the period ending November 30, 2024

BACKGROUND/INFORMATION:

The Monthly Financial Report for the period ending November 30, 2024 is attached for Council review/approval.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the Monthly Financial Report for the period ending November 30, 2024.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Council Report - November 2024 to Council January 13, 2024

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 1/7/2025

Linda Proskey, City Secretary

Final Approval - 1/7/2025

Approved as to form for inclusion on Agenda



Monthly Financial Report Fiscal 2024-2025

For the period ending November 30, 2024

Sales Tax

Sales tax receipts from the State Comptroller received in the month of December 2024 (reflecting October 2024 sales receipts) increased in total to 6.6% compared to the same time last year. This amount includes prior period adjustments, future period adjustments and audit collections.

Sales Tax Receipts	Oct-24	Oct-23	% change
City 1%	\$ 300,206	\$ 281,526	6.6%
City 1/4% effective 10/1/2021*	\$ 75,052	\$ 70,381	6.6%
Street Maint 1/4%**	\$ -	\$ -	0.0%
CCD 1/2%	\$ 149,366	\$ 140,258	6.5%
EDC 1/4%	\$ 75,052	\$ 70,381	6.6%
Totals	\$ 599,675	\$ 562,547	6.6%

*approved by voters May, 2021 for effective date of 10/1/2021

**abolished January, 2021

A comparison of October 2024 sales tax receipts for Watauga's and surrounding cities are shown below: These figures do not include Special District sales tax receipts.

SALES TAX RECEIPTS COMPARISONS October 2023 vs. October 2024 RECEIVED FROM COMPTROLLER - December FISCAL YEAR 2024-2025

Sales Tax Receipts for the Month:					
City	October 2024 Sales	October 2023 Sales	\$ Change	% Change	
Euless	\$ 2,282,133.76	\$ 1,771,995.07	\$ 510,138.69	28.79%	
Richland Hills	\$ 881,160.86	\$ 702,624.20	\$ 178,536.66	25.41%	
Haltom City	\$ 1,604,264.19	\$ 1,418,719.70	\$ 185,544.49	13.08%	
N. Richland Hills	\$ 1,720,716.81	\$ 1,541,806.80	\$ 178,910.01	11.60%	
Grapevine	\$ 5,154,006.18	\$ 4,676,723.46	\$ 477,282.72	10.21%	
Colleyville	\$ 630,927.34	\$ 573,400.20	\$ 57,527.14	10.03%	
Southlake	\$ 3,382,155.06	\$ 3,093,577.41	\$ 288,577.65	9.33%	
Hurst	\$ 1,442,438.54	\$ 1,326,786.67	\$ 115,651.87	8.72%	
Bedford	\$ 1,325,110.34	\$ 1,228,558.27	\$ 96,552.07	7.86%	
Watauga	\$ 450,309.05	\$ 422,288.78	\$ 28,020.27	6.64%	
Fort Worth	\$ 19,143,233.72	\$ 17,968,195.46	\$ 1,175,038.26	6.54%	
Roanoke	\$ 1,820,937.49	\$ 1,717,412.81	\$ 103,524.68	6.03%	
Keller	\$ 1,303,158.22	\$ 1,278,321.17	\$ 24,837.05	1.94%	
Saginaw	\$ 697,095.04	\$ 683,939.31	\$ 13,155.73	1.92%	

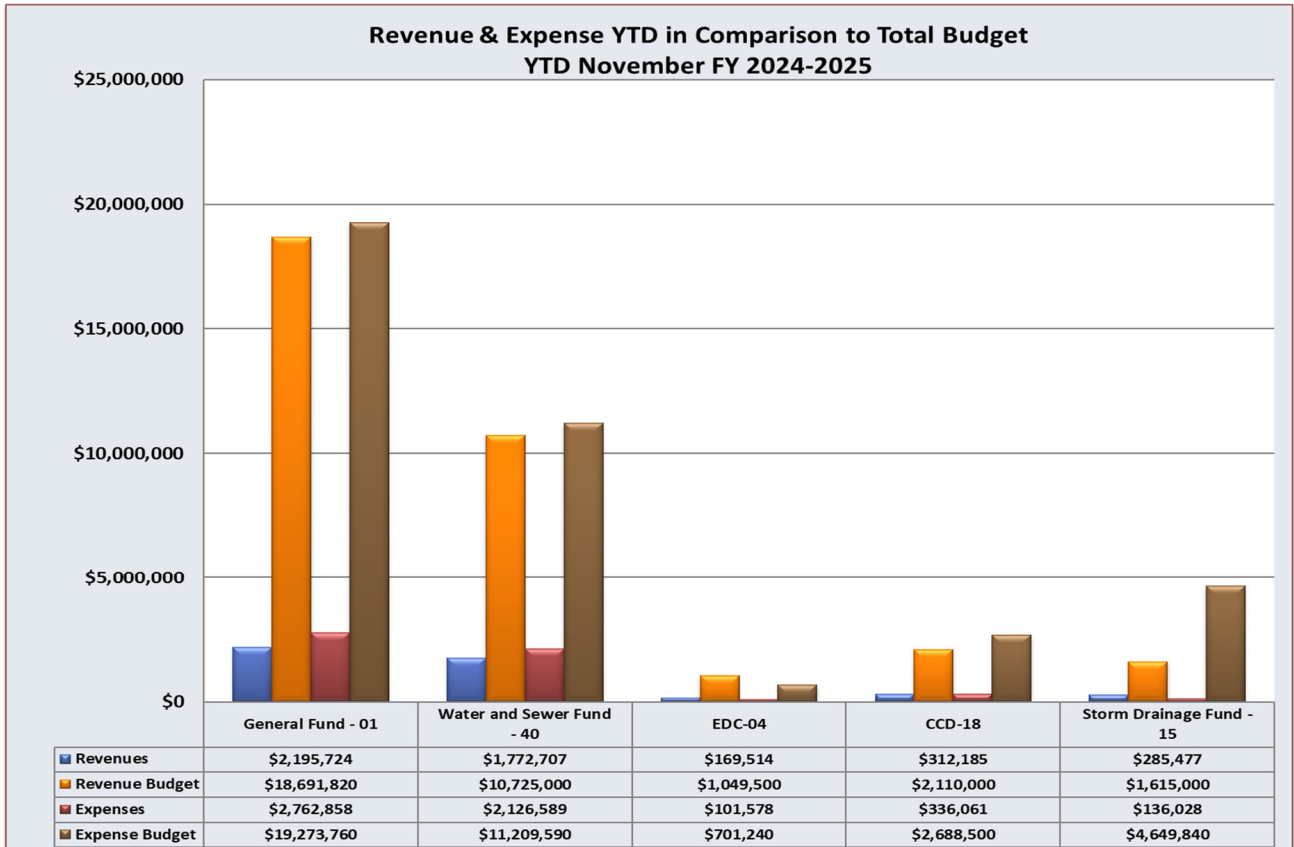
Source: State Comptroller

City Collections only - not Special Purpose Districts or Transit

The City will receive the distribution for November 2024 sales tax receipts on January 10, 2025. Sales tax revenues have been estimated for the November reporting period.

Financial Highlights

The City is 16.7% through the fiscal year 2024-2025. Revenue and expenses are reflected in the chart below and details of each fund's revenues and expenditures are attached. For example, the Police Department budget and expenditures are combined for two funds in which expenditures are reported (General Fund and Crime Control). The Consolidated Departmental Budget Report does not include capital outlay or debt service expenditures.



General Fund

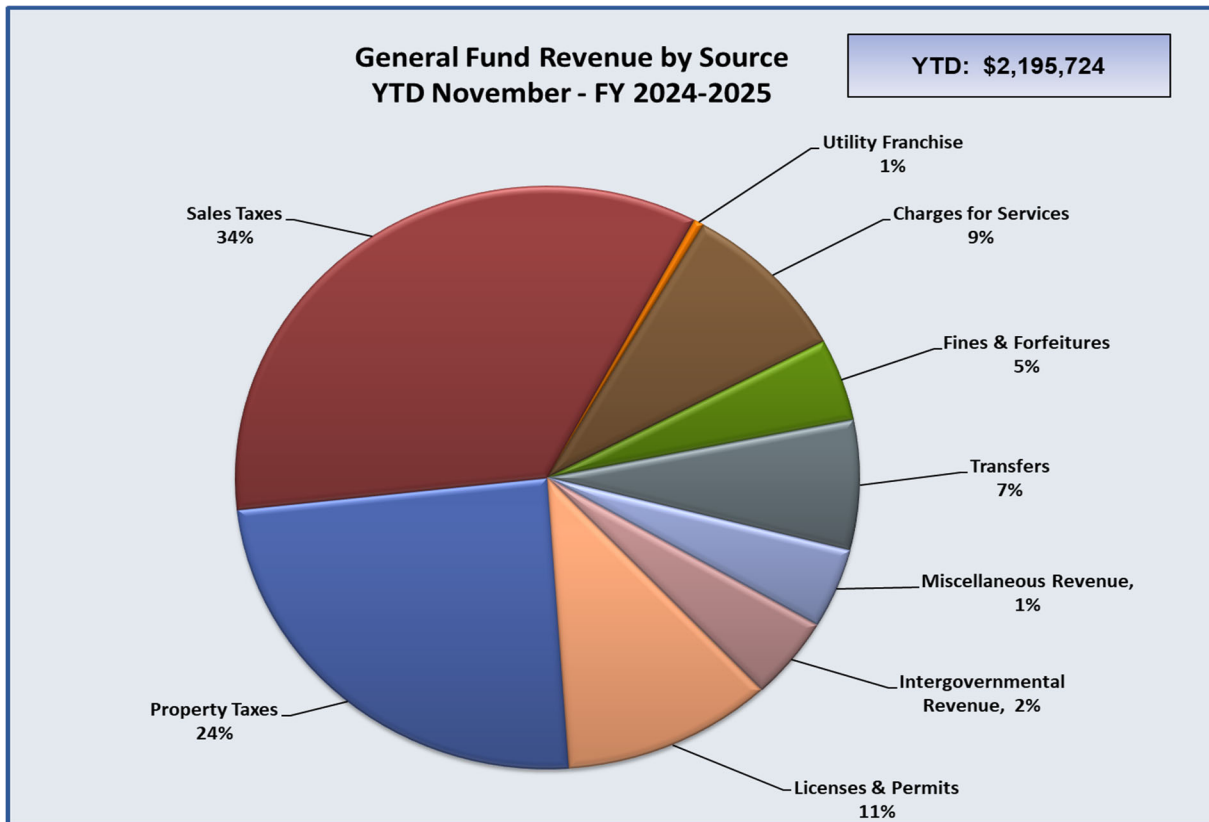
Revenues – Year-to-date revenues represent 11.7% of budget collected, or \$2,195,724.

Property Tax – As of November 30, 2024, the City has received 6.7% of budgeted property taxes and receipts remain in line with expectations at this time. The majority of property tax revenues are received in December and January.

Utility Franchise Revenue - The majority of franchise receipts are received on a quarterly basis. The City has received \$11,749, or 1.4% in budgeted franchise fee revenues through November 2024. The City is anticipating receiving \$859,500 in franchise fee revenues in fiscal year 2024-2025. First quarter receipts are usually received in February.

Licenses and Permits - License and permit fees are at 29% of budget collected with revenue received at \$239,385. This revenue category is \$107,775 or 81.9% higher in comparison to the same period of the prior year.

Charges for Services - Charges for Services revenues are at 14.5% of budget collected. Charges for services include recreation fees, ambulance services, garbage collection fees and animal adoption fees.

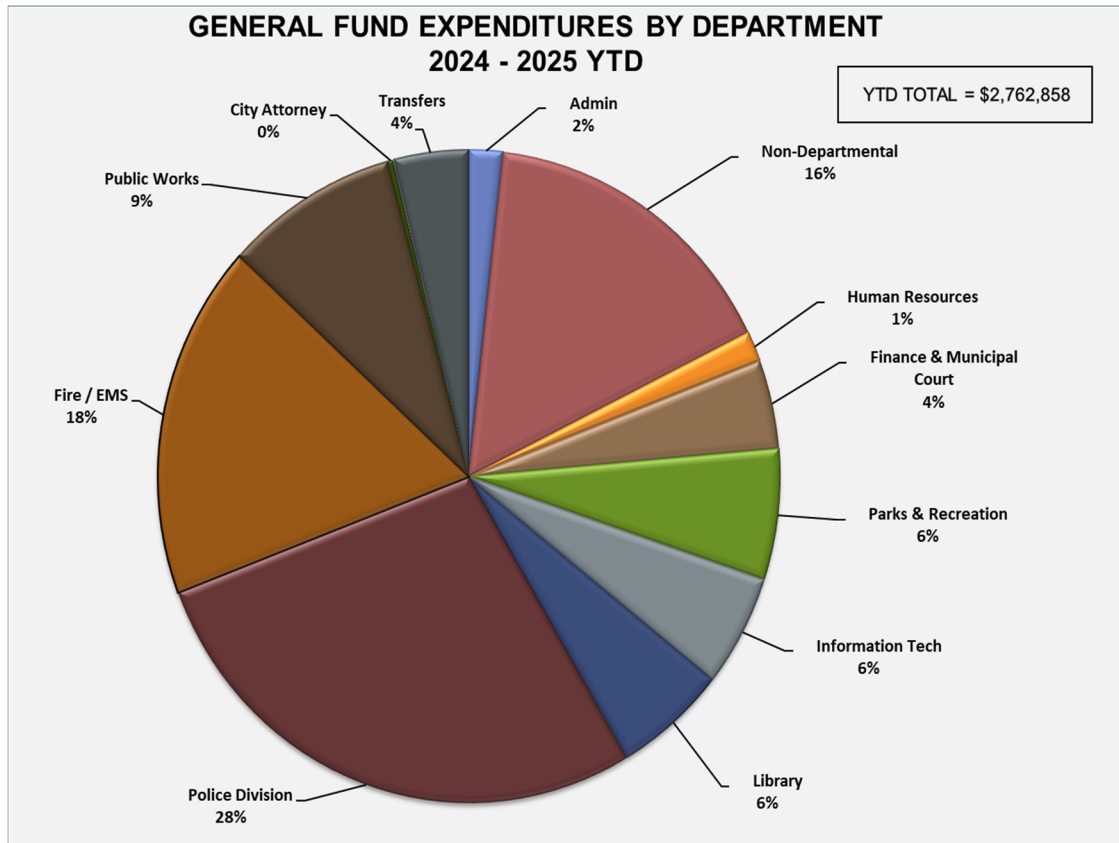


Fines and Forfeitures - Fines and Forfeitures are at 17% of budget which is \$27,547, or 37.9% higher than last year's collections.

Miscellaneous Revenue - Miscellaneous revenues include interest earnings, rental of recreational facilities, bingo, and other revenue. These receipts total \$97,141, which is 11.7% of budgeted revenues. Interest income is expected to remain elevated due to the increase in interest yield with the City's recent banking institution change.

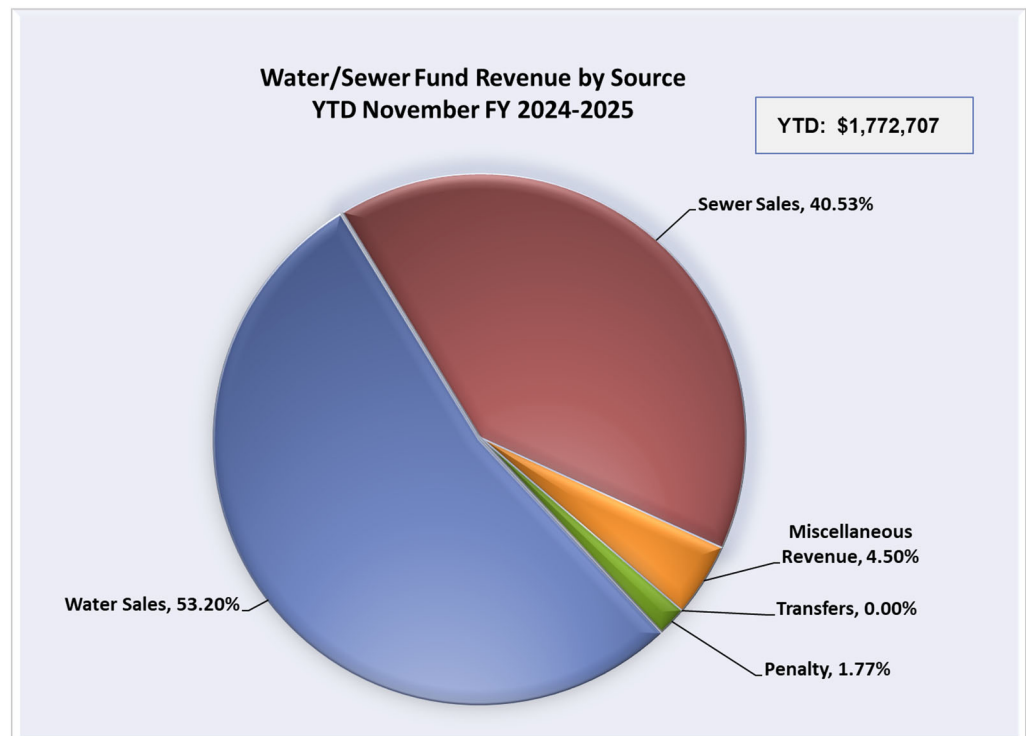
Intergovernmental Revenue and Transfers - Intergovernmental Revenue include transfers from other funds for services the general fund provides and payments in lieu of taxes from the enterprise funds. Currently these revenues are on target with Intergovernmental at 17.8% of budget and Transfers at 17.3% of budget.

Expenses – General fund expenses are at 14.3% of budget expended and total \$2,762,858 for the year.



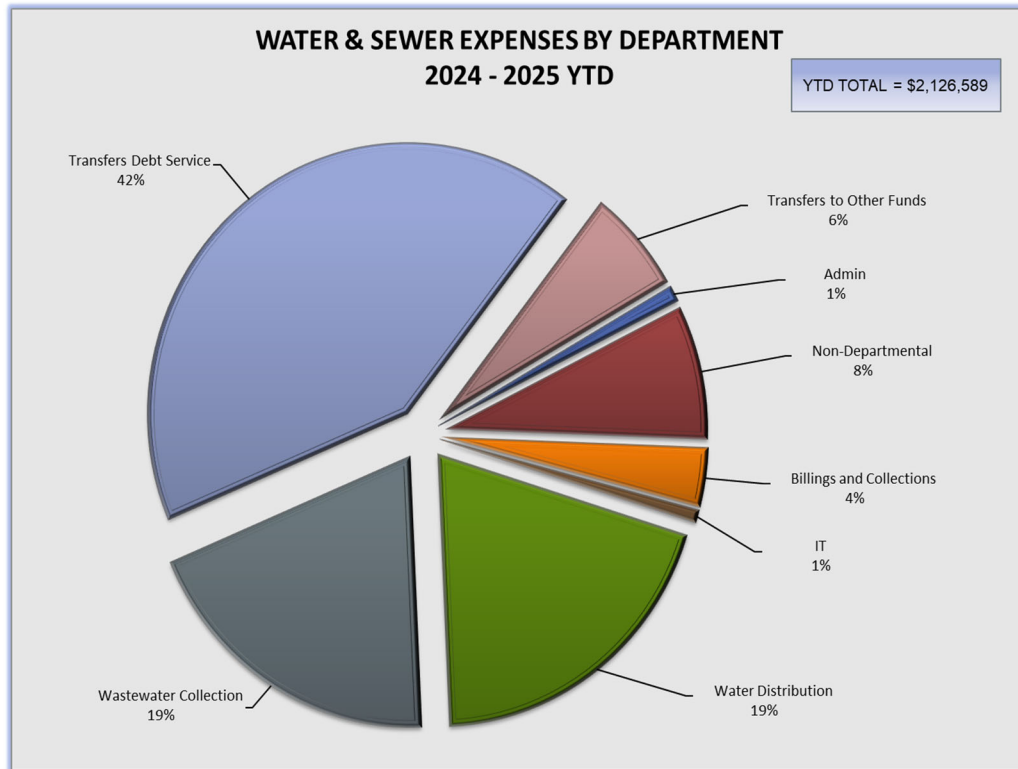
Water and Sewer Fund

Water and sewer revenues are currently at 16.53% of budgeted revenues through November 2024. Water sales are 17.3% of budgeted revenues and wastewater revenues are at 15.6% of budget. Water consumption varies due to seasonal fluctuations.



Miscellaneous Sales and Penalties- Miscellaneous sales include penalty revenue, EPA revenue, service charges, returned check fees, and damaged/tampering fees. This category of revenue is at 17.4% of budget collected.

Expenses – Year-to-date expenses in the Water/Sewer fund are at 19% of budget. Transfers to the debt service fund for payments due in February 2025 make up 36% of expenses year-to-date.



Storm Drain Fund – Revenues represent 17.7% of budget collected. Expenses are at 2.9% of budget in this fund through November 2024.

Special Revenue Funds

- **Crime Control and Prevention District** revenues collected are at 14.8% of budget and expenditures are at 12.5% of budget.
- **Economic Development Corporation Fund** has collected 16.2% of sales tax revenues and expenditures are at 14.5% of budget expended through November 2024.

YEAR-END AUDIT

The year-end financial audit process is currently in progress. This process includes review of financials, journal entries and preparation of various schedules and reports. The City's external auditor, Weaver, is currently conducting field audits. The final report for Fiscal Year ending September 30, 2024, will be available and presented at the March Council meeting.

Fund Detail Report

NOVEMBER 2024

**CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2025
For the period ending: November 30, 2024 (1st FY Qtr.)**

GENERAL FUND - 01

REVENUE:	ORIGINAL BUDGET	11/30/2024 YTD ACTUAL	% USED	% REMAINING	11/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
TAXES							
AD VALOREM	7,734,000	515,201	6.66%	93.34%	513,885	1,316	0.26%
Delinquent	30,000	13,529	45.10%	54.90%	1,568	11,961	763.05%
Penalty & Interest	36,000	6,126	17.02%	82.98%	2,923	3,203	109.56%
SALES TAX	4,964,980	758,175	15.27%	84.73%	736,796	21,379	2.90%
UTILITY FRANCHISE	859,500	11,749	1.37%	98.63%	11,641	108	0.93%
LICENSES & PERMITS	825,500	239,385	29.00%	71.00%	131,610	107,775	81.89%
INTERGOVERNMENTAL REVENUE	561,000	99,834	17.80%	82.20%	99,148	686	0.69%
CHARGES FOR SERVICES	1,351,500	196,570	14.54%	85.46%	146,869	49,701	33.84%
FINES & FORFEITURES	590,500	100,242	16.98%	83.02%	72,695	27,547	37.89%
MISCELLANEOUS INCOME	827,200	97,141	11.74%	88.26%	95,741	1,400	1.46%
OPERATING TRANSFERS IN	911,640	157,772	17.31%	82.69%	151,303	6,469	4.28%
TOTAL REVENUE	\$18,691,820	\$2,195,724	11.75%	88.25%	\$1,964,178	\$231,546	11.79%
ADMINISTRATION	580,500	48,801	8.41%	91.59%	70,835	(22,034)	-31.11%
HUMAN RESOURCES	339,850	41,467	12.20%	87.80%	34,331	7,136	20.79%
BUILDINGS - PW	1,041,400	85,935	8.25%	91.75%	101,272	(15,337)	-15.14%
FINANCE	650,660	65,942	10.13%	89.87%	65,282	660	1.01%
MUNICIPAL COURT - FIN	461,790	55,644	12.05%	87.95%	59,121	(3,477)	-5.88%
DEVELOPMENTAL SERVICES - PW	369,040	39,234	10.63%	89.37%	31,368	7,866	25.08%
LIBRARY	1,244,700	161,434	12.97%	87.03%	147,719	13,715	9.28%
PARKS AND RECREATION	1,639,100	179,180	10.93%	89.07%	167,912	11,268	6.71%
POLICE	5,278,200	765,421	14.50%	85.50%	679,306	86,114	12.68%
FIRE/EMS	4,129,640	485,410	11.75%	88.25%	498,706	(13,296)	-2.67%
PUBLIC WORKS - STREETS	718,430	89,374	12.44%	87.56%	70,249	19,125	27.22%
FLEET MANAGEMENT - PW	461,250	34,318	7.44%	92.56%	41,711	(7,394)	-17.73%
NON-DEPARTMENTAL	917,350	440,998	48.07%	51.93%	366,481	74,517	20.33%
INFORMATION TECHNOLOGY	703,850	153,710	21.84%	78.16%	120,165	33,545	27.92%
ECONOMIC DEVELOPMENT	-	-	-	-	-	-	-
CITY ATTORNEY	90,000	7,991	8.88%	91.12%	6,013	1,978	32.90%
TRANSFERS TO OTHER FUNDS	648,000	108,000	16.67%	83.33%	39,167	68,833	175.74%
TOTAL EXPENDITURES	\$19,273,760	\$2,762,858	14.33%	85.67%	\$2,499,637	\$263,221	10.53%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$581,940)	(\$567,134)			(\$535,459)	(\$31,675)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2025
For the period ending: November 30, 2024 (1st FY Qtr.)

DEBT SERVICE FUND - 03

	CURRENT BUDGET	11/30/2024 YTD ACTUAL	% USED	% REMAINING	11/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
TAXES							
AD VALOREM	4,403,000	298,331	6.78%	93.22%	300,708	(\$2,377)	-0.79%
Delinquent	11,000	7,916	71.97%	28.03%	815	\$7,102	871.65%
Penalty & Interest	11,000	3,229	29.36%	70.64%	1,282	\$1,947	151.92%
INTEREST EARNINGS	40,000	9,413	23.53%	76.47%	7,962	\$1,451	18.22%
OTHER FINANCING SOURCES	-	-	-	-	-	-	-
OPERATING TRANSFERS IN	150,000	25,000	16.67%	83.33%	24,833	\$167	0.67%
TOTAL REVENUE	\$4,615,000	\$343,889	7.45%	92.55%	\$335,600	\$8,289	2.47%
Contractual & Sundry	4,554,444	-	0.00%	100.00%	-	\$0	0.00%
TOTAL EXPENDITURES	\$4,554,444	\$0	0.00%	100.00%	-	\$0	0.00%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$60,556	\$343,889			\$335,600	\$8,289	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2025
For the period ending: November 30, 2024 (1st FY Qtr.)

WATER & SEWER - 40

	CURRENT BUDGET	11/30/2024 YTD ACTUAL	% USED	% REMAINING	11/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
WATER SALES	5,450,000	943,125	17.31%	82.69%	974,586	(31,461)	-3.23%
SEWER SALES	4,600,000	718,480	15.62%	84.38%	678,163	40,316	5.94%
MISCELLANEOUS	286,000	49,736	17.39%	82.61%	50,255	(519)	-1.03%
PENALTY	196,000	31,301	15.97%	84.03%	35,471	(4,170)	-11.76%
INTEREST	125,000	20,571	16.46%	83.54%	26,787	(6,216)	-23.21%
TRANSFERS	50,000	-	0.00%	0.00%	60,390	(60,390)	-100.00%
TAP FEES	-	9,495	-	-	2,250	7,245	322.02%
SALE OF ASSETS	-	-	-	-	-	-	-
TOTAL REVENUE	\$10,707,000	\$1,772,707	16.56%	83.44%	\$1,827,902	(\$55,195)	-3.02%
ADMINISTRATIVE	198,200	19,889	10.03%	89.97%	23,879	(3,990)	-16.71%
NON-DEPARTMENTAL	832,480	169,910	20.41%	79.59%	145,267	24,644	16.96%
BILLING & COLLECTIONS	610,030	73,988	12.13%	87.87%	73,368	621	0.85%
MGT. INFO SYSTEMS	142,990	15,736	11.01%	88.99%	12,695	3,042	23.96%
WATER DISTRIBUTION	2,912,840	414,107	14.22%	85.78%	415,701	(1,594)	-0.38%
WASTEWATER COLLECTION	3,676,050	410,830	11.18%	88.82%	483,830	(73,000)	-15.09%
TRANSFERS	2,837,000	1,022,128	36.03%	63.97%	879,064	143,064	16.27%
TOTAL EXPENDITURES	11,209,590	2,126,589	18.97%	81.03%	2,033,803	\$92,786	4.56%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$502,590)	(\$353,882)			(\$205,902)	(\$147,980)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2025
For the period ending: November 30, 2024 (1st FY Qtr.)

STORM DRAIN FUND - 15

	CURRENT BUDGET	11/30/2024 YTD ACTUAL	% USED	% REMAINING	11/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
USERS FEE	1,485,000	250,300	16.86%	83.14%	248,098	2,203	0.89%
OTHER REVENUE	-	-	-	-	-	-	-
INTEREST INCOME	130,000	35,177	27.06%	72.94%	37,150	(1,973)	-5.31%
TOTAL REVENUE	\$1,615,000	\$285,477	17.68%	82.32%	\$285,248	\$230	0.08%
PERSONNEL	509,600	62,854	12.33%	87.67%	\$51,610	11,244	21.79%
SUPPLIES	37,400	4,778	12.78%	87.22%	\$1,626	3,152	193.81%
MAINTENANCE	52,000	688	1.32%	98.68%	\$304	384	-
CONTRACTUAL & SUNDRY	361,640	35,193	9.73%	90.27%	\$51,597	(16,404)	-31.79%
CAPITAL	3,495,200	-	0.00%	100.00%	\$25,500	(25,500)	-100.00%
TRANSFERS TO OTHER FUNDS	194,000	32,515	16.76%	83.24%	\$32,404	111	0.34%
TOTAL EXPENDITURES	\$4,649,840	\$136,028	2.93%	97.07%	\$163,041	(\$27,013)	-16.57%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$3,034,840)	\$149,450			\$122,207	\$27,243	

**CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2025
For the period ending: November 30, 2024 (1st FY Qtr.)**

CRIME CONTROL DISTRICT - 18

	ORIGINAL BUDGET	11/30/2024 YTD ACTUAL	% USED	% REMAINING	11/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
SALES TAX	1,977,000	299,908	15.17%	84.83%	293,818	6,090	2.07%
INTEREST EARNING/OTHER TRANSFERS	133,000	12,277	9.23%	90.77%	80,339	(68,062)	-84.72%
	-	-	-	-	-	-	-
TOTAL REVENUE	\$2,110,000	\$312,185	14.80%	85.20%	\$374,157	(\$61,972)	-16.56%
PERSONNEL SERVICES	1,382,100	136,149	9.85%	90.15%	\$133,115	3,033	2.28%
SUPPLIES	214,500	18,657	8.70%	91.30%	\$19,713	(1,057)	-5.36%
MAINTENANCE	313,700	87,570	27.92%	72.08%	\$3,301	84,269	2552.93%
CONTRACTUAL & SUNDRY TRANSFERS	279,450	57,777	20.68%	79.32%	\$76,875	(19,098)	-24.84%
CAPITAL OUTLAY	38,000	5,998	15.78%	84.22%	\$5,655	343	6.07%
	460,750	29,910	0.00%	0.00%	\$0	29,910	100.00%
TOTAL EXPENDITURES	2,688,500	336,061	12.50%	87.50%	\$238,660	\$97,401	40.81%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$578,500)	(\$23,876)			\$135,497	(\$159,372)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2025
For the period ending: November 30, 2024 (1st FY Qtr.)

WATAUGA ECONOMIC DEVELOPMENT CORP - 04

	CURRENT BUDGET	11/30/2024 YTD ACTUAL	% USED	% REMAINING	11/30/2023 YTD ACTUAL	\$ CHG 24 vs 23	% CHG 24 vs 23
REVENUE:							
SALES TAX	996,000	150,823	15.14%	84.86%	147,382	3,441	2.33%
INTEREST EARNINGS	50,000	18,692	37.38%	62.62%	17,364	1,328	7.65%
INTEREST/ESCROW	-	-	-	-	-	-	0.00%
CONTRIBUTIONS/OTHER	3,500	-	0.00%	100.00%	625	(625)	-100.00%
TOTAL REVENUE	\$1,049,500	\$169,514	16.15%	83.85%	\$165,371	\$4,143	2.51%
PERSONNEL SERVICES	-	-	-	-	-	-	0.00%
NON-DEPARTMENTAL	-	-	-	-	-	-	0.00%
SUPPLIES	1,000	13	1.28%	98.72%	32	(19)	-60.04%
MAINTENANCE	300	-	0.00%	100.00%	-	-	0.00%
CONTRACTUAL & SUNDRY	138,300	7,959	5.75%	94.25%	16,684	(8,726)	-52.30%
TRANSFERS	561,640	93,607	16.67%	83.33%	71,333	22,273	31.22%
CAPITAL OUTLAY	-	-	-	-	-	-	0.00%
TOTAL EXPENDITURES	\$701,240	\$101,578	14.49%	85.51%	\$88,049	\$13,529	15.36%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$348,260	\$67,936			\$77,322	(\$9,385)	

DEPARTMENTAL CONSOLIDATED REPORT

NOVEMBER 2024

Budget Report

For Fiscal: FY2024-2025 Period Ending: 11/30/2024

Group Summary

Department	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Encumbrances	Variance Favorable (Unfavorable)	Percent Remaining
010 - CITY SECRETARY OFFICE	458200.00	458,200.00	27,852.96	48,309.04	0.00	409,890.96	89.46 %
011 - HUMAN RESOURCES	339850.00	339,850.00	22,930.27	41,467.18	33,689.64	264,693.18	77.89 %
013 - DEVELOPMENT SERVICES DIVISION	369040.00	369,040.00	23,573.76	39,234.34	2,538.02	327,267.64	88.68 %
015 - CITY MANAGER	320500.00	320,500.00	11,946.12	20,380.69	0.00	300,119.31	93.64 %
016 - BUSINESS RETENTION/EDC	56650.00	56,650.00	1,106.10	1,556.10	0.00	55,093.90	97.25 %
017 - BUSINESS ATTRACTION/EDC	34300.00	34,300.00	0.00	0.00	20,000.00	14,300.00	41.69 %
018 - GENERAL ADMINISTRATION/EDC	48650.00	48,650.00	1,552.78	6,415.20	0.00	42,234.80	86.81 %
020 - NON-DEPARTMENTAL	1839880.00	1,839,880.00	106,088.78	638,397.67	53,782.46	1,147,699.87	62.38 %
021 - CITY ATTORNEY	90000.00	90,000.00	7,990.80	7,990.80	0.00	82,009.20	91.12 %
030 - MUNICIPAL COURT DIVISION	461790.00	461,790.00	35,372.76	55,644.00	0.00	406,146.00	87.95 %
040 - FINANCE	766010.00	766,010.00	42,742.10	74,258.97	67,312.12	624,438.91	81.52 %
045 - BILLING & COLLECTIONS	610030.00	610,030.00	45,977.11	73,988.27	218.75	535,822.98	87.84 %
050 - INFORMATION TECHNOLOGY	846840.00	846,840.00	120,780.29	169,446.66	16,811.96	660,581.38	78.01 %
060 - LIBRARY	1254700.00	1,254,700.00	96,661.23	161,433.71	73,194.69	1,020,071.60	81.30 %
070 - RECREATION	760740.00	760,740.00	45,432.50	84,026.67	14,601.16	662,112.17	87.04 %
075 - PARKS DEPARTMENT	878360.00	878,360.00	64,160.38	95,153.32	155,479.42	627,727.26	71.47 %
080 - POLICE	7928700.00	7,928,700.00	469,000.15	1,095,483.26	74,441.85	6,758,774.89	85.24 %
085 - FIRE/MIS	4129640.00	4,129,640.00	279,524.98	485,409.69	24,803.93	3,619,426.38	87.65 %
090 - PUBLIC WORKS	1567090.00	1,567,090.00	85,776.58	161,401.36	219,136.92	1,186,551.72	75.72 %
093 - WATER DISTRIBUTION	2912840.00	2,912,840.00	192,976.77	414,107.27	48,494.95	2,450,237.78	84.12 %
094 - WASTEWATER COLLECTION	3676050.00	3,676,050.00	229,543.45	410,830.25	18,160.00	3,247,059.75	88.33 %
097 - FLEET MAINTENANCE	459750.00	459,750.00	18,411.22	34,317.51	40,902.18	384,530.31	83.64 %
098 - BUILDING MAINTENANCE	1041400.00	1,041,400.00	22,590.98	85,935.31	53,683.60	901,781.09	86.59 %
Report Total:	30,851,010.00	30,851,010.00	1,951,992.07	4,205,187.27	917,251.65	25,728,571.08	83.40 %



AGENDA MEMORANDUM

DATE: January 1, 2025

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 Professional Services Agreement between the City of Watauga, Texas and Burgess & Niple, Inc. for the design of the Public Works Parking Lot

BACKGROUND/INFORMATION:

The 2024-2025 Budget for the City of Watauga includes Public Works Parking Lot Improvements to be funded through 2024 Certificates of Obligation. The existing asphalt parking is in poor condition and in need of replacement. In addition, the expansion of the Fleet Shop to serve nine of our surrounding cities with Fleet Maintenance has created a need to optimize parking. In an effort to assisting in freeing up parking, Utility Billing moved their vehicles to the Park Facility on Linda Drive.

The new parking lot will be constructed of concrete to increase its service life and optimized to add additional parking within the existing boundary of the Public Works Facility. In addition, the low spots that held water during rain events will be graded to drain.

Staff forwards the attached contract, which allows the City to retain engineering and construction administration services with Burgess and Niple, Inc. There is funding in the approved 2024-25 Budget (2024 Certificates of Obligation) for Public Works Parking Lot Design. The proposed contract is for \$97,500. The estimated construction cost for the parking lot is \$902,500. This agenda item is only for the engineering cost of \$97,500.

FINANCIAL IMPLICATIONS:

Funding in the 2024-2025 Budget provide by the 2024 Certificates of Obligation

RECOMMENDATION/ACTION DESIRED:

Consider approval of the engineering contract with Burgess & Niple, Inc. for the Public Works Parking Lot

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Contract Agreement - Public Works Parking Lot - Burgess Niple
2. Form 1295 - Public Works Parking Lot - Burgess Niple
3. Photos of bad sections of parking lot



AGENDA MEMORANDUM

REVIEWED BY:

Paul Hackleman, Director of Public Works

Approved - 1/1/2025

David Berman, City Attorney

Approved - 1/1/2025

Deby Woodard, Assistant Director of Finance

Approved - 1/6/2025

Sandra Gibson, Interim City Manager and Director of Finance

Approved - 1/7/2025

Linda Proskey, City Secretary

Final Approval - 1/7/2025

Approved as to form for inclusion on Agenda

BURGESS & NIPLE

9900 Hillwood Parkway, Suite 130 | Fort Worth, TX 76177 | 817.306.1444

December 16, 2024

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

Reference: Public Works Parking Lot – Agreement for Professional Engineering Services

Dear Mr. Hackleman:

Burgess & Niple (B&N) is pleased to submit this Agreement for Professional Engineering Services for the design of Public Works Parking Lot. Attached is the Agreement, which is prepared for the City Manager's signature.

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

Respectfully submitted,

BURGESS & NIPLE

TBPELS FIRM REGISTRATION NO. F-10834



William D. Wendland, P.E.
Director, Fort Worth District

Attachment

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

THIS IS AN AGREEMENT EFFECTIVE AS OF _____ ("Effective Date") between CITY OF WATAUGA, TEXAS ("CLIENT") and Burgess & Niple, Inc. ("ENGINEER"). ENGINEER agrees to provide the services described below to CLIENT for Public Works Parking Lot ("ASSIGNMENT").

Client Legal Name: City of Watauga, Texas

Street Address: 7105 Whitley Road

City: Watauga State: Texas Zip Code: 76148

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

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

☐ Corporation
☒ Public Agency

☐ Partnership
☐ Individual

☐ Sole Proprietor
☐ Limited Liability Company (LLC)

The ASSIGNMENT

ENGINEER will provide professional engineering services to design the improvements for Public Works Parking Lot.

PROJECT UNDERSTANDING

- Watauga Public Works is located at 7800 Virgil Anthony Blvd., Watauga, TX 76148. CLIENT desires ENGINEER to design new concrete pavement for the parking lot to maximize the CLIENT'S use of the area and desires plans to be completed and ready to advertise for bid this fiscal year. See Exhibit A – Assignment Location Map. The yellow highlighted area is the limits of the parking lot (approximately 2.4 acres).

SCOPE OF SERVICES

DESIGN

Following the notice to proceed, the ENGINEER will subcontract with a surveyor to locate and document visible and apparent information pertinent to the design and construction of the ASSIGNMENT. The Surveyor will horizontally and vertically locate visible surface features within the project area and being more specifically detailed below.

- Main project area cross sections and/or mapping will be collected generally at 25' intervals and at all breaks in grade producing 1' interval contours.
 - Mapping to include the two concrete drive entrances.
 - Mapping included through the covered sheds within the mapping area.
 - Mapping included through the face of existing buildings adjoining the mapping area.
 - Finished floor elevations will be captured at all building openings.
- All trees will be tagged in the field. Tag ID's, common name and approximate trunk size will be noted on the survey.
- Orthorectified imagery, captured using UAV drone technology, will be used to provide an aerial background to the deliverable. Photogrammetry, derived from the orthorectified imagery, will be utilized to capture mapping and improvements as applicable.
- Terrestrial-based 3D laser scanning will be utilized to capture mapping and improvements as applicable.
- Texas811 OneCall will be utilized for private franchise utilities. Visible Texas 811 markings will be shown on the survey.
- We will locate and tie visible public utilities (water, wastewater, storm sewer, and telephone/fiber) and associated appurtenances including but not limited to manholes, cleanouts, meters, services, isolation valves, blow-offs, fire hydrants, inlets, junction boxes, headwalls, wingwalls, rip-rap aprons and other appurtenances. The survey will denote size, material type and flow direction as applicable. We will locate top of operating nut elevations for visible utility valves.

- Right-of-Way and Property: The survey will locate and tie existing right-of-way, property lines and easements, including type, size, volume and page, where applicable. It will show lot, block, abstract number, adjacent street names and property address. City and County boundaries will be shown where applicable. Property owner and business names will be shown on the survey.
- Surface Drainage Features: The survey will locate and tie top, toe and flow lines of existing swales, channels and creeks within the project limits. The survey will locate headwall and wingwalls and denote number, size, material type, flow line and top of pipe elevation for culvert conduit(s).

ENGINEER will subcontract with a Geotechnical Engineer to take six (6) bores to a depth of 5 feet below existing grades to evaluate subsurface conditions. The field personnel will drill the borings using truck-mounted equipment. Cohesive and non-cohesive soil samples will be obtained using 3-inch diameter Shelby tube samplers and 2-inch diameter standard split-spoon samplers, respectively. In addition, rock encountered will be evaluated by use of Texas Department of Transportation (TXDOT) cone penetration tests. A soils logger will extrude the samples in the field, check the samples for consistency with a hand penetrometer, carefully wrap them to preserve their condition, and return them to the laboratory for testing. A log of each boring will be prepared to document field activities and results.

Considering the planned facilities, anticipated soil conditions and geology, laboratory tests will be required for classification purposes, and to determine strength characteristics. The following types of tests are recommended:

- moisture content and soil identification
- liquid and plastic limit determinations
- unconfined compression tests on soil
- unit weight determinations
- soluble sulfate tests

The specific types and quantities of tests will be determined based on geologic conditions encountered in the borings.

Utilizing tests of the bores and cores, the Geotechnical Engineer will prepare a geotechnical report for general soil and groundwater conditions, an evaluation of the swell characteristics of the subgrade soils, earthwork recommendations, and guidelines for light-, medium-, and heavy-duty concrete pavement design.

ENGINEER will prepare plans and specifications of the ASSIGNMENT. ENGINEER will coordinate the design of the site plan with CLIENT for locations of sheds, vehicle parking areas, locations/areas of pavement duty levels such as heavy-duty vehicle routes. ENGINEER will design the grading and storm drainage system. ENGINEER will design a sedimentation trap basin for silt collection from the vacuum truck dumping. ENGINEER will coordinate with CLIENT on the minimum parking area to keep operations running, and then prepare a phasing plan to balance disruptions with length of construction time.

BIDDING

Once the plans are approved for advertisement by the CLIENT, ENGINEER will assist the CLIENT in advertising and bidding of the ASSIGNMENT in one bid package. ENGINEER will assist the CLIENT with awarding the ASSIGNMENT.

ADMINISTRATION OF THE CONSTRUCTION CONTRACT

ENGINEER will administer the construction contract on the ASSIGNMENT. Administration of the construction contract is defined as monthly site visits, answering contractor's and CLIENT'S questions during construction, preparing change orders (estimated at two (2) maximum), reviewing contractor's monthly payment applications, attending monthly construction meetings, assisting in the final walk-through, and preparing record drawings.

DELIVERABLES

ENGINEER will prepare construction plans, specifications, and cost estimates so that the CLIENT can advertise to receive bids for the construction of the ASSIGNMENT. Up to five (5) hard copies of the plans, specifications and cost estimates will be provided to the CLIENT along with an electronic PDF version. One set of Record Drawings will be delivered at the conclusion of the ASSIGNMENT.

EXCLUSIONS

The ASSIGNMENT only includes the Scope of Services listed above. Abstracting services, arborist services, SUE level C or D, construction staking services, easement and right of way acquisition services, additional geotechnical laboratory services, including quantities or items other than described are not included.

ASSIGNMENT START

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

TIME FOR COMPLETION

Engineer shall complete its obligations within a reasonable time. All services are to be completed within 21 months of the date of this agreement's authorization for ENGINEER to proceed and is hereby agreed to be reasonable. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably. If CLIENT authorizes changes in the scope, extent, or character of the ASSIGNMENT or Engineer's services, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably. CLIENT shall make decisions and carry out its other responsibilities in a timely manner so as not to delay the Engineer's performance of its services. If Engineer fails, through its own fault, to complete the performance required in this Agreement within the time set forth, as duly adjusted, then CLIENT shall be entitled, as its sole remedy, to the recovery of direct damages, if any, resulting from such failure.

CLIENT and ENGINEER further agree as follows:

1.01 *Basic Agreement*

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

2.01 *Payment Procedures*

- A. ENGINEER will prepare a monthly invoice in accordance with ENGINEER'S standard invoicing practices and submit the invoice to CLIENT.
- B. CLIENT will pay ENGINEER'S monthly invoices in accordance with Texas Government Code Title 10. General Government; Subtitle F. State and Local Contracts and Fund Management, Chapter 2251. Payment for Goods and Services.
- C. If CLIENT does not give ENGINEER written notice disputing an invoice within thirty (30) days of the date thereof, the invoice shall conclusively be deemed correct. All payments made by CLIENT should specify the invoice numbers being paid. If payments are received that do not specify the invoices being paid, ENGINEER may, at its sole discretion, apply payments against outstanding interest or invoices.
- D. In the event sales tax is imposed on professional services, CLIENT shall be responsible for this additional cost.
- E. ENGINEER shall not be required to release its files or work product to the CLIENT or to any other party until such time as ENGINEER receives full payment for all services rendered, including reimbursable expenses and interest incurred under the Agreement.

3.01 *Additional Services*

- A. If authorized by CLIENT, or if required because of changes in the ASSIGNMENT, ENGINEER shall furnish services in addition to those set forth above.

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

4.01 Termination

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

5.01 Controlling Law

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

6.01 Successors, Assigns, and Beneficiaries

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

7.01 General Considerations

- A. The standard of care for all professional engineering and related services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER'S services and all warranties are specifically disclaimed, including warranties of merchantability and fitness for a particular purpose. ENGINEER may employ consultants as ENGINEER deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by the CLIENT. ENGINEER is responsible for the work product of such consultants employed by ENGINEER.
- B. Upon payment in full for completed services, original documents, plans, designs, and survey notes developed in connection with services performed hereunder belong to and remain the property of the CLIENT in consideration of which it is mutually agreed that the CLIENT will use them solely in connection with the

Assignment, save with the express consent of the ENGINEER. The ENGINEER may retain reproducible copies of such documents.

- C. ENGINEER shall not at any time supervise, direct, or have control over any work by CLIENT'S contractors, nor shall ENGINEER have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor engaged by the CLIENT, for safety precautions and programs incident to the work progress of a CLIENT'S contractor, nor for any failure of any contractor engaged by CLIENT to comply with laws and regulations applicable to such contractor's work.
- D. ENGINEER neither guarantees the performance of any contractor engaged by the CLIENT nor assumes responsibility for any such contractor's failure to furnish and perform its work in accordance with the contract between CLIENT and such contractor.
- E. ENGINEER shall not be responsible for the acts or omissions of any CLIENT-engaged contractor, subcontractor, or supplier, or of any CLIENT-engaged contractor's agents or employees or any other persons (except ENGINEER'S own employees) at the ASSIGNMENT site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by CLIENT.
- F. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the ENGINEER'S Joint Contract Documents Committee (No. C-700, 2007 Edition).
- G. ENGINEER SHALL INDEMNIFY AND HOLD HARMLESS CLIENT FOR CLAIMS, DAMAGES, LIABILITIES AND LOSSES (INCLUDING ATTORNEY'S FEES AND COSTS) IF AND TO THE EXTENT THAT SUCH CLAIM, DAMAGE, LIABILITY OR LOSS IS CAUSED BY OR RESULTS FROM AN ACT OF NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER BY ENGINEER, ENGINEER'S AGENT, CONSULTANT UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH ENGINEER EXERCISES CONTROL; PROVIDED HOWEVER THAT ENGINEER'S LIABILITY SHALL NOT EXCEED THE INSURANCE COVERAGE LIMITS SET FORTH IN SUBSECTION (H) OF THIS SECTION.
- H. The Professional shall obtain and maintain, throughout the term of the Agreement, insurance of the types and in the minimum amounts set forth below.
 - 1. Workers' Compensation insurance in accordance with the laws of the State of Texas, or state of hire/location of Services, and Employer's Liability coverage with a limit of not less than \$500,000 each employee for Occupational Disease; \$500,000 policy limit for Occupational Disease; and Employer's Liability of \$500,000 each accident.
 - 2. Business Automobile Liability coverage applying to owned, non-owned and hired automobiles with limits not less than \$1,000,000 each occurrence combined single limit for Bodily Injury and Property Damage combined.
 - 3. Professional Liability / Errors and Omissions insurance with limits of not less than:
 - \$2,000,000 Annual aggregate and limit per claim;
 - \$5,000,000 Excess/Umbrella liability per occurrence with drop down coverage.
- I. In the event that ENGINEER undertakes to provide construction cost estimation services, the following shall apply. Evaluation of the CLIENT'S ASSIGNMENT budget, preliminary estimates of construction costs, and detailed estimates of construction costs (if any), or any portion thereof prepared by ENGINEER represent ENGINEER'S judgment, based upon the information provided to ENGINEER at the time of evaluation or preparation, as a design professional familiar with the construction industry. It is recognized, however, that neither ENGINEER nor the CLIENT has control over the cost of labor, materials, or equipment, over a contractor's methods of determining bid prices, or over competitive bidding, market, or negotiating conditions. Accordingly, ENGINEER does not have any responsibility in the event that bids or negotiated prices vary from the CLIENT'S ASSIGNMENT budget or from any estimate or construction cost or evaluation prepared or agreed to by ENGINEER.

- J. The parties acknowledge that ENGINEER'S scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If ENGINEER or any other party encounters a Hazardous Environmental Condition, ENGINEER may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the ASSIGNMENT affected thereby until CLIENT: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the site is in full compliance with applicable Laws and Regulations.
- K. The parties acknowledge that ENGINEER'S scope of services does not include any services specifically not included within ENGINEER'S Scope of Service.
- L. The parties acknowledge that ENGINEER'S Scope of Services is based upon the ordinance, criteria and/or policies and procedures currently in effect in the City of Watauga, Texas, as reasonably interpreted. Any revisions to these policies could impact the proposed civil engineering services and therefore necessitate an appropriate adjustment in the above fees.
- M. With the execution of this Agreement, ENGINEER and CLIENT shall designate specific individuals to act as ENGINEER'S and CLIENT'S representatives with respect to the Assignment and the responsibilities of the CLIENT under the Agreement. Such an individual shall have the authority to transmit instructions, receive information, and render decisions relative to the Assignment on behalf of the respective party whom the individual represents.
- N. ENGINEER verifies that it does not Boycott Israel, and agrees that during the term of this Contract will not Boycott Israel as that term is defined in Texas Government Code Section 808.001, as amended. For purposes of this verification, "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.
- O. ENGINEER represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:
- <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.
- The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the entity and each of its parent companies, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The signatory understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the signatory and exists to make a profit.
- P. ENGINEER verifies that it does not Boycott Energy Companies and agrees that during the term of this Agreement will not Boycott Energy Companies as that term is defined in Texas Government Code Section 809.001, as amended. This section does not apply if ENGINEER is a sole proprietor, a non-profit entity, or a governmental entity; and only applies if: (i) ENGINEER has ten (10) or more fulltime employees and (ii) this Agreement has a value of \$100,000.00 or more to be paid under the terms of this Agreement.
- Q. ENGINEER verifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (ii) will not discriminate during the term of the contract against a firearm entity or firearm trade association. This section only applies if: (i) ENGINEER has ten (10) or more fulltime employees and (ii) this Agreement has a value of \$100,000.00 or more to be paid under the terms of

this Agreement. However, this prohibition does not apply: (i) if ENGINEER is a sole proprietor, a non-profit entity, or a governmental entity; (ii) to a contract with a sole-source provider; or (iii) to a contract for which none of the bids from a company were able to provide the required certification.

8.01 *Total Agreement*

- A. This Agreement (consisting of pages 1 to 16, inclusive), together with Exhibit A, Exhibit B, and Exhibit C, constitutes the entire agreement between CLIENT and ENGINEER for the provisions of the ASSIGNMENT and supersedes all prior written or oral understandings for the provision of the ASSIGNMENT. All project-specific contracts between CLIENT and ENGINEER shall remain in full force and effect until terminated as provided therein. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument. No provision in any invoice, statement or billing instrument shall waive or modify any provision of this Agreement if in conflict.

9.01 *Severability*

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

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

- A. Using the procedures set forth in paragraph 2.01, CLIENT shall pay ENGINEER for Scope of Services as follows:
1. A total Maximum Sum amount of **Ninety-Seven Thousand Five Hundred Dollars and No Cents (\$97,500.00).**
 2. The Maximum Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated in the Maximum Sum to account for labor costs, overhead, profit, expenses (other than any expressly allowed Reimbursable Expenses), and Consultant charges.
 3. The portion of the compensation amount billed monthly for ENGINEER'S services will be based upon ENGINEER'S estimate of the percentage of the Maximum Sum Items and Unit Cost Items actually completed during the billing period. The compensation amount stipulated is conditioned on a period of service ending within 21 months of the date of this agreement's authorization for ENGINEER to proceed. If such end date is extended, the compensation amount for Engineer's services shall be appropriately adjusted.

SIGNATURES ON NEXT PAGE

Agreement between City of Watauga, Texas and Burgess & Niple, Inc. for Professional Engineering Services
Public Works Parking Lot

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

CLIENT: **City of Watauga, Texas**

ENGINEER: **Burgess & Niple, Inc.**

By: _____
Sandra Gibson

By: William D. Wendland
William D. Wendland

Title: City Manager

Title: Vice President

Date Signed: _____

Date Signed: December 16, 2024

Address for giving notices:

Address for giving notices:

7105 Whitley Road

9900 Hillwood Parkway, Suite 130

Watauga, TX 76148

Fort Worth, Texas 76177

Address for remitting invoices:

Attention: Burgess & Niple, Inc. – Accounting Department

330 Rush Alley, Suite 700

Columbus, Ohio 43215

Designated Representative (Paragraph 7.01 M.):

Designated Representative (Paragraph 7.01 M.):

Name: Paul Hackleman, P.E.

Name: William Wendland, P.E.

Title: Public Works Director

Title: Director, Fort Worth District

Phone Number: (817) 514-5837

Phone Number: (817) 306-1444, x6105

Facsimile Number: (817) 514-5854

Facsimile Number: (614) 451-1385

Email Address: PHackleman@wataugatx.org

Email Address: billy.wendland@burgessniple.com

EXHIBIT A
ASSIGNMENT LOCATION MAP



EXHIBIT B

**PROFESSIONAL ENGINEERING SERVICES
HOURLY FEE SCHEDULE
Subject to annual revisions on January 1**

<u>Description</u>	<u>Hourly Rate*</u> <u>Min. - Max.</u>
Principal/Associate/Project Director/Project Quality Assurance (PQA) Manager	\$170 - \$340
Senior Project Manager/Quality Control (QC) Manager	\$150 - \$310
Project Manager	\$125 - \$240
Traffic Engineer/Project Engineer.....	\$150 - \$200
Senior CADD Technician.....	\$100 - \$190
Graduate Engineer	\$90 - \$170
CADD Technician	\$70 - \$165
Administrative	\$70 - \$145
Direct Expenses.....	Cost + 0%
Local Travel (Auto mileage)	Current IRS Allowable Rate + 0%
Subcontract Work	Cost + 0%

*Actual hourly rates are based upon experience level and expertise

EXHIBIT C
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 Burgess & Niple, (“Vendor”). The Contract involved in this Governmental Rider is described as follows:

Public Works Parking Lot

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

BURGESS & NIPLE, INC.

Vendor

By: _____

By: William D. Wendland

Name: Sandra Gibson

Name: William D. Wendland

Title: City Manager

Title: Vice President

Date: _____

Date: December 16, 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.

Burgess & Niple, Inc.
Columbus, OH United States

Certificate Number:
2024-1249676

Date Filed:
12/16/2024

Date Acknowledged:
12-27-24

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

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.

Public Works Parking Lot
Professional Engineering Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Arnold, Don	Cincinnati, OH United States	X	
	Belluccia, Angelo	Tampa, FL United States	X	
	Bernhardt, Mark	Columbus, OH United States	X	
	Cook, Josh	Indianapolis, IN United States	X	
	Muccillo, Ed	Tempe, AZ United States	X	
	Pagnard, Jason	Tempe, AZ United States	X	
	Sponaugle, Ken	Cincinnati, OH United States	X	
	Tell, Jason	Portland, OR United States	X	
	Thieken, Steve	Columbus, OH United States	X	

5 Check only if there is NO Interested Party.

☐

6 UNSWORN DECLARATION

My name is William D. Wendland, and my date of birth is 4/23/1962.

My address is 9900 Hillwood Parkway, Suite 130, Fort Worth, TX, 76177, 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 16 day of December, 20 24.
(month) (year)

William D. Wendland

Signature of authorized agent of contracting business entity
(Declarant)

Photos of bad sections of parking lot







AGENDA MEMORANDUM

DATE: January 3, 2025
TO: Honorable City Council Members
FROM: Linda Proskey, City Secretary
THROUGH: Linda Proskey, City Secretary
SUBJECT: Consider the approval of the July 10, 2023 Regular City Council meeting minutes

BACKGROUND/INFORMATION:

Minutes from the July 10, 2023 Regular City Council meeting

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. July 10, 2023 Regular Meeting Draft Minutes

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 1/7/2025
Linda Proskey, City Secretary Final Approval - 1/7/2025
Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR COUNCIL MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
MONDAY, JULY 10, 2023
6:30 PM**

CALL TO ORDER

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

ROLL CALL

The meeting convened with the following members present:

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

Mayor
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

Joshua Jones
Linda Proskey
David Berman
Timothy Hamilton
Paul Hackleman
Deby Woodard
Julie Rodriguez
Randy Barkley

City Manager
City Secretary
City Attorney
Director of Parks and Community Services
Director of Public Works
Assistant Finance Director
Human Resources Director
Fire Chief

INVOCATION

Associate Pastor Owens Victory Tabernacle Church gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

ANNOUNCEMENTS

Councilmember Neal announced that on July 14th at 8:30 PM, the park will be screening *Top Gun: Maverick*. The library's Summer Reading Celebration will feature Superhero Day on July 31st at 10:00 AM. The memorial service for Police K9. Kai will be held on July 13th at 9:00 AM at Northwood Church, 1870 Russell Drive, Keller, Texas. Additionally, there are many dogs available for adoption.

Councilmember Hill reminded that the Animal Services Advisory Board meeting will be held at 11:30 AM on Wednesday in the City Council chambers, followed by the Citizens Focus Group at noon. Members are encouraged to attend and share their opinions.

Mayor Miner shared that the fireworks display on July 3rd was a success, with a Guinness World Record set for the number of drones used. He praised everyone involved for their outstanding efforts.

PRESENTATIONS

1. Presentation of Service Awards for the City of Watauga Employees celebrating a Milestone Anniversary during the month of July: Steven Osborn 15 Years; Justin Strube 15 years; Sandy Toney 30 years
2. Proclamation to be presented for Park and Recreation Month

Mayor Minor presented a proclamation to Parks Director Timothy Hamilton for Parks and Recreation Month.

PUBLIC COMMENT

There was no request for public comment

PUBLIC TESTIMONY FOR ACTION ITEMS

There was no request for public testimony

CONSENT AGENDA

1. **Consider action to accept the Watauga Crime Control and Prevention District Proposed Budget for the Fiscal Year 2023-2024**
2. **Consider action on approval of the Monthly Financial Report for the period ending May 31, 2023**
3. **Consider action on setting a Public Hearing Date for the Crime Control and Prevention District FY2023-2024 Proposed Budget to allow for citizen input at 6:30 p.m. on August 14, 2023 and setting the budget adoption date for August 28, 2023**
4. **Consider action to approve an ordinance to adopt the changes to the Fiscal Year 2022-23 Classification Plan for the Fire Department**

5. **Consider action for approval of replacement playground equipment purchase and installation for Capp Smith, Hillview, and Indian Springs Parks with Playground Solutions of Texas in an amount not to exceed \$181,522.**
6. **Consider action on approval of an expenditure not to exceed \$25,000 for the continuation of the K-9 Program including K9 replacement, training and other equipment needed.**

Mayor Miner asked the council if they wish to pull any of the items, hearing none he asked for a Motion. Councilmember Hill made a motion to accept the consent agenda as presented. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

PUBLIC HEARINGS

ACTION ITEMS

1. **Consider action on approval of a 5% CPI rate increase requested by Frontier Waste Solutions with an effective date of August 1, 2023**

Deby Woodard presented the item she stated that Frontier Waste Solutions has requested a five percent CPI increase in accordance with the agreement we have with them. From May 2020 to May 2023, the CPI increased by 7.88 percent. However, under the terms of the agreement, there is a cap of five percent. The increased rate would take effect on August 1.

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

Motion carried 6-1-0-0.

Ayes, Shelbourne, Snyder, Downey, Minucci, Taylor, Hill

Nays: Neal

Abstain: None

Absent: None

2. **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 presented the item, noting that a workshop on June 26 covered the Capital Improvement Plan and Capital Outlay Plan, identifying high-cost items to be funded through debt proceeds. These include street projects (Hightower Construction and Watauga Road Engineering) and an ambulance. The first step in issuing debt is the publication of a Notice of Intention. Andrew Friedman from Samco Capital Markets explained that this legal step involves publishing the notice on the city's website and in a local newspaper once per week for two weeks. The notice outlines the use of proceeds and the Council's consideration of the sale of Certificates of Obligation, scheduled for September 11.

Friedman stated that the city currently holds a strong AA credit rating, which is expected to be maintained through the rating process with Standard & Poor's. Following Council approval of the resolution, Samco will prepare an offering document, solicit competitive bids, and present results at the September 11 meeting. The debt issuance is not finalized until Council approval, and the city anticipates maintaining the existing tax rate while addressing capital projects in future years due to annual reductions in existing debt and growth in taxable assessed value. Friedman invited questions and confirmed the approach aligns with the city's financial goals.

Mayor Miner asked for a Motion. Councilmember Downey made a motion to accept the item as presented Councilmember Neil seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

EXECUTIVE SESSION

- 1. Pursuant to Section 551.074 (Personnel) and Section 551.071 (Legal Consultation) of the Texas Government Code, to receive legal advice from the city attorney and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager.**

Mayor Miner recessed the meeting at 6:52 p.m. for executive session.

RECONVENE

Mayor Miner reconvened the meeting at 9:21 p.m.

ITEMS OF EXECUTIVE SESSION DELIBERATION

Consideration and possible action relating to legal advice from the city attorney and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager.

Mayor Miner asked for a Motion. Councilmember Minucci made a motion to acknowledge the current city manager and the written agreement that we have is currently behind us and he will be the new interim city manager for the period of a year with his current car announce and with the same benefits in accordance with the current employees that is in place. Councilmember Snyder seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

ADJOURNMENT

Mayor Miner adjourned the meeting at 9:24 p.m.

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

ATTEST:

Arthur L. Miner, Mayor

Linda Proskey, City Secretary



AGENDA MEMORANDUM

DATE: October 3, 2024

TO: Honorable City Council Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

THROUGH: Paul Hackleman, Director of Public Works

SUBJECT: Public hearing to receive comments for or against the consideration of an ordinance revising single family dwelling rental regulations and adopting short-term rental regulations within the City of Watauga.

BACKGROUND/INFORMATION:

The Public Hearing Notice was duly posted and published by the City Secretary's Office on Friday, December 27, 2024 in the Fort Worth Star Telegram.

A City Council workshop was held on September 9, 2024 to discuss and gain direction on the creation of an ordinance which regulates "Short Term Rentals" in the City of Watauga. During the City Council regular meeting, the council made a request to staff to have a short-term rental ordinance be presented for consideration.

Staff and the City Attorney also held discussions in early December to review items when finalizing the proposed amendment of Article XI (Single-Family Dwelling Rentals and adding the Short-term Rental units) of Chapter 22 (Licenses, Permits and Business Regulations) of the Code of Ordinances.

FINANCIAL IMPLICATIONS:

Permit Fees
Hotel Occupancy Tax

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommend consideration of comments received during the public hearing.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. FTW STAR TELEGRAM - PH Notice - STR - 12272024

REVIEWED BY:

Sandra Gibson, Interim City Manager and Director of Finance Approved - 11/5/2024
Linda Proskey, City Secretary Final Approval - 11/5/2024
Approved as to form for inclusion on Agenda



AGENDA MEMORANDUM

DATE: October 21, 2024

TO: Honorable City Council Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

THROUGH: Paul Hackleman, Director of Public Works

SUBJECT: Public hearing to receive comments for or against the consideration of an ordinance amending Chapter 12, Code of Ordinances, Fee schedule, adopting fees for short-term rentals.

BACKGROUND/INFORMATION:

The purpose of the public hearing is to receive input regarding the consideration of an ordinance regulating short-term rentals within the corporate boundaries of the City of Watauga; and consider the adoption of new fees associated with short-term rental permits.

FINANCIAL IMPLICATIONS:

STR Permit and Inspection Fees
Hotel Occupancy Tax

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommend the Council allow for public input as posted.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. FTW STAR TELEGRAM - PH Notice - STR

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 11/4/2024
Sandra Gibson, Interim City Manager and Director of Finance	Approved - 11/5/2024
Linda Proskey, City Secretary	Final Approval - 11/5/2024

Approved as to form for inclusion on Agenda

Legals

NOTICE

Notice is hereby given that a Public Hearing will be held by the City Council of January 14, 2025 at 6:00 p.m. in the Council Chamber, Second Floor of the Municipal Building, 200 Texas Street, Fort Worth, Tarrant County, Texas.

ZC-24-152 4912 & 5000 E Rosedale St 3.7ac

Zoning Change:

From: "PD 1259" Planned Development for all uses in "MU-1" Low-Intensity Mixed Use with waiver to maximum building height and minimum parking requirements to allow for permanent food trucks, site plan required

To: Amend "PD 1259" to add development standards to increase the maximum setback, and to decrease the amount of individual street-oriented entries from the primary ROW; site plan included.

Description:

BEING a 1.1107 acre (48,382 square foot) tract of land situated in the Daniel Dulaney Survey, Abstract No. 411, City of Fort Worth, Tarrant County, Texas, and being a portion of Lot 1R, Block B, J.A. Cavile Place Addition, an addition to the City of Fort Worth according to the Plat Recorded in Instrument No. D224057522, Official Public Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 1R, and being in the intersection of the north right-of-way line of Avenue G, a 50-foot right-of-way and the east right-of-way line of Etta Street, a 50-foot right-of-way, from which a crows foot found bears South 89°40'59" West, a distance of 0.25 feet;

THENCE North 00°43'59" West, along the said east right-of-way line, a distance of 285.18 feet to a 5/8-inch iron rod with "KHA" cap recovered for corner, being the southwest end of a corner clip at the intersection of the said east right-of-way line and the south right-of-way line of East Rosedale Street, a variable width right-of-way;

THENCE North 44°27'37" East, along the said corner clip, a distance of 7.05 feet to a 5/8-inch iron rod recovered for the northernmost northwest corner of said Lot 1R, and being in the said south right-of-way line;

THENCE North 89°39'13" East, along the said south right-of-way line, a distance of 162.74 feet to a point for corner;

THENCE South 00°20'47" East, departing the said south right-of-way line, a distance of 290.25 feet to a point for corner in the said north right-of-way line of Avenue G;

THENCE South 89°40'59" West, along the said north right-of-way line, a distance of 165.78 feet to the POINT OF BEGINNING and containing 48,382 square feet or 1.1107 acres of land, more or less.

BEING a 2.6226 acre (114,239 square foot) tract of land situated in the Daniel Dulaney Survey, Abstract No. 411, City of Fort Worth, Tarrant County, Texas, and being part of Block B, J.A. Cavile Place, an addition to the City of Fort Worth according to the plat recorded in Volume 388-Y, Page 107, Plat Records, Tarrant County, Texas, and being all of Lot 2, Block B, Cavile Addition, an addition to the City of Fort Worth according to the plat recorded in Instrument No. D223052961, Official Public Records, Tarrant County, Texas, and being part of Tract 2 described in Special Warranty Deed to Cavile Public Facility Corporation recorded in Instrument No. D215178577, said Official Public Records, and being more particularly described as follows:

COMMENCING at the southeast corner of said Block B, J.A. Cavile Place, and being in the north right-of-way line of Avenue G, a 50-foot right-of-way, from which a 1/2-inch iron rod found bears North 33°27'33" West, a distance of 0.19 feet; THENCE South 89°40'59" West, along the south line of said Block B, J.A. Cavile Place, and along the said north right-of-way line, a distance of 121.72 feet to the POINT OF BEGINNING;

THENCE South 89°40'59" West, continuing along the said south line, and the said north right-of-way line, at a distance of 206.11 feet passing a 5/8-inch iron rod found for the southeast corner of said Lot 2, and continuing in all a total distance of 335.18 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, being the southernmost southwest corner of said Lot 2, from which a 1/2-inch iron rod with cap stamped "MOAK SURVEYING" found for the southwest corner of said Tract 2, bears South 89°40'59" West, a distance of 145.28 feet;

THENCE along the westerly line of said Lot 2, the following five (5) calls:

North 00°00'00" East, departing the said north right-of-way line, a distance of 144.99 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

North 90°00'00" West, a distance of 58.82 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

North 00°00'00" East, a distance of 50.95 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

North 90°00'00" West, a distance of 71.38 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

North 00°00'00" East, a distance of 93.44 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, being the northwest corner of said Lot 2, and being in the south right-of-way line of Rosedale Street, a variable width right-of-way;

THENCE North 89°40'46" East, along the said south right-of-way line of Rosedale Street, and along the north line of said Lot 2, a distance of 250.74 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 45°31'36" East, continuing along the said south right-of-way line of Rosedale Street, and continuing along the said north line, a distance of 7.10 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, being the easternmost northeast corner of said Lot 2, and being in the west line of aforementioned Block B, J.A. Cavile Place;

THENCE North 00°43'59" West, along the said west line, a distance of 14.89 feet to a mag nail with shiner stamped "KHA" recovered for corner, being at the northwest corner of said Block B, J.A. Cavile Place, and being in the said south right-of-way line of Rosedale Street;

THENCE North 89°40'59" East, along the said south right-of-way line of Rosedale Street, a distance of 207.95 feet to a point for corner, from which a mag nail with shiner stamped "KHA" set for the northeast corner of aforementioned Block B, J.A. Cavile Place bears North 89°40'59" East, a distance of 5.26 feet;

THENCE South 00°20'47" East, departing the said south right-of-way line, a distance of 300.00 feet to the POINT OF BEGINNING and containing 114,239 square feet or 2.6226 acres of land, more or less

ZC-24-153 (REVISED) SE corner of Lon Stephenson Road & Forest Hill Drive 141.7ac

Zoning Change:

From: "AG" Agriculture; "A-5" One Family Residential; "CR" Low Density Multifamily; "F" General Commercial

To: "PD/SU" Planned Development Specific Use for Data Center, educational uses, governmental uses (excluding correction facility and probation or Parole office), health care facilities, recreation, religious uses, utilities, grocery store, office, retail sales general; developed to "I" Light Industrial standards with development standards for building setback along Lon Stephenson minimum of 80'; no tree removal within 25' of Lon Stephenson Rd southern ROW line; where no existing trees exist in the 25' buffer along southern Lon Stephenson right of way line, a minimum of 50% canopy tree planting will be planted and credited to the Urban Forestry requirements; primary entrance and address request to the Data Center will be from Forest Hill Drive (see staff report), site plan waiver requested

Description:

That certain piece, parcel or tract of land containing 26.794 acres, being all of a called 26.258 acre tract (Tract 3), Parcel B, described in a deed to William G. Hornick, recorded in File Number 2010-203294, Tarrant County Plat Records (T.C.P.R.), located within the Shelby County School Land Survey, A-1375, Tarrant County, Texas, all as shown on plat of survey prepared by Bowman Consulting, on file as Job No. 381212, which tract is more particularly described as follows, to wit (Bearing Basis: SPC Texas North Central 4202, NAD83, GRID):

BEGINNING in the centerline of Forst Hill Drive, at a Mag nail with a metal washer, set for the southwest corner of this tract and of said 26.258 acre tract, same being the northwest corner of a called 36.096 acre tract, described in a deed to Royal Crest Section 1, recorded in Document Number D 170045805, Tarrant County Official Public Records (T.C.O.P.R.)

THENCE N 00° 27' 25" W, with the centerline of Forest Hill Drive, being the west line of this tract and of said 26.258 acre tract, for a distance of 588.03 feet, to a Mag nail with a metal washer, set for the northwest corner of this tract and of said 26.258 acre tract, same being the southwest corner of a tract, described in a deed to Texas Electric Service Company, recorded in Volume 3562, Page 358, T.C.O.P.R.;

THENCE S 82° 18' 05" E, being the north line of this tract and of said 26.258 acre tract, same being the south line of said Texas Electric Service Company tract, at a distance of 40.60 feet, passing a set " " iron rod with a plastic cap stamped "Bowman", for a total distance of 4010.26 feet, to a concrete monument, found for the east corner of this tract and of said 26.258 acre tract, same being the southeast corner of said Texas Electric Service Company tract and an ell corner of the residue of a called 40.00 acre tract, described in a deed to William J. Schultz, recorded in Volume 2875, Page 300, T.C.O.P.R.;

THENCE S 89° 16' 00" W, with an existing fence, being the south line of this tract and of said 26.285 acre tract, same being the westernmost south line of said 40.00 acre Schultz tract, the north line of a called 89.24 acre tract (Tract 2), described in a deed to SFW 90, LLC, recorded in Document Number D220289537, T.C.O.P.R. and the north line of said Royal Crest Section 1 tract, at a distance of 2799.32 feet, passing a found " " iron rod, at a distance of 3559.58 feet, passing a found " " iron rod, at a distance of 3928.79 feet, passing a found " " iron rod with a plastic cap (broken), for a total distance of 3969.75 feet, to the POINT OF BEGINNING.

That certain piece, parcel or tract of land containing 114.938 acres, being all of a called 27.32 acre tract (Tract 2), Parcel A, all of a called 20.28 acre tract (Tract 2), Parcel B, all of a called 69.303 acre tract (Tract 3), Parcel A and finally all of a called 5.1928 acre tract, all described in a deed to William G. Hornick, recorded in File Number 2010-203294, Tarrant County Plat Records (T.C.P.R.), located within the Shelby County School Land Survey, A-1375, Tarrant County, Texas, all as shown on plat of survey prepared by Bowman Consulting, on file as Job No. 381212, which tract is more particularly described as follows, to wit (Bearing Basis: SPC Texas North Central 4202, NAD83, GRID):

BEGINNING at the intersection of the centerline of Forest Hill Drive and the centerline of Lon Stephenson Road, at a Mag nail with a metal washer, set for the north-west corner of this tract and of said 69.303 acre tract, from which a found " " iron rod (bent), bears S 55° 24' 17" E, for a distance of 48.48 feet;

THENCE N 89° 16' 25" E, with the centerline of Lon Stephenson Road, being the irregular north line of this tract and of said 69.303 acre tract, same being the north line of said 5.1928 acre tract, for a distance of 1303.92 feet, to a set Mag nail with a metal washer;

THENCE S 00° 22' 05" E, continuing with the irregular north line of this tract and of said 69.303 acre tract, for a distance of 415.62 feet, to a found 5/8" iron rod;

THENCE N 89° 18' 39" E, continuing with the irregular north line of this tract and of said 69.303 acre tract, for a distance of 209.10 feet, to a found " " iron rod, being the westernmost northeast corner of a called 5.00 acre tract, described in a deed to Linda K. Nanowsky, recorded in Volume 9473, Page 1608, Tarrant County Deed Records (T.C.D.R.), from which a found " " iron rod, being an ell corner of said Nanowsky tract, bears N 88° 55' 19" E, for a distance of 54.05 feet;

THENCE S 00° 14' 55" E, continuing with the irregular north line of this tract and of said 69.303 acre tract, same being the westernmost west line of said Nanowsky tract, for a distance of 752.99 feet, to a set " " iron rod with a plastic cap stamped "Bowman", being the southwest corner of said Nanowsky tract;

THENCE N 89° 21' 17" E, with an existing fence, continuing with the irregular north line of this tract and of said 69.303 acre tract, same being the south line of said Nanowsky tract, the south line of a called 5.00 acre tract, described in a deed to Rodger Stephen Coleman, recorded in Document Number 20137525, T.C.O.P.R., the south line of Lot 4, Block 1 of Thunder Ranch Estates, recorded in Document Number D202039345, the south line of Lot 3, Block 1 of Thunder Ranch Estates, recorded in Document Number D202039345, also called a 5.00 acre tract, described in a deed to Jorge Luis Hernandez and Rafael A. Hernandez, recorded in Volume 9473, Page 1608, T.C.O.P.R., at a distance of 806.06 feet, passing a found 12" iron rod with a plastic cap stamped "Fulton Sur", being the southeast corner of said Lot 4, Block 1 and the southwest corner of said Lot 3, Block 1, at a distance of 1066.58 feet, passing a found " " iron rod with a plastic cap stamped "Fulton Sur", being the southeast corner of said Lot 3, Block 1 and the southwest corner of said Lot 6, Block 1, for a total distance of 1437.72 feet, to a found 5/8" iron rod, being the southeast corner of said Hernandez tract, same being the southwest corner of said 27.32 acre tract;

THENCE N 00° 39' 42" W, continuing with the irregular north line of this tract, same being the east line of said Hernandez tract and the west line of said 27.32 acre tract, at a distance of 1145.59 feet, passing a found 5/8" iron rod with a plastic cap stamped "Vogt 1019", for a total distance of 1170.58 feet, to a set Mag nail with a metal washer, in the centerline of Lon Stephenson Road, being the northeast corner of said Hernandez tract and the northwest corner of said 27.32 acre tract, from which a found " " iron rod, bears S 85° 23' 43" W, for a distance of 373.05 feet;

THENCE N 89° 17' 34" E, with the centerline of Lon Stephenson Road, continuing with the irregular north line of this tract and the north line of said 27.32 acre tract and said 20.28 acre tract, for a distance of 1677.95 feet, to a Mag nail with a metal washer, set for the northeast corner of this tract and of said 20.28 acre tract;

THENCE S 00° 39' 26" E, with an existing fence, being the easternmost east line of this tract, same being the west line of a called 0.407 acre tract (Tract 2), to Tammy Bauer, and spouse, the west line of a called 3.988 acre tract, described in a deed to Francisco Garcia Villa, recorded in Volume 1356, Page 26, T.C.D.R. and the west line of a called 3.424 acre tract, described in a deed to William Schultz, recorded in Document Number D217274473, T.C.O.P.R., at a distance of 26.16 feet, passing a set " " iron rod with a plastic cap stamped "Bowman", at a distance of 544.74 feet, passing a found " " iron rod, being the southwest corner of said Bauer tract and the northwest corner of said Villa tract, at a distance of 884.71 feet, passing a found " " iron rod, being the southwest corner of said Villa tract and the northwest corner of said Schultz tract, for a total distance of 1336.67 feet, to a 5/8" iron rod with a plastic cap stamped "Dowdy", found for the easternmost southeast corner of this tract, same being the southeast corner of said 20.28 acre tract, the southwest corner of said Schultz tract and in the north line of the residue of a called 40.00 acre tract, described in a deed to William J. Schultz, recorded in Volume 2875, Page 300, T.C.O.P.R.;

THENCE S 89° 08' 56" W, with an existing fence, being the easternmost south line of this tract and the south line of said 20.28 acre tract, same being the north line of said 40.00 acre Schultz tract, for a distance of 660.17 feet, to a 5/8" iron rod, found for an ell corner of this tract, same being the southwest corner of said 20.28 acre tract, in the east line of said 69.303 acre tract and the northwest corner of said 40.00 acre Schultz tract;

THENCE S 01° 03' 05" W, generally along an existing fence, being the westernmost east line of this tract and the east line of said 69.303 acre tract, same being the west line of said 40.00 acre Schultz tract, at a distance of 329.89 feet, passing a found 5/8" iron rod (bent), for a total distance of 440.57 feet, to a concrete monument, found for the westernmost southeast corner of this tract and the southeast corner of said 69.303 acre tract, same being the northeast corner of tract, described in a deed to Texas Electric Service Company, recorded in Volume 3562, Page 358, T.C.O.P.R.;

THENCE N 82° 18' 10" W, being the westernmost south line of this tract and the south line of said 69.303 acre tract, at a distance of 3970.40 feet, passing a set " " iron rod with a plastic cap stamped "Bowman", for a total distance of 4010.72 feet, to a Mag nail with a metal washer, set in the centerline of Forest Hill Drive, for the southwest corner of this tract and of said 69.303 acre tract, same being the northwest corner of said Texas Electric Service Company tract;

THENCE N 00° 27' 25" W, with the centerline of Forest Hill Drive, being the west line of this tract and of said 69.303 acre tract, for a distance of 1191.87 feet, to the POINT OF BEGINNING.

ZC-24-168 (REVISED) 1203 E. Leuda Street 0.12ac

Zoning Change:

To: PD/E for all uses in "E" Neighborhood Commercial plus outdoor vendors for fresh fruits and vegetables; food truck; special event vendors; removing ambulance dispatch station, assisted Living, care facility, liquor or package store, and convenience store, site plan waiver requested /Historic and Cultural Overlay

Description:

Union Depot Addition, Block 29 Lot 20

IPL0210030

Dec 27 2024

NTTA

North Texas Tollway Authority

RFQ 05766-CTP-03-PS-PD

CTP Southbound Mainlanes from North of FM 917 to US 67 - Materials Testing Services and

RFQ 05770-CTP-03-PS-PD

CTP Southbound Mainlanes from FM 1187 to north of FM 917 - Materi- als Testing Services

Project Description: Materials Testing Services for Chisholm Trail Parkway a new construction of southbound toll- way two lanes consisting of grading, drainage, bridge structures, concrete pavement, illuminations, signs, pave- ment markings, and ITS infrastructure. The North Texas Tollway Authority (NTTA) is accepting responses for the above-mentioned solicitation until 1/23/2025 at 11:00 a.m. CT. Respon- denses must be submitted to NTTA 5900 West Plano Parkway, Suite 100, Customer Service Center, Plano, Tex- as, 75093 per the specifications on the solicitation. See RFQ documents for further details.

An in-person pre-submittal confer- ence will be held on 1/8/2025 at 1:30 p.m. CT. See RFQ documents for meeting details. Questions are to be submitted online via NTTAMarket- Place Q&A tab no later than the stated deadline.

Email bidpurchasing@ntta.org for questions on registration or use of website.

IPL0209343

Dec 20,2024

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a public hearing before the City of Watauga City Council at its regularly scheduled meeting on January 13, 2025 beginning at 6:30 p.m. in the City Council Chambers at 7105 Whitley Road, Watauga, TX regarding the fol- lowing items:

The purpose of the public hearing is to receive input regarding the con- sideration of Article XI of Chapter 22, amending regulations for single-fam- ily dwelling rental units and providing regulations for short-term rental units within the corporate boundaries of the City of Watauga; and consider amend- ing Section 12-22(m) of Chapter 12 by amending and adding registration and inspection fees for single-family dwelling rental units and short-term rental units.

Published on December 27, 2024 in the Star Telegram, Legal Notices Sec- tion.

Linda Proskey, City Secretary for the City of Watauga, Texas, hereby cer- tify that this notice was posted on the of- ficial bulletin board at City Hall, 7105 Whitley Road, Watauga, Texas, on De- cember 27, 2024 before 6:30 p.m., in accordance with Chapter 551 of the Texas Government Code.

/s/Linda Proskey

Linda Proskey, City Secretary

IPL0210031

Dec 27 2024

Star-Telegram

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CITY OF ARLINGTON

NOTICE OF PUBLIC HEARING

Public hearings will be held by the City Council of Arlington, Texas in the Council Chamber, Arlington City Hall, 1st Floor, 101 West Abram Street, Arlington, Texas on dates indicated be-low no earlier than 6:30 o'clock p.m. at which times interested parties and citizens shall have an opportuni- ty to be heard concerning the matter below:

1. Zoning Case ZA24-10 City Council: 2/25/25

General Location: 2015 Loyd Drive; west of New York Avenue and south of Mansfield Webb Road.

Application for a change in zoning from Residential Estate (RE) to Resi- dential Single-Family (RS-7.2), on approximately 0.172 acres.

IPL0209849

Dec 27 2024

Let Classifieds Help

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NEED TO REPLACE THAT OLD DRYER?

Let Classifieds Help

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Notice is hereby given that public auctions will be held at 2 self-storage facilities managed by Devon Self Storage. The address for each public auction, the Tenant name, and property description are itemized by location below. The Property contained in the units will be sold to satisfy the Landlord's lien for rent and other charges in accordance with Chapter 59 of the Texas Property Code. Property contained in the units will be sold to the highest bidder via an online auction at www.storage-treasures.com. Online bidding for both sites will begin at 10:00am on 01/06/2025 and will continue until 10:00am on 01/20/2025 at which time a high bidder will be determined. Devon Self Storage reserves the right to set minimum bids and to refuse bids. Please refer to www.storage-treasures.com for all other terms and conditions governing the bidding and auction process.

Public Sale No. 1: 7400 Blue Mound Road, Fort Worth, TX 76131, Jessica Stoddard—boxes, Christmas décor, knee scooter, cage, crutches, pots, potting soil, sleeping bag, camo jacket. **Heather Brewer**—boxes, chairs, wheelchair, lamp, cooler, nightstand, step ladder, walker, lawn décor bed, cleaning supplies. **Antoino Hernandez**—suitcases, curio cabinet, foosball table, tread- mill, tires, vacuum, dressers, chairs. **Public Sale No. 2: 6465 E. Rosedale Street, Fort Worth, TX 76112, Kierre Burns**—boots, shelves, dresser, small sectional couch, wall art, bed frames, mattress and box spring, shoes, tools, toys, lamp. **Dequails Hugh**—computer, shoes, backpacks, stereo system with speakers, BBQ grill, strollers, car seats, clothes, toys, bags, bed frame, blankets, purses, kids bike. **Bianca Zaragoza**—suitcases, wall art, backpacks, guitar case, propane, chairs, shelves, baskets, totes, clothes, computers, desks, toolbox, metal shelving, weed eater, dresser, crafts, Christmas décor, blankets, car parts, ammo, furniture.

IPL0209807

Dec 27,Jan 3 2025

City of Benbrook

ORDINANCE NO. 1506

AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNI- CIPAL CODE (1985). AS AMEND- ED, BY CHANGING THE ZONING CLASSIFICATION OF 8.82 ACRES OF LAND SITUATED IN THE WHITESTONE POINT ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM "PD" PLANNED DEVELOPMENT DISTRICT TO "BR-PD" ONE-FAMILY REDUCED PLANNED DEVELOPMENT DISTRICT AND AMENDING THE OFFICIAL ZON- ING MAP TO REFLECT THE CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OR- DINANCES; PROVIDING A SEVER- ABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVID- ING AN EFFECTIVE DATE.

SECTION 4

PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provi- sions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of re- fuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate of- fense.

SECTION 8

PUBLICATION IN OFFICIAL NEWS- PAPER

The City Secretary of the City of Ben- brook is hereby directed to publish the caption, penalty clause, publica- tion clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

SECTION 9

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained

PASSED AND APPROVED this 19th day of December, 2024.

Signed: Jason Ward, Mayor

IPL0209900

Dec 27,29 2024

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

IN RE DOUG DENO, Petitioner.

No. 4:24-cv-01094-P

MONITION

TO THE MARSHAL OF THE UNITED STATES OF AMERICA FOR THE NORTHERN DISTRICT OF TEXAS

Whereas, a Complaint and Petition was filed in the United States District Court for the Northern District of Tex- as, Petitioner DOUGLAS DENO, as owner of the M/V 1999 Career 406 Aft Cabin (HIN: CDRW0051C999) ("Ves- sel"), her engines, gear, tackle, appur- tenances, etc., praying for exoneration from or limitation of liability, in respect to any loss, damage, injury, death or destruction arising on or about Octo- ber 13, 2024 and praying that a Mo- nition issue out of said Court citing all persons claiming damages by reason of the matters aforesaid to file their re- spective claims, with the Clerk of this Court under oath, and to answer the allegations of the Complaint, and if it shall appear that Petitioner was not and is not liable for any such loss, damage, injury, death or destruction, it may be so finally decreed by this Court; and Whereas, Petitioner has filed in the office of the Clerk of this Court a Marine Surveyor's Certifica- tion attesting to the amount or value of his interest in the M/V 1999 Career 406 Aft Cabin (HIN: CDRW0051C999) to be \$1.00 and the Court having di- rected by Order made and entered on December 6, 2024, that Monition issue against all persons claiming damages for any loss, damage, injury, death or destruction occasioned by such casu- ally as aforesaid, citing them to file their respective claims with the Clerk of this Court under oath, as provided for in the Federal Rules of Civil Proce- dure, and to serve on or mail to attor- ney for the Petitioner a copy thereof before 5:00 p.m. on January 17, 2025, and requiring any person who desires to contest Petitioner's right to exoneration from or limitation of liability to file an answer to the Complaint and to serve on or mail to the attorney for Petitioner a copy thereof on or before said date. You are therefore com- manded to cite all persons claiming damages for any loss, damage, injury, death or destruction occasioned by such casualty to file their respective claims under oath with the Clerk, United States District Court for the North- ern District of Texas, 1100 Commerce Street, Room 1452, Dallas, Texas 75242 and to serve on the attorney for Petitioner, Tracy Freeman, Cox PLLC, 8144 Walnut Hill Lane, Suite 1090, Dallas, Texas 75231, a copy thereof on or before 5:00 p.m. on January 17, 2025, or be defaulted. You are also commanded to cite such claim- ants as desire to contest Petitioner's right to exoneration from or limitation of liability to appear and answer the Complaint herein on or before said date. In what you have done in the premises do you then make a return to this Court together with this writ.

Honorable District Clerk of the Northern District of Texas	United States District Court for the Northern District of Texas
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By: /s/ Deputy United States District Clerk
IPL0208290
Dec 27,Jan 3,10,17 2025

Star-Telegram

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Notice of Public Hearing of Contemplated Amended Case No. AX-24-013

Notice is hereby given that public hearings will be held by the City Coun- cil of the City of Fort Worth, Texas, in the Council Chamber, second floor of the Municipal Office Building, 200 Tex- as Street, Fort Worth, Texas, at 6:00 p.m. on January 14, 2025.

BEING a tract of land situated in the J.F. Heath Survey, Abstract Number 641, the G. Shields Survey, Abstract Number 1436, the J. Burnett Survey, Abstract Number 1923, the J.H. Shul- tz Survey, Abstract Number 1941, and the J. Wilcox Survey, Abstract Number 1742, Tarrant County, Texas, being a portion of two tracts of land described by deed to Southwest Pasture LTD., recorded in Instrument Number D212318326 (Tract 1 remain- der and Tract 2) and being a portion of that tract of land described by deed to Texas Electric Service Company, recorded in Volume 2974, Page 298 (Tract 1), both of the County Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the most westerly northwest corner of said Tract 1 re- mainder, the southwest corner of the remainder of that tract of land de- scribed by deed to City of Fort Worth, recorded in Volume 12782, Page 157, the northeast corner of that tract of land described by deed to City of Fort Worth, recorded in Instrument Number D205118476 and D207140864 (Parcel 98-PT1), and the southeast corner of that tract of land described by deed to State of Texas, recorded in Instrument Number D210052046 (Parcel 136), all of said County Records, and being in the east right-of-way line of State Highway 121 (Chisholm Trail Parkway, a variable width right-of-way);

THENCE N 89°32'27"E, at 370.67 feet, passing an "ell" corner in the west line of said Tract 1 remainder and the southeast corner of said City of Fort Worth remainder, in all, a total distance of 925.45 feet;

THENCE over and across said Tract 1 remainder, the following courses and distances:

S 09°52'29"W, 774.94 feet, to the be- ginning of a curve to the right;

With said curve to the right, an arc dis- tance of 266.36 feet, through a central angle of 27°00'40", having a radius of 565.00 feet, the long chord which bears S 23°22'49"W, 263.90 feet;

S 36°53'09"W, 1547.13 feet, to the be- ginning of a curve to the left;

With said curve to the left, an arc dis- tance of 378.00 feet, through a central angle of 47°36'00", having a radius of 455.00 feet, the long chord which bears S 13°05'10"W, 367.23 feet;

S 10°42'50"E, 82.40 feet, to the begin- ning of a curve to the right;

With said curve to the right, an arc dis- tance of 127.93 feet, through a central angle of 10°23'48", having a radius of 705.00 feet, the long chord which bears S 05°30'56"E, 127.75 feet;

S 00°19'03"E, 573.20 feet;

S 45°19'03"E, 28.28 feet, to the north right-of-way line of Oakmont Boule- vard (120 foot right-of-way);

THENCE S 89°40'57"W, at 2050.20 feet, passing the southwest corner of aforementioned Southwest Pas- ture Tract 2, the southeast corner of that tract of land described by deed to City of Fort Worth, recorded in said Instrument Number D205118476 and D207140864 (Parcel 98-PT2), said County Records, and the intersection of said north right-of-way line and the aforementioned east right-of-way line of State Highway 121 (Chisholm Trail Parkway), in all, a total distance of 2430.31 feet, to the southwest corner of said Parcel 98-PT2;

THENCE N 00°35'31"W, 437.63 feet, to the most southerly corner of that tract of land described by deed to Southwest Pasture, LTD., recorded in said Instrument Number D212318326 (Tract 3), said County Records and the most easterly corner of Lot 3R, Block 9, Cityview, an addition to the City of Fort Worth, Texas, by plat recorded in Cabinet A, Slide 7217, said Coun- ty Records, being in the west right- of-way line of aforementioned State Highway 121 (Chisholm Trail Parkway) and the beginning of a non-tangent curve to the right;

THENCE with said west right-of-way line, the following courses and dis- tances:

With said non-tangent curve to the right, an arc distance of 70.31 feet, through a central angle of 00°59'46", having a radius of 4044.72 feet, the long chord which bears

N 33°38'49"E, 70.31 feet;

N 34°37'45"E, 598.46 feet;

N 40°53'10"E, 555.53 feet;

N 36°53'09"E, at 460.86 feet, passing the most easterly corner of said South- west Pasture Tract 3, at 538.69 feet, passing the most southerly corner of that tract of land described by deed to Southwest Pasture, LTD., recorded in said Instrument Number D212318326 (Tract 4), said County Records, in all, a total distance of 1714.72 feet, to the beginning of a curve to the left;

With said curve to the left, an arc dis- tance of 729.48 feet, through a central angle of 11°33'46", having a radius of 3614.72 feet, the long chord which bears N 31°06'17"E, 728.24 feet, to the northwest corner of aforementioned City of Fort Worth Parcel 98-PT1, the northeast corner of said Southwest Pasture Tract 4, the southwest corner of aforementioned State of Texas Tract 136, and the southeast corner of Lot 1, Block 4, said Cityview Addition, plat recorded in Volume 388-180, Page 97, said County Records;

THENCE N 89°32'27"E, 559.81 feet, to the Point of Beginning and contain- ing 6,663,706 square feet or 152.978 acres of land more or less.

Persons interested in the annexation will be given the opportunity to be heard.

IPL0209632

Dec 27 2024

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Star-Telegram

STAR-TELEGRAM.COM



AGENDA MEMORANDUM

DATE: October 21, 2024

TO: Honorable City Council Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: Consider action to approve AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF WATAUGA, TEXAS, BY AMENDING ARTICLE XI ("SINGLE FAMILY DWELLING RENTAL PERMIT") OF CHAPTER 22 ("LICENSES, PERMITS AND BUSINESS REGULATIONS") TO AMEND SECTION 22-561, SECTION 22-562, SECTION 22-563, SECTION 22-564, SECTION 22-567, SECTION 22-568, AND SECTION 22-571, AMENDING REGULATIONS FOR SINGLE-FAMILY DWELLING RENTAL UNITS TO PROVIDE PENALTIES FOR VIOLATIONS, REVISE DEFINITIONS, REVISE REGULATIONS FOR REGISTRATION AND PERMITS, PROVIDE FOR MINIMUM STANDARDS AND INSPECTIONS, PROVIDE REGULATIONS FOR SHORT-TERM RENTAL UNITS, AND REVISE REGULATIONS RELATING THE SUSPENSION OF PERMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND/INFORMATION:

A City Council workshop was held on September 9, 2024 to discuss and gain direction on the creation of an ordinance which regulates "Short Term Rentals" in the City of Watauga. During the City Council regular meeting, the council made a request to staff to have a short-term rental ordinance be presented for consideration.

Staff and the City Attorney also held discussions in early December to review items when finalizing the proposed amendment of Article XI (Single-Family Dwelling Rentals and adding the Short-term Rental units) of Chapter 22 (Licenses, Permits and Business Regulations) of the Code of Ordinances.

Short-term rentals have become increasingly popular as the owner of the property will rent out on a nightly, weekly and/or monthly basis. Bottom line, each Short-term Rental property falls under the single-family rental dwelling umbrella and shall be registered and permitted as a rental property and a short-term rental. This proposed ordinance allows for the regulation and inspection of short-term rentals by all necessary departments and divisions within the City of Watauga.



AGENDA MEMORANDUM

FINANCIAL IMPLICATIONS:

STR Permit and Inspection Fees
Hotel Occupancy Tax

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommend the Council review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga Ordinance short term rentals

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 1/6/2025
David Berman, City Attorney	Approved - 1/6/2025
Paul Hackleman, Director of Public Works	Approved - 1/7/2025
Sandra Gibson, Interim City Manager and Director of Finance	Approved - 1/7/2025
Linda Proskey, City Secretary	Final Approval - 1/7/2025

Approved as to form for inclusion on Agenda

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF WATAUGA, TEXAS, BY AMENDING ARTICLE XI (“SINGLE FAMILY DWELLING RENTAL PERMIT”) OF CHAPTER 22 (“LICENSES, PERMITS AND BUSINESS REGULATIONS”) TO AMEND SECTION 22-561, SECTION 22-562, SECTION 22-563, SECTION 22-564, SECTION 22-567, SECTION 22-568, AND SECTION 22-571, AMENDING REGULATIONS FOR SINGLE-FAMILY DWELLING RENTAL UNITS TO PROVIDE PENALTIES FOR VIOLATIONS, REVISE DEFINITIONS, REVISE REGULATIONS FOR REGISTRATION AND PERMITS, PROVIDE FOR MINIMUM STANDARDS AND INSPECTIONS, PROVIDE REGULATIONS FOR SHORT-TERM RENTAL UNITS, AND REVISE REGULATIONS RELATING THE SUSPENSION OF PERMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga, Texas, finds that the amendments to Article XI (“Single Family Dwelling Rental Permit”) of Chapter 22 of the Code of Ordinances, City of Watauga, Texas, contained herein are to provide safeguards for occupants of single-family rental properties, protect the integrity of neighborhoods in which short-term rental properties operate, to establish regulations for the registration and use of short-term rentals for multi or single-family living units, to provide greater uniformity in the enforcement of and compliance with the rental of single-family dwellings, and to protect and safeguard the life, safety, health and welfare of tenants and occupants of rental properties; and

WHEREAS, the City Council finds and determines that the provisions of this Ordinance are in the best interest of the public health, safety, and welfare of the citizens of the City.

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

I.

That Article XI (“Single-Family Dwelling Rental Permit”) of Chapter 22 (“Licenses, Permits and Business Regulations”) of the Code of Ordinances, City of Watauga, Texas, be and is hereby amended by amending Section 22-561, replacing the definition of “Owner” with a new definition, by adding the definition of “Short Term Rental,” between the definitions of “Single-Family Dwelling Unit” and “Tenant,” by replacing the definition of “Single Family Dwelling Unit” with a new definition, and by replacing the definition of “Tenant” with a new definition, without amendment, repeal or change to any other definition, such that the definitions of “Owner,” “Short Term Rental,” “Single Family Dwelling Unit,” and “Tenant,” in Section 22-561 shall henceforth read in their entirety as follows:

**“CHAPTER 22
LICENSES, PERMITS AND BUSINESS REGULATIONS**

...

**ARTICLE XI
SINGLE-FAMILY DWELLING RENTAL PERMIT**

Section 22-561. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property or holding title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. The term “Owner” includes and is not limited to landlords and other persons in control of property.

...

Single-family dwelling rental unit means any dwelling occupied by a tenant designed exclusively for residential occupancy by not more than one family, including a community-based residential group home, and residential units within a duplex dwelling and townhomes. The term includes any dwelling unit used as a short-term rental unit.

Short-term rental (STR) unit means a single-family dwelling unit that is:

- (1) used or designated to be used for residential purposes, including a single-family, duplex or townhouse, garage apartment, guest house or a unit in a multi-family residential building, including an apartment, condominium, cooperative or timeshare;
- (2) rented wholly or partly for compensation; and
- (3) rented for periods of less than thirty (30) consecutive days.

The term does not include hotels or motels (a building or group of buildings designed for and occupied as a temporary dwelling and providing 20 or more room units where customary hotel services such as linen, maid service, telephone, and upkeep of furniture is provided), or bed-and-breakfasts (a dwelling occupied as a permanent residence by an owner in which sleeping accommodations of not more than four rooms are provided or offered for transient guests for compensation).

...

Tenant means any person who occupies rental property for residential purposes with the landlord's consent, regardless of whether the occupancy is in exchange for monetary consideration."

II.

That Article XI ("Single-Family Dwelling Rental Permit") of Chapter 22 ("Licenses, Permits and Business Regulations") of the Code of Ordinances, City of Watauga, Texas, be and is hereby amended by amending Section 22-562, replacing the section with a new Section 22-562, such that Section 22-562 shall henceforth read in its entirety as follows:

"CHAPTER 22 LICENSES, PERMITS AND BUSINESS REGULATIONS

...

ARTICLE XI SINGLE-FAMILY DWELLING RENTAL PERMIT

...

Section 22-562. – Penalty.

- (a) Violations of this article are punishable by fine not to exceed \$2,000.00. Each day a violation exists shall constitute a separate offense. No proof of intent need be pleaded or proven in the prosecution of an offense under this article.
- (b) The sanctions and remedies provided in this article for violations are cumulative and not exclusive; the city may pursue any one or more remedies under this article or as may be allowed by State law."
- (c) It shall be an affirmative defense to the prosecution of an offense under this article if:
 - (1) the rental property is a bed and breakfast, defined herein as a dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations of not more than four rooms are provided or offered for transient guests for compensation;
 - (2) the rental property is a group home for elderly persons or persons with disabilities; or
 - (3) the tenant is hired by the owner as a short-term caretaker of the dwelling."

III.

That Article XI ("Single-Family Dwelling Rental Permit") of Chapter 22 ("Licenses, Permits and Business Regulations") of the Code of Ordinances, City of

Watauga, Texas, be and is hereby amended by amending Section 22-563, replacing the section with a new Section 22-563, such that Section 22-563 shall henceforth read in its entirety as follows:

**“CHAPTER 22
LICENSES, PERMITS AND BUSINESS REGULATIONS**

...

**ARTICLE XI
SINGLE-FAMILY DWELLING RENTAL PERMIT**

...

Section 22-563. – Registration and Permit required.

- (a) No owner of a single-family dwelling unit shall rent the dwelling to a tenant without first obtaining a single-family rental permit issued under the provisions of this article. It shall be unlawful to submit a false or fraudulent application for a single-family rental permit. An owner who rents a single-family dwelling knowing that a permit has not been issued for that dwelling or who knows that the permit for that dwelling has been revoked commits an offense for each day the dwelling is occupied by a tenant.
- (b) No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a Short Term Rental (STR) unit without first having applied for and received a valid permit under subsection (a) of this section and without first having registered the STR with the City. STR registration shall expire and must be renewed on an annual basis.

IV.

That Article XI (“Single-Family Dwelling Rental Permit”) of Chapter 22 (“Licenses, Permits and Business Regulations”) of the Code of Ordinances, City of Watauga, Texas, be and is hereby amended by amending Section 22-564, by adding a new subsection (e), such that subsection (e) of section 22-564 shall henceforth read in its entirety as follows:

**“CHAPTER 22
LICENSES, PERMITS AND BUSINESS REGULATIONS**

...

**ARTICLE XI
SINGLE-FAMILY DWELLING RENTAL PERMIT**

...

Sec. 22-564. - Application

...

- (e) In addition to the permit application requirements of this section, an applicant for registration of an STR shall be made and renewed annually on forms provided by the City for such purpose, and shall include the following information:
- (1) The name, address, phone number and e-mail address of the property owner of the short-term rental property, and the name, address, phone number and email address of an emergency contact, if other than the owner.
 - (2) The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with this article.
 - (3) A sketch to scale (1" = 20') of the floor plan of the dwelling with dimensioned room layout, showing points of ingress and egress and emergency exits.
 - (4) Proof of liability insurance insuring occupants showing coverage on a per occurrence basis of at least \$1 million.
 - (5) Proof of sales tax registration from the Texas Comptroller's Office and, if renewing registration, proof of payment of hotel occupancy taxes for the annual period preceding registration renewal.
 - (6) A site plan/survey of the property showing maximum vehicle parking capacity and vehicle parking areas that shall not encroach onto streets, sidewalks, alleys, or adjacent property.
 - (7) An acknowledgement by the registrant that any permit granted under this article will not be in conflict with any property-specific restrictions against short-term rentals that may exist under law, agreement, lease, covenant or deed restriction."

V.

That Article XI ("Single-Family Dwelling Rental Permit") of Chapter 22 ("Licenses, Permits and Business Regulations") of the Code of Ordinances, City of Watauga, Texas, be and is hereby amended by amending Section 22-567, by replacing said section with a new Section 22-567, such that Section 22-567 shall henceforth read in its entirety as follows:

"CHAPTER 22 LICENSES, PERMITS AND BUSINESS REGULATIONS

...

ARTICLE XI SINGLE-FAMILY DWELLING RENTAL PERMIT

...

Sec. 22-567. – Maintenance and inspection of premises.

- (a) *Minimum Standards.* All single-family dwelling rental units, inclusive of the primary dwelling structure, all accessory structures, and the premises comprising the property, shall be kept and maintained by the owner and the landlord in accordance with the following minimum standards:
- (1) the property must be maintained in a safe and habitable condition;
 - (2) the property must be adequately served by all utilities, including but not limited to electricity, water, and sanitary sewer services;
 - (3) the property shall not be in violation of any city nuisance regulation prohibiting junk motor vehicles, high grass and weeds, dangerous vegetation, dilapidated fencing, and accumulations of stagnant water, rubbish, and unwholesome matter; and
 - (4) the property shall be kept and maintained in accordance with the standards and requirements of this article, the city's property maintenance standards, and the city's Code of Ordinances.
 - (5) the property shall not be used for commercial purposes, other than as rental property or a lawful home occupation.
- (b) *Inspections.* Single-family dwelling rental units shall be fully inspected, both interior and exterior, by authorized city personnel for compliance with the provisions of this article as follows:
- (1) upon first-time registration;
 - (2) if unoccupied or warranted by receipt of a complaint; and
 - (3) each time there is a change in tenancy, except as provided in subsection (e) of this section. The owner, property manager or landlord shall request that the inspection be conducted by the city upon the tenant's vacation from the premises.
- (c) *Permit revocation.* A permit allowing occupancy of a single-family dwelling rental unit, and a release of utilities, may be denied, suspended or revoked if an inspection of the unit reveals that the unit is not in compliance with the minimum standards required by this article. Any life, safety or critical deficiency that threatens or endangers tenants or occupants, noted by inspection, shall be corrected prior to the city's approval of registration and issuance of a permit, and prior to occupancy. The city may, in addition to the suspension or revocation of a permit, issue an order requiring the unit or building to be vacated by all occupants. In the event that the single-family dwelling rental unit is occupied upon initial identification as a rental property, such unit shall be inspected on the exterior only prior to the issuance of a single-family dwelling rental permit. No interior inspections shall be undertaken on occupied single-family rental units.
- (d) *Release of Utilities.* A temporary release of utilities may be provided upon application for utilities pending a change in tenancy inspection or a Short Term Rental Unit annual inspection under the provisions of this article. A regular release for utility

services shall not be issued unless the inspection reveals that the premises contain no life safety violations or critical violations.

(e) *Reinspection.* A single-family dwelling rental unit failing inspection shall be reinspected prior to occupancy by a tenant. A reinspection of a unit may not be necessary if the owner or property manager of the single-family dwelling rental unit submits sufficient proof to the city from which the city is able to determine that all noted violations have been appropriately remedied or repaired. Sufficient proof shall include an affidavit stating that the repairs have been completed, a copy of the receipt for materials used in the repair, or a receipt for the work done to make the repair, and photographs of the repairs. If a reinspection is necessary and the reinspection reveals that violations have not been corrected, subsequent inspection shall result in reinspection fees as provided for in the fee schedule in chapter 12. No permit shall be issued and no permanent release of utilities shall be provided if, as a result of an inspection, it is determined that the dwelling does not comply with the provisions of this article.

(f) *Short Term Rental Units.*

- (1) Single-family dwelling rental units used as Short Term Rental Units shall be inspected upon initial registration and annually thereafter. It shall be the owner's obligation to schedule inspections of the residential structure with the city.
- (2) If only a portion of the premises is used as a single-family dwelling rental unit, then that portion plus shared amenities and points of access shall be inspected.
- (3) If entry by city inspectors is refused, the city may deny registration, revoke or suspend the single-family dwelling rental permit, cause termination of utility service, or issue a citation. It shall be an offense under this article if an owner fails to schedule an annual inspection, denies entry by city personnel to conduct an inspection, or allows occupancy of the unit by a tenant prior to a required inspection.

(g) *Violation.* A person commits an offense if that person rents, leases, or allows another to occupy a single-family dwelling rental unit that is not registered, has not passed city inspection, or has been provided with a notice of violation to vacate the premises or repair or remediate a condition that is deemed unsafe or in violation of this article. No landlord, property manager or owner may prevent or impair an inspection under this article, or actively and knowingly conceal, cover, or disguise any condition that is a violation of the standards imposed by this article."

VI.

That Article XI ("Single-Family Dwelling Rental Permit") of Chapter 22 ("Licenses, Permits and Business Regulations") of the Code of Ordinances, City of Watauga, Texas, be and is hereby amended by amending Section 22-568, by replacing said section with a new Section 22-568, such that Section 22-568 shall henceforth read in its entirety as follows:

**“CHAPTER 22
LICENSES, PERMITS AND BUSINESS REGULATIONS**

...

**ARTICLE XI
SINGLE-FAMILY DWELLING RENTAL PERMIT**

...

Sec. 22-568. – Restrictions on Short Term Rentals.

- (a) The provisions of this section apply to single-family dwelling rental units used as short term rental units.
- (b) *Non-transferability of Permits.* A registration or permit to operate a short-term rental unit is not transferable by the owner to another person, owner, unit or location.
- (c) *External Signage.* There shall be no external on-site or off-site advertising signs or displays, indicating the property is a short-term rental.
- (d) *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two additional adults, shall be allowed to occupy a STR unit, except that:
 - (1) there shall be a maximum occupancy of ten persons, adults and children;
 - (2) bedrooms under 120 square feet shall be limited to only one adult occupant;
 - (3) no bed shall be placed in a location other than a bedroom.
- (e) *Limit on Number of Vehicles.* There shall be a maximum of one car per bedroom, or a maximum number of cars that can be accommodated within the garage and driveway without extending over the public rights of way (streets, alleys and sidewalks), whichever is less. Parking shall be on improved surfaces; parking in the yard or on a grass surface is not allowed.
- (f) *Trash Carts.* The owner of a short-term rental unit shall maintain on the premises of the unit at least two (2) 96-gallon trash carts in addition to a recycling cart. Trash carts shall be stored out of public view from street.
- (g) *Advertisements and Contracts.* Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- (h) *Fire Protection.* Each short term rental unit owner shall provide working smoke detectors, working type A fire extinguishers, and carbon monoxide detectors as required by building and fire codes adopted by the city. The premises shall otherwise comply with applicable city requirements, including but not limited to all building

and fire codes. A short term rental unit shall also be provided with an active alarm system.

- (i) *Informational brochure.* Each owner operating a short-term rental unit shall provide to guests and tenants a brochure that includes:
 - (1) house rules;
 - (2) the owner's 24-hour contact information;
 - (3) a property manager or local responsible party's 24-hour contact information if the property owner is not within the city limits when tenants are occupying the premises;
 - (4) pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
 - (5) information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates; and
 - (6) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes.

- (j) *Additional Restrictions.* It shall be unlawful for an owner to:
 - (1) operate or allow to be operated a short-term rental without first registering the property and without first having been issued a valid permit under this article;
 - (2) advertise or offer a short-term rental for use or lease without first registering the property and without first having been issued a valid permit. Documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this ordinance;
 - (3) operate a short-term rental that does not comply with all applicable city and state laws and codes;
 - (4) operate a short-term rental without paying the required hotel occupancy taxes;
 - (5) offer or allow the use of a short-term rental for the sole or primary purpose of being a party venue;
 - (6) fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent;
 - (7) permit or allow a short term rental unit or the premises upon which a short term rental unit is located to be used by a tenant for an activity for which the tenant receives compensation;
 - (8) permit or allow the use of the short-term rental for the purpose of conducting or promoting activities that are illegal or for any commercial use or purpose other than lawful home occupations;
 - (9) permit or allow the use of tents, temporary structures, recreational/camper vehicles, or outdoor areas that are not residential dwellings as short term rentals;or

- (10) permit or allow public nuisances or violations of the city’s nuisance regulations to occur on the premises.”

VII.

That Article XI (“Single-Family Dwelling Rental Permit”) of Chapter 22 (“Licenses, Permits and Business Regulations”) of the Code of Ordinances, City of Watauga, Texas, be and is hereby amended by amending Section 22-571, by replacing said section with a new Section 22-571, such that Section 22-571 shall henceforth read in its entirety as follows:

“CHAPTER 22 LICENSES, PERMITS AND BUSINESS REGULATIONS

...

ARTICLE XI SINGLE-FAMILY DWELLING RENTAL PERMIT

...

Sec. 22-571. – Suspension.

A single-family rental permit may be temporarily suspended or revoked by the city:

- (1) If a life safety violation exists on the premises of the permitted single-family dwelling;
- (2) If, after notice and a period of correction to be determined by the city, a critical violation remains on the premises of the permitted single-family dwelling;
- (3) If, after a change in tenancy, or upon the expiration of one year following the issuance of a permit for a short-term rental, the city has not received a request for inspection or certification of compliance;
- (4) It is determined by the city that a registration or permit application contains materially false information; or
- (5) For a violation of a provision of this article.”

VIII.

That all ordinances of the City of Watauga, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Watauga not in conflict with the provisions of this ordinance shall remain in full force and effect.

IX.

That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

X.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

XI.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance Code of Ordinances as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

XII.

Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to a penalty by fine not to exceed two thousand dollars (\$2,000.00) for each offense, and each and every day such violation continues or is allowed to exist shall constitute a separate offense.

XIII.

This Ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council and upon approval thereof by the Mayor of the City of Watauga, Texas and the publication of the caption hereof as prescribed by law and Charter.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, the ____ day of _____, 2025.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID M. BERMAN, CITY ATTORNEY



AGENDA MEMORANDUM

DATE: October 17, 2024

TO: Honorable City Council Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: Consider action to approve AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING CHAPTER 12 ("FEE SCHEDULE") OF THE CODE OF ORDINANCES OF THE CITY OF WATAUGA, TEXAS, AMENDING SECTION 12-22(m) OF CHAPTER 12 AMENDING AND ADDING REGISTRATION AND INSPECTION FEES FOR SINGLE FAMILY DWELLING RENTALS AND SHORT TERM RENTAL UNITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND/INFORMATION:

Item #5 of the 2023/2024 City Council Strategic Plan directs staff to prepare and submit for Council consideration a permit process and any required ordinance revisions for Short-term rental properties. Additionally, at the September 9, 2024, Council Workshop, staff was directed to present a short-term rental ordinance for City Council consideration.

The proposed fee amendment includes the addition of permit and inspection fees related to short-term rental properties. These proposed fees are in-line with the immediate surrounding cities.

FINANCIAL IMPLICATIONS:

STR Permit and Inspection Fees
Additional Hotel Occupancy Tax

RECOMMENDATION/ACTION DESIRED:

Staff respectfully recommend the Council review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Watauga Ordinance Amending Fee Schedule SFR Dwelling and Short Term Rental STR Fees - rev 12.18.24

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 11/4/2024
Paul Hackleman, Director of Public Works	Approved - 11/4/2024
David Berman, City Attorney	Approved - 1/6/2025
Sandra Gibson, Interim City Manager and Director of Finance	Approved - 1/7/2025



AGENDA MEMORANDUM

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Final Approval - 1/7/2025

CITY OF WATAUGA, TEXAS
ORDINANCE NO. _____ -

AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS, AMENDING CHAPTER 12 ("FEE SCHEDULE") OF THE CODE OF ORDINANCES OF THE CITY OF WATAUGA, TEXAS, AMENDING SECTION 12-22(m) OF CHAPTER 12 AMENDING AND ADDING REGISTRATION AND INSPECTION FEES FOR SINGLE FAMILY DWELLING RENTALS AND SHORT TERM RENTAL UNITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the City of Watauga has the full power of local self-government and may adopt and amend ordinances for the good government, peace and order of the City; and

WHEREAS, the City Council finds a revision of the Code of Ordinances to revise various rates and fees throughout the existing fee schedule is merited; and

WHEREAS, the City of Watauga has studied the cost of providing city services and enforcing regulations and has identified that the costs of providing certain services are currently not being met by the existing fees; and

WHEREAS, the City Council of the City of Watauga finds that the fees established herein do not exceed the amount reasonably necessary to provide the services to which they are related; and

WHEREAS, the City Council of the City of Watauga finds that the fees and rates described herein are necessary to provide for the services to which they relate; and

WHEREAS, the City Council finds that it is necessary to amend its fee schedule in order to more effectively provide services to the residents and businesses of the City of Watauga.

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

I.

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

II.

The Code of Ordinances, Watauga, Texas, (the Watauga Code) be and is hereby amended by amending subsection (m) of Section 12-22 of Chapter 12 ("Fee Schedule") by repealing and replacing subsection (m), without amendment, repeal or change to any other subsection or part of Section 12-22, such that Section 12-22(m) shall henceforth read in its entirety as follows:

“CHAPTER 12 FEE SCHEDULE

...

Sec. 12-22. - Chapter 22, Licenses, permits and business regulations.

...

(m) *Single-family dwelling rental units.*

- (1) *Registration/Permit fees.* A fee of \$150.00 will be due from the owner of the single-family dwelling rental unit for registration and permit. An annual registration and permit fee of \$50.00 will be due from the owner of a short-term rental.
- (2) *Reinspection fees.* If a reinspection is necessary and the reinspection reveals that violations have not been corrected, subsequent inspection shall result in a reinspection fee of \$50.00 for the initial reinspection, \$75.00 for the next reinspection, if so needed, and \$100.00 for each reinspection thereafter.
- (3) *Early move-in fee.* In addition to the registration and permit fee, a fee of \$150.00, or \$250.00 if the dwelling is a short-term rental, will be due from the owner of the single-family dwelling rental unit if a tenant moves in to the dwelling before inspection or application for permit has been made.

...”

III.

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

IV.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the ordinances of the City of Watauga, Texas, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

V.

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid, unenforceable or unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid

or unconstitutional; and the City Council of the City of Watauga, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

VI.

This Ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council and upon approval thereof by the Mayor of the City of Watauga, Texas and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this, the ____ day of _____, 202__.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, CITY ATTORNEY



AGENDA MEMORANDUM

DATE: January 7, 2025

TO: Honorable City Council Members

FROM: Arthur Miner, Mayor

THROUGH: Arthur Miner, Mayor

SUBJECT: Pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. City Manager

BACKGROUND/INFORMATION:

Pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

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

New -