



**AGENDA
WATAUGA CITY COUNCIL
PRE-COUNCIL & REGULAR MEETING
MONDAY, JANUARY 14, 2019
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:00 PM**

REGULAR MEETING TO COMMENCE IMMEDIATELY AFTER PRE-COUNCIL

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)

PRE-COUNCIL (No official action or vote shall be taken by the Council in the Pre-Council Meeting.)

CITY COUNCIL AGENDA DISCUSSION

This item is provided for the City Council to make any recommendation to changes on the agenda, such as removing items from the agenda or moving items from one area to another on the agenda; or making inquiries on posted items. City Council will address motions regarding agenda items being moved or removed during the Regular Meeting (Discussion and Approval of Meeting Agenda).

1. Discussion and questions regarding consent agenda items for regular meeting
2. Discussion and questions regarding regular agenda items for regular meeting

REGULAR COUNCIL MEETING

INVOCATION

PLEDGE TO THE FLAG

PLEDGE TO THE TEXAS FLAG - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one state under God, one and indivisible"

DISCUSSION AND APPROVAL OF MEETING AGENDA

1. Consideration and action on approval of meeting agenda

CITIZEN'S OPEN FORUM (Individuals requesting to speak during Citizen's Open Forum will be required to complete a "REQUEST TO SPEAK FORM" and present it to the City Secretary prior to commencement of the meeting. Speakers are limited to three minutes. The purpose of this item is to allow citizens an opportunity to address the City Council on issues that are not the subject of a public hearing. Items which require a public hearing will allow citizens or visitors to speak at the time that item is introduced on the agenda. In compliance with the Texas Open Meetings Act, no deliberation or comments will be made by City Council Members with regard to citizen comments and no formal action can be taken by the City Council on items that are not posted on the agenda.)

PRESENTATIONS

1. Presentation of a Proclamation to One Main Financial in honor of their 15 Year Business Anniversary
Mayor Pro Tem David Griffin
2. Presentation of a Proclamation to Panda Express in honor of their 15 Year Business Anniversary
Mayor Pro Tem David Griffin
3. Presentation of Service Awards for City of Watauga Employees celebrating a milestone anniversary during the month of January 2019
Andrea Gardner, City Manager

REPORTS

1. Update on May 2019 General Election
Zolaina Parker, City Secretary, TRMC
2. Report on Municipal Court Warrants
Sandra Gibson, CGFO, CGFM, Director of Finance

CONSENT AGENDA

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

1. Monthly Financial Report for the period ending November 30, 2018
Sandra Gibson, CGFO, CGFM, Director of Finance
2. Consideration of a proposed resolution amending Policy 8.02 Vacation Leave of the City of Watauga Personnel, Administration and Financial Policies and Procedures Manual {CAPTION}
Marcia Reyna, Human Resources and Civil Service Director
3. Consideration of a proposed ordinance amending the classifications of the Watauga Police Department by amending the number of Police Officers from 29 to 24 and creating 5 Police Corporal positions {CAPTION}
Marcia Reyna, Human Resources and Civil Service Director
4. Consideration of December 17, 2018, Council Workshop Meeting Minutes
Zolaina Parker, City Secretary, TRMC
5. Consideration of December 17, 2018, Council Regular Meeting Minutes
Zolaina Parker, City Secretary, TRMC
6. Consideration to approve the continuation of a Massage Establishment Permit for Hightower Salons for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances
Zolaina Parker, City Secretary, TRMC

7. Consideration to approve the continuation of a Massage Establishment Permit for YY Foot Spa for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances
Zolaina Parker, City Secretary, TRMC
8. Consideration to approve the continuation of a Massage Establishment Permit for Magic Massage for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances
Zolaina Parker, City Secretary, TRMC
9. Consideration to approve the continuation of a Massage Establishment Permit for Niu Niu Foot Spa for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances
Zolaina Parker, City Secretary, TRMC
10. Consideration of appointments and reappointments for various Board, Committee, Commission, and Corporation Members
Mayor Pro Tem David Griffin
11. Consideration of Mayor's recommendation to appoint City Council Liaisons and Interview Committee Members
Mayor Pro Tem David Griffin

UNFINISHED BUSINESS

1. Consideration and action on a proposed resolution approving the City Council Rules of Procedure Manual as submitted for consideration by the Council Rules of Procedure Review Committee {CAPTION}
Council Member Mark Taylor
2. Consideration and possible action approving a draft ordinance allowing backyard chickens in the City of Watauga {CAPTION}
Council Member Scott Prescher- Place 1

NEW BUSINESS

1. Consideration and action authorizing staff to pursue and execute a professional services agreement for architectural services associated with the completion of a facility needs assessment for the Watauga Public Library with Brinkley Sargent Architects in an amount of \$59,790
Lana Ewell, Director of Library Services
2. Consideration and action authorizing staff to pursue and execute a professional services agreement between the City of Watauga and Brinkley Sargent for services associated with the needs assessment for the Watauga Police Department in the amount of \$47,000
Robert Parker, Chief of Police

3. Consideration and possible action approving a draft ordinance establishing water and sewer rates and change in the current senior rate structure to a flat senior discount of \$5.00 per service

Sandra Gibson, CGFO, CGFM, Director of Finance

4. Consideration and action on approving a resolution authorizing a collection fee of debts and accounts receivable to include unpaid fines, fees, court costs, forfeited bonds, and restitution ordered to be paid by the Municipal Court and award the delinquent services contract to McCreary, Veselka, Bragg & Allen, LLP {CAPTION}

Sandra Gibson, CGFO, CGFM, Director of Finance

Jennifer Walls, Purchasing Agent

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on this agenda and/or as permitted by Chapter 551 of the Texas Government Code.

ADJOURNMENT

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, Zolaina R. Parker, 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 11, 2019, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.


Zolaina R. Parker, City Secretary, TRMC



Proclamation

15th Anniversary of One Main Financial

Whereas, One Main Financial, opened for business at 8436 Denton Hwy # 211, 15 years ago on January 21, 2004 in the City of Watauga; and,

Whereas, One Main Financial provides financial services including personal and auto loans; and,

Whereas, One Main Financial adds recognizable value by providing this financial service to citizens of the City of Watauga and surrounding communities; and,

Whereas, the City of Watauga wishes to congratulate One Main Financial for their 15 successful years in our community.

Now, therefore, I, David Griffin, Mayor Pro Tem of the City of Watauga, do hereby proudly proclaim CONGRATULATIONS to One Main Financial on your 15th anniversary of business in the City of Watauga.

Proclaimed this the 14th day of January, 2019.

Proclamation

15th Anniversary of Panda Express

Whereas, Panda Express, opened for business at 8440 Denton Hwy , 15 years ago on January 13, 2004 in the City of Watauga; and,

Whereas, Panda Express is a nationally recognized fast casual food restaurant, and,

Whereas, Panda Express adds recognizable value by providing an extra value and favorite restaurant selection ; and,

Whereas, Panda Express shares in their philanthropic efforts to the citizens of the City of Watauga and surrounding communities; and,

Whereas, in 2000, Panda Express launched Panda Cares, a commitment to serving the communities in which they operate, dedicated to providing food, funding and volunteer services to underserved children and disaster relief efforts, and assist with local community organizations with fundraising events. And since 2000, Panda Cares has donated over \$10,000,000 to national and local charities including the Children's Miracle Network, of which Cook Children's Hospital of Fort Worth has been a recipient. Panda Express Watauga has provided free food to the YMCA Beach Street location, has assisted the Watauga Public Library and Watauga Elementary School with fundraising events, and participates in Watauga events to further contribution to the community, and

Whereas, the City of Watauga wishes to congratulate Panda Express for their 15 successful years in our community.

Now, therefore, I, David Griffin, Mayor Pro Tem of the City of Watauga, do hereby proudly proclaim CONGRATULATIONS to Panda Express on your 15th anniversary of business in the City of Watauga.

Proclaimed this the 14th day of January, 2019.



AGENDA MEMORANDUM

DATE: January 3, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Report on Municipal Court Warrants

BACKGROUND/INFORMATION:

A report on Municipal Court Warrants is provided for Council information. This item will be presented by Jennifer Dorsett, Municipal Court Administrator.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Recommendation not needed

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Municipal Court Report - Warrants

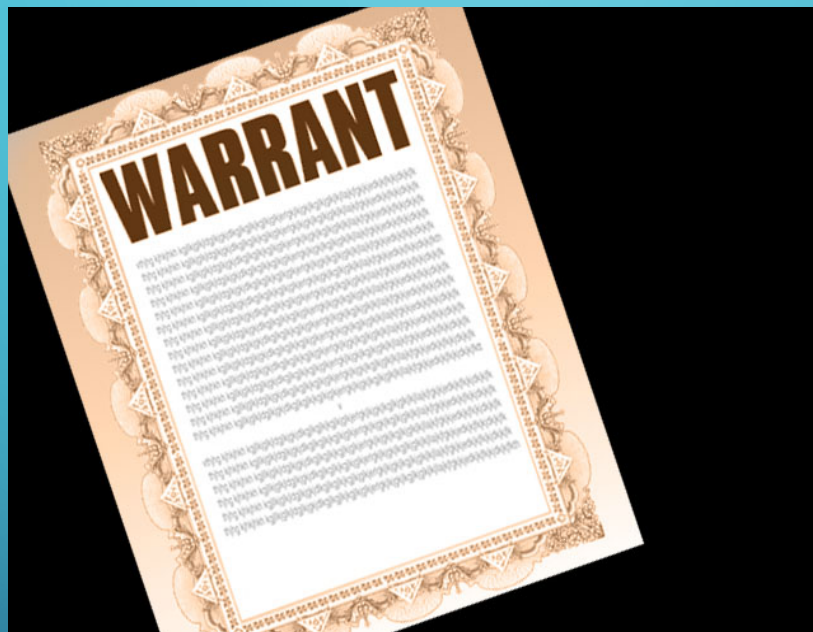
REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/07/2019
Final Approval - 01/07/2019



MUNICIPAL COURT WARRANTS



JENNIFER DORSETT, CMCC

MUNICIPAL COURT ADMINISTRATOR

A COMMON MISPERCEPTION REGARDING TICKETS ISSUED BY MUNICIPALITIES:



- “Traffic tickets are a cash cow for counties and municipalities. Its not about fairness here; it’s about revenue...”



Fair and equitable JUSTICE for all.

Revenue is a by-product of dispensing justice

Class C Misdemeanors

City of Watauga Ordinance violations.



WHAT IS A WARRANT AND WHY ARE THEY NECESSARY?

- Non-compliance with initial promise to appear
- Non-compliance with judicial orders after appearance



SAFE HARBOR POLICY

85th Legislative session

Alleviation of fear of arrest

- Defendants may walk in during any court session and handle their case.
- Previous policy required a bond prior to appearing before the Court.



PASSIVE ENFORCEMENT

Omnibase Services of Texas (by contract)

Authorized by TX Transportation Code Chapter 706

- Places a hold on Driver's License.
- Prevents drivers license renewal
- Notice is sent by Omnibase
- Thirty dollar fee passed on to defendant



PRIVATE ENFORCEMENT

- Article 103.0031 Texas Code of Criminal Procedure

Third part collection firm.

- specializes in Court collections
- versed in Texas laws regarding current court practices and court collections.
- 30% of outstanding balance attached.



ACTIVE ENFORCEMENT

Issuance of warrant by the Judge

- -Forwarded to the Marshal Division
 - -phone calls
 - -warrant postcards
 - -physical attempts to locate the individual
- -Regional data base
 - -arrest may take place outside of Watauga

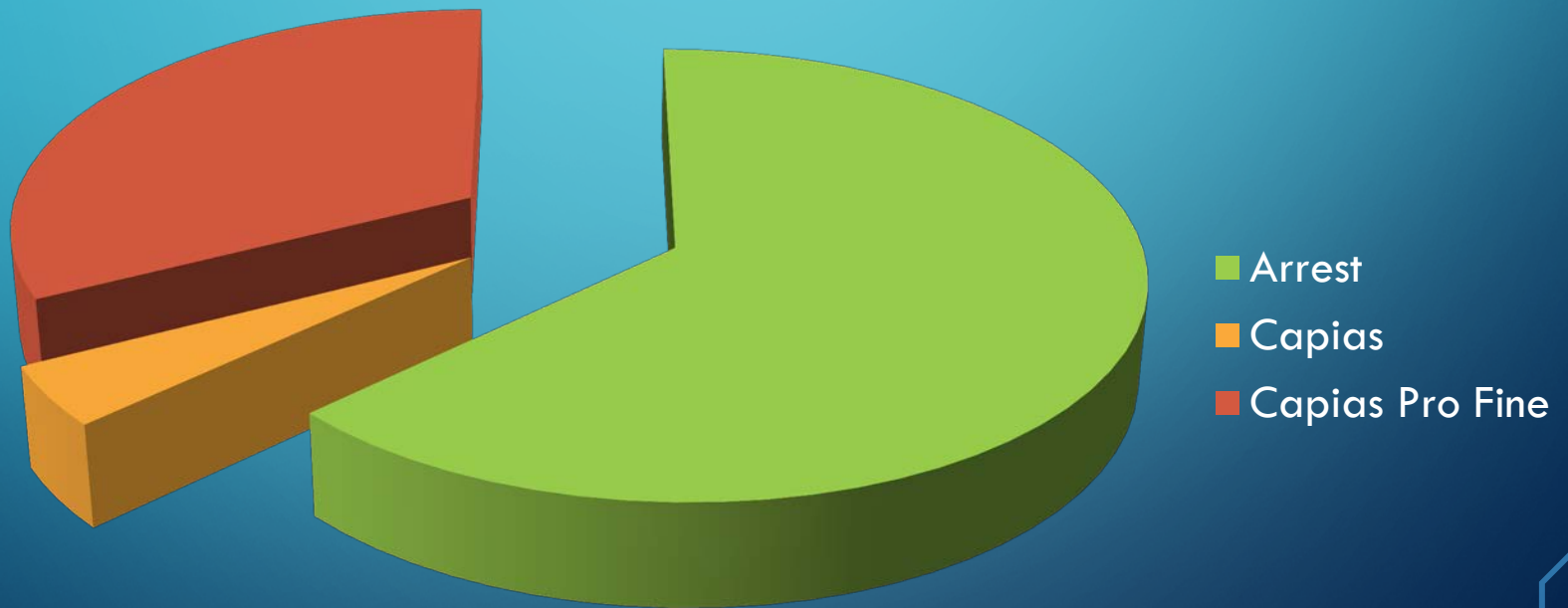


DIFFERENT TYPES OF WARRANTS

- Arrest Warrant
- Capias
- Capias Pro Fine



WATAUGA WARRANTS





C3: COUNCILS, COURTS, AND CITIES

Texas Municipal Courts Education Center

-increase awareness and understanding of courts by
city officials.

-send email to TMCEC@TMCEC.COM

-subject line 'Add me to C3'

OR visit

www.tmcec.com/c3/



UPCOMING COURT SESSIONS

January 22nd at 1 pm

January 24th at 1 pm

January 31st at 2 pm

February 7th at 2pm

February 12th at 1pm



AGENDA MEMORANDUM

DATE: January 4, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Monthly Financial Report for the period ending November 30, 2018

BACKGROUND/INFORMATION:

The financial report for the month of November, 2018 is attached for Council review and approval.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Council Report - 201901(NOV.2018)

REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/07/2019
Final Approval - 01/10/2019



Monthly Financial Report

November, 2018

Sales Tax

The City's sales tax receipts from the State Comptroller received in the month of December, 2018 (reflecting October 2018 sales receipts) increased by 16.61%, or \$53,674 from the same time last year. This increase includes a future period collection of \$17,627. Future period collections are collections received in the current period for a future payment. This occurs when a merchant sends the sales tax amount due earlier than required by the State. The Crime Control Prevention District's sales tax received increased by 15.89% or \$17,089. The State Comptroller's office reports that net sales tax payments for cities statewide are up 10.1% in comparison with prior year. Year-to-date cash collections (October 2018) for Watauga and surrounding cities are shown below:

SALES TAX RECEIPTS COMPARISONS OCTOBER 2017 vs. OCTOBER 2018 RECEIVED FROM COMPTROLLER - DECEMBER FISCAL YEAR 2018-19

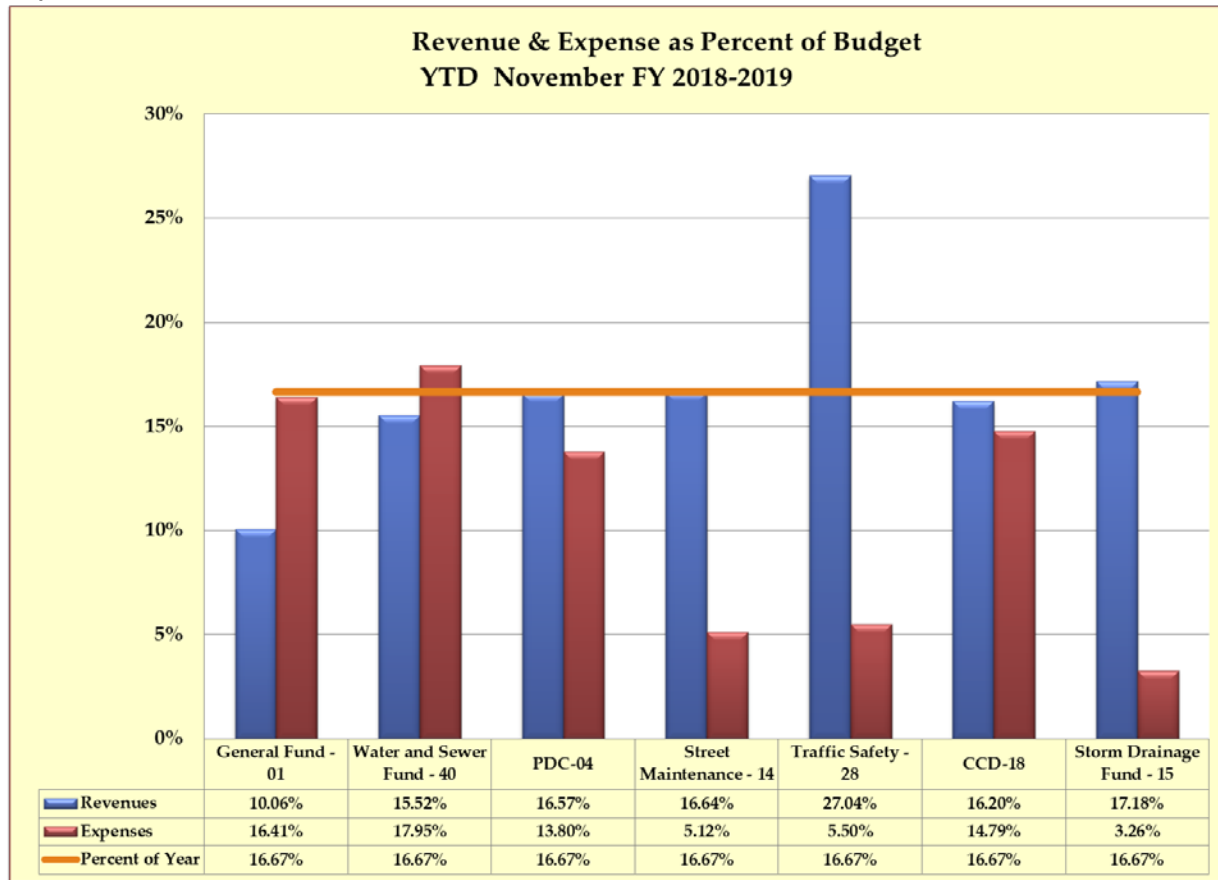
Sales Tax Receipts for the Month:					
City	OCTOBER 2018 Sales	OCTOBER 2017 Sales	\$ Change	% Change	
Keller	\$ 834,079.12	\$ 645,168.00	\$ 188,911.12	29.28%	
Roanoke	\$ 1,728,466.04	\$ 1,360,554.76	\$ 367,911.28	27.04%	
Grapevine	\$ 3,762,406.68	\$ 3,216,883.44	\$ 545,523.24	16.96%	
Watauga	\$ 376,810.14	\$ 323,136.55	\$ 53,673.59	16.61%	
Bedford	\$ 907,339.19	\$ 784,758.05	\$ 122,581.14	15.62%	
Saginaw	\$ 425,919.29	\$ 393,023.47	\$ 32,895.82	8.37%	
Fort Worth	\$ 12,968,971.08	\$ 11,990,509.38	\$ 978,461.70	8.16%	
Southlake	\$ 2,364,937.34	\$ 2,290,844.56	\$ 74,092.78	3.23%	
Haltom City	\$ 1,060,784.42	\$ 1,037,652.19	\$ 23,132.23	2.23%	
Euless	\$ 1,434,905.31	\$ 1,406,336.37	\$ 28,568.94	2.03%	
N. Richland Hills	\$ 1,190,739.32	\$ 1,175,368.88	\$ 15,370.44	1.31%	
Colleyville	\$ 451,595.15	\$ 446,046.62	\$ 5,548.53	1.24%	
Hurst	\$ 1,210,847.55	\$ 1,211,309.71	\$ (462.16)	-0.04%	
Richland Hills	\$ 292,214.02	\$ 328,338.51	\$ (36,124.49)	-11.00%	

Source: State Comptroller

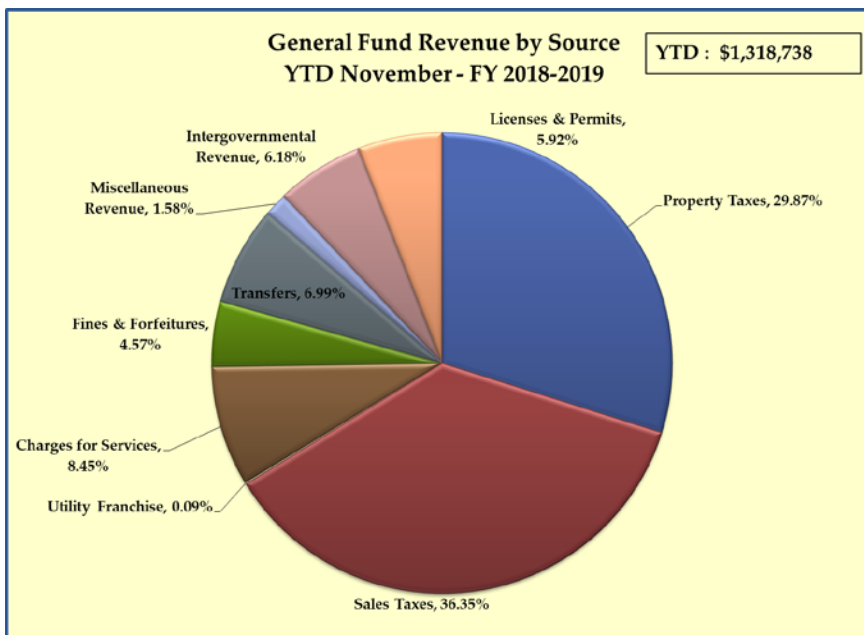
City Collections only - not Special Purpose Districts or Transit

Financial Highlights

Through November, 2018, the City is 17% through the fiscal year. All revenue and expenses are reflected in the chart below and details of each fund's revenues and expenditures are attached.



General Fund



Revenues – Year-to-date revenues are 2% higher in comparison to last year at this time, representing 10.1% of budget collected.

Property Tax - Year-to-date, the City has received 6.8% of budgeted property taxes. The majority of the City's ad valorem tax receipts are received in the month of December and January.

Utility Franchise Revenue - The majority of franchise receipts are received on a quarterly basis. The City has received .1% of budgeted franchise fee revenues through November, 2018. Franchise receipts received through November 2018 are at \$1,174. First quarter receipts for FY 2018-2019 should be received in January or February 2019.

Licenses and Permits - License and permit fees are at 14.8% of budget collected, a decrease of \$7,671 over prior year due to a decrease in building permits this fiscal year. The decrease is primarily due to the Parkview subdivision being completed.

Charges for Services - Charges for Services revenues are at 14.7% of budget collected. Charges for services include recreation fees, ambulance services, garbage collection fees and animal adoption fees.

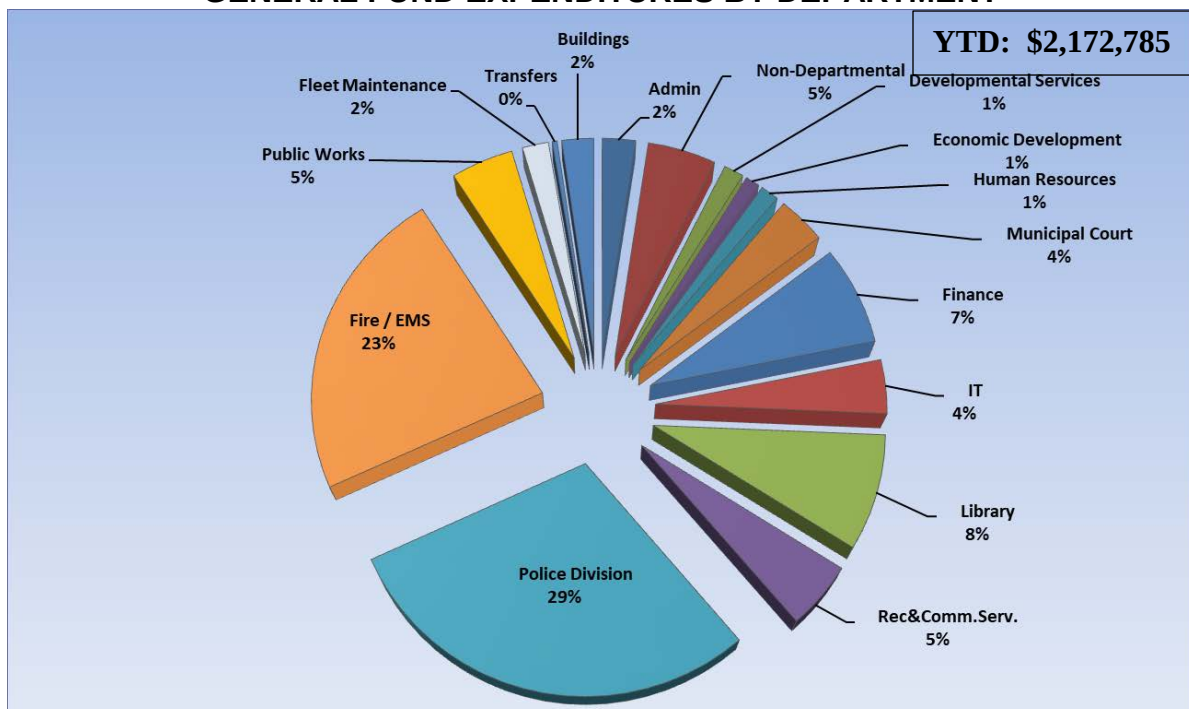
Fines and Forfeitures - Fines and Forfeitures are at 8.1% of budget which is \$15,005, or 19.9% lower than last year's collections. The City continues to experience a decline in overall citations.

Miscellaneous Revenue - Miscellaneous revenues include Interest earnings, rental of recreational facilities, and other revenue. These receipts total \$20,887 which is 5.5% of budgeted revenues.

Intergovernmental Revenue and Transfers - Intergovernmental Revenue is 16.2% of budget and Transfers are at 16.2% of budget.

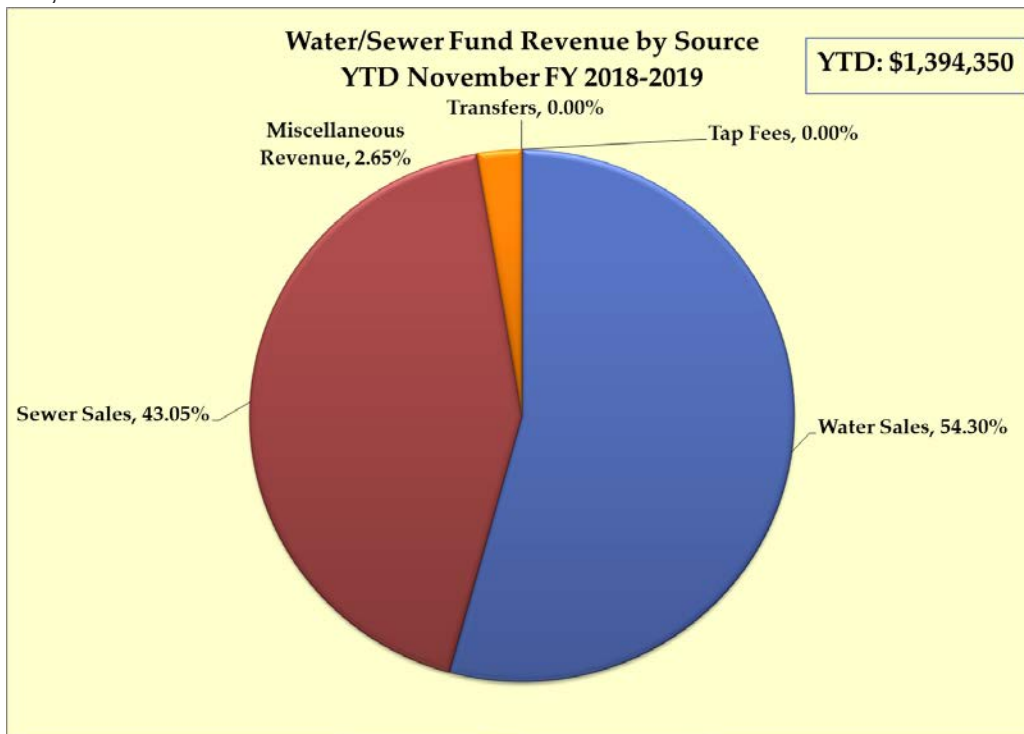
Expenses - General fund expenses in total are in line with budget expectations at 16.4% of budget expended. Expenditures are 18.9% higher in comparison to prior year due to timing of expenditures including payroll periods and payments to vendors.

GENERAL FUND EXPENDITURES BY DEPARTMENT



Water and Sewer Fund

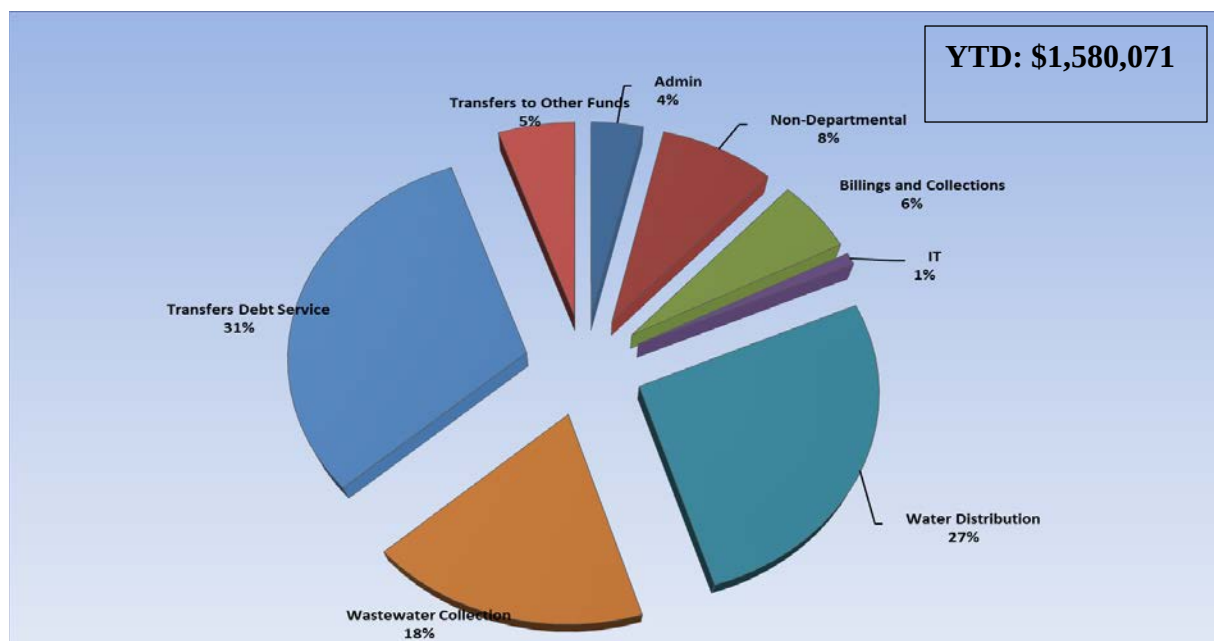
Water and sewer revenues are currently at 15.5% of budgeted revenues through November, 2018.



Miscellaneous Sales - Miscellaneous sales include penalty revenue, EPA revenue, service charges, returned check fees, and damaged/tampering fees. This category of revenue is at 17.2% of budget collected.

Expenses – Year-to-date expenses in the Water/Sewer fund are currently at 17.9% and are 12.2% higher in comparison to prior year. This is primarily due to increased expenditures for wastewater treatment this fiscal year. The breakdown of expenses by department is shown below:

WATER AND SEWER FUND EXPENDITURES BY DEPARTMENT



Storm Drain Fund – Revenues have increased 5% when compared with FY2017-18 and represent 17.2% of budget collected. Expenses are at 3.3% of budget in this fund through November 2018. The drainage project budgeted in this fund in the amount of \$1.998 million for Whitley Road Phase II will be completed this fiscal year. This amount has been reallocated for this project in FY2018-2019.

Special Revenue Funds - In the Street Maintenance Fund, revenues are on target with 16.6% of budget collected and expenses are at 5.1% of budget. The Crime Control and Prevention District has collected 16.2% of total revenues and is at 14.8% of budget expended. The Parks Development Corporation Fund has collected 16.6% of sales tax revenues and is at 13.8% of budget expended through November, 2018. The Traffic Safety Fund (Red Light ticket program) has collected \$216,643 of fines or 27.1% of budget year-to-date and expenditures are at 5.5% of budget at this time.

Year-End Audit Notes

The City contracts with an independent auditor that performs an annual audit on the City's financial transactions that occurred during the year. In mid-December, Whitley Penn conducted their field work audit which included substantive testing and analytical procedures. Auditors review applicable records and documents during the audit. The year-end review and procedures continue through January, 2019. The final report, entitled the Comprehensive Annual Financial Report, will be presented to Council in March, 2019.



SPOTLIGHT ON A FUND SERIES

Beginning last month, the Spotlight on a Fund Series has been included in the monthly financial report. This series is designed to highlight a fund and provide information on the history of the fund, revenues and appropriate expenditures, and other useful information. Fund accounting is used primarily by government and non-profit organizations to emphasize accountability, not profitability. Funds allow for revenues and expenditures to be segregated in accordance with laws and regulations or special restrictions and limitations. The City has twenty-seven funds in total.

Parks Development Corporation Fund

The Watauga Parks Development Corporation Fund (WPDC) is a **Governmental Fund type** and is a **Special Revenue Fund** due to its proceeds of a specific revenue source and legal restriction on expenditures for specific purposes.

Voters established the Watauga Parks Development Corporation Sales Tax Fund to account for a ½ cent sales tax increase in May 1994 under the 4B Economic Development Legislation. In May 2012, voters approved a reduction of the sales tax to ¼ cent and the reallocation of ¼ cent for maintenance and repairs for existing municipal streets. The WPDC fund has historically been used for maintenance and improvements to City parks. Current projects funded by the WPDC include repairs to the retaining wall at Capp Smith Park, shade structures and picnic pads in local parks. The financial history of the fund is shown on the next page:

WATAUGA PARKS DEVELOPMENT CORPORATION FUND

	HISTORY		PROJECTED YEAR		BUDGET	%CHANGE
	2015-16 Actual	2016-17 Actual	2017-18 Budget	2017-18 Estimate	2018-19 Budget	FY2018-19 VS 2017-18
Fund Balance, October 1	\$682,920	\$728,986	\$773,641	\$810,000	\$798,375	
Revenues:						
Sales Taxes	731,050	723,260	735,000	728,000	728,000	-1.0%
Other Transfers In	0.00	0.00	0.00	0.00	0.00	0.0%
Interest Earnings	4,282	4,699	1,000	6,000	7,500	650.0%
Proceeds from Sale of Assets	0.00	7,151	0.00	0.00	0.00	0.0%
Operating Revenues	\$ 735,332	\$ 735,110	\$ 736,000	\$ 734,000	\$ 735,500	-0.1%
Total Available Resources	\$ 1,418,252	\$ 1,464,096	\$ 1,509,641	\$ 1,544,000	\$ 1,533,875	0.0%
Expenditures:						
Non-Departmental	14,536	14,807	17,650	16,450	21,390	21.2%
Parks Department	589,188	603,004	703,200	692,775	722,300	2.7%
Operating Expenditures	603,724	617,811	720,850	709,225	743,690	3.2%
Operating Transfers-Out						
To General Fund	36,542	36,285	37,000	36,400	36,400	-1.6%
To PDC Construction	0.00	0.00	0.00	0.00	0.00	0.0%
To Internal Service Fund	49,000	0.00	0.00	0.00	14,500	0.0%
To Debt Service	0.00	0.00	0.00	0.00	0.00	0.0%
Total Operating Transfers-Out	85,542	36,285	37,000	36,400	50,900	39.2%
TOTAL OPERATING & TRANSFERS	\$ 689,266	\$ 654,096	\$ 757,850	\$ 745,625	\$ 794,590	4.8%
Fund Balance, September 30	\$728,986	\$810,000	\$751,791	\$798,375	\$739,285	
CHANGE IN FUND BALANCE	\$46,066	\$81,014	(\$21,850)	(\$11,625)	(\$59,090)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

GENERAL FUND - 01

REVENUE:	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
TAXES							
AD VALOREM	5,583,000	379,387	6.80%	93.20%	392,548	(13,161)	-3.35%
Delinquent	26,000	10,882	41.85%	58.15%	413	10,470	2536.53%
Penalty & Interest	27,000	3,669	13.59%	86.41%	1,201	2,468	205.59%
SALES TAX	2,967,000	479,371	16.16%	83.84%	437,100	42,270	9.67%
UTILITY FRANCHISE	1,017,000	1,174	0.12%	99.88%	713	461	64.68%
LICENSES & PERMITS	529,000	78,029	14.75%	85.25%	85,699	(7,671)	-8.95%
INTERGOVERNMENTAL REVENUE	502,600	81,434	16.20%	83.80%	73,385	8,049	10.97%
CHARGES FOR SERVICES	760,000	111,436	14.66%	85.34%	120,130	(8,694)	-7.24%
FINES & FORFEITURES	745,700	60,262	8.08%	91.92%	75,268	(15,005)	-19.94%
MISCELLANEOUS INCOME	378,200	20,887	5.52%	94.48%	23,623	(2,736)	-11.58%
OPERATING TRANSFERS IN	568,000	92,206	16.23%	83.77%	83,334	8,872	10.65%
TOTAL REVENUE	\$13,103,500	\$1,318,738	10.06%	89.94%	\$1,293,414	\$25,324	1.96%
ADMINISTRATION	293,800	43,770	14.90%	85.10%	25,229	18,541	73.49%
HUMAN RESOURCES	168,250	22,960	13.65%	86.35%	19,468	3,492	17.94%
BUILDINGS - PW	819,000	70,850	8.65%	91.35%	76,830	(5,979)	-7.78%
FINANCE	459,850	105,359	22.91%	77.09%	45,940	59,419	129.34%
MUNICIPAL COURT - FIN	410,450	58,662	14.29%	85.71%	47,629	11,033	23.17%
DEVELOPMENTAL SERVICES - PW	130,850	21,730	16.61%	83.39%	32,760	(11,030)	-33.67%
LIBRARY	985,700	146,267	14.84%	85.16%	111,547	34,720	31.13%
RECREATION	751,250	90,282	12.02%	87.98%	75,062	15,220	20.28%
POLICE	4,074,650	655,238	16.08%	83.92%	465,217	190,020	40.85%
FIRE/EMS	2,576,350	388,650	15.09%	84.91%	291,692	96,958	33.24%
PUBLIC WORKS - STREETS	618,950	72,972	11.79%	88.21%	57,478	15,494	26.96%
FLEET MANAGEMENT - PW	203,800	31,904	15.65%	84.35%	27,328	4,576	16.74%
NON-DEPARTMENTAL	1,211,700	348,147	28.73%	71.27%	359,027	(10,880)	-3.03%
INFORMATION TECHNOLOGY	395,050	89,234	22.59%	77.41%	81,267	7,966	9.80%
ECONOMIC DEVELOPMENT	93,580	15,406	16.46%	83.54%	27,236	(11,830)	-43.43%
TRANSFERS TO OTHER FUNDS	47,500	11,355	23.90%	76.10%	83,603	(72,249)	-86.42%
TOTAL EXPENDITURES	\$13,240,730	\$2,172,785	16.41%	83.59%	\$1,827,312	\$345,473	18.91%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$137,230)	(\$854,047)			(\$533,898)	(\$320,148.75)	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

DEBT SERVICE FUND - 03

REVENUE:	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
TAXES							
AD VALOREM	2,420,000	163,398	6.75%	93.25%	181,320	(\$17,922)	-9.88%
Delinquent	12,000	4,723	39.36%	60.64%	167	\$4,556	2720.65%
Penalty & Interest	10,000	1,491	14.91%	85.09%	537	\$954	177.78%
INTEREST EARNINGS	800	1,073	134.08%	-34.08%	1,251	(\$178)	-14.25%
OTHER FINANCING SOURCES	-	0	-	-	0	\$0	-
OPERATING TRANSFERS IN	-	0	-	-	0	\$0	-
TOTAL REVENUE	\$2,442,800	\$170,685	6.99%	93.01%	\$183,275	(\$12,590)	-6.87%
 Contractual & Sundry	 2,496,122	 0	 0.00%	 100.00%	 -	 \$0	 0.00%
TOTAL EXPENDITURES	\$2,496,122	-	0.00%	100.00%	-	\$0	0.00%
 EXCESS REVENUE OVER (UNDER) EXPENDITURES	 (\$53,321.58)	 \$170,685			 \$183,275	 -\$12,590	

100.00%

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

WATER & SEWER - 40

REVENUE:	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
WATER SALES	4,800,000	734,798	15.31%	84.69%	739,967	(5,169)	-0.70%
SEWER SALES	3,750,000	582,530	15.53%	84.47%	427,456	155,074	36.28%
MISCELLANEOUS	209,000	35,903	17.18%	82.82%	34,797	1,106	3.18%
PENALTY	205,000	32,741	15.97%	84.03%	29,158	3,582	12.29%
INTEREST	20,000	8,379	41.89%	58.11%	2,648	5,730	216.37%
TRANSFERS	-	-	-	-	-	-	0.00%
TAP FEES	-	-	-	-	350	(350)	-100.00%
SALE OF ASSETS	-	-	-	-	-	-	-
TOTAL REVENUE	\$8,984,000	\$1,394,350	15.52%	84.48%	\$1,234,376	\$159,974	12.96%
ADMINISTRATIVE	271,300	40,775	15.03%	84.97%	30,435	10,340	33.97%
NON-DEPARTMENTAL	655,180	142,672	21.78%	78.22%	111,423	31,250	28.05%
BILLING & COLLECTIONS	507,800	65,048	12.81%	87.19%	55,161	9,887	17.92%
MGT. INFO SYSTEMS	75,900	10,923	14.39%	85.61%	8,719	2,205	25.29%
WATER DISTRIBUTION	2,899,400	417,022	14.38%	85.62%	368,634	48,388	13.13%
WASTEWATER COLLECTION	2,407,700	270,319	11.23%	88.77%	223,061	47,258	21.19%
TRANSFERS	1,986,500	633,312	31.88%	68.12%	610,356	22,956	3.76%
TOTAL EXPENDITURES	\$8,803,780	\$1,580,071	17.95%	82.05%	\$1,407,788	\$172,283	12.24%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$180,220	(\$185,721)			(\$173,412)	(\$12,309)	

100.00%

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

STORM DRAIN FUND - 15

	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
USERS FEE	1,452,000	244,368	16.83%	83.17%	237,458	6,911	2.91%
OTHER REVENUE	-	-	-	-	-	-	-
INTEREST INCOME	25,000	9,411	37.64%	62.36%	4,228	5,183	122.60%
						-	-
TOTAL REVENUE	\$1,477,000	\$253,779	17.18%	82.82%	\$241,685	\$12,094	5.00%
PERSONNEL	497,200	64,670	13.01%	86.99%	\$56,912	7,758	13.63%
SUPPLIES	38,600	2,172	5.63%	94.37%	\$1,531	641	41.85%
MAINTENANCE	56,500	-	0.00%	100.00%	\$947	(947)	-100.00%
CONTRACTUAL & SUNDRY	203,230	23,694	11.66%	88.34%	\$22,666	1,028	4.53%
CAPITAL	2,483,000	2,492	0.10%	99.90%	\$8,700	(6,207)	-71.35%
TRANSFERS TO OTHER FUNDS	103,600	17,385	16.78%	83.22%	\$19,540	(2,155)	-11.03%
TOTAL EXPENDITURES	\$3,382,130	\$110,413	3.26%	96.74%	\$110,296	\$117	0.11%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$1,905,130)	\$143,367			\$131,390	\$11,977	

100.00%

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

CRIME CONTROL DISTRICT - 18

	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
SALES TAX	1,436,000	238,064	16.58%	83.42%	218,136	19,928	9.14%
INTEREST EARNING/OTHER	9,000	3,815	42.38%	57.62%	2,114	1,701	80.46%
MIS GRANT PROCEEDS	48,000	-	-	-	-	-	-
TOTAL REVENUE	\$1,493,000	\$241,879	16.20%	83.80%	\$220,250	\$21,629	9.82%
PERSONNEL SERVICES	994,000	140,918	14.18%	85.82%	\$98,475	42,442	43.10%
SUPPLIES	147,500	13,616	9.23%	90.77%	\$6,338	7,277	114.81%
MAINTENANCE	206,000	37,406	18.16%	81.84%	\$43,358	(5,952)	-13.73%
CONTRACTUAL & SUNDRY	316,870	57,139	18.03%	81.97%	\$59,085	(1,946)	-3.29%
TRANSFERS	44,000	7,261	16.50%	83.50%	\$65,728	(58,467)	-88.95%
CAPITAL OUTLAY	24,500	-	0.00%	100.00%	\$0	-	0.00%
TOTAL EXPENDITURES	1,732,870	256,339	14.79%	85.21%	\$272,985	(\$16,646)	-6.10%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$239,870)	(\$14,461)			\$ (52,735)	\$38,275	

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

STREET MAINTENANCE FUND - 14

	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
SALES TAX	723,000	119,475	16.52%	83.48%	108,662	10,813	10.0%
INTEREST EARNINGS	9,000	2,315	-	-	963	1,351	140.3%
INTEREST/ESCROW	-	-	-	-	-	0	-
CONTRIBUTIONS/OTHER	-	-	-	-	-	0	-
TOTAL REVENUE	\$ 732,000	\$121,790	16.52%	83.48%	109,625	\$12,164	11.10%
MAINTENANCE	100,000	2,411	2.41%	97.59%	2,492	(81)	-3.2%
CONTRACTUAL & SUNDRY	8,000	-	0.00%	100.00%	600	(600)	-100.0%
CAPITAL OUTLAY	600,000	33,870	5.65%	94.35%	-	33,870	0.0%
TOTAL EXPENDITURES	708,000	36,281	5.12%	94.88%	3,092	\$33,189	
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$24,000	\$85,509			\$106,534	(\$21,025)	

100.00%

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

PARKS DEVELOPMENT FUND - 04

	CURRENT BUDGET	11/30/2018 YTD ACTUAL	% USED	% REMAINING	11/30/2017 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
SALES TAX	728,000	120,210	16.51%	83.49%	109,888	10,322	9.39%
INTEREST EARNINGS	7,500	1,644	21.91%	78.09%	950	693	72.98%
INTEREST/ESCROW	-	-	-	-	-	-	-
CONTRIBUTIONS/OTHER	-	-	-	-	-	-	-
TOTAL REVENUE	\$735,500	\$121,854	16.57%	83.43%	\$110,838	11,015	9.94%
PERSONNEL SERVICES	447,400	63,027	14.09%	85.91%	50,613	12,413	24.53%
NON-DEPARTMENTAL	21,390	2,279	10.66%	89.34%	2,229	50	2.26%
SUPPLIES	63,100	2,808	4.45%	95.55%	1,384	1,424	102.91%
MAINTENANCE	62,200	6,351	10.21%	89.79%	7,801	(1,450)	-18.59%
CONTRACTUAL & SUNDRY	144,100	26,779	18.58%	81.42%	28,972	(2,193)	-7.57%
TRANSFERS	50,900	8,428	16.56%	83.44%	5,554	2,874	51.74%
CAPITAL OUTLAY	5,500	-	0.00%	100.00%	-	-	0.00%
TOTAL EXPENDITURES	794,590	109,672	13.80%	86.20%	\$ 96,554	13,118	13.59%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$59,090)	\$12,182			\$14,285	-\$2,103	

100.00%

CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending November 30, 2018 (1st FY Qtr.)

Traffic Safety - 28

	<u>CURRENT BUDGET</u>	<u>11/30/2018 YTD ACTUAL</u>	<u>% USED</u>	<u>% REMAINING</u>	<u>11/30/2017 YTD ACTUAL</u>	<u>\$ CHG 19 vs 18</u>	<u>% CHG 19 vs 18</u>
REVENUE:							
FINES & FORFEITURES	800,000	216,316	27.04%	72.96%	138,605	77,712	56.07%
INTEREST	-	327	-	-	104	223	-
		-	-	-	-	-	-
TOTAL REVENUE	800,000	216,643	27.08%	72.96%	138,708	77,935	56.19%
PERSONNEL SERVICES	263,200	25,328	9.62%	90.38%	20,940	4,387	20.95%
SUPPLIES	4,500	-	0.00%	100.00%	-	-	0.00%
CONTRACTUAL & SUNDRY	506,060	17,677	3.49%	96.51%	21,077	(3,400)	-16.13%
CAPITAL OUTLAY	7,600	-	0.00%	100.00%	-	-	0.00%
TOTAL EXPENDITURES	781,360	43,004	5.50%	94.50%	42,017	987	2.35%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	\$18,640	\$173,639			\$96,691	\$76,948	

100.00%



AGENDA MEMORANDUM

DATE: December 21, 2018

TO: Honorable City Council Members

FROM: Marcia Reyna, Human Resources and Civil Service Director

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consideration of a proposed resolution amending Policy 8.02
Vacation Leave of the City of Watauga Personnel, Administration and
Financial Policies and Procedures Manual {CAPTION}

BACKGROUND/INFORMATION:

Changes to Policy 8.02 Vacation Leave policy are recommended to assist with easier management of vacation leave. These changes will simplify interpretation and administration of the policy for employees. Employees are encouraged to use vacation time for rest and relaxation. The City proudly promotes a good work/life balance.

Changes include:

1. New employees currently earn fifteen (15) days of vacation. Effective January 14, 2019, new employees will earn five (5) days of vacation during their first year. Employees will earn ten (10) days of vacation after completing one year of service and during their second year. This change does not affect current employees.
2. The wording on the vacation accrual process for new employees was clarified. New employees earn vacation upon hire, but are unable to use it until after successfully completing their six (6) month probation.
3. The vacation carry over date has been changed from an employee's anniversary date to end of the calendar year (December 31). This change simplifies the accrual process for Payroll. Employees are also able to better manage their vacation time usage with an end of the calendar year date.
4. Currently employees are able to only carry over five (5) vacation days. This has been removed from the policy. The policy change allows employees to carry over any unused vacation as of December 31 as long as they have not reached their maximum accrual amount.



AGENDA MEMORANDUM

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

It is respectfully requested that Council take action on this item.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. CA Approval, Resolution and Policy 8.02 Vacation Leave

REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/08/2019
Final Approval - 01/10/2019

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
NATIONAL BOARD OF TRIAL ADVOCACY

SUNDANCE SQUARE
115 WEST SECOND STREET, SUITE 202
FORT WORTH, TEXAS 76102

(817) 332-3822
FACSIMILE (817) 332-2763

OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

January 7, 2019

Ms. Marcia Reyna
Human Resources & Civil Service Director
City of Watauga
7105 Whitley Road
Watauga, Texas 76148

Via E-Mail

*Re: Resolution amending the City of Watauga's Personnel, Administration and
Financial Policies and Procedures Manual, Section 8.02*

Dear Ms. Reyna:

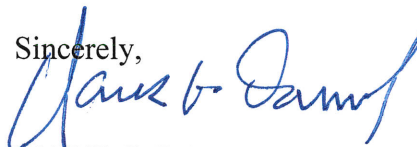
My office has received and reviewed the proposed amendments to the City's Personnel, Administration and Financial Policies and Procedures Manual. The amendment of Section 8.02 ("Vacation Leave") include changes to simplify both the interpretation and administration of said policy by:

1. Reducing vacation leave for new employees;
2. Clarifying the accrual process for new employees;
3. Eliminating the five-day "carry over" provision;
4. Changing the "carry over" date from an employees' anniversary date to December 31; and
5. Allowing vacation time to carry over so long as the employee does not reach maximum accrual on or before December 31.

Please find enclosed a Resolution approving such amendments. The Resolution may be submitted for consideration at the next City Council meeting.

Thank you for your attention to the above and the opportunity to be of assistance. Should you have any questions or need anything further, please do not hesitate to contact our office.

Sincerely,


MARK G. DANIEL

MGD/jjv

cc: David Griffin, *Mayor Pro Tem*
Ms. Andrea Gardner, *City Manager*
Ms. Zolaina Parker, *City Secretary*

CITY OF WATAUGA, TEXAS
RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING SECTION 8.02 OF THE PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL REGARDING VACATION LEAVE; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the proposed amendments of Section 8.02 ("Vacation Leave") include changes to simplify both the interpretation and administration of said policy by: (1) reducing vacation leave for new employees; (2) clarifying the accrual process for new employees; (3) eliminating the five-day "carry over" provision; (4) changing the "carry over" date from an employees' anniversary date to December 31; and (5) allowing vacation time to carry over so long as the employee does not reach maximum accrual by December 31.

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

I.

The proposed amendments and adoptions to the City's Personnel, Administration and Financial Policies and Procedures Manual as set forth in Exhibit "A" attached hereto and incorporated by reference, are hereby adopted. The amendment of Section 8.02 ("Vacation Leave") include: reducing vacation leave for new employees; clarifying the accrual process for new employees; eliminating the five-day "carry over" provision; changing the "carry over" date from an employees' anniversary date to December 31; and allowing vacation time to carry over so long as the employee does not reach maximum accrual by December 31.

II.

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

III.

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.

IV.

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

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this
_____ day of _____, 20____.

APPROVED:

DAVID GRIFFIN, Mayor Pro Tem

ATTEST:

ZOLAINA R. PARKER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

MARK G. DANIEL, City Attorney



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

POLICY TITLE	Vacation Leave
INITIAL EFFECTIVE DATE	March 27, 2017
LAST REVISION DATE	January 14, 2019
POLICY NUMBER	8.02

OBJECTIVE This policy provides procedures for administering vacation leave.

SCOPE This policy applies to eligible employees. Vacation leave eligibility is dependent upon a variety of factors, including employee classification and probationary status.

POLICY

A. Purpose

The intent of vacation leave is to provide eligible employees with a benefit for paid time off for the purpose of rest, relaxation, or recreation. It may also be used to supplement sick leave in the event of a serious health condition impacting the employee or their eligible family member.

B. Administrative Guidelines

1. Full-time regular employees are eligible for vacation leave. Part-time regular benefited employees are eligible for vacation leave **at a prorated rate**. Seasonal or temporary employees are not eligible for vacation leave.
2. Employees begin accruing vacation leave **when hired, but are unable to use it until** after successfully completing their probationary period. ~~Employees are allowed to use accrued vacation leave after successfully completing their probationary period.~~ Probationary periods are usually six (6) months unless extended. Civil Service employees are eligible to use vacation leave after six (6) months of employment even though their probationary period may be twelve (12) months or longer.
3. ~~Employees can carry over up to five (5) vacation days of the leave earned during the past twelve months prior to their hire date.~~ Vacation carry overs are allowed as long as the employee has not reached their maximum accrual **at the end of the calendar year**. See Section C.
4. Employees on leave without pay, disability leave, family medical leave, workers' compensation injury leave (after period of salary continuation) or receiving donated sick

leave that have exhausted all leave shall not accrue vacation leave. Vacation leave will accrue based on a prorated-basis of the actual hours worked within that month. The accrual rate is based upon length of service and number of hours worked per regular workweek.

5. Employees must schedule vacation in advance with their Department Director or Supervisor, who shall give due consideration to the request and the needs of the department. Vacations can only be scheduled when the workload permits; however, every reasonable effort shall be made to accommodate individual requests.
6. Employees are encouraged to take vacations in one (1) week intervals. If an employee requests fewer consecutive days off, vacation time may be taken in increments of one hour, no less; however, all such requests must be authorized by the Supervisor or Department Director in advance of the time off.
7. Holidays occurring during scheduled vacation leave shall be paid as Holiday Pay and will not be deducted from the employee's vacation accrual unless the employee is scheduled to work that day (i.e. Police and Fire personnel). The employee may then use a vacation day and receive holiday pay.
8. Vacation Leave cannot be advanced. Employees may only be absent from work for the amount of vacation leave time accrued; time off cannot be taken as "unpaid" in addition to vacation leave unless approved by the Department Director and Human Resources Director.
9. **Employees are strongly encouraged to use vacation leave.** When it appears that a vacation, or at least time away from the work place, may be in the best interest of the employee, or those of the department or City, the Department Director may, with the approval of the City Manager, require an employee to take at least one week of accrued vacation leave to be away from the job for an extended period, particularly if the employee has not taken at least one consecutive week of vacation leave in the past twelve months. Similarly, the City Manager may require a Department Director to take accumulated vacation leave if the City Manager deems it is in the best interest of the employee, the department and the City. If an employee refuses to take vacation leave when so requested, the employee may forfeit vacation hours for the period of time under discussion.
10. Vacation leave will not be authorized during a disciplinary suspension as a means to supplement pay lost as a direct result of the suspension.
11. If an employee changes status to a status not eligible for vacation, they will be paid their accumulated vacation leave balance at the conclusion of the pay period prior to the status change in accordance with this policy.

12. Exceptions to this policy must be approved by the City Manager.

C. Vacation Leave Accrual

1. Vacation leave accrual rates are based on length of service and the number of hours worked in a regular workweek.

Changes to Vacation Accruals are effective January 14, 2019 and do not affect employees prior to that date.

General Government Employees

Length of Service (Years)	Vacation Days Per Year
6 months	5
1-2	10
3-4	15
5-9	16
10+	21

Civil Service Employees

Length of Service (Years)	Vacation Days Per Year
0-4	15
5-9	16
10+	21

2. Regular full-time and regular part-time **benefited** employees accrue vacation leave according to their scheduled work hours.

Weekly Scheduled Hours	Monthly Vacation Accrual Amount Based on Vacation Days				
	5	10	15	16	21
20 per week	1 hr	2 hrs	3 hrs	4 hrs	5 hrs
21-25 per week	1.33 hrs	2.67 hrs	4 hrs	5 hrs	6 hrs
26-29 per week	1.67 hrs	3.33 hrs	5 hrs	6 hrs	7 hrs
40 per week	3.33 hrs	6.67 hrs	10 hrs	10.67 hrs	14 hrs
Police Officers (10 Hour Shift)	4.17 hrs	8.33 hrs	12.5 hrs	13.33 hrs	17.5 hrs
Police Officers (12 Hour Shift) Firefighters (24 Hour Shift)	5 hrs	10 hrs	15 hrs	16 hrs	21 hrs

3. **All employees hired before October 1, 2013:** The maximum accrual is equivalent to sixty (60) days. Once the maximum accrual is reached, any vacation leave hours over the maximum accrual shall be lost if not used **by end of the calendar year**

~~employee's hire date. If an employee has not reached their maximum accrual of sixty (60) days by their hire date, they can carry over up to five (5) days.~~

4. **All employees hired on or after October 1, 2013:** The maximum accrual is equivalent to thirty (30) days. Once the maximum accrual is reached, any vacation leave hours over the maximum accrual shall be lost if not used ~~by end of the calendar year employee's hire date. If an employee has not reached their maximum accrual of thirty (30) days by their hire date, they can carry over up to five (5) days.~~

D. Vacation Leave Pay at Separation

1. Employees who terminate employment or retire are eligible to receive compensation for their accrued vacation leave only if they have successfully completed their probationary period and have been employed with the City for a minimum of twelve (12) months. *See Policy 3.03 Probationary Period.* Employees may not use accrued vacation during the last two (2) weeks of employment without prior approval from the Department Director.
2. Employees hired before October 1, 2013: Compensation shall be paid in a lump sum amount at the regular rate of pay for up to a maximum of sixty (60) days of accumulated vacation leave or as specified in an employment agreement. The employee will be paid at a rate equal to the employee's regular rate of pay including longevity pay. Firefighters on 24 hour shifts will be paid at the 12 hour rate in accordance with their leave accrual.
3. Employees hired on or after October 1, 2013: Compensation shall be paid in a lump sum amount at the regular rate of pay for up to a maximum of thirty (30) days of accumulated vacation leave or as specified in an employment agreement. The employee will be paid at a rate equal to the employee's regular rate of pay including longevity pay. Firefighters on 24 hour shifts will be paid at the 12 hour rate in accordance with their leave accrual.
4. Upon separating employment with the City, all vacation leave credits shall be canceled and shall not be reinstated should the employee later be re-employed.

E. Vacation Sell Back

The Vacation Sell Back Program may be reinstated by the City Manager at any time. Employees who have a minimum of 80 hours of vacation leave and a minimum of 80 hours of sick leave are eligible to sell back vacation time.



AGENDA MEMORANDUM

DATE: December 28, 2018

TO: Honorable City Council Members

FROM: Marcia Reyna, Human Resources and Civil Service Director

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consideration of a proposed ordinance amending the classifications of the Watauga Police Department by amending the number of Police Officers from 29 to 24 and creating 5 Police Corporal positions
{CAPTION}

BACKGROUND/INFORMATION:

The Civil Service Commission ordered an Alternate Promotional System election for the Police Department on September 20, 2018. The election was held from October 25, 2018 to October 29, 2018. One of the major reasons for amending the Alternate Promotional System was to include the position of Police Corporal. The votes from the election were canvassed by the Civil Service Commission on November 8, 2018. The amended Alternate Promotional System passed.

As an additional step in incorporating the position of Police Corporal in the Police Department's rank structure, the Watauga Police Department is requesting an amendment to the existing classifications to decrease the number of Police Officer position by five (5) from 29 to 24 and to add five (5) Police Corporal positions. This amendment will not increase the total number of positions found in the classification plan. Five (5) Police Officers will be promoted to the position of Police Corporal. Salary adjustments will be made to the Police Corporal, Police Sergeant and Police Lieutenant positions as the Step Plan is adjusted to incorporate the new structure. These salary adjustments have been approved in the Fiscal Year 2018-19 budget. The creation of five (5) Police Corporal positions will allow for better management and operations of the Police Department.

The Civil Service Commission approved this amendment to the classifications on January 3, 2019. Note that the effective date for the ordinance is March 16, 2019 to allow for promotional testing.

The Current Police Department Classifications were approved by the City Council



AGENDA MEMORANDUM

through Ordinance 1670 on June 25, 2018.

Current Police Department Classifications

CLASSIFICATION	NUMBER OF POSITIONS
POLICE OFFICER	29
POLICE SERGEANT	8
POLICE LIEUTENANT	2
ASSISTANT POLICE CHIEF	1
POLICE CHIEF	1
TOTAL	41

Proposed Police Department Classifications

CLASSIFICATION	NUMBER OF POSITIONS
POLICE OFFICER	24
POLICE CORPORAL	5
POLICE SERGEANT	8
POLICE LIEUTENANT	2
ASSISTANT POLICE CHIEF	1
POLICE CHIEF	1
TOTAL	41

FINANCIAL IMPLICATIONS:

Approved in FY 2018-19 Budget

RECOMMENDATION/ACTION DESIRED:

It is respectfully recommended that City Council take action on this item.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. CA Letter Approving Police Corporal 12-17-2018 Final

REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/03/2019
Final Approval - 01/03/2019

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
NATIONAL BOARD OF TRIAL ADVOCACY

SUNDANCE SQUARE
115 WEST SECOND STREET, SUITE 202
FORT WORTH, TEXAS 76102

(817) 332-3822
FACSIMILE (817) 332-2763

OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

December 14, 2018

Via Email

Ms. Marcia Reyna
Director of Human Resources
City of Watauga
7105 Whitley Road
Watauga, Texas 76148

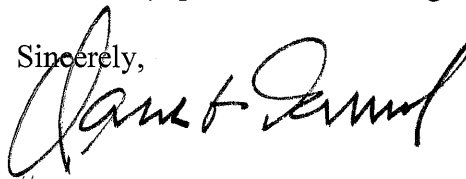
Re: Ordinance Repealing Ordinance No. 1670

Dear Ms. Reyna:

Pursuant to your request, I have reviewed the draft of the Ordinance by the City Council of the City of Watauga seeking to repeal Ordinance Number 1670 and amending the classifications and numbers of positions in the classifications of the City of Watauga Police Department to add five (5) police corporal positions. I approve of this draft Ordinance and would recommend that the same be presented to the next City Council for consideration and approval.

Thank you for your attention to the above and the opportunity to be of assistance. Please do not hesitate to contact my office should you have any questions concerning this matter.

Sincerely,



MARK G. DANIEL

MGD/tp

cc: Mayor Pro tem David Griffin
Ms. Andrea Gardner, City Attorney
Ms. Zolaina R. Parker, City Secretary

CITY OF WATAUGA, TEXAS
ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE 1670; AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING THE CLASSIFICATIONS AND NUMBERS OF POSITIONS IN THE CLASSIFICATIONS OF THE CITY OF WATAUGA POLICE DEPARTMENT TO AMEND THE NUMBER OF POLICE OFFICERS FROM 29 TO 24 AND TO ADD 5 POLICE CORPORAL POSITIONS; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Watauga, Texas has adopted Local Government Code Chapter 143, Municipal Civil Service for the City of Watauga Police Department and Fire Department; and

WHEREAS, Local Government Code Chapter 143, Municipal Civil Service, §143.021 provides that the municipal governing body shall establish police officer and firefighter classifications, as well as the number of positions in each classification; and

WHEREAS, The classifications for police officer and firefighter are subject to funding in the City's annual budget; and

WHEREAS, The City of Watauga has created a new level of supervision in the Police Department and added the position of Police Corporal to its command structure; and

WHEREAS, The City of Watauga has allocated funds for the position Police Corporal in the Fiscal Year 2018-19 Budget; and

WHEREAS, on January 3, 2019 the Watauga Civil Service Commission approved the addition of the Police Corporal position; and

WHEREAS, the City Council wishes to authorize five (5) positions of Police Corporal which will promote from the position of Police Officer; and

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

I.

Prior to the effective date of this ordinance, the following classifications and number of

positions in each classification in the Police Department existed:

CLASSIFICATION	NUMBER OF POSITIONS
POLICE OFFICER	29
POLICE SERGEANT	8
POLICE LIEUTENANT	2
ASSISTANT POLICE CHIEF	1
POLICE CHIEF	1
TOTAL	41

II.

As of the effective date of March 16, 2019 the following classifications and number of positions in each classification in the Police Department shall exist, and no others:

CLASSIFICATION	NUMBER OF POSITIONS
POLICE OFFICER	24
POLICE CORPORAL	5
POLICE SERGEANT	8
POLICE LIEUTENANT	2
ASSISTANT POLICE CHIEF	1
POLICE CHIEF	1
TOTAL	41

III.

This Ordinance shall operate to repeal all ordinances which are inconsistent or in conflict with the provisions of this Ordinance.

IV.

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

V.

This Ordinance does not demonstrate, nor is it any evidence of any intent to form a contract, unilateral or otherwise, with any civil service employee. This ordinance is enacted to comply with Chapter 143, Texas Local Government Code, specifically §143.021, and for no other purpose. The City Council expressly disavows any intent to form any sort of contract by adoption of this Ordinance.

VI.

This Ordinance shall become effective and shall be in full force and effect on March 16, 2019 after passage and adoption by the City Council of the City of Watauga, Texas, and upon approval thereof by the Mayor of the City of Watauga, Texas and publication hereof as prescribed by law and the City Charter.

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

APPROVED:

DAVID GRIFFIN, Mayor Pro Tem

ATTEST:

ZOLAINA R. PARKER, City Secretary

APPROVED AS TO FORM AND LEGALITY:

MARK G. DANIEL, City Attorney



AGENDA MEMORANDUM

DATE: January 11, 2019
TO: Honorable City Council Members
FROM: Zolaina Parker, City Secretary, TRMC
SUBJECT: Consideration of December 17, 2018, Council Worskhop Meeting Minutes

BACKGROUND/INFORMATION:

This item contains Meeting Minutes Draft for Council review and approval.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Minutes Draft

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/11/2019

**MINUTES
WATAUGA CITY COUNCIL
WORKSHOP
MONDAY, DECEMBER 17, 2018
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
5:30 P.M.**

The City Council of the City of Watauga, Texas convened at 5:40 p.m., for the purpose of conducting a workshop with the following members present:

Mayor Pro Tem, Place 4 David Griffin
Council Member, Place 1 Scott Prescher
Council Member, Place 2 Tom Snyder
Council Member, Place 3 Sandra Bush
Council Member, Place 5 Melva Clark
Council Member, Place 6 Mark Taylor
Council Member, Place 7 Kim Irving

and

Andrea Gardner, City Manager
Zolaina R. Parker, City Secretary
Sandra Gibson, Director of Finance
Bradley Fraley, Chief Information Officer/PIO

Workshop to provide an overview of the City's Funds and Purpose

City Council met to address and discuss how to more effectively facilitate community engagement.

Mayor Pro Tem gave the floor to Mr. Christopher Breaux, with Whitley Penn who led the presentation and discussion.

During the course of discussion, no vote, order, decision, or other action was taken on the information presented.

ADJOURNMENT

Mayor Pro Tem David Griffin adjourned the workshop at 6:05 p.m.

APPROVED: this 14th day of January, 2019

SIGNED: this 14th day of January, 2019

APPROVED:

David Griffin, Mayor Pro Tem

ATTEST:

Zolaina R. Parker, City Secretary

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



AGENDA MEMORANDUM

DATE: January 3, 2019
TO: Honorable City Council Members
FROM: Zolaina Parker, City Secretary, TRMC
SUBJECT: Consideration of December 17, 2018, Council Regular Meeting Minutes

BACKGROUND/INFORMATION:

This item contains Meeting Minutes Draft for Council review and approval.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Minutes Draft

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/11/2019

**MINUTES
WATAUGA CITY COUNCIL
PRE-COUNCIL & REGULAR MEETING
MONDAY, DECEMBER 17, 2018
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
6:00 PM**

CALL TO ORDER

The City Council of the City of Watauga, Texas convened in Pre-Council at 6:16 p.m., with the following members present:

Mayor Pro Tem, Place 4 David Griffin
Council Member, Place 1 Scott Prescher
Council Member, Place 2 Tom Snyder
Council Member, Place 3 Sandra Bush
Council Member, Place 5 Melva Clark
Council Member, Place 6 Mark Taylor
Council Member, Place 7 Kim Irving

and

Andrea Gardner, City Manager
Mark Daniel, City Attorney
Jessika Velasquez, Associate to the City Attorney
Zolaina R. Parker, City Secretary
Robert Parker, Chief of Police
Shawn Fannan, Fire Chief
Sandra Gibson, Director of Finance
Paul Hackleman, Director of Public Works
Marcia Reyna, Director of Human Resources/Civil Service
Lana Ewell, Library Director
Bradley Fraley, Chief Information Officer/PIO

CITY COUNCIL AGENDA DISCUSSION

1. Discussion and questions regarding consent agenda items for regular meeting

Mayor Pro Tem Griffin advised the Presentations would be moved before the Citizen's Open Forum. Council Member Prescher advised he would like to move Consent Item 5, 11, 12 and 13 to New Business.

2. Discussion and questions regarding regular agenda items for regular meeting

There was no discussion on this item.

REGULAR COUNCIL MEETING

Regular Meeting commenced at 6:20 p.m.

INVOCATION

Council Member Prescher gave the invocation.

PLEDGE TO THE FLAG

Mayor Pro Tem Griffin led the pledge to the flags.

DISCUSSION AND APPROVAL OF MEETING AGENDA

1. Discussion and action on approval of meeting agenda

Council Member, Place 6 Mark Taylor made a motion to approve the meeting agenda as amended by moving Consent Items 5, 11, 12 and 13 to New Business. Council Member, Place 3 Sandra Bush seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher

NAYS: None

ABSENT: None

ABSTAIN: None

CITIZEN'S OPEN FORUM

Mr. Andrew Neal - against New Business Item 1 - does not believe Chambers should be named after anyone.

Mr. Jeremy Moody - supports chickens in Watauga.

Ms. Marilyn Shore - not in support of the Chambers being named after Hal Gerhardt and would like to set limits for that kind of an honor for employees, council members, and volunteers.

Ms. Saudia Ellis - in support of the Chambers being named after Hal Gerhardt.

PRESENTATIONS

1. Presentation of Proclamation to Sprint Wireless in honor of their 15 Year Business Anniversary

Mayor Pro Tem presented a Proclamation to Sprint Wireless in honor of their 15 Year Business Anniversary.

2. Presentation of a donation to the Muscular Dystrophy Association from the Watauga Professional Firefighters Association

Watauga Professional Firefighters Association presented a donation to the Muscular Dystrophy Association.

3. Presentation of 1st Place Certificates to the winners of the Fire Safety Poster Contest

The Watauga Fire Department presented Certificates to the 1st Place winners of the Fire Safety Poster Contest.

4. Present Award of Recognition to Light Watauga Award Recipients for participation in Residential Holiday Decoration

Ms. Emily Mead, Recreation Superintendent, presented Recognition Awards to Light Watauga recipients for participation in Residential Holiday Decoration.

REPORTS

1. Video on "Our Homes, Our Decisions" and report on property tax legislation

Andrea Gardner, City Manager presented a video on "Our Homes, Our Decisions" and report on property tax legislation.

2. Update on results of Library Survey conducted from June 14 through October 1, 2018

Lana Ewell, Library Director presented an update on results of Library Survey conducted from June 14 through October 1, 2018.

CONSENT AGENDA

Council Member, Place 6 Mark Taylor made a motion to approve the Consent Agenda as previously amended. Council Member, Place 2 Tom Snyder seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher

NAYS: None

ABSENT: None

ABSTAIN: None

1. Consideration of acceptance of the resignation from Mr. Patrick Shelbourne as City of Watauga Mayor
2. Consideration of Monthly Financial Report for the month ending October 31, 2018
3. Consideration of a proposed resolution amending Policy 4.01 Performance Evaluations of the City of Watauga Personnel, Administration and Financial Policies and Procedures Manual {CAPTION}

The resolution as approved carried the following caption:

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 18-12-17-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF
WATAUGA, TEXAS AMENDING SECTION 4.01 OF THE
PERSONNEL, ADMINISTRATION AND FINANCIAL
POLICIES AND PROCEDURES MANUAL REGARDING
PERFORMANCE EVALUATIONS; PROVIDING THAT ALL
RESOLUTIONS IN CONFLICT HERewith ARE HEREBY
REPEALED TO THE EXTENT THAT THEY ARE IN

CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING
AN EFFECTIVE DATE

4. Consideration of a proposed resolution to amend the Fiscal Year 2018-19 Classification Plan for Full Time, Part Time and Seasonal Employees {CAPTION}

The resolution as approved carried the following caption:

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 18-12-17-02

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR FULL-TIME, PART-TIME, AND SEASONAL EMPLOYEES FOR THE 2018 – 2019 FISCAL YEAR; PROVIDING FOR THE ADDITION OF A RESERVE POLICE OFFICER (PART-TIME) POSITION; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

5. Consideration of a proposed resolution amending Policy 8.03 Sick Leave of the City of Watauga Personnel, Administration and Financial Policies and Procedures Manual {CAPTION} (Item moved to be considered under New Business)

Council Member, Place 7 Kim Irving made a motion to approve a resolution amending Policy 8.03 Sick Leave of the City of Watauga Personnel, Administration and Financial Policies and Procedures Manual. Council Member, Place 5 Melva Clark seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher

NAYS: None

ABSENT: None

ABSTAIN: None

The resolution as approved carried the following caption:

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 18-12-17-03

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS
AMENDING SECTION 8.03 OF THE PERSONNEL,
ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES
MANUAL REGARDING SICK LEAVE; PROVIDING THAT ALL
RESOLUTIONS IN CONFLICT HERewith ARE HEREBY
REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT;
PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE

6. Consideration of a proposed resolution amending Policy 8.06 Other Types of Leave of the City of Watauga Personnel, Administration and Financial Policies and Procedures Manual {CAPTION}

The resolution as approved carried the following caption:

CITY OF WATAUGA, TEXAS
RESOLUTION NO. 18-12-17-04

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA,
TEXAS AMENDING SECTION 8.06 OF THE PERSONNEL,
ADMINISTRATION AND FINANCIAL POLICIES AND
PROCEDURES MANUAL REGARDING OTHER TYPES OF LEAVE;
PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE
HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT;
PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE

7. Consideration of an Interlocal Assistance Agreement for Fire and Explosive Investigations between Tarrant County and the City of Watauga
8. Consideration of an agreement for the Shared Services Crime Victim Liaison program between Watauga, North Richland Hills, Haltom City and Richland Hills
9. Consideration of an Interlocal Agreement for a Combined Special Weapons And Tactics Team with Watauga, North Richland Hills, and Richland Hills
10. Consideration of approving water billing adjustments from North Richland Hills (NRH) due to water main break and subtraction meter failure and authorize the City Manager to approve modified payments as needed in the future

11. Consideration of an Interlocal Agreement for pavement striping between Tarrant County and the City of Watauga (Item moved to be considered under New Business)

Council Member, Place 2 Tom Snyder made a motion to approve an Interlocal Agreement for pavement striping between Tarrant County and the City of Watauga. Council Member, Place 6 Mark Taylor seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher
NAYS: None
ABSENT: None
ABSTAIN: None

12. Consideration of an amendment to the Burgess Niple Master Engineering Contract for the design and construction administration of the Bowie Street Project (Item moved to be considered under New Business)

Council Member, Place 7 Kim Irving made a motion to approve an amendment to the Burgess Niple Master Engineering Contract for the design and construction administration of the Bowie Street Project. Council Member, Place 5 Melva Clark seconded the motion, which passed as follows:

AYES: Tom Snyder, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher
NAYS: Sandra Bush
ABSENT: None
ABSTAIN: None

13. Consideration of an amendment to the Burgess Niple Master Engineering Contract for the design and construction administration of 44th Year Community Development Block Grant (CDBG) Project (Item moved to be considered under New Business)

Council Member, Place 6 Mark Taylor made a motion to approve the Burgess Niple Master Engineering Contract for the design and construction administration of 44th Year Community Development Block Grant (CDBG) Project. Council

Member, Place 5 Melva Clark seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher
NAYS: None
ABSENT: None
ABSTAIN: None

14. Consideration of Voting Member and Alternate Member reappointment to the City of Fort Worth Water and Wastewater Wholesale Customer Advisory Committee
15. Consideration of approval to excuse the City Manager from the March 11, 2019 Regular Meeting
16. Consideration of July 23, 2018 Regular Council Meeting Minutes
17. Consideration of August 6, 2018 Special Council Meeting Minutes
18. Consideration of August 20, 2018 Regular Council Meeting Minutes
19. Consideration of August 22, 2018, Special Council Meeting Minutes
20. Consideration of August 27, 2018, Special Council Meeting Minutes
21. Consideration of September 5, 2018, Council Workshop Meeting Minutes
22. Consideration of September 5, 2018 Regular Council Meeting Minutes
23. Consideration of October 3, 2018, Council Public Meeting Minutes
24. Consideration of October 22, 2018, Council Workshop Meeting Minutes
25. Consideration of October 22, 2018 Regular Council Meeting Minutes
26. Consideration of November 5, 2018, Council Workshop Meeting Minutes
27. Consideration of November 14, 2018 Special Council Meeting Minutes
28. Consideration of November 14, 2018 Regular Council Meeting Minutes
29. Consideration of November 29, 2018, Council Workshop Meeting Minutes

30. Consideration of December 4, 2018, Council Workshop Meeting Minutes
31. Consideration of December 6, 2018, Council Workshop Meeting Minutes
32. Consideration of December 10, 2018 Special Council Meeting Minutes

UNFINISHED BUSINESS

1. Consideration and action on a proposed resolution approving the City Council Rules of Procedure Manual as amended during the Special Meeting on December 10, 2018 {CAPTION}

Council Member, Place 6 Mark Taylor made a motion to postpone until Jan 2019 Council Meeting. Council Member, Place 4 David Griffin seconded the motion, which passed as follows:

AYES: Tom Snyder, David Griffin, Mark Taylor, Kim Irving

NAYS: Sandra Bush, Melva Clark, Scott Prescher

ABSENT: None

ABSTAIN: None

NEW BUSINESS

1. Consideration, direction and possible action on naming the Council Chambers in honor of the late Council Member, Hal Gerhardt

Council Member, Place 6 Mark Taylor made a motion to postpone indefinitely. Council Member, Place 5 Melva Clark seconded the motion, which passed as follows:

AYES: Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher

NAYS: Tom Snyder

ABSENT: None

ABSTAIN: None

2. Consideration and action on purchase of a 2019 Police Package Chevrolet Tahoe from Caldwell Country Chevrolet in an amount of \$32,625 as presented

Council Member, Place 3 Sandra Bush made a motion to approve the purchase of a 2019 Police Package Chevrolet Tahoe from Caldwell Country Chevrolet in an amount of \$32,625 as presented. Council Member, Place 5 Melva Clark seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher

NAYS: None

ABSENT: None

ABSTAIN: None

3. Consideration and action on a proposed ordinance for an increase in appropriations in the Public, Educational, and Governmental (PEG) fund and a transfer of appropriations in the General Fund {CAPTION}

Council Member, Place 6 Mark Taylor made a motion to approve a proposed ordinance for an increase in appropriations in the Public, Educational, and Governmental (PEG) fund and a transfer of appropriations in the General Fund. Council Member, Place 7 Kim Irving seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher

NAYS: None

ABSENT: None

ABSTAIN: None

The ordinance as approved carried the following caption:

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 1681

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA,
TEXAS THAT APPROVES A TRANSFER OF APPROPRIATIONS
AND PROVIDES FOR ADDITIONAL APPROPRIATIONS IN THE 2018-2019
FISCAL YEAR'S BUDGET PER SECTION 102.010 OF THE LOCAL
GOVERNMENT CODE, PROVIDING THAT THIS ORDINANCE
SHALL BE CUMULATIVE OF ALL ORDINANCES;
PROVIDING A SEVERABILITY CLAUSE;

AND PROVIDING AN EFFECTIVE DATE

4. Consideration and action on approval of miscellaneous concrete work as needed utilizing Haltom City Bid # B2019-311-001- Miscellaneous Concrete Improvements as awarded to Reliable Paving, Inc.

Council Member, Place 5 Melva Clark made a motion to approve utilizing Haltom City Bid # B2019-311-001- Miscellaneous Concrete Improvements as awarded to Reliable Paving, Inc. Council Member, Place 7 Kim Irving seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher
NAYS: None
ABSENT: None
ABSTAIN: None

5. Consideration and direction with regard to allowing fowl (chickens) within the city limits of the City of Watauga

Council Members discussed the item and Mayor Pro Tem Griffin summarized the consensus was to request staff to research and bring back at a future meeting.

6. Consideration and action on creating a Council Rules of Procedure Review Committee {CAPTION}

Council Member, Place 4 David Griffin made a motion to approve an ordinance creating a Council Rules of Procedure Review Committee and appointed Council Member Taylor as Chairperson, Council Member Prescher as Vice-Chairperson and Council Member Snyder as member. Council Member, Place 7 Kim Irving seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor, Kim Irving, Scott Prescher
NAYS: None
ABSENT: None
ABSTAIN: None

The ordinance as approved carried the following caption:

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 1682

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS ADOPTING CHAPTER 2, ARTICLE III, SECTION 2-131 OF THE CODE OF ORDINANCES OF THE CITY OF WATAUGA, TEXAS; PROVIDING FOR THE CREATION OF THE COUNCIL RULES OF PROCEDURE REVIEW COMMITTEE; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING A SA VINOS CLAUSE; PROVIDING AN EFFECTIVE DATE

EXECUTIVE SESSION

The City Council convened in executive session at 8:14 p.m., pursuant to (Texas Open Meetings Act), Chapter 551 of the Texas Government Code, Section 551.074 Personnel Matters, which allows the following:

1. Section 551.074 - To deliberate on certain matters concerning personnel

ITEMS OF EXECUTIVE SESSION DELIBERATION

1. To discuss and provide feedback with regard to the proposed Employee Contract between Zolaina Parker, City Secretary and City of Watauga

RECONVENE

The City Council returned to open session at 9:00 p.m., in the City Council Chamber for possible discussion and action as a result of the Executive Session as follows:

1. To discuss and provide feedback with regard to the proposed Employee contract between Zolaina Parker, City Secretary and the City of Watauga

Council Member, Place 7 Kim Irving made a motion to approve the employee contract as discussed between Zolaina Parker, City Secretary and the City of Watauga. Council Member, Place 2 Tom Snyder seconded the motion, which passed as follows:

AYES: Tom Snyder, Sandra Bush, David Griffin, Melva Clark, Mark Taylor,
Kim Irving, Scott Prescher
NAYS: None
ABSENT: None
ABSTAIN: None

ADJOURNMENT

With no further business to discuss, Mayor Pro Tem Griffin adjourned the meeting at 9:02 p.m.

APPROVED: this ____ day of _____, _____

SIGNED: this ____ day of _____, _____

APPROVED:

David Griffin, Mayor Pro Tem

ATTEST:

Zolaina R. Parker, City Secretary

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



AGENDA MEMORANDUM

DATE: January 7, 2019

TO: Honorable City Council Members

FROM: Zolaina Parker, City Secretary, TRMC

SUBJECT: Consideration to approve the continuation of a Massage Establishment Permit for Hightower Salons for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances

BACKGROUND/INFORMATION:

Hightower Salons located at 6651 Hightower, Suite 100, is seeking approval for the continuation of their massage license for calendar year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the Watauga Code of Ordinances. Hightower Salons has held a massage permit since 2003. Staff has received a letter of intent. The establishment is in compliance at this time.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/10/2019



AGENDA MEMORANDUM

DATE: January 7, 2019

TO: Honorable City Council Members

FROM: Zolaina Parker, City Secretary, TRMC

SUBJECT: Consideration to approve the continuation of a Massage Establishment Permit for YY Foot Spa for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances

BACKGROUND/INFORMATION:

YY Foot Spa located at 8436 Denton Highway is seeking approval for the continuation of their massage license for calendar year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the Watauga Code of Ordinances. YY Foot Spa has held a massage permit since 2013. Staff has received a letter of intent. The establishment is in compliance at this time.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/10/2019



AGENDA MEMORANDUM

DATE: January 7, 2019

TO: Honorable City Council Members

FROM: Zolaina Parker, City Secretary, TRMC

SUBJECT: Consideration to approve the continuation of a Massage Establishment Permit for Magic Massage for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances

BACKGROUND/INFORMATION:

Magic Massage located at 6651 Watauga Road, Suite 109, is seeking approval for the continuation of their massage license for calendar year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the Watauga Code of Ordinances. Magic Massage has held a massage permit since 2016. Staff has received a letter of intent. The establishment is in compliance at this time.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/10/2019



AGENDA MEMORANDUM

DATE: January 7, 2019

TO: Honorable City Council Members

FROM: Zolaina Parker, City Secretary, TRMC

SUBJECT: Consideration to approve the continuation of a Massage Establishment Permit for Niu Niu Foot Spa for Calendar Year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the City of Watauga Code of Ordinances

BACKGROUND/INFORMATION:

Niu Niu Foot Spa located at 6801 Rufe Snow Drive, Suite 404, is seeking approval for the continuation of their massage license for calendar year 2019 as required by Chapter 22, Article VI, Division 2, Section 22-252 of the Watauga Code of Ordinances. Niu Niu Foot Spa has held a massage permit since 2018. Staff has received a letter of intent. The establishment is in compliance at this time.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/10/2019



AGENDA MEMORANDUM

DATE: January 7, 2019

TO: Honorable City Council Members

FROM: Mayor Pro Tem David Griffin

SUBJECT: Consideration of appointments and reappointments for various Board, Committee, Commission, and Corporation Members

BACKGROUND/INFORMATION:

The City of Watauga Home Rule Charter, Section 7.07 provides that Council shall appoint all boards, commissions, and committees.

The Interview Committee met and recommended the appointments listed below. Mayor Pro Tem has reviewed the recommendation and respectfully recommends the following appointments be approved by Council.

Appointments

1. Karen Isbel - Planning & Zoning Commission, Place 6
2. Charles Mann - Zoning Board of Adjustment, Alternate Place 3
3. Mel Eperthener - Zoning Board of Adjustment, Place 4
4. David Villafuerte - Board of Appeals, Place 1
5. Paola Munoz - Board of Appeals, Place 2
6. Lindsey Neal - Library Board, Place 1

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend approval as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Interview Committee Recommendation

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/10/2019

CITY OF WATAUGA

INTER-OFFICE CORRESPONDENCE

TO: Mayor Pro Tem David Griffin 

FROM: Chairperson Tom Snyder

SUBJECT: Results of Applicant Interviews

A committee consisting of:

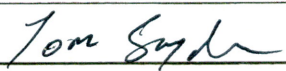
Chairperson Tom Snyder, Vice-Chair Kim Irving and Secretary Mark Taylor met on, the 18th day of December, 2018 at Hector F. Garcia, 7901 Indian Springs, Watauga, Texas Room B, to interview applicants to serve on a City Board/Committee/Commission/Corporation.

The following applicants were interviewed:

<u>Charles Mann</u>	<u>12/18/2018</u>	<u>@ 6:00 PM</u>	AM/PM
<u>David Villafuerte</u>	<u>12/18/2018</u>	<u>@ 6:15 PM</u>	AM/PM
<u>Karen Isbell</u>	<u>12/18/2018</u>	<u>@ 6:45 PM</u>	AM/PM
<u>Paola Munoz</u>	<u>12/19/2018</u>	<u>@ 6:00 PM</u>	AM/PM
<u>Mel Eperthener</u>	<u>12/20/2018</u>	<u>@ 6:00 PM</u>	AM/PM

The following names are submitted and recommended for appointment.

Applicant Name	Recommended Appointment to Board/Committee Commission/Corporation	Place Number
Karen Isbell	Planning and Zoning Commission	6
Charles Mann	Zoning Board of Adjustment	Alternate 3
Mel Eperthener	Zoning Board of Adjustment	4
David Villafuerte	Board of Appeals	1
Paola Munoz	Board of Appeals	2
Lindsey Neal	Library Board	1


Chairperson

1/7/2019
Date

TO: Mayor Pro Tem David Griffin
FROM: Chairperson Tom Snyder
SUBJECT: Results of Applicant Interviews



AGENDA MEMORANDUM

DATE: January 10, 2019

TO: Honorable City Council Members

FROM: Zolaina Parker, City Secretary, TRMC

SUBJECT: Consideration of Mayor's recommendation to appoint City Council Liaisons and Interview Committee Members

BACKGROUND/INFORMATION:

Resolution No. 01-12-10-01 establishes Council Liaisons for Boards and Commissions within the City to provide for the exchange of information between the City Council and the various Boards, Committees and Commissions.

The Primary Liaison is responsible for attending meetings of the respective Boards/Committees/Commissions and for notifying the Alternate Liaison in instances where the Primary Liaison cannot attend a specific meeting. Council Member Scott Prescher was recently elected in November and as such should assume the duties of Council Liaison. At this time Mayor Pro Tem Griffin has submitted the following appointments for approval:

Council Member Scott Prescher
Board of Appeals - Alternate
Zoning Board of Adjustment - Alternate
Mayor Pro Tem David Griffin
Charter Review Commission - Primary

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend approval of appointments as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Council Liaison Resolution 01-12-10-01

REVIEWED BY:

Zolaina Parker, City Secretary, TRMC

Final Approval - 01/10/2019

CITY OF WATAUGA, TEXAS

RESOLUTION NO. 01-12-10-01

A RESOLUTION AMENDING RESOLUTION NO. 95-6-12 GOVERNING COUNCIL LIAISONS; SPECIFYING THE PURPOSE FOR COUNCIL LIAISONS; SPECIFYING METHOD OF APPOINTMENT AND TERMS FOR COUNCIL LIAISONS; SPECIFYING DUTIES AND LIMITATIONS; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE REPEALED TO THE EXTENT THAT THE SAME ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga desires that communication and exchange between the City Council and City boards, commissions, associations, corporations and City related entities be as effective, efficient and expedient; and

WHEREAS, the utilization of Council liaisons to City boards, commissions, associations, and other City related organizations and entities will further such communications and exchanges.

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

I.
DEFINITION AND PURPOSE

The City Council may appoint its members to serve as City Council liaisons between the City Council and City boards, commissions, associations, corporations, and other City related organizations and entities. The City Council liaisons will provide communication and exchange of information between the City Council and City related entities. Council liaisons are encouraged to attend meetings of City related entities.

II. APPOINTMENT AND TERMS

City Council liaisons shall be appointed by the Mayor with the approval of the City Council for a term of one year and for other periods deemed necessary and in the best interests of the City. Appointments shall be made at the second regular City Council meeting in June of each year or any other time a liaison appointment becomes necessary and in the best interests of the City. The City Council may, with just cause, remove a liaison by majority vote. In the event, for any reason, a liaison position becomes vacant, the Mayor shall appoint a new liaison member for the unexpired term, subject to the approval of the City Council. If the Mayor fails to make an appointment to fill any vacancy within sixty (60) days from the date of the vacancy or expiration, the remaining members of the City Council may, by majority vote, make an appointment without the Mayor's recommendation.

III. DUTIES AND LIMITATIONS

The duties of a City Council liaisons are to act in an advisory capacity and provide guidance, communication and exchange to the City related entity in matters pertaining to City administration. Further, the City Council liaison shall provide interface with City staff, the City Attorney, and the full City Council in any matters that may arise. City Council liaisons shall not preside over the meetings or vote on any matter that comes before the body of the City related entity, but shall have the right to fully participate in all discussions of matters that come before the respective entity. At no time shall the liaison act outside the scope of the City of Watauga Home Rule Charter.

IV.

All Resolutions, or portions thereof, of the City of Watauga in conflict with the provisions of this Resolution to the extent that such are in conflict, are hereby repealed. To the extent that such Resolution or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

V.

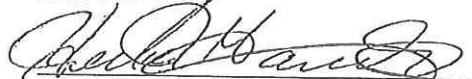
If any section, subsection, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution which shall remain in full force and effect.

VI.

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 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 on this 10th day of December, 2001.

APPROVED:


HECTOR F. GARCIA, MAYOR

ATTEST:


NANCY J. MEADOWS, City Secretary

APPROVED AS TO FORM:


MARK G. DANIEL, City Attorney



AGENDA MEMORANDUM

DATE: January 11, 2019

TO: Honorable City Council Members

FROM: Council Member Mark Taylor

SUBJECT: Consideration and action on a proposed resolution approving the City Council Rules of Procedure Manual as submitted for consideration by the Council Rules of Procedure Review Committee {CAPTION}

BACKGROUND/INFORMATION:

At the request of Council Member Mark Taylor, an item was placed on the August 22, 2018 Agenda and the October 22, 2018 Agenda, to discuss the City Council Rules of Procedure Manual. The matter was placed on the November 14, 2018 agenda with recommendations received from Council Members Taylor and Prescher; however, the Council as a whole felt additional time was needed to review the proposed changes submitted during the discussion of the item. The matter was then placed on the December 10, 2018 Special Meeting Agenda and was approved with changes made by Council Member Prescher and Council Member Taylor, which are outlined below.

Per Section 2-21- Meetings- of the City Charter, "The city council shall establish, by resolution, procedures to be followed at city council meetings of the city." During the Special Meeting on December 10, 2018, the Council Rules of Procedure Manual was not approved via Resolution and a caption was not read during the open meeting.

During the December 17, 2018, Regular Meeting a Council approved a Council Rules of Procedure Review Committee comprised of Council Member Mark Taylor, Council Member Scott Prescher and Council Member Tom Snyder. The committee met and is presenting a resolution and redline version of the manual has been added to this item for consideration by the Council.

The proposed changes requested by Council are incorporated into the draft per direction on August 22, 2018:

1. Replacing Pre-Council Meetings with Workshop Meetings to provide City staff with an opportunity to present topics to the Council that require an initial presentation or introduction.

2. Amending the City Council meeting agenda order under Section 7.01 ("Regular



AGENDA MEMORANDUM

and Special Meetings") to allot for time to discuss "Items for Future City Council Meetings".

3. Amending Section 2 ("Authority") to require that the City Council review the Council Rules of Procedure Manual every two years.

4. The addition of Section 4.05 ("City Council Members Absences, Late Arrivals and Conduct during Meetings") to incorporate rules for City Council members to include commencing each meeting with a roll call, notifying the City Secretary of any absences or late arrivals prior to meetings, and the prohibition of using mobile phone devices during meetings.

5. The addition of Section 5.04 ("City Council Liaisons") to incorporate the definition, purpose, appointment, terms, duties and limitations associated with City Council Liaisons who will act in an advisory capacity to provide and exchange communication between City related boards, commissions, and committees and the City Council.

The proposed changes requested by Council are incorporated into the draft per direction on October 22, 2018:

1. Amending Section 3.02 ("Regular Meetings") to require that Regular Meetings of the City Council be held on the second Monday of the month and commence at 6:30 p.m.

2. Amending Section 3 .03 ("Workshop Meetings") to require that Workshop Meetings of the City Council, when required, be held prior to a regular meeting and commence at 5:30 p.m.

3. Adding Section 3.04 ("Additional Meetings") to incorporate procedures for scheduling any additional meetings outside of workshop and regular meetings, particularly the rule that they shall be held outside of the second Monday of the month;

4. Removing the numerical restrictions concerning the number of agenda items for the Unfinished and New Business categories found under Section 3.04(±), now labeled 3.05(f).

5. Amending the Agenda order under Section 7.01 ("Regular and Special Meetings")



AGENDA MEMORANDUM

to allot for time to discuss "Liaison Reports."

The proposed changes requested by Council are incorporated into the draft per direction on December 10, 2018:

CM Prescher's Motion to Amend CM Taylor's Motion on changes to City of Watauga Council Rules of Procedure Manual

1. Change 4.04(a) – remove everything except for the last sentence such that section (a) merely reads: "The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate."

2. The "s" on "Reports" under 7.01 needs to be bolded

3. 7.03 – end of section changed to read "Therefore, public input to the City Council, i s encouraged through the Citizens Open Forum, during Public Hearings, during Unfinished Business, or during New Business only after a citizen or person is called upon and recognized by the presiding officer."

4. Change 7.03(a)(1) to begin: "Before a member of the public addresses the City Council, the person wishing to speak shall stand when prompted by the presiding officer during the Citizens Open Forum, Public Hearings, Unfinished Business, or New Business as applicable. The presiding officer shall call upon those who have stood and requested to speak." – rest remains unchanged

5. Add a section (3) under 7.03(a) to read: "Individual citizens presenting information t to the City Council during Public Hearings, during Unfinished Business, or during New Business shall not exceed three (3) minutes in their comments presenting information to the City Council or ten (10) minutes when more than three (3) citizens speak on a single topic. However, the Mayor may extend the speaker's allotted time. Citizens who speak during the Public Hearing, Unfinished Business, or the New Business sections of a council meeting shall only speak to the specific topic stated within the applicable item posted within the agenda for that specific council meeting.

6. Change 7.03(b)(1) – "If a citizen comments on an agenda item which is posted on the agenda for that meeting, the City Council may ask questions of the Citizen and discuss the item at that time; however, citizens are encouraged to speak about agenda items when prompted by the presiding officer during the discussion of the applicable agenda item. The purpose and intent of the Citizens Open Forum is to provide an



AGENDA MEMORANDUM

opportunity for the public to comment on subject matters not placed within the agenda of the applicable city council meeting.”

7. 4.05- reword device section to read- Council Members shall not use any mobile or electronic device during any official City Council Meeting in a matter that would violate the TOMA”

8. Under Parliamentary Procedure- add “the words I second a motion must be spoken”

Council Member Taylor’s Motion on changes to “City of Watauga Council Rules of Procedure Manual:

Accept changes as proposed in agenda packet with the following changes:

1. 3.03- strike, “are held at city hall”
2. 3.04- replace additional meetings with Special Meetings and strike “ no official action shall be taken”
3. 3.06- remove 12 cap and reinstate to not to exceed 20 in each category
4. 4 – add phrase, City Manager shall have the right to participate in all matters coming before the Council. The City Attorney and or City Secretary shall serve as the parliamentarian guide for all meetings. All department heads shall take part in discussions of the Council relating to their respective offices, department or agencies, subject to the provisions of TOMA.
5. Order of Business- insert Agenda Section for Announcements after Pledges and move Presentations before Citizens Open Forum

Council Rules of Procedure Review Committee submitted the following amendments:

1. Amending the Table of Contents to incorporate grammatical corrections and to allow for the renaming and renumbering of Section 7 subsections; and
2. Amending Section 1 ("General") to include: "It is the desire and directive of the City Council that these rules of procedure approved herein by the City Council shall apply as applicable to all boards, commissions, committees or deliberative



AGENDA MEMORANDUM

bodies which report to and/or are subordinate to the City Council;" and

3. Amending Section 2 ("Authority") to read: "For clarification purposes, the only way to second a motion is for a City Council Member to state 'I second the motion' or a similar phrase;" and

4. Amending Section 3.05(a) ("Agenda") to require that agenda items requiring City Attorney or City Staff approval/review be submitted to the City Secretary at least fourteen (14) days prior to the City Council Meeting and to also require that agenda packets be made available to City Council Members no later than 6:00 p.m. the Wednesday before each meeting; and

5. Amending Section 3.05(c) ("Agenda") to establish new deadlines for those requesting that a matter or item be included on the City Council Meeting Agenda under New Business; and

6. Amending Section 3.05(d) ("Agenda") to require that all matters of City business be submitted to the City Secretary at least seven (7) days prior to a City Council Meeting or fourteen (14) days prior if the item requires City Attorney or City Staff approval/review; and

7. Amending Section 5. 03 ("Voting") to incorporate minor language revisions for clarification purposes and also to add the provision that a member of the Council may vote to abstain or refuse to vote only on an issue or matter that would create a conflict of interest for that Council Member; and

8. Amending Section 5.04 ("City Council Liaisons") and Section 6.01 ("Chair") to incorporate minor language revisions for clarification purposes;

9. Amending Section 7.01 ("Regular and Special Meetings") to eliminate the requirement that groups and businesses wishing to make presentations to the City Council submit a written request to the City Secretary seven (7) days prior to the meeting and also to allot time for City Council Liaisons to report to City Council; and

10. Establishing Section 7.02 ("Announcements") to provide clarification regarding the purpose of the Announcement section of the agenda; and

11. Amending the language under Section 7 .03 ("Discussion and Approval of



AGENDA MEMORANDUM

Meeting Agenda") (previously Section 7.02) to incorporate minor language revisions for clarification purposes; and

12. Amending the language under Section 7.04 ("Addressing the City Council") (previously Section 7.03) to incorporate minor language revisions, to stipulate that public input must occur prior to formal action being taken by the City Council, and to reserve the right of the Council to refuse comments from any person not a resident and/or business owner within the City of Watauga; and

13. Establishing Section 7.04(a) ("Public Comments During Citizens Open Forum") (see Resolution for full text); and

14. Establishing Section 7.04(b) ("Public Comments During Old Business and New Business") (see Resolution for full text); and

15. Establishing Section 7.04(c) ("Public Comments During Public Hearing") (see Resolution for full text); and

16. Amending Section 8 ("Rules Suspension") to provide that "** Any individual who is unable to physically stand shall be allowed to raise their arm to be recognized by the Chair or they may ask another individual to stand on their behalf so that they may be recognized and allowed to speak;" and

17. Amending Annex D to require items being sponsored by a City Council Member be submitted to the City Secretary's Office at least seventeen (17) days prior to the City Council Meeting and that all relevant information concerning the matter be provided to the City Secretary's Office not later than seven (7) days prior to the City Council Meeting, or not later than fourteen (14) days prior to the City Council Meeting if the item requires City Attorney or City Staff approval/review.

History of Council Rules of Procedure:

November 15, 1958- Ordinance 1 - Established Rules of Procedure in Conducting Meetings

May 24, 1984 - Repealed Ordinance 1 and established a Procedure for City Council Meetings



AGENDA MEMORANDUM

December 13, 2004- Resolution 04-12-13-04 - was approved revising the Council Rules of Procedure

May 21, 2007 - Resolution 07-05-21-04 - was approved revising the Council Rules of Procedure

December 6, 2011 - the City Council Meeting Procedures Review Committee met to discuss changes to Resolution 07-05-21-04.

February 25, 2013 - Resolution 13-02-25-03 was approved revising the Council Rules of Procedure

January 23, 2017 - Resolution 17-01-23-03 was approved and is the current set of Council Rules of Procedure Manual

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. City Attorney Letter of Approval and Proposed Resolution
2. Red Lined Amended Rules of Procedure for Council

REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/11/2019
Final Approval - 01/11/2019

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
NATIONAL BOARD OF TRIAL ADVOCACY

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OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

January 11, 2019

Ms. Zolaina Parker
City Manager
City of Watauga
7105 Whitley Road
Watauga, Texas 76148

Via E-mail

*Re: Resolution amending the Council Rules of Procedure Manual,
incorporating additional amendments from December 17, 2018 Council
Rules of Procedure Review Committee meeting*

Dear Ms. Parker:

I have reviewed the additional proposed amendments to the Council Rules of Procedure Manual. Please find enclosed an amended Resolution prepared by my office approving the following amendments:

1. Amending the Table of Contents to incorporate grammatical corrections and to allow for the renaming and renumbering of Section 7 subsections; and
2. Amending Section 1 ("General") to include: "It is the desire and directive of the City Council that these rules of procedure approved herein by the City Council shall apply as applicable to all boards, commissions, committees or deliberative bodies which report to and/or are subordinate to the City Council;" and
3. Amending Section 2 ("Authority") to read: "For clarification purposes, the only way to second a motion is for a City Council Member to state 'I second the motion' or a similar phrase;" and
4. Amending Section 3.05(a) ("Agenda") to require that agenda items requiring City Attorney or City Staff approval/review be submitted to the City Secretary at least fourteen (14) days prior to the City Council Meeting and to also require that agenda packets be made available to City Council Members no later than 6:00 p.m. the Wednesday before each meeting; and
5. Amending Section 3.05(c) ("Agenda") to establish new deadlines for those requesting that a matter or item be included on the City Council Meeting

Agenda under New Business; and

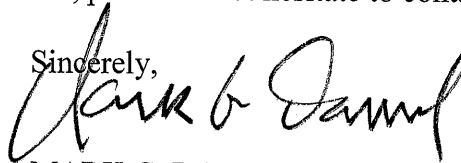
6. Amending Section 3.05(d) ("Agenda") to require that all matters of City business be submitted to the City Secretary at least seven (7) days prior to a City Council Meeting or fourteen (14) days prior if the item requires City Attorney or City Staff approval/review; and
7. Amending Section 5.03 ("Voting") to incorporate minor language revisions for clarification purposes and also to add the provision that a member of the Council may vote to abstain or refuse to vote only on an issue or matter that would create a conflict of interest for that Council Member; and
8. Amending Section 5.04 ("City Council Liaisons") and Section 6.01 ("Chair") to incorporate minor language revisions for clarification purposes;
9. Amending Section 7.01 ("Regular and Special Meetings") to eliminate the requirement that groups and businesses wishing to make presentations to the City Council submit a written request to the City Secretary seven (7) days prior to the meeting and also to allot time for City Council Liaisons to report to City Council; and
10. Establishing Section 7.02 ("Announcements") to provide clarification regarding the purpose of the Announcement section of the agenda; and
11. Amending the language under Section 7.03 ("Discussion and Approval of Meeting Agenda") (previously Section 7.02) to incorporate minor language revisions for clarification purposes; and
12. Amending the language under Section 7.04 ("Addressing the City Council") (previously Section 7.03) to incorporate minor language revisions, to stipulate that public input must occur prior to formal action being taken by the City Council, and to reserve the right of the Council to refuse comments from any person not a resident and/or business owner within the City of Watauga; and
13. Establishing Section 7.04(a) ("Public Comments During Citizens Open Forum") (*see Resolution for full text*); and
14. Establishing Section 7.04(b) ("Public Comments During Old Business and New Business") (*see Resolution for full text*); and
15. Establishing Section 7.04(c) ("Public Comments During Public Hearing") (*see Resolution for full text*); and
16. Amending Section 8 ("Rules Suspension") to provide that "*Any individual who is unable to physically stand shall be allowed to raise their arm to be recognized by the Chair or they may ask another individual to stand on their

behalf so that they may be recognized and allowed to speak;" and

17. Amending Annex D to require items being sponsored by a City Council Member be submitted to the City Secretary's Office at least seventeen (17) days prior to the City Council Meeting and that all relevant information concerning the matter be provided to the City Secretary's Office not later than seven (7) days prior to the City Council Meeting, or not later than fourteen (14) days prior to the City Council Meeting if the item requires City Attorney or City Staff approval/review.

The attached Resolution may be submitted for consideration at the next City Council meeting. Thank you for your attention to the above and the opportunity to be of assistance. Should you have any questions or need anything further, please do not hesitate to contact my office.

Sincerely,



MARK G. DANIEL

MGD/jjv

cc:

Ms. Andrea Gardner, *City Manager*
City Council Members

CITY OF WATAUGA, TEXAS
RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING THE COUNCIL RULES OF PROCEDURE MANUAL; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga, Texas pursuant to the Home Rule Charter, Section 3.09, and pursuant to Ordinance 387, is required to adopt a Resolution to establish certain procedures to be followed when conducting meetings of the City Council of the City of Watauga, Texas; and

WHEREAS, the City Council Rules of Procedure Manual augments the Home Rule Charter to ensure that members of the City Council and staff adhere to the guidelines established by the City Council to conduct all meetings; and

WHEREAS, it is the intent of the City Council that all current and future Council Members adhere to these guidelines; and

WHEREAS, the proposed amendments include the amendments incorporated by the Council Rules of Procedure Review Committee during its December 17, 2018 meeting;

WHEREAS, the proposed amendments include amending the Table of Contents to incorporate grammatical corrections and to allow for the renaming and renumbering of Section 7 subsections; and

WHEREAS, the proposed amendments include amending Section 1 ("General") to include the following language: "It is the desire and directive of the City Council that these rules of procedure approved herein by the City Council shall apply as applicable to all boards, commissions, committees or deliberative bodies which report to and/or are subordinate to the City Council;" and

WHEREAS, the proposed amendments include amending Section 2 ("Authority") to read: "For clarification purposes, the only way to second a motion is for a City Council Member to state 'I second the motion' or a similar phrase;" and

WHEREAS, the proposed amendments include amending Section 3.05(a) ("Agenda") to require that agenda items requiring City Attorney or City Staff approval/review be submitted to the City Secretary at least fourteen (14) days prior to the City Council Meeting and to also require that agenda packets be made available to City Council Members no later than 6:00 p.m. the Wednesday before each meeting; and

WHEREAS, the proposed amendments include amending Section 3.05(c) ("Agenda") to establish new deadlines for those requesting that a matter or item be included on the City Council Meeting Agenda under New Business; and

WHEREAS, the proposed amendments include amending Section 3.05(d) ("Agenda") to require that all matters of City business be submitted to the City Secretary at least seven (7) days prior to a City Council Meeting or fourteen (14) days prior if the item requires City Attorney or City Staff approval/review; and

WHEREAS, the proposed amendments include amending Section 5.03 ("Voting") to incorporate minor language revisions for clarification purposes and also to add the provision that a member of the Council may vote to abstain or refuse to vote only on an issue or matter that would create a conflict of interest for that Council Member; and

WHEREAS, the proposed amendments include amending Section 5.04 ("City Council Liaisons") and Section 6.01 ("Chair") to incorporate minor language revisions for clarification purposes;

WHEREAS, the proposed amendments include amending Section 7.01 ("Regular and Special Meetings") to eliminate the requirement that groups and businesses wishing to make presentations to the City Council submit a written request to the City Secretary seven (7) days prior to the meeting and also to allot time for City Council Liaisons to report to City Council; and

WHEREAS, the proposed amendments include establishing Section 7.02 ("Announcements") to provide clarification regarding the purpose of the Announcement section of the agenda; and

WHEREAS, the proposed amendments include amending the language under Section 7.03 ("Discussion and Approval of Meeting Agenda") (previously Section 7.02) to incorporate minor language revisions for clarification purposes; and

WHEREAS, the proposed amendments include amending the language under Section 7.04 ("Addressing the City Council") (previously Section 7.03) to incorporate minor language revisions, to stipulate that public input must occur prior to formal action being taken by the City Council, and to reserve the right of the Council to refuse comments from any person not a resident and/or business owner within the City of Watauga; and

WHEREAS, the proposed amendments include establishing Section 7.04(a) ("Public Comments During Citizens Open Forum") to read:

The Citizens Open Forum section of the agenda is an opportunity for citizens to speak to the City Council regarding matters that are not posted on that particular meeting's agenda. At the beginning of the Citizens Open

Forum section of the meeting, citizens desiring to speak shall stand* when prompted by the Chair so that they may be recognized and recorded as the individuals who will speak. Only those citizens who stand* during this time of recognition will be allowed to speak. The Chair shall ask each citizen wishing to speak to come to the podium to speak in turn in an orderly manner. Before providing comments, each speaker must state his or her name and address for the record. If speaking for an organization or group, the speaker should identify the group represented. Because this section of the meeting is for matters not posted on that particular meeting's agenda, members of the City Council may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council within forty-eight (48) hours, or as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City Council nor shall it constitute deliberation or formal action.

Individual citizens addressing the City Council during the Citizens Open Forum shall not exceed three (3) minutes in their comments; however, the Chair may extend the speaker's allotted time. Citizens Open Forum is not established to engage in a conversation with the Council and no formal Council action will be taken. Citizens desiring to discuss an item with the Council not on the agenda, or to request specific Council action, should complete the form attached hereto as Annex D, for possible placement on the agenda at a future City Council Meeting; and

WHEREAS, the proposed amendments include establishing Section 7.04(b) ("Public Comments During Old Business and New Business") to read:

At the introduction of each agenda item during the Old Business and New Business sections of the meeting, citizens desiring to speak shall stand* when prompted by the Chair so that they may be recognized and recorded as the individuals who will speak. Only those citizens who stand* during this time of recognition will be allowed to speak on the given agenda item (i.e., citizens will be allowed to speak at the beginning of each agenda item if they so desire after being recognized, then the Council will deliberate and make any necessary motions and/or votes, etc.). The Chair shall ask each citizen wishing to speak to come to the podium to speak in turn in an orderly manner. Before providing comments, each speaker must state his or her name and address for the record. Citizens shall not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend the speaker's allotted time. Members of the City Council may ask questions or discuss the item

directly with the citizen during the citizen's comments if necessary. Any discussion between a Council member and the citizen will not count toward the three (3) minute limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated three-minute time.

WHEREAS, the proposed amendments include establishing Section 7.04(c) ("Public Comments During Public Hearing") to read:

"Public Hearings by their very nature are designed for public input. When prompted by the Chair, each citizen wishing to comment shall come to the podium to speak in turn in an orderly manner. Before providing comments, each citizen must state his or her name and address for the record. Individual citizens addressing the City Council shall not exceed three (3) minutes in their comments; however, the Chair may extend the speaker's allotted time;" and

WHEREAS, the proposed amendments include amending Section 8 ("Rules Suspension") to provide that "*Any individual who is unable to physically stand shall be allowed to raise their arm to be recognized by the Chair or they may ask another individual to stand on their behalf so that they may be recognized and allowed to speak;" and

WHEREAS, the proposed amendments include amending ANNEX D to require items being sponsored by a City Council Member be submitted to the City Secretary's Office at least seventeen (17) days prior to the City Council Meeting and that all relevant information concerning the matter be provided to the City Secretary's Office not later than seven (7) days prior to the City Council Meeting, or not later than fourteen (14) days prior to the City Council Meeting if the item requires City Attorney or City Staff approval/review.

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

I.

The City Council of the City of Watauga, Texas, hereby amends the City Council Rules of Procedure attached hereto as Exhibit "A".

II.

All Resolutions, or portions thereof, of the City of Watauga in conflict with the provisions of this Resolution to the extent that such are in conflict, are hereby repealed. To the extent that such Resolution or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

III.

If any section, subsection, sentence, clause or phrase of this Resolution shall for any reason shall be held to be invalid, such decision shall not affect the validity of the remaining portions of the Resolution which shall remain in full force and effect.

IV.

This Resolution shall become effective and shall be in full force and effect beginning on _____, 2019, after the passage and adoption by the City Council of the City of Watauga, Texas, and upon approval thereof by the Mayor of the City of Watauga, Texas.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the _____ day of _____, 2019.

APPROVED:

DAVID GRIFFIN,
MAYOR PRO TEM

ATTEST:

ZOLAINA R. PARKER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

MARK G. DANIEL, CITY ATTORNEY



CITY OF WATAUGA COUNCIL RULES OF PROCEDURE MANUAL

As Adopted by Resolution

-January 14, 2019-

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Section 1 – GENERAL

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens and visitors. **It is the desire and directive of the City Council that these rules of procedure approved herein by the City Council shall apply as applicable to all boards, commissions, committees or deliberative bodies which report to and/or are subordinate to the City Council.**

Section 2 – AUTHORITY

The City Charter of Watauga, Texas [Adopted: January 19, 1980 and last amended May 9, 2015] provides in Article II (The Governing Body), Section 3.09 (Meetings and rules of procedure) that “The Council shall determine its own rules and order of business...” Thus, this Council Rules of Procedure Manual is established. This Council Rules of Procedure Manual shall be reviewed by the City Council every two years in an open meeting. In the event of any conflict between Texas **S**tate law, the City Charter and/or this Rules of Procedures Manual, Texas State law shall prevail and control. In the event of any conflict between the City Charter and this Rules of Procedures Manual, the City Charter shall prevail.

The parliamentary reference for the City Council is the most recent edition of *Robert’s Rules of Order Newly Revised* (RONR) (issued in odd-numbered years). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter or state law, the Council will refer to RONR, which shall determine such procedural issue. RONR is merely a parliamentary reference and any failure to explicitly follow RONR shall not serve to negate any action taken by the City Council. **For clarification purposes, the only way to second a motion is for a City Council Member to state “I second the motion” or a similar phrase.**

Section 3 – MEETINGS

3.01. Texas Open Meetings Act

The City Council shall follow both the letter and the spirit of the Texas Open Meetings Act.

3.02. Regular Meetings

The City Council shall conduct regular meetings generally on the **fourth second** Monday of every month. ~~The Regular meetings shall be preceded by a Workshop Meeting and will commence at 6:30 p.m. after the conclusion of the Workshop Meeting.~~ The regular meetings ~~and Workshop meetings~~ of the City Council shall be held at City Hall and are open to the public. **No Council action shall be taken prior to a 6:30 p.m. regular meeting.**

3.03. Workshop Meetings

Workshop meetings may be scheduled by the Mayor, a majority of Council Members or by the City Manager. Workshop meetings are normally conducted prior to regular ~~or special~~ meetings **at 5:30 p.m.**, but may also be conducted at other times as well. The purpose of a workshop meeting is to exchange information between Council, staff, vendors or other groups. No official action is taken by Council during these meetings, but workshops shall be posted, ~~are held at City Hall~~ and are open to the public.

3.04. **Special Additional Meetings.**

~~Any additional meetings may be scheduled by the Mayor, a majority of Council Members or by the City Manager to occur outside of the second Monday of the month. No official action is taken by Council during these meetings, but~~ Such meetings shall be posted and are open to the public.

3.05. Agenda

- a. The Mayor, each City Council Member and the City Manager shall have the right to have matters of city business included on City Council meeting agendas. Agenda items, including any necessary or applicable supporting documents and materials to be included in agenda packets, shall be submitted in written form to the City Secretary **at least seven (7) days prior to the City Council Meeting, and fourteen (14) days prior to the City Council Meeting if the particular agenda item/document requires City Attorney or City Staff approval/review.** The City Secretary will coordinate the placement of items on the agenda. Agenda items may be removed only by the person who initially placed that item on the agenda. Such removal shall be made prior to the public posting of the official meeting notice or during the Agenda approval portion of the City Council meeting. Agenda packets will be available to the City Council Members **no later than 6:00 p.m. the Wednesday before each Regular City Council Meeting,** and at least 72 hours in advance of any Special City Council Meeting.
- b. Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to the City Attorney in a manner and time sufficient to allow for their review prior to this submittal deadline.
- c. A person other than the Mayor, a Council Member or the City Manager requesting that a matter or item be included on the City Council Meeting Agenda under New Business must complete the form attached hereto as Annex D and submit the same to the office of the City Secretary at least **seventeen (17) days prior to the City Council Meeting** for which the request is made. If the Mayor, a Council Member or the City Manager determines that consideration of the item or items is in the best interest of the City, those items shall be placed on the City Council meeting agenda with the Mayor, Council Member or City Manager making the determination being listed as the sponsoring official. The sponsoring official needs to ensure all relevant materials concerning the

agenda item are provided to the City Secretary's office at least seven (7) days prior to the City Council Meeting, and fourteen (14) days prior to the City Council Meeting if the particular agenda item/document requires City Attorney or City Staff approval/review to ensure this material can be included in the City Council packets.

- 1) Any person wishing to make a presentation that includes video, or another form of electronic media, must provide that information in digital format to the City Secretary's Office no later than three (3) hours prior to the scheduled starting time of the meeting for review by the staff. City staff shall review the information as to form and content. The information shall not contain any statements, graphics or pictures that are offensive or reflect personal attacks on other individuals, the City Council members or City staff. The digital format must be compatible with the City's technology equipment. The presentation will be tested prior to the meeting to ensure that it is compatible with the City's equipment.
- d. All matters of City business (agenda items), including supporting materials, shall be submitted to the City Secretary at least seven (7) days prior to the City Council Meeting, and fourteen (14) days prior to the City Council Meeting if the particular agenda item/document requires City Attorney or City Staff approval/review preceding the City Council Meeting during which the matter is to be considered. The Mayor or the Mayor Pro-tem may make exceptions to this requirement for Special City Council meetings, and in emergency cases, as determined by the Mayor or the Mayor Pro-tem.
- e. There shall be no limitation as to the number of items that may be placed on the Consent Agenda. However, any council member shall have the right, at any time to request the removal of any item or items from the Consent Agenda. Such item or items shall be moved to New Business for purposes of discussion, debate or action. The Mayor of the City of Watauga, as presiding officer of the meeting, shall honor such a request.
- f. The total number of items under the Unfinished Business and New Business categories for any formal Council Meeting shall not exceed ~~twelve (12)~~ twenty (20) in number in each category plus all Consent Agenda items moved unless it has been determined by the Mayor or Mayor Pro-tem that placing additional items that exceed that number is in the best interest of the City.

3.06. Minutes

Minutes of City Council meetings will be recorded and maintained by the City Secretary. The Minutes will include final motions with voting results. The minutes will also reflect the names of those citizens presenting public comments. Minutes of meetings will generally be submitted to the City Council for approval at the next regularly scheduled meeting.

Section 4 - STANDARDS OF CONDUCT

4.01. City Council Members

Council Members shall demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served. Elected officials should exhibit appropriate behavior. All members of the City Council have equal votes and all Council Members speak only for themselves.

4.02. Council Relations with the Media

All City press releases, media advisories, story suggestions, or similar items should be submitted through the Public Information Officer for distribution.

4.03. City Staff (During Meetings)

All remarks and questions addressed to the City Council by staff members shall be addressed to the City Council as a whole and not to any individual member. City staff shall follow proper parliamentary procedure during meetings. ~~The City Manager shall have the right to participate in all matters coming before the Council. The City Attorney and or City Secretary shall serve as the parliamentarian guide for all meetings. All department heads shall take part in discussions of the Council relating to their respective offices, departments or agencies, subject to the provisions of the Texas Open Meetings Act.~~

4.04. Citizens and Visitors

- a. ~~Reactions from the audience following the recognition and rewarding of citizens and special guests is considered appropriate and encouraged. Reactions from the audience during staff presentations to the Council and during debate between Council Members are not appropriate and not permitted.~~ The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.
- b. No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

4.05. City Council Members Absences, Late Arrival & Conduct During Meetings

- a. Each meeting shall commence with a roll call for City Council members.
- b. Notification of intent to be absent shall be provided in writing to the City Secretary prior to the meeting at which the Council Member will not be in attendance.
- c. Notification of a late arrival to a meeting shall be provided via City-issued devices to the City Secretary prior to the meeting at which the Council Member will arrive late.

- d. There shall be no use of mobile phone devices, ~~or electronic devices by texting and/or emailing by~~ City Council Members during an official meeting of the Council in a manner which would create a Texas Open Meetings Act Violation. ~~on any device to insure compliance with the Texas Open Meetings Act.~~

Section 5 - DUTIES AND PRIVILEGES OF COUNCIL MEMBERS

5.01. Seating Arrangement

The Mayor shall determine seating of the Council Members.

5.02. Conflict of Interest

A City Council Member prevented from voting by a conflict of interest, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend executive meetings regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest including Chapter 171 of the Local Government Code, as now or hereafter amended.

5.03. Voting

Voting, except on procedural motions, shall be accomplished by show of hands of members of the Council or by lighting/~~electronic~~ device reflecting the ayes and nays. Tabulation of the voting by the Council vote shall be announced in open meetings by the Mayor or his or her duly appointed representative. All members of the Council may have one vote and only one vote on each item and issue. Four (4) members of the Council, excluding the mayor, shall constitute a quorum. In the event that there are vacancies on the Council, the quorum shall be reduced by the number of vacancies existing. No action by the Council shall be valid unless adopted by the affirmative vote of at least three of those members attending any meeting at which there is a quorum present. [City Charter § 3.09 (c) ~~and as amended~~].

~~A Member of the Council may vote to abstain or refuse to vote only on an issue or matter that would create a conflict of interest for that Council Member as defined herein.~~

5.04. City Council Liaisons

- a. The City Council may appoint its members to serve as City Council Liaisons ("~~Liaisons~~") between the City Council and ~~the various~~ City boards, commissions, associations, corporations, and other City related organizations and entities ("~~Entity~~"). The ~~Liaisons~~ will ~~serve in an advisory capacity and provide guidance, counsel, and communication and exchange of information~~ between the City Council and ~~the Entity~~. ~~Liaisons~~ are encouraged to attend ~~the~~ meetings ~~of their appointed Entity~~.

- b. **Liaisons** shall be appointed by the Mayor with the approval of the City Council for a term of one year, and for other periods deemed necessary and in the best interest of the City. Appointments shall be made at the regular City Council meeting in June of each year, or any other time a liaison appointment becomes necessary and in the best interests of the City. The City Council may, with just cause, remove a **Liaison** by majority vote.
- c. In **the event of a vacancy** the Mayor shall appoint a new **Liaison** member for the unexpired term, subject to the approval of the City Council. If the Mayor fails to make an appointment to fill any vacancy within sixty (60) days from the date of the vacancy or expiration, the remaining members of the City Council may, by majority vote, make an appointment without the Mayor's recommendation.

Section "d" was removed

- d. Liaisons shall not preside over the **Entity** meetings or vote on any matter that comes before the **Entity**, but shall have the right to fully participate in all discussions of matters that come before the respective **Entity**.
- e. At no time shall the **Liaison** act outside the scope of the City of Watauga Home Rule Charter.

Section 6 - CHAIR AND DUTIES

6.01. Chair

The Mayor, if present, shall preside as Chair at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro-tem shall preside **as Chair**. In the absence of both the Mayor and Mayor Pro tem, the remaining City Council Members shall designate one member **of the City Council** as to act as chair and preside for that meeting.

6.02. Preservation of Order

The Chair shall preserve order and decorum, call upon the Police Chief as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion. It is the responsibility of the Chair to keep the comments of Council Members on topic during public meetings.

Section 7 - ORDER OF BUSINESS

7.01. Regular and Special Meetings

Regular and Special meetings will generally adhere to the following agenda:

1. **Workshop Meeting** (as needed)
2. **Call to Order**
3. **Invocation**

4. **Pledge of Allegiance** (United States and Texas Flags)
5. **Announcements**
6. **Discussion and Approval of Meeting Agenda**
7. ~~**Presentations**—Groups or businesses wishing to make presentations to the City Council should submit a written request to the City Secretary seven (7) days prior to the scheduled meeting (if necessary).~~
8. **Citizens Open Forum**
9. **Reports**- The Reports portion of the agenda will be for the City Council to receive reports from City staff, consultants, **City Council Liaisons**, or other individuals.
10. **Consent Agenda** (if necessary)
11. **Public Hearings** (if necessary)
12. **Unfinished Business** (if necessary)
13. **New Business** (if necessary)
14. **Items for Future City Council Meetings**
15. **Executive Session/Meeting** (if necessary)
16. **Adjournment**

7.02 Announcements

The Announcements section of the agenda is to allow members of the City Staff or City Council to make a public statement about an upcoming event(s) of interest to the citizens of Watauga, or to make a statement of recognition for a person, or group, that is not the subject of a presentation. There is no discussion or action to be taken on announcements.

7.03. Discussion and Approval of Meeting Agenda

This portion of the agenda is for Members of the City Council to discuss recommended changes to the agenda content and order. Items may be removed from the agenda, or moved to other categories of the agenda, and the order that items are called to be considered may be changed. No new items may be placed on the agenda. Recommendations for changes to the agenda shall not be open for discussion by members of the public.

7.04. Addressing the City Council

Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Citizens Open Forum, Public Hearings, Unfinished Business, or during the New Business sections of a meeting agenda only after individuals desiring to speak are recognized and called upon by the Chair. Any public input must occur prior to formal action being taken by the Council. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and the efficiency of the meeting.

The City Council shall reserve the right by majority vote in any public meeting to refuse comments from any person who is not a resident and/or business owner within the City of Watauga. Additionally, upon the request of any single member of the City Council, such member of the public shall be required to show proof of his or her residency within the City of Watauga. This section does not apply to known government officials of Tarrant County, the State of Texas, or of the United States of America.

a. Public Comments During Citizens Open Forum

The Citizens Open Forum section of the agenda is an opportunity for citizens to speak to the City Council regarding matters that are not posted on that particular meeting's agenda. At the beginning of the Citizens Open Forum section of the meeting, citizens desiring to speak shall stand* when prompted by the Chair so that they may be recognized and recorded as the individuals who will speak. Only those citizens who stand* during this time of recognition will be allowed to speak. The Chair shall ask each citizen wishing to speak to come to the podium to speak in turn in an orderly manner. Before providing comments, each speaker must state his or her name and address for the record. If speaking for an organization or group, the speaker should identify the group represented. Because this section of the meeting is for matters not posted on that particular meeting's agenda, members of the City Council may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council within forty-eight (48) hours, or as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City Council nor shall it constitute deliberation or formal action.

Individual citizens addressing the City Council during the Citizens Open Forum shall not exceed three (3) minutes in their comments; however, the Chair may extend the speaker's allotted time. Citizens Open Forum is not established to engage in a conversation with the Council and no formal Council action will be taken. Citizens desiring to discuss an item with the Council not on the agenda, or to request specific Council action, should complete the form attached hereto as Annex D, for possible placement on the agenda at a future City Council Meeting.

b. Public Comments During Old Business and New Business

At the introduction of each agenda item during the Old Business and New Business sections of the meeting, citizens desiring to speak shall stand* when prompted by the Chair so that they may be recognized and recorded as the individuals who will speak. Only those citizens who stand* during this time of recognition will be allowed to speak on the given agenda item (i.e., citizens will be allowed to speak at the beginning of each agenda item if they so desire after being recognized, then the Council will deliberate and make any necessary motions and/or votes, etc.). The Chair shall ask each citizen wishing to speak to come to the podium to speak in turn in an orderly manner. Before providing

comments, each speaker must state his or her name and address for the record. Citizens shall not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend the speaker's allotted time. Members of the City Council may ask questions or discuss the item directly with the citizen during the citizen's comments if necessary. Any discussion between a Council member and the citizen will not count toward the three (3) minute limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated three-minute time.

c. Public Comments During Public Hearing

Public Hearings by their very nature are designed for public input. When prompted by the Chair, each citizen wishing to comment shall come to the podium to speak in turn in an orderly manner. Before providing comments, each citizen must state his or her name and address for the record. Individual citizens addressing the City Council shall not exceed three (3) minutes in their comments; however, the Chair may extend the speaker's allotted time.

Section 8 – RULES SUSPENSION

Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the members of the City Council present. The vote on any such suspension shall be taken by "Aye" and "Nay" votes and entered upon the record.

*Any individual who is unable to physically stand shall be allowed to raise their arm to be recognized by the Chair or they may ask another individual to stand on their behalf so that they may be recognized and allowed to speak.

ANNEX A

Fundamental Principles of Parliamentary Law

The Mayor, Council Members, City Manager, City Attorney, City Secretary, and City staff members appearing before the various meetings of the Watauga City Council should become familiar with following rules and customs:

1. All members have equal rights, privileges, and obligations; rules must be administered impartially.
2. The minority has rights, which must be protected.
3. Full and free discussions of all motions, reports, and other items of business is a right of all members.
4. In doing business the simplest and most direct procedure should be used.
5. Logical precedence governs introduction and disposition of motions.
6. Only one question can be considered at a time.
7. Members may not make a motion or speak in debate until they have been recognized by the chair and thus have obtained the floor.
8. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.
9. Members must not attack or question the motives of other members. Customarily, all remarks are addressed to the presiding officer.
10. In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.
11. The majority vote decides. This is a fundamental concept of democracy.
12. All meetings will be characterized by fairness and good faith.

ANNEX B

The Chief Purposes of Motions

PURPOSE	MOTION
Present an idea for Discussion and action	Main motion Resolution Consider informally
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Limit or extend debate Close debate
Delay a decision	Refer to committee Postpone to a certain time Postpone temporarily Recess Adjourn
Meet an emergency	Question of privilege Suspend rules
Gain information on a pending motion	Parliamentary inquiry Request for information Request to ask a member a question Question of privilege
Question the decision of the presiding officer	Point of order Appeal from decision of the chair
Enforce rights and privileges	Division of assembly Division of question Parliamentary inquiry Point of order Appeal from decision of the chair
Consider a question again	Resume consideration Reconsider Rescind Renew a motion Amend a previous action Ratify
Change an action already taken	Reconsider Rescind Amend a previous action
Terminate a meeting	Adjourn Recess

ANNEX C

Parliamentary Strategy

To Support a Motion	To Oppose a Motion
1. Second it promptly and enthusiastically. 2. Speak in favor of it as soon as possible. 3. Do your homework; know your facts; have handouts, charts, overhead projector slides, etc. if appropriate. 4. Move to amend motion, if necessary, to make it more acceptable to proponents. 5. Vote against motion to table or to postpone, unless delay will strengthen your position. 6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes. 7. If defeat seems likely, move to refer to committee, if that would improve chances. 8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory. 9. Have available a copy of the rules of procedure, City Charter, and <i>Robert's Rules of Order, Newly Revised</i>, most recent edition, in case of a procedural dispute. 10. If motion is defeated, move to reconsider, if circumstances warrant it. 11. If motion is defeated, consider reintroducing it at a subsequent meeting.	1. Speak against it as soon as possible. Raise question; try to put proponents on the defensive. 2. Move to amend the motion so as to eliminate objectionable aspects. 3. Move to amend the motion to adversely encumber it. 4. Draft a more acceptable version and offer as amendment by substitution. 5. Move to postpone to a subsequent meeting. 6. Move to refer to committee. 7. Move to recess, if you need time to round up votes or obtain more facts. 8. Question the presence of quorum, if appropriate. 9. Move to adjourn 10. On a voice vote, vote emphatically. 11. If the motion is adopted, move to reconsider, if you might win a subsequent vote. 12. If the motion is adopted, consider trying to rescind it at a subsequent meeting. 13. Have available a copy of the rule of procedure, City Charter, and <i>Robert's Rules of Order, Newly Revised</i>, most recent edition, in case of a procedural dispute.

ANNEX D

REQUEST FOR A COUNCIL MEMBER TO SPONSOR AN ITEM ON A CITY COUNCIL AGENDA

Requests to have an item sponsored by a City Council Member must be submitted to the City Secretary's Office at least **seventeen (17)** days prior to the City Council Meeting for which the request is made. Such requests **MUST BE SPONSORED BY AT LEAST ONE (1) MEMBER OF THE CITY COUNCIL** to be placed on the agenda. All relevant information concerning the matter must be provided by you or the sponsoring Council Member to the City Secretary's Office not later than **seven (7) days prior to the City Council Meeting, and fourteen (14) days prior to the City Council Meeting if the particular agenda item/document requires City Attorney or City Staff approval/review.**

Name: _____

Address: _____ Phone Number: _____

Are you a Resident and/or Business Owner in Watauga? ☐ Yes ☐ No

Please put a check mark next to the name of the City Council Member(s) you would like to sponsor the item			
Mayor		Council Member, Place 4	
Council Member, Place 1		Council Member, Place 5	
Council Member, Place 2		Council Member, Place 6	
Council Member, Place 3		Council Member, Place 7	

Subject to be discussed:

Signature of Requestor

Date

OFFICE USE ONLY): Date and Time request was received: _____ Signature of person receiving request: _____ Date of City Council Meeting to be discussed: _____ Signature of Council Member sponsoring item: _____
--

City of Watauga - 7105 Whitley Road - Watauga, Texas 76148 - (817) 514-5800 - Metro: (817) 498-3408 - Fax: (817) 514-3625



AGENDA MEMORANDUM

DATE: January 4, 2019

TO: Honorable City Council Members

FROM: Council Member Scott Prescher

SUBJECT: Consideration and possible action approving a draft ordinance Ordinance adopting Chapter 6, Article VII, Division 3 of the Watauga Code of Ordinances, providing for the creation of regulations concerning backyard chickens {CAPTION}

BACKGROUND/INFORMATION:

At the December 17, 2018, City Council Meeting, Council Member Scott Prescher presented information. Staff with the assistance of the City Attorney completed the attached draft ordinance to allow backyard chickens. Several ordinances were reviewed to develop the attached draft that combines the requested information.

FINANCIAL IMPLICATIONS:

Additional costs of staff time are uncertain.

RECOMMENDATION/ACTION DESIRED:

Review the draft ordinance and determine if it meets the requested standard.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. City Attorney Letter of Approval and Proposed Ordinance Draft

REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/07/2019
Final Approval - 01/07/2019

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
NATIONAL BOARD OF TRIAL ADVOCACY

SUNDANCE SQUARE
115 WEST SECOND STREET, SUITE 202
FORT WORTH, TEXAS 76102

(817) 332-3822
FACSIMILE (817) 332-2763

OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

January 11, 2019

Mrs. Zolaina Parker
City Secretary
City of Watauga
7105 Whitley Road
Watauga, Texas 76148

Via E-mail

Re: *Ordinance adopting Chapter 6, Article VII, Division 3 of the Watauga Code of Ordinances, providing for the creation of regulations concerning Backyard Chickens*

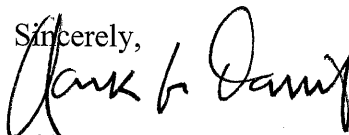
Dear Mrs. Parker:

Please find attached an Ordinance prepared by my office adopting Chapter 6, Article VII, Division 3 of the Code of Ordinances for the City of Watauga. This Division of the Code has been adopted to provide for the creation of regulations concerning the keeping and harboring of backyard chickens, as requested by Councilmember Prescher. The proposed ordinance provides sections regarding definitions, the type of backyard chickens allowed, the related permitting process, the standards for keeping backyard chickens including construction standards for coops and exercise yards, public nuisances concerning backyard chickens, the keeping of prohibiting fowl, and the revocation process of related permits.

Whether the City Council receives this Ordinance for possible approval or further review is a decision the City Council must make. I can incorporate further revisions or take whatever direction the City Council determines is appropriate.

Thank you for your attention to the above and the opportunity to be of assistance. If you have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,



MARK G. DANIEL

MGD/jjv

cc: David Griffin, *Mayor Pro Tem*
Ms. Andrea Gardner, *City Manager*

CITY OF WATAUGA, TEXAS
ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS ADOPTING CHAPTER 6, ARTICLE VII, DIVISION 3 OF THE CODE OF ORDINANCES OF THE CITY OF WATAUGA, TEXAS; PROVIDING FOR THE CREATION OF REGULATIONS CONCERNING THE KEEPING AND HARBORING OF BACKYARD CHICKENS; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Watauga, Texas ("City") recognizes that there is a desire amongst its residents to keep and harbor backyard chickens for the purpose of providing organic egg production; and

WHEREAS, the City acknowledges that thorough regulation and enforcement for keeping and harboring backyard chickens is necessary to prevent potential nuisances related to the harboring of such animals;

WHEREAS, the City recognizes the necessity of establishing and regulating: the type of backyard chickens allowed, the related permitting process, the standards for keeping backyard chickens including construction standards for coops and exercise yards, public nuisances concerning backyard chickens, the keeping of prohibiting fowl, and the revocation process of related permits.

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

I.

Chapter 6, Article VII, Division 3 of the Code of Ordinances for the City of Watauga, Texas, concerning Backyard Chickens, is hereby adopted to read as follows:

**ARTICLE VII. – LIVESTOCK AND FOWL
DIVISION 3. BACKYARD CHICKENS**

Sec. 6-374. – Definitions.

Backyard chicken means a female chicken (hen) which is possessed or harbored for providing organic egg production in compliance with this Article.

Chicken coop means an enclosed structure which meets the construction standards set forth in Section 6-378 (“Construction standards for chicken coops and exercise yards”).

Exercise yard means the enclosure attached to the chicken coop that provides exercise for the backyard chickens and prohibits the backyard chickens from escaping such enclosure, which meets the construction standards set forth in Section 6-378 (“Construction standards for chicken coops and exercise yards”).

Prohibited fowl means roosters, chickens, turkeys, pheasants, quail, guineas, geese, ducks, pigeons, peacocks, emu, ostriches and other similar feathered animals regardless of age or sex which are kept on property within the City but which shall not include backyard chickens kept in accordance with this Article.

Sec. 6-375. - Backyard Chickens allowed; permits.

- (a) A person may harbor or possess not less than three (3) and no more than six (6) backyard chickens on residential property or on property owned or leased by the City, a school, or an educational facility within the City after first having obtained a permit from the City for such location and payment of a nonrefundable application fee set forth in the fee schedule found in Chapter 12.
- (b) *Permit application.* A person who desires to harbor or possess backyard chickens on residential property within the City on which the person identifies as the person's primary residence shall:

- (1) Submit an application for a permit to Animal Services on a form provided by the City accompanied by a site plan showing the proposed location for the chicken coop on the property, and a floor plan and side elevations for the chicken coop to be located on the property;
 - (2) Pay a nonrefundable registration fee in the amount set forth in the fee schedule found in Chapter 12;
 - (3) If the applicant is a person other than the owner of the property on which the backyard chicken(s) will be kept, submit with the permit application written authorization from the property owner to keep backyard chickens on the property identified in the permit application, which authorization must bear the property owner's signature;
 - (4) Successfully attend and complete an education program offered by the City for the keeping of backyard chickens and submit the certificate of completion of the program with the application for permit; and
 - (5) The premises for which an application is submitted shall be inspected upon initial application to determine a backyard is large enough for the construction of a chicken coop and exercise yard that will meet the standards set forth in this Article.
- (c) Not more than one permit may be issued for an individual property, tract or residential lot.
- (d) The permit is non-transferable and shall be valid and effective until the permit holder no longer resides at the property for which the permit was issued, in the event the person ceases to harbor or keep backyard chickens on the property, or the permit is otherwise revoked pursuant to this Article.
- (e) The permit shall not supersede, replace or control over any recorded deed restrictions, covenants or other restrictions applicable to such residential property.

Sec. 6-376. - Standards for keeping Backyard Chickens.

A person keeping backyard chickens on residential property within the City shall comply with the following:

- (1) Not more than six (6) backyard chickens may be kept on an individual property, tract or residential lot;
- (2) Backyard chickens shall be kept within a secure chicken coop constructed with three or more sides with a roof or other cover capable of allowing the chickens within the coop to remain dry and protected from the elements and which provides for direct access by an enclosed passage between the roosting area and exercise yard. Backyard chickens shall be

kept within the chicken coop and exercise yard except when being removed to be transported off the property, or returned from a location off the property; provided, however, backyard chickens under the direct supervision and control of, and in the presence of, an adult may be allowed to roam in the rear yard outside of the chicken coop and exercise yard if the entire rear yard is secured by an enclosed perimeter fence;

- (3) No more than one chicken coop and one exercise yard shall be allowed on the property and must be located in the rear half of the lot not less than five (5) feet from any property line;
- (4) The height of the chicken coop shall not exceed the greater of six (6) feet or the lowest height of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight (8) feet in height;
- (5) The chicken coop shall provide at least five (5) square feet of area per backyard chicken, but in no case, exceed a total of eighty (80) square feet of area; and
- (6) The exercise yard shall be not less than fifteen (15) square feet in area per backyard chicken not exceed a total of one hundred and twenty (120) square feet in area.

Sec. 6-377. – Public Nuisances Concerning Backyard Chickens

- (a) A person keeping backyard chickens on residential property within the City shall not willfully or knowingly make or create an unreasonable disturbance to the neighbors or the occupants of adjacent premises or persons living in the vicinity thereof. It shall create a presumption that a person has knowledge that the backyard chicken or chickens under their control are making or creating an unreasonable disturbance if such person has been notified by Animal Services or any peace officer of such disturbance and (1) failed or refused to correct such disturbance; or (2) prevent its recurrence.
- (b) Chicken coops and exercise yards must be maintained in a sanitary condition and the accumulation of backyard chicken waste on the property is prohibited;
- (c) Adequate food, shelter, water, and care shall be provided in a humane manner to the backyard chicken(s);
- (d) All hay, grain and feed shall be enclosed in such a manner that the same is not accessible to rats, flies, mosquitos or other rodents and insects;
- (e) The feeding of vegetables, meat scraps and garbage shall be done only in impervious containers on an impervious platform;

- (f) Watering troughs or tanks shall be provided by the permit owner, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitos or other insects;
- (g) Nuisance odors or excessive noise shall not be allowed to travel beyond the property line and disturb neighbors of ordinary sensibilities;
- (h) Manure and droppings shall be removed from pens, yards, coops and other enclosures regularly and handled or disposed of in such a manner as to keep the premises free of any nuisance;
- (i) No backyard chicken or backyard chicken byproducts, including, but not limited to eggs, may be sold by, under the direction of, or with the consent of the permit holder;
- (j) Medical treatment from a Texas-licensed veterinarian must be timely obtained by the permit holder and provided to any backyard chicken(s) showing symptoms of illness or injury; and
- (k) Any processing of deceased backyard chickens shall not occur in any area visible from the public right-of-way.

Sec. 6-378. - Construction standards for chicken coops and exercise yards.

- (a) *Chicken coops.* Chicken coops shall be constructed in accordance with the following requirements:
 - (1) The chicken coop must be constructed in a workmanship like manner of naturally decay-resistant wood, or wood that has been pressure treated to resist decay or galvanized steel or aluminum;
 - (2) Exposed wood material of the chicken coop shall be stained, sealed or painted to provide additional weather protection to the material;
 - (3) The chicken coop may be located above the exercise yard; and
 - (4) The tallest part of the chicken coop shall not exceed the greater of six feet above grade or the lowest height above grade of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight feet in height above grade, measured at the lowest elevation property line in the rear yard, even if located on top of the exercise yard.
- (b) *Exercise yard construction.* Exercise yards shall be constructed in accordance with the following requirements:

- (1) The exercise yard shall be constructed in a workmanship like manner of a frame of naturally decay resistant wood, wood that has been pressure treated to resist decay, galvanized steel or aluminum;
- (2) Any wood used on the exercise yard frame shall be stained, sealed or painted;
- (3) The exercise yard frame shall be maintained in good and sound condition; and
- (4) The exercise yard frame shall securely hold the wire enclosure on all edges of the enclosure.

Sec. 6-379. – Keeping of prohibited fowl unlawful.

It shall be unlawful for any person to keep, stable, board, possess, harbor or house any prohibited fowl on premises under the person's control within the city limits of the City of Watauga.

Sec. 6-380. - Roosters and crowing Backyard Chickens not authorized.

- (a) A permit issued pursuant to this Article does not authorize the possession or keeping of a rooster on any property within the City. It is an offense for any person to keep, harbor or possess a rooster within the City. A person convicted of such offense shall be subject to a penalty of a fine in an amount not to exceed one thousand dollars (\$1,000.00).
- (b) It shall be a defense to a violation of this Section if on the date of the offense if the permit holder did not reasonably know the sex of the fowl, and the rooster was sixty (60) days old or younger.
- (c) A permit issued pursuant to this Article does not authorize the possession or keeping of a crowing backyard chicken on any property within the City. It is an offense for any person to keep, harbor or possess a crowing backyard chicken within the City. A person convicted of such offense shall be subject to a penalty of fine in an amount not to exceed one thousand dollars (\$1,000.00). A crowing backyard chicken shall mean:
 - (1) A backyard chicken which crows in a similar manner to a rooster; and
 - (2) Creates excessive noise which travels beyond the property line and disturbs neighbors of ordinary sensibilities; and
 - (3) for which a noise violation complaint has been sustained in Municipal Court.

Sec. 6-381. - Keeping excess Backyard Chickens.

A person commits an offense if the person possesses or keeps more than six (6) backyard chickens on any property within the City. Each day that a person keeps or possesses more than six (6) backyard chickens on property within the City shall constitute a separate offense. A person convicted of an offense under this section shall be subject to a penalty or fine in an amount not to exceed one hundred dollars (\$100.00) for each backyard chicken in excess of six (6) that the person has possessed or kept on property within the City.

Sec. 6-382. —Other Violations; enforcement.

The Animal Services officer shall have the authority to issue citations for any violation(s) under this Article.

The Animal Services officer shall have the right to ingress and egress on private property for the purpose of ensuring compliance with this Article.

Sec. 6-383. - Revocation of permit.

- (a) A permit issued by the City pursuant to this Article may be revoked upon a finding by the Animal Services Manager after written notice to the permit holder that the permit holder has violated any provision of this Article. The permit holder may appeal the revocation to the City Manager, or designee whose decision shall be final. The permit holder shall have until 5:00 p.m. of the second business day following receipt of the notice of revocation to appeal the permit revocation to the City Manager by submitting such appeal in writing to the City Manager. The appeal shall be heard by the City Manager within ten business days following receipt of a timely notice of appeal at a hearing at which the Animal Services and permit holder may submit oral and documentary evidence and testimony, and are provided an opportunity to ask questions of witnesses. No rules of evidence will apply to the conduct of such hearing. The City Manager, or designee, shall make a final determination to either repeal or uphold the permit revocation, which decision shall be final. If the permit holder fails to timely file an appeal of the permit revocation, or if the City Manager, or designee upholds the permit revocation following an appeal, the permit holder will have seventy-two (72) hours to remove the backyard chickens from the City following the date the notice of revocation is delivered to the permit holder or the date the City Manager, or designee denies the appeal of the permit revocation, whichever is later.
- (b) A permit issued by the City pursuant to this Article shall be revoked upon a finding by Animal Services that the permit holder has been convicted of three or more violations of the Code of Ordinances including this Article. A permit revoked pursuant to this subsection (b) is not appealable and such person (and such premises while owned or occupied by such person) shall not be eligible for a permit for back yard chickens under this Article.

Secs. 6-384—6-400. - Reserved.

II.

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 ordinance(s) are hereby repealed.

III.

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

IV.

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, on the _____ day of _____, 2019.

APPROVED:

David Griffin, Mayor Pro Tem

ATTEST:

Zolaina R. Parker, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Mark G. Daniel, City Attorney



AGENDA MEMORANDUM

DATE: December 22, 2018

TO: Honorable City Council Members

FROM: Lana Ewell, Director of Library Services

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consideration and action authorizing staff to pursue and execute a professional services agreement for architectural services associated with the completion of a facility needs assessment for the Watauga Public Library with Brinkley Sargent Architects in an amount of \$59,790

BACKGROUND/INFORMATION:

The Watauga Public Library began service to the public in October of 1983. The Library was located in a 676 square foot room in the Municipal Complex. It opened with a collection of 1,826 books. During the seven years that the Library was housed in the Municipal Complex, staff was only able to circulate 30% of the growing collection due to a shortage of shelving space. On September 24, 1990, the Library moved to its current facility, located north of the City Hall. In 2007 an expansion of the library was completed to keep pace with increased usage. This brought the library to a total of 20,413 square feet. There are currently two large study rooms that seat four to six people and four small study rooms that seat two people. A meeting room with an occupancy of 62 provides space for medium-sized library events and is in almost constant use.

At the present time the library houses over 118,000 items. For the fiscal year ending September 2018, the Library's door count showed a total of 119,262 visits, and 292,683 items were checked out to users. During this same fiscal year, 1,844 programs were offered to youth and adults, with a program attendance of 42,018 persons. Library events include toddler and pre-school story times, after-school programs, book discussions and lectures, and a variety of musical and cultural events. The Library's Summer Reading Club is one of the most successful programs in this area. In addition to standard reference, readers' advisory, and research assistance, the Library provides a Homework Help Center, language literacy tutoring, 22 public computer workstations, notary public and fax services. The Library also provides a separate Spanish language collection for both children and adults. There is a Virtual Library at the Senior Center. The Library is open to the public six days a week, for a total of 44 service hours.

The Watauga Public Library participates in the MetroPAC Consortium, which provides residents access to over two million items, sharing an integrated library catalog with six other area libraries, including Fort Worth Public Library. The Library also has reciprocal agreements with five other Northeast Tarrant County libraries. The consortium and reciprocal agreements allow our users to take advantage of collections and programs in most Tarrant County libraries free of charge.



AGENDA MEMORANDUM

The Watauga Public Library is a strategic community gathering place. We consistently have the highest program attendance of the public libraries in the area. This has led to crowding at events and lack of available meeting & study rooms. Complaints regarding noise and crowding occur. Limited space for events, shelving, and storage restrict staff's ability to meet local needs and expectations.

Multiple events are often occurring at the same time in close proximity due to a lack of space and a full calendar. Staff makes every effort to engage the public in the events they ask for. Patron requests for programs are a top service priority. Lives are changed with adult education classes like GED and ESL when citizens are able to secure better jobs and contribute more to the community tax base. Families grow closer together with classes like story times and varied family events like Big Vehicle Day and Trivia Nights.

Library staff have run five surveys in the recent past (2008, 2011, 2014, 2015/16, and 2018) to gather information from the public. Responses have indicated that the customers believe the library needs to be larger, open more hours, offer more classes & events, and be responsive to technological needs.

FINANCIAL IMPLICATIONS:

Funded by 2018 Certificates of Obligation proceeds. The total cost of the Needs Assessment is \$59,790. Sufficient funds exist to cover the Professional Services Agreement.

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. PROPOSAL FOR ARCHITECT LIBRARY CONSULTING SERVICES 2018-04-10

REVIEWED BY:

Lana Ewell, Director of Library Services
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/04/2019
Approved - 01/10/2019
Approved - 01/10/2019
Final Approval - 01/11/2019

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
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SUNDANCE SQUARE
115 WEST SECOND STREET, SUITE 202
FORT WORTH, TEXAS 76102

(817) 332-3822
FACSIMILE (817) 332-2763

OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

January 11, 2019

Via Email

Ms. Lana Ewell, Library Director
Watauga Public Library
7109 Whitley Road
Watauga, Texas 76148

Re: *Brinkley Sargent Wiginton Architects
Architecture Consulting Services Proposal*

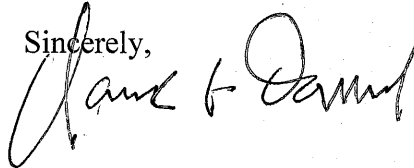
Dear Ms. Ewell:

Pursuant to your request, I have reviewed the Architecture Consulting Services Proposal from Brinkley Sargent Wiginton Architects to the Watauga Public Library for the development of a needs assessment for the Public Library and subsequent plan for renovation and expansion of the existing facility. I approve of this Proposal and it is my recommendation that the Proposal be presented at the next City Council meeting for consideration and approval.

As always, I would defer to staff regarding validation and reasonableness of cost figures.

Thank you for your attention to the above and the opportunity to be of assistance. Should you have any questions, please do not hesitate to contact my office.

Sincerely,



MARK G. DANIEL

MGD/tp

cc: Mayor Pro tem David Griffin
Ms. Andrea Gardner, City Manager
Ms. Zolaina R. Parker, City Secretary



April 10, 2018

Lana R. Ewell, MLS, MOT
Library Director
Watauga Public Library
7109 Whitley Road
Watauga, Texas 76148

RE: Watauga Public Library Expansion

Dear Ms. Ewell:

We are pleased to submit this Architecture Consulting Services Proposal for the development of a Needs Assessment for the Public Library & Subsequent plan for renovation and expansion of the existing facility to meet future needs.

Scope of Work:

- a. Provide staffing analysis to develop Needs Assessment for 10 and 20 years.
- b. Existing building renovation and expansion option to meet future needs.
- c. Reference Exhibit A for description of tasks.

Study Assumptions:

- a. Study does not include a structural review of existing building.
- b. Environmental assessment of existing building is not included in these services.
- c. Existing site meets City zoning standards.
- d. As-built drawings of existing building are available. This study does not include development of as-built drawings.
- e. Refer to Exhibit A for final deliverables.

City Provided Data

- a. Organizational chart of the public library.
- b. Library output data (holdings, program attendance, renewals).
- c. Library user data (number colder holders, user activity, user demographics).
- d. Count of City vehicles.
- e. Population projects and demographic makeup of City, as available.

NOTE: Existing data delivered to the Architect by the City remains the property of the City and must be returned to the City after completion of project.

Schedule

- a. Architect will issue requests for described information contained within study proposal from Library Department within one week of notice to proceed. Schedule commences upon receipt of requested information from Library Department.

Dallas

5000 Quorum, Suite 600
Dallas, Texas 75234
T 972.960.9970

www.BSW-Architects.com

Austin

1005 E. St. Elmo, Bldg. 8
Austin, Texas 78745
T512.610.4700

<u>Meetings</u>	<u>Activities (refer to Exhibit A for assigned tasks)</u>
1 – 3	Tasks 1 and 2 (phase 1)
4	Task 5 (phase 1)
5	Task 6 (phase 1)
6	Task 7 (phase 1)
7-9	Task 8 (phase 1). Meetings 7 – 9 occur as necessary.

Schedule assumes 12 weeks to issuance of draft report.

Compensation for Services

Phase 1 - Needs Assessment & Reimbursable Expenses

- BSW Architects	\$ 7,290
27 hours x \$270/hour (Senior Principal)	
Work to be billed hourly to a maximum of \$ 7,290	
- Bill Hidell Architects (refer to Exhibit A)	\$14,200
- Construction Cost Consultant	\$ 3,000
- Reimbursable Costs	<u>\$ 2,500</u>
Reimbursable expenses are based upon an agreed regular schedule of meetings. These expenses include travel, meals, printing, and photographs.	

Compensation assumes electronic issue of Draft and Final Report as well as one bound issue of Final Report.

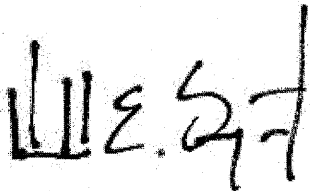
Phase 1 Total **\$26,990**

Phase 2 (optional) – Long Range Plan

- Bill Hidell Architects (refer to Exhibit A)	<u>\$32,800</u>
Phase 2 Total	\$32,800

Phase 1 and 2 Totals **\$59,790**

We look forward to working with the City on this important project.



Harold E. Sargent, AIA
President

cc: Bill Hidell, Bill Hidell Architects
Denny Boles, BSW Architects

EXHIBIT A

HIDELL

ASSOCIATES
ARCHITECTS

April 10, 2018

Denny Boles AIA
Senior Principal
Brinkley Sargent Wiginton Architects
1005 East St. Elmo Building 8
Austin Texas 78745

Re: Proposal for Establishing Space needs and a Long-Range Plan for the Watauga Public Library

Dear Denny,

Hidell and Associates Architects (HAA), is pleased to offer this fee proposal and description of work based on our conversation with you and Lana Ewell Library Director Watauga Public Library on Tuesday, March 27, 2018 for developing standards and future recommendations for the Watauga Public Library for the year 2020 and 2030.

The following proposed tasks will allow for the development of priorities, goals and objectives of the Watauga Public Library Long Range Plan, enabling each issue to inform the decision process. The goal of this study is to identify and address the "Library of the Future" for the Watauga Community, creating flexible and blended spaces; focusing on the electronic delivery of information; state-of-the-art technologies; lively and contemplative gathering spaces promoting community interaction; and collections and displays which will encourage discovery. We will work closely with the key stakeholders (Library Director, City and Library Staff, Library Board, Friends of the Library and targeted community representatives) to ensure that all relevant information is analyzed and addressed. This process will allow all involved to have a shared understanding of the values, process and goals leading to a "shared future (10 and 20 year) vision" for the Watauga Public Library and Watauga community.

Phase 1: Identify Preliminary Library Building Area Recommendations

Objective: HAA will acquire existing documentation from the, Watauga Public Library, City of Watauga, and Council of Governments (COG) to establish 10 and 20-year population projections and building area recommendations.

Tasks:

1. Develop building area recommendation to support library collections, programs and services through the year 2020.
2. Develop building area recommendation to support library collections, programs and services through the year 2030.
3. Obtain Library Output Data (Holdings, Circulation, Program Attendance, Renewals)
4. Obtain Library User Data (Number of Card Holders, User Activity, User Demographics)
5. Identify building expansion options at existing site only.
6. Conduct work session with library staff.
7. Prepare Estimates of Probable Project Costs
8. Recommendation presentations:
 - City Council
 - Library Advisory Board/Friends of the Library.

Deliverables:

One bound and one electronic copy of all study findings and recommendations.

Phase 2: **Develop a Library Long Range Plan for the Watauga Public Library in support of a bond referendum.**

Objective: Using the data collected in Phase 1 HAA will conduct a series of work session(s) with key community stakeholders and design and conduct an online survey of the Watauga Community to define long term visions, priorities, goals and objectives of the Watauga Public Library.

Tasks:

1. Conduct focus work session with;
 - Civic organization (i.e. Rotary, etc.)
 - Young Parents
 - Business organization (i.e. Chamber of Commerce, ISD etc.)
 - Seniors
 - Teens
 - Public
2. Design and conduct City wide survey (i.e. survey monkey).
3. Prepare 2020 – 2030 Watauga Public Library Long Range Plan.
4. Conduct Town Hall/Public presentations:
 - City Council
 - Library Advisory Board/FOL
 - General Public
5. Prepare final report findings

Deliverables:

One bound and one electronic copy of all study findings and recommendations.

The following is our proposed fee for the following phases (1 – 2).

Proposed Fee:

Phase 1 Identify Preliminary Library Building Area Program

Task 1	2020 Building area recommendation	\$ 2,500
Task 2	2030 Building area recommendation	\$ 2,000
	• Task 1 and Task 2 will be comprised of a max. of (3) meetings.	
Task 3	Library output data	\$ 500
Task 4	Library user data	\$ 500
Task 5	Site review and recommendations	\$ 2,600
	• Task 5 will be limited to (2) site/design options	
	• Task 5 will be limited to (1) meeting	
Task 6	Library staff focus session	\$ 1,200
	• Task 6 will be limited to (1) meeting	
Task 7	Estimates of probable project cost	\$ 2,500
	• Task 7 will be limited to (1) meeting	
Task 8	Recommendation presentations	<u>\$ 2,400</u> (\$800/ presentation)
	• Task 8 will be limited to (3) presentations (City Council, Library Board and Staff)	
Total Phase 1 fee:		\$14,200

Phase 2. Develop a Library Long Range Plan for the Watauga Public Library

Task 1	Key stakeholder focus sessions	\$ 7,200 (\$1,200/ work session)
Task 2	Conduct focus work session with library advisory board and library friends	\$ 1,200
Task 3	Community survey	\$ 3,000
Task 4	Long Range Plan document	\$16,200
Task 5	Town Hall presentations	\$ 3,000
Task 6	Final findings report	\$ 2,200
Total Phase 2 fee:		\$32,800

Total proposed Phase 1 – 2 Fee **\$47,000**

Reimbursable expenses for travel, printing and presentation material will be billed at direct cost.

Long Rang Plan Schedule:

Phase 1 – Twelve Weeks

Phase 2 -- Three months

If this proposal is acceptable, please sign authorizing Hidell and Associates to proceed.
We look forward to working with you on this project.

Sincerely,
Hidell and Associates Architects



Bill Hidell, AIA
President

Signed By

Date

CC. Tony Blaas, Hidell Architects



AGENDA MEMORANDUM

DATE: January 3, 2019

TO: Honorable City Council Members

FROM: Robert Parker, Chief of Police

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consideration and action authorizing staff to pursue and execute a professional services agreement between the City of Watauga and Brinkley Sargent for services associated with the needs assessment for the Watauga Police Department in the amount of \$47,000

BACKGROUND/INFORMATION:

In 2008 the current Watauga Police Facility renovation was completed. The original building was built in 1979 as the City Hall, Court, Library, Water Department and the Department of Public Safety (police and fire). The building is on a pier and beam foundation with a natural spring under the building.

The renovation was performed without consideration of future growth or needs of the department and the renovation did not address the space formerly used by the Watauga Fire Department after they moved into their new facility.

The needs assessment will provide an in-depth evaluation of the facility and how it can best be utilized today and in the future.

The services requested of Brinkley Sargent Wigginton also includes a comprehensive staffing study to ensure and determine appropriate staffing levels based on the level of service to be provided to our citizens.

FINANCIAL IMPLICATIONS:

Funds are available for this item via the 2018 Certificate of Obligation. Total funds required for the assessment are not to exceed \$47,000.00. The original quote for the professional services was received on March 9, 2018. request for an updated quote was made and BSW staff Denny Boles advised no change in price.

RECOMMENDATION/ACTION DESIRED:

Recommend action be taken to authorize the expenditure for the professional services of BSW to perform a needs assessment for the Watauga Police Department.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. BSW Letterhead PROPOSAL FOR ARCHITECT CONSULTING SERVICES
2018-03-09
2. MGD Approval Letter for BSW

REVIEWED BY:

Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/07/2019
Approved - 01/07/2019
Final Approval - 01/07/2019



March 9, 2018

Robert Parker
Chief of Police
City of Watauga
Police Department
7101 Whitley Road
Watauga, Texas 76148

RE: Watauga Police Department

Dear Chief:

We are pleased to submit this Architecture Consulting Services Proposal for the development of a Needs Assessment for the Police Department & Subsequent plan for renovation and/or addition of the existing facility to meet future needs. We will also provide budgeting of a new building for city consideration:

Scope of Work:

- a. Provide staffing analysis to develop Needs Assessment for 20 years.
- b. Existing building renovation and expansion option to meet future needs.
- c. New building on city selected site to meet future needs.
- d. Reference Exhibit A for description of tasks.

Study Assumptions:

- a. Study does not include a structural review of existing building.
- b. Environmental assessment of existing building is not included in these services.
- c. Existing site meets City zoning standards.
- d. As -built drawings of existing building are available. This study does not include development of as- built drawings.
- e. Final deliverables will include:
 - a. Program of spaces
 - b. Site development drawings
 - c. Conceptual renovation plans to establish phasing of renovation option
 - d. Project estimates
 - e. Conceptual rendering of final selected option

City Provided Data

- a. Organizational chart of the police department.
- b. Count of City vehicles.
- c. Population projects and demographic makeup of City, as available.

NOTE: Existing data delivered to the Architect by the City remains the property of the City and must be returned to the City after completion of project.

Dallas

5000 Quorum, Suite 600
Dallas, Texas 75234
T 972.960.9970

www.BSW-Architects.com

Austin

1005 E. St. Elmo, Bldg. 8
Austin, Texas 78745
T512.610.4700

Schedule

- a. Architect will issue data collection forms and requests for general information from department within one week of notice to proceed. Schedule commences upon receipt of data collection forms from Police Department.

Meetings Activities

- | | |
|-----|---|
| 1/2 | Needs assessment development |
| 3 | Final needs/conceptual development options |
| 4 | Existing building review / concepts / site analysis / preliminary budgets |
| 5 | Final plans / renderings / budgets |

Schedule assumes 14 weeks to issuance of draft report.

Compensation for Services & Reimbursable Expenses

EXHIBIT A Watauga Police Study Project Task Plan & Fee Analysis

		Senior Principal	Senior Programmer	Senior Principal	Architect	Designer	Consultant	Total Cost
Task	Description	\$270	\$135	\$270	\$145	\$125		
A	Existing TAS Review						3500	\$ 3,500
B	Existing Site Analysis				2			\$ 290
C	Needs Assessment		84			22		\$ 14,090
D	Conceptual Renovation Option	8				26		\$ 5,410
E	Conceptual New Buildings Site Analysis	2			6			\$ 1,410
F	Rendering of Final Project				17			\$ 2,465
G	Budgets / Estimates Renovations & New Building	4					3000	\$ 4,080
H	Draft Report		21			10		\$ 4,085
J	Final Report		6			0		\$ 810
K	Site Meetings	16	18	8				\$ 8,910
L	Reimbursable Costs							\$ 1,950
Total Fees & Reimbursable								\$47,000

- a. All work to be billed hourly to a maximum of \$47,000 including reimbursable expenses.
- b. Reimbursable expenses are based upon an agreed regular schedule for meetings. These expenses include travel, meals, printing, photographs, and facsimile transmissions and copies
- c. Budget assumed Draft and Final Report will be issued electronically.

We look forward to working with the City on this important project.

Harold E. Sargent, AIA
President

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
NATIONAL BOARD OF TRIAL ADVOCACY

SUNDANCE SQUARE
115 WEST SECOND STREET, SUITE 202
FORT WORTH, TEXAS 76102

(817) 332-3822
FACSIMILE (817) 332-2763

OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

January 4, 2019

Via Email

Chief Robert Parker
Watauga Police Department
7105 Whitley Road
Watauga, Texas 76148

Re: *Brinkley Sargent Wiginton Architects
Architecture Consulting Services Proposal*

Dear Chief Parker:

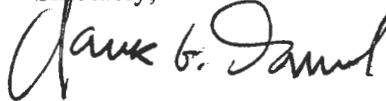
Pursuant to your request, I have reviewed the Architecture Consulting Services Proposal from Brinkley Sargent Wiginton Architects to the Watauga Police Department for the development of a needs assessment for the Police Department and subsequent plan for renovation and/or addition of the existing facility as well as providing a proposed budget for a new building for the City.

I approve of this Proposal and although there is no necessity to present the same to City Council, it is my recommendation that the Proposal be presented at the next City Council meeting for consideration and approval.

As always, I would defer to staff regarding validation and reasonableness of cost figures.

Thank you for your attention to the above and the opportunity to be of assistance. Should you have any questions, please do not hesitate to contact my office.

Sincerely,



MARK G. DANIEL

MGD/tp

cc: Mayor Pro tem David Griffin
Ms. Andrea Gardner, City Manager
Ms. Zolaina R. Parker, City Secretary



AGENDA MEMORANDUM

DATE: January 3, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consideration and possible action approving a draft ordinance establishing water and sewer rates and change in the current senior rate structure to a flat senior discount of \$5.00 per service

BACKGROUND/INFORMATION:

As directed by Council in December, 2018, staff has reworked the Utility Rate Study and drafted a proposed ordinance for Council review. The elements listed below have been completed and/or included:

- 2018 water consumption data;
- Verification of utility rate study formulas and elements;
- Calculation of current year and future year revenue requirements to include \$8 million in identified water and wastewater capital projects and associated debt issuance costs;
- Conversion of current senior rate to a flat dollar senior discount for both the water and wastewater services (\$5.00 each service);
- Remove 2,500 residential cap for sewer usage (City uses winter quarter averaging for residential sewer billing).

In summary, the current year (FY 2018-19) water and sewer deficit, or revenue shortfall totals \$183,928. The debt issuance of \$8 million in the fall of 2019 will add approximately \$600,000 to the deficit in FY2019-20. In addition, the water and sewer fund will likely experience increases in the cost of services in the next several years. The detailed results of the Utility Fund Revenue Requirements are attached.

In order to reduce or eliminate the deficit, Council has various options.

Option 1 - eliminate current year FY2018-19 deficit and apply \$1.50 to water, \$.50 to



AGENDA MEMORANDUM

sewer base rates.

Customer Impact from Option 1 - Increase of \$2.00 to residential monthly water bill.*

Option 2 - Eliminate FY2018-19 and FY2019-20 deficit and apply \$2.75 to water base rate and 4% increase in volume rate, \$2.50 to sewer base rate and 6% increase in volume rate.

Customer Impact from Option 2 - Increase of approximately \$8.00 to residential monthly water bill for a customer using 802 cubic feet (2000 gallons).*

Option 3 - Phase in approach to eliminate FY2018-19 deficit and reduce FY2019-20 deficit. Apply \$1.50 to water base rate, \$1.50 to sewer base rate and increase volume rates by 1/2 of amount needed for next fiscal year to cover debt service for new capital projects. This would increase water volume rate by 2% and sewer volume rate by 3%.

Customer Impact from Option 3 - Increase of approximately \$5.00 to monthly water bill for a customer using 802 cubic feet (2000) gallons.*

Option 4 - Do not apply rate increase in FY2018-19 and eliminate deficit in FY2019-20 budget year. Deficit is anticipated to be approximately \$819,000.

Customer Impact from Option 4 - None in current year, larger increase to be applied in fall of 2019.

A draft ordinance that shows the option 3 rate application (phase in rate) is attached for Council review. This may be changed based on Council direction.

**The increase to monthly senior bills vary due to the change from a senior rate structure to a flat senior discount per service. The increase a senior citizen will experience will vary due to consumption as the current senior rate provides for a discount on the base bill and the volumetric rate. The discount structure provides for a \$5.00 discount for both the water and sewer services, or \$10.00 per month for eligible seniors.*

FINANCIAL IMPLICATIONS:

Application of rate adjustments necessary to increased operations, maintenance and capital projects costs.



AGENDA MEMORANDUM

RECOMMENDATION/ACTION DESIRED:

Consideration and possible action approving a draft ordinance establishing water and sewer rates and change in the current senior rate structure to a flat senior discount of \$5.00 per service

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Utility Fund Rate Study Revenue Requirements
2. Draft Ordinance - Water and Sewer Rates 2019
3. IMPACT OF RATE OPTIONS - 2,000-8,000 GALLON USAGE

REVIEWED BY:

Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/09/2019
Final Approval - 01/10/2019

Utility Fund Revenue Requirements Summary
Based on 2019 Adopted Budget + 2 year future forecast

	2019 Adopted	2020 Forecast Budget	2021 Forecast Budget
Operations & Maintenance			
Personnel	1,636,840	1,677,427	1,719,060
Supplies & Maintenance	186,000	187,860	189,739
Contractual/Sundry	854,168	857,424	860,712
Water & Wastewater charges	4,140,000	4,241,700	4,368,951
Total O&M	6,817,008	6,964,410	7,138,462
Other	0	0	-
Capital Outlay	2,000	2,000	2,000
Debt (Current)	1,275,000	1,255,000	1,255,000
Debt (Future)	0	600,000	600,000
Transfers	711,500	711,500	711,500
Depreciation	0	0	-
Total Other	1,988,500	2,568,500	2,568,500
Total Revenue Requirements to cover expenses	8,805,508	9,532,910	9,706,962
Less Other Utility Revenues:			
Total Other Revenue	434,000	526,280	532,548
Revenues Needed from Rates	\$ 8,371,508	\$ 9,006,630	\$ 9,251,094
Revenues From Current Rates	\$ 8,187,580	\$ 8,187,580	\$ 8,187,580
Deficit of Revenue Needed from Rates (Based on anticipated budget requirements)	\$ (183,928)	\$ (819,050.48)	\$ (1,063,513.78)
*Proposed \$8 million debt issuance for identified water and sewer projects listed per Capital Improvement Plan Estimate received from Financial Advisor, SAMCO			

Water Revenue Requirements

Based on 2019 Preliminary Budget

Operations & Maintenance	2019 Budget	2020 Budget	2021 Budget
Personnel	851,866	868,904	886,282
Supplies & Maintenance	113,612	114,748	115,896
Contractual/Sundry	528,590	528,590	528,590
Water Purchase	2,250,000	2,295,000	2,363,850
Total O&M	3,744,068	3,807,242	3,894,617
Other			
Capital Outlay	2,000	2,000	2,000
Debt (Current)	714,000	704,000	704,000
Debt (Future)		336,000	336,000
Transfers	398,440	398,440	398,440
Depreciation			
Total Other	1,114,440	1,440,440	1,440,440
Total Revenue Requirements	4,858,508	5,247,682	5,335,057
Less Other Utility Revenues:			
Revenues needed from Rates	4,615,468	4,918,962	5,077,211
Revenues from current rates	\$ 4,467,417.89	\$ 4,467,417.89	\$ 4,467,417.89
Deficit of revenues needed from rates	(148,051)	(451,544)	(609,793)

Sewer Revenue Requirements

Based on 2019 Preliminary Budget

Operations & Maintenance	2019 Budget	2020 Forecast Budget	2021 Forecast Budget
Personnel	784,974	808,523	832,778
Supplies & Maintenance	72,388	73,112	73,843
Contractual/Sundry	325,578	328,834	332,122
Wastewater charges	1,890,000	1,946,700	2,005,101
Total O&M	3,072,940	3,157,168	3,243,845
Other			
Capital Outlay	-	-	
Debt (Current)	561,000	551,000	551,000
Debt (Future)		264,000	264,000
Transfers	313,060	313,060	313,060
Depreciation			
Total Other	874,060	1,128,060	1,128,060
Total Revenue Requirements	3,947,000	4,285,228	4,371,905
Less Other Utility Revenues:			
Total Other Revenue	190,960	197,560	198,022
Revenues needed from Rates	3,756,040	4,087,668	4,173,883
Revenues from current rates	\$ 3,720,161.95	\$ 3,720,161.95	\$ 3,720,161.95
Deficit from current rates	\$ (35,877.57)	\$ (367,506.44)	\$ (453,720.58)

City of Watauga

Annual
Revenue from Consumption
3,030,533

Current Rates

City of Watauga

[illegible]

CITY OF WATAUGA, TEXAS
ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING CHAPTER 13, ARTICLE 13.200, SECTION 13.201, OF THE CODE OF ORDINANCES FOR THE CITY OF WATAUGA, TEXAS, REGARDING WATER RATES FOR THE CITY OF WATAUGA WATER AND WASTEWATER SYSTEM; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AND EFFECTIVE DATE.

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

I.

Chapter 13, Article 13.200, Section 13.201 of the Code of Ordinances for the City of Watauga, Texas shall be amended to read as follows:

Section 13.201 Water Rates

Billing policy where only one user or building is tied to the same meter:

- (1) The monthly bill will be computed as follows: The minimum bill taken from Schedule A plus a volume charge of \$5.01 per 100 cubic feet on monthly volume greater than the minimum volume from Schedule A for all customers.
- (2) The monthly bill for residential customers using customers who have attained the age of 65 and reside in owner occupied property within the City will be eligible for a \$5.00 discount on their monthly bill when proof of eligibility is provided to the City.

SCHEDULE A
Water Rate Schedule
Effective October 1, 2011

Meter size (inches)	<u>¾"</u>	<u>1"</u>	<u>1 ¼"</u>	<u>1 ½"</u>	<u>2"</u>	<u>3"</u>	<u>4"</u>	<u>6"/8"</u>
Minimum* bill	\$15.70	\$21.26	\$28.33	\$57.76	\$75.03	\$137.16	\$227.59	\$579.99
	267	345	460	937	1,300	2,400	2,400	10,000

*Volume included in minimum bill (base charge)

Billing policy where more than one user or building is tied onto the same meter:

It shall be the policy of Watauga to bill each home, homes, duplex, triplex, offices or any other buildings where more than one user is tied onto the same water meter at \$15.70 per month for each customer unit for water, plus a monthly volume charge of \$5.01 per 100 cubic feet of water used by the building.

Billing for apartment complexes and mobile home parks:

\$15.70 per month per apartment or mobile home plus a monthly volume charge of \$5.01 per 100 cubic feet of water used by the apartment complex or park.

Apartment or mobile home park owner shall furnish a certified statement of occupancy prior to the 10th of each month. Failure to file occupancy statement will result in billing for 100% occupancy.

Section 13.03.042 Sewer Rates

(a) Minimum monthly service charge. The monthly bill will be computed as follows: The minimum monthly service charge will be \$17.36 for all customers. Customers who have attained the age of 65 and reside in owner-occupied property within the City are eligible for a \$5.00 discount on their monthly bill when proof of eligibility is provided to the City.

(b) Volume Charge.

(1) A monthly volume charge shall also be charged to all customers in the amount of \$2.99 per 100 cubic feet of water used or wastewater produced.

(2) The monthly volume charge for residential customers will be based on the lesser of the calculated average monthly water billed during the winter quarter months of December, January and February, or actual water usage during the month. The

volumes used to compute these charges are based on the amount of water used by the residential customer as measured by a meter. Where the previous winter quarter average is not available from the records, the volume to be used for the monthly volume charge shall be 900 cubic feet.

(c) Determination of water use for commercial and industrial customers. The monthly charges to commercial and industrial customers will be based on water use for each month as measured by appropriate meters, with the provision that, if a customer can show to the satisfaction of the Director of Public Works that a significant portion of the metered water usage does not enter the sanitary sewer system, the customer will be charged only for that volume entering the wastewater system, as determined by a method approved by the Director of Public Works.

(d) Industrial waste. All industrial users: To be served on the system only by specific contract approved by the city council for the particular industrial sewage or water involved.

(e) Waste creating unusual conditions or problems. In the event a commercial customer is introducing sewage into the wastewater system that creates unusual conditions or problems such as excessive oils, grease or chemicals, the director of public works shall advise the customer of his options which are available to the commercial customer to remedy the existing condition. Those options include the following:

- (1) To correct at his own expense the conditions causing the excess.
- (2) To pay a monthly rate, to be determined by the Director of Public Works, to the City equal to the expense of maintaining and/or treating the excessive waste.

(f) Billing policy where more than one user or building is tied onto the same water meter. It shall be the policy of the City to bill each home, homes, duplex, triplex, offices, or any other buildings where more than one user is tied onto the same water meter at \$17.36 per month for each customer unit for sewer, plus a monthly charge to be calculated as noted in subsection (b) above with the exception that there shall be no volume limited as in the case for residential customers.

(g) Billing for apartment and mobile home parks.

- (1) \$17.36 per month per apartment or mobile home plus a monthly volume charge of \$2.99 per 100 cubic feet of water used by the apartment complex or park.

- (2) The apartment or mobile home park owner shall furnish a certified statement of occupancy prior to the 10th of each month. Failure to file the occupancy statement will result in billing for 100% occupancy.

II.

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.

III.

Should any portion or part of this Ordinances be held for any reasons to be invalid or unenforceable, the same shall not be construed to affect any other valid portion thereof, but all valid portions hereof shall remain in full force and effect.

IV.

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

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this the _____ Day of January, 2019.

APPROVED:

DAVID GRIFFIN, MAYOR PRO-TEM

ATTEST:

ZOLAINA PARKER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

MARK G. DANIEL, CITY ATTORNEY

RATE OPTIONS WITH A SENIOR DISCOUNT PROGRAM (base rate includes 267 cubic ft. water)

\$5.00 - water

\$5.00 - sewer

Consumption - Residential:

2000 GALLON

267 CUFT

Current		
Current Rate	Senior Current Bill	Residential Current Bill
Water Base - Residential	14.20	14.20
Water Base - Senior	12.42	
Consumption - Residential	4.91	0.00
Consumption - Senior	4.34	0.00
Sewer Base - Residential	15.86	15.86
Sewer Base - Senior	11.34	
Sewer Usage - Residential	2.90	7.74
Sewer Usage - Senior	2.48	6.62
Total Due:	30.38	37.80

Senior rate vs Residential rate
difference:

-7.42

Option 1 - ADD \$1.50 TO WATER AND \$.50 TO SEWER BASE AND CHANGE SENIOR RATE STRUCTURE TO FLAT SENIOR DISCOUNT STRUCTURE		
	Rate	Proposed Full Cost
Water Base (all)	15.70	15.70
Per 100 cuft	4.91	0.00
Base (all)	16.36	16.36
Per 100 cuft	2.9	7.74
Residential Total:	39.80	
Less Senior Discount:	-10.00	
Senior Total:	29.80	

PROPOSED RATE VS CURRENT RATE

Residential Difference: 2.00
Senior Difference -0.58

Option 2 - ADD \$2.75 TO WATER AND \$2.50 SEWER BASE AND 4% TO WATER VOLUME AND 6% TO SEWER VOLUME RATE		
	Rate	Proposed Full Cost
Water Base (all)	16.95	16.95
Per 100 cu ft	5.11	0.00
Base	18.36	18.36
Per 100 cuft	3.074	8.21
Residential Total:	43.52	
Less Senior Discount:	-10.00	
Senior Total:	33.52	

PROPOSED RATE VS CURRENT RATE

Residential Difference: 5.71
Senior Difference 3.14

Option 3 - PHASE IN APPROACH. ADD \$1.50 TO WATER AND SEWER BASE AND 1/2 AMOUNT NEEDED % TO VOLUME		
	Rate	Proposed Phase In Cost
Water Base (all)	15.70	15.70
Per 100 cu ft	5.01	0.00
Base	17.36	17.36
Per 100 cuft	2.987	7.98
Residential Total:	41.04	
Less Senior Discount:	-10.00	
Senior Total:	31.04	

PROPOSED RATE VS CURRENT RATE

Residential Difference: 3.23
Senior Difference 0.65

RATE OPTIONS WITH A SENIOR DISCOUNT PROGRAM (base rate includes 267 cubic ft. water)

\$5.00 - water
\$5.00 - sewer

Consumption - Residential:

6000 GALLONS

802 CUFT

Water Base - Residential
Water Base - Senior
Consumption - Residential
Consumption - Senior

Sewer Base - Residential
Sewer Base - Senior
Sewer Usage - Residential
Sewer Usage - Senior

Total Due:

Current		
Current Rate	Senior Current Bill	Residential Current Bill
14.20		14.20
12.42	12.42	
4.91		26.27
4.34	23.22	
15.86		15.86
11.34	11.34	
2.90		23.26
2.48	19.89	
66.87		79.59

Senior rate vs Residential rate difference: **-12.72**

Option 1 - ADD \$1.50 TO WATER AND \$.50 TO SEWER BASE AND CHANGE SENIOR RATE STRUCTURE TO FLAT SENIOR DISCOUNT STRUCTURE

	Rate	Proposed Full Cost
Water Base (all)	15.70	15.70
Per 100 cuft	4.91	26.27
Base (all)	16.36	16.36
Per 100 cuft	2.9	23.26
Residential Total:	81.59	
Less Senior Discount:	-10.00	
Senior Total:	71.59	

PROPOSED RATE VS CURRENT RATE
Residential Difference: 2.00
Senior Difference 4.72

Option 2 - ADD \$2.75 TO WATER AND \$2.50 SEWER BASE AND 4% TO WATER VOLUME AND 6% TO SEWER VOLUME RATE

	Rate	Proposed Full Cost
Water Base (all)	16.95	16.95
Per 100 cu ft	5.11	27.32
Base	18.36	18.36
Per 100 cuft	3.074	24.65
Residential Total:	87.28	
Less Senior Discount:	-10.00	
Senior Total:	77.28	

PROPOSED RATE VS CURRENT RATE
Residential Difference: 7.70
Senior Difference 10.41

Option 3 - PHASE IN APPROACH. ADD \$1.50 TO WATER AND SEWER BASE AND 1/2 AMOUNT NEEDED % TO VOLUME

	Rate	Proposed Phase In Cost
Water Base (all)	15.70	15.70
Per 100 cu ft	5.01	26.79
Base	17.36	17.36
Per 100 cuft	2.987	23.96
Residential Total:	83.81	
Less Senior Discount:	-10.00	
Senior Total:	73.81	

PROPOSED RATE VS CURRENT RATE
Residential Difference: 4.22
Senior Difference 6.94

RATE OPTIONS WITH A SENIOR DISCOUNT PROGRAM (base rate includes 267 cubic ft. water)

\$5.00 - water

\$5.00 - sewer

Consumption - Residential:

8000 GALLONS

1,069 CUFT

Current		
Current Rate	Senior Current Bill	Residential Current Bill
Water Base - Residential	14.20	14.20
Water Base - Senior	12.42	12.42
Consumption - Residential	4.91	39.38
Consumption - Senior	4.34	34.81
Sewer Base - Residential	15.86	15.86
Sewer Base - Senior	11.34	11.34
Sewer Usage - Residential	2.90	31.00
Sewer Usage - Senior	2.48	26.51
Total Due:	85.08	100.44

Senior rate vs Residential rate difference:

-15.36

Option 1 - ADD \$1.50 TO WATER AND \$.50 TO SEWER BASE AND CHANGE SENIOR RATE STRUCTURE TO FLAT SENIOR DISCOUNT STRUCTURE		
	Rate	Proposed Current Yr. Cost
Water Base (all)	15.70	15.70
Per 100 cu ft	4.91	39.38
Base (all)	16.36	16.36
Per 100 cu ft	2.9	31.00
Residential Total:	102.44	
Less Senior Discount:	-10.00	
Senior Total:	92.44	

PROPOSED RATE VS CURRENT RATE

Residential Difference: 2.00
Senior Difference 7.36

Option 2 - ADD \$2.75 TO WATER AND \$2.50 SEWER BASE AND 4% TO WATER VOLUME AND 6% TO SEWER VOLUME RATE		
	Rate	Proposed Full Cost
Water Base (all)	16.95	16.95
Per 100 cu ft	5.11	40.95
Base	18.36	18.36
Per 100 cu ft	3.074	32.86
Residential Total:	109.12	
Less Senior Discount:	-10.00	
Senior Total:	99.12	

PROPOSED RATE VS CURRENT RATE

Residential Difference: 8.69
Senior Difference 14.05

Option 3 - PHASE IN APPROACH. ADD \$1.50 TO WATER AND SEWER BASE AND 1/2 AMOUNT NEEDED % TO VOLUME		
	Rate	Proposed Phase In Cost
Water Base (all)	15.70	15.70
Per 100 cu ft	5.01	40.17
Base	17.36	17.36
Per 100 cu ft	2.987	31.93
Residential Total:	105.16	
Less Senior Discount:	-10.00	
Senior Total:	95.16	

PROPOSED RATE VS CURRENT RATE

Residential Difference: 4.72
Senior Difference 10.08



AGENDA MEMORANDUM

DATE: January 3, 2019

TO: Honorable City Council Members

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

THROUGH: Andrea Gardner, City Manager

SUBJECT: Consideration and action on approving a resolution authorizing a collection fee of debts and accounts receivable to include unpaid fines, fees, court costs, forfeited bonds, and restitution ordered to be paid by the Municipal Court and award the delinquent services contract to McCreary, Veselka, Bragg & Allen, LLP {CAPTION}

BACKGROUND/INFORMATION:

In November, 2018 the City issued Request for Proposal # 19-003 for Collection Agency Services seeking qualified persons to provide delinquent collection services for Municipal Court, Utility Billing, Emergency Medical Services, and other receivables as needed.

A committee was established to evaluate submitted proposals which consisted of Court Administrator, Jennifer Dorsett, Utility Billing Administrator Debra DeFriesse, and Senior Accountant Lou Ann Scherer. The committee evaluated proposals received from:

1. American Municipal Services
2. Credit Business Services, Inc.
3. FEDChex Recovery, LLC
4. Lifequest Services
5. Linebarger Goggan Blair & Sampson, LLP
6. McCreary Veselka Bragg & Allen, LLP
7. Perdue Brandon Fielder Collins & Mott, LLP
8. United Adjustment Corporation
9. Vigilant Solutions - Court Network Services

Each committee member evaluated and scored the proposals individually and submitted the rating sheets for tabulation. The tabulated ranking results determined



AGENDA MEMORANDUM

that the committee selected McCreary Veselka Bragg & Allen, LLP to be the most advantageous based on the relative importance and evaluation criteria which included, but not limited to:

1. Ability and understanding of the requested services
2. Approach to work including compliance with the requirements, innovative offerings, and other related matters
3. Overall ease of the recovery process
4. Experience of the firm and individuals assigned to the City
5. Prior experience in performing the requested services
6. Fees structure of the services
7. References

The agreement is for a three (3) year initial term with options to renew for three (3) additional one-year terms , upon the agreement of the firm and approval by City Council.

FINANCIAL IMPLICATIONS:

Funds are budgeted and are approximately \$40,000 annually.

RECOMMENDATION/ACTION DESIRED:

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

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. ATTORNEY LETTER - COLLECTIONS AGENCY SERVICES RFP 19-003
2. RESOLUTION - COLLECTION AGENCY SERVICES - RFP 19-003-COURT
3. MVBA CONTRACT FOR DELINQUENT ACCOUNTS
4. MVBA CONTRACT FOR DELINQUENT COURT
5. MVBA BUSINESS ASSOCIATE AGREEMENT

REVIEWED BY:

Jennifer Walls, Purchasing Agent
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
Zolaina Parker, City Secretary, TRMC

Approved - 01/04/2019
Approved - 01/04/2019
Approved - 01/04/2019
Final Approval - 01/10/2019

LAW OFFICES
EVANS, DANIEL, MOORE, EVANS, BIGGS & DECKER
(NOT A PARTNERSHIP)

MARK G. DANIEL

BOARD CERTIFIED - CRIMINAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CRIMINAL TRIAL SPECIALIST-BOARD CERTIFIED
NATIONAL BOARD OF TRIAL ADVOCACY

SUNDANCE SQUARE
115 WEST SECOND STREET, SUITE 202
FORT WORTH, TEXAS 76102

(817) 332-3822
FACSIMILE (817) 332-2763

OF COUNSEL:
TIM EVANS
TIM MOORE
LANCE T. EVANS
WILLIAM R. BIGGS
ANDREW J. DECKER

January 4, 2019

Via Email

Ms. Deby Woodard
Assistant Finance Director/Purchasing Manager
City of Watauga
7105 Whitley Road
Watauga, Texas 76148

*Re: Resolution, Business Associate Agreement and Contract for Collection re
Delinquent Accounts within the City of Watauga*

Dear Ms. Woodard:

Pursuant to your request, I have reviewed the following documents between the City of Watauga and McCreary, Veselka, Bragg and Allen, P.C.:

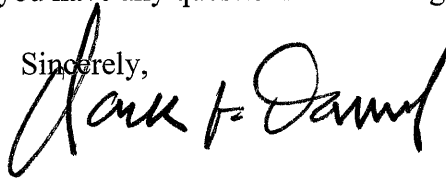
1. Resolution authorizing and imposing a collection fee in the amount of thirty percent (30%) on debts and accounts receivable that are more than sixty (60) days past due and retaining McCreary, Veselka, Bragg and Allen, P.C. (MVBA) to collect the delinquent accounts;
2. The Business Associate Agreement between the City and MVBA wherein the City agrees to make available to MVBA certain information that is confidential and must be afforded special treatment and protection.
3. Contract for the Collection of Delinquent Accounts Receivable between the City and MVBA; and
4. Contract for Collection of Delinquent Municipal Court Fines and Fees between the City and MVBA.

I approve of these documents and would recommend that the same be presented to the City Council for consideration and approval.

Ms. Deby Woodard
January 4, 2019
Page 2

Thank you for your attention to the above and the opportunity to be of assistance. Please do not hesitate to contact my office should you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark G. Daniel". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Daniel".

MARK G. DANIEL

MGD/tp

cc: Mayor Pro tem David Griffin
Ms. Andrea Gardner, City Manager
Ms. Zolaina Parker, City Secretary

CITY OF WATAUGA, TEXAS

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS APPROVING THE ASSESSMENT OF A COLLECTION FEE AS PROVIDED BY ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE, OF DEBTS AND ACCOUNTS RECEIVABLE; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

I

The recitals set forth in this Resolution are true and correct.

II

- (a) A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of thirty percent (30%) of debts and accounts receivable, to include unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by the Municipal Court of the City of Watauga, Texas when such debt or account receivable is more than sixty (60) days past due and has been referred to an attorney or private vendor for collection; and
- (b) A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of thirty percent (30%) of amounts in cases in which the accused has failed to appear:
 - (1) as promised under Subchapter A, Chapter 543, Transportation Code or other law;
 - (2) in compliance with a lawful written notice to appear issued under Article 14.06(b) Texas Code of Criminal Procedure or other law;
 - (3) in compliance with a lawful order of a court serving the City; or
 - (4) as specified in a citation, summons, or other notice authorized by Section 682.002, Transportation Code, that charges the accused with a parking or stopping offense.

When such amounts are more than sixty (60) days past due and have been referred to an attorney or private vendor for collection.

III

The Mayor Pro Tem of the City of Watauga, Texas is hereby authorized to execute any contracts and agreements covered by this Resolution.

IV

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

V

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

VI

This Resolution shall become effective and be in full force and effect from the date of passage and adoption by the City Council of the City of Watauga, Texas and upon approval thereof by the Mayor Pro Tem of the City of Watauga, Texas to become effective the first day of the month following execution.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, on this the ____ day of _____, 2019.

APPROVED:

David Griffin, Mayor Pro Tem

ATTEST:

Zolaina R. Parker, City Secretary, TRMC

APPROVED AS TO FORM AND LEGALITY:

Mark G. Daniel, City Attorney

**CONTRACT FOR THE COLLECTION
OF
DELINQUENT ACCOUNTS RECEIVABLE**

STATE OF TEXAS

§
§
§

COUNTY OF TARRANT

THIS CONTRACT is made and entered into by and between the **CITY OF WATAUGA, TEXAS**, acting herein by and through its governing body, hereinafter styled, "**City**", and **McCREARY, VESELKA, BRAGG AND ALLEN, P.C.**, hereinafter styled "**MVBA**".

I.

The City agrees to retain and does hereby retain MVBA to provide services related to the collection of delinquent accounts receivable, including but not limited to delinquent utility bills and emergency medical services accounts ("Delinquent Accounts Receivable") pursuant to the terms and conditions described herein. Legal services shall include but not be limited to recommendations and legal advice to the City to take legal enforcement action; representing the City in any dispute or legal challenge to authority to collect such delinquent accounts receivable; defending the City in litigation or challenges of its collection authority; and representing the City in collection interests in bankruptcy matters as determined by MVBA or the City. The City further authorizes MVBA to execute all legal documents that are reasonably necessary to pursue collection of the City's claims in connection with the collection of delinquent accounts receivable that are subject to this contract. This contract supersedes all prior oral and written contracts between the parties regarding delinquent accounts receivable, and can only be amended if done so in writing and signed by all parties. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

II.

For purposes of this contract Delinquent Accounts Receivable shall be considered delinquent and referred to MVBA when not timely paid in accordance with any applicable contract, ordinance or statute providing for the payment of the underlying debt.

At least once each month on a date or dates agreed upon by the parties, the City will provide MVBA with copies of, or access to, the information and documentation necessary to collect the Delinquent Accounts Receivable that are subject to this contract. The City shall furnish the information to MVBA by electronic transmission.

III.

MVBA shall forward to the City copies of any correspondence regarding a disputed debt received from a debtor and the request for verification of the debt. The City will provide to MVBA within ten (10) days of the receipt for the request for verification of the debt, copies of all records which will verify the debt which in turn will be forwarded to the debtor by MVBA. All collection activity will be suspended on any disputed debt until the appropriate verification of the debt is delivered to the debtor.

IV.

Upon consultation and agreement by both parties hereto, MVBA may institute civil legal proceedings, including seeking writs of execution to collect Delinquent Accounts Receivable. The City shall pay in advance of the initiation of any writ of execution or collection lawsuit any filing fees charged by the Court or Clerk of the Court in which the writ of execution is to be issued or the collection lawsuit is to be filed including the costs for service of citation. MVBA may also, after consultation and agreement by both parties, file proofs of claims in the United States Bankruptcy Court on behalf of the City.

In the event an account be reduced to judgment, interest at the statutory rate shall be charged pursuant to statutory authority on accounts as provided by law. MVBA shall maintain electronic records of all transactions affecting interest and the balance of accrued interest, and shall provide these records to the City upon request and upon recall, in addition to the required reports. Interest shall be charged on accounts reduced to judgment prior to or subsequent to referral to MVBA. The City shall receive all interest collected.

V.

MVBA shall forward all cashier checks or money order payments made payable to the City and any correspondence from debtor directly to the City. Cashier checks or money order payments made payable to MVBA will be deposited daily into the MVBA Trust Account. MVBA may also collect the amount due from the debtor by credit card or electronic draft which is deposited directly into the MVBA Trust Account. MVBA may set up payment arrangements and accept partial payments on any delinquent accounts receivable. MVBA shall remit to the City all payments in full received into the MVBA Trust Account weekly, along with an invoice detailing the account number, name of debtor, amount paid to MVBA or City, MVBA fee percentage and fees earned for each account. **The fees earned by MVBA on the accounts receivable collected shall be retained by MVBA and excluded from the remittance to the City.**

VI.

MVBA shall indemnify and hold the City harmless from and against all liabilities, losses and/or costs arising from claims for damages, or suits for losses or damages, including reasonable costs and attorney's fees, which may arise as a result of MVBA's performance of the services described in this Contract. The indemnity provision of this Contract shall have no application to any claim or demand which results from the sole negligence or fault of the City, its officers, agents, employees or contractors. And furthermore, in the event of joint and/or shared negligence or fault of the City and MVBA, responsibility and indemnity, if any, shall be apportioned in accordance with Texas law and without waiving any defenses of either party. The provisions of this paragraph are intended for the sole benefit of the parties hereto and are not intended to create or grant any right, contractual or otherwise, to any other persons or entities.

VII.

For the collection of Delinquent Accounts Receivable in which the data files are transmitted to MVBA by electronic media, the City agrees to pay to MVBA as compensation for services provided, pursuant to this contract, a fee of twelve percent (12%) of the amount of the Delinquent Accounts Receivable collected.

All compensation shall become the property of MVBA at the time of payment. The City shall pay to MVBA said compensation on a monthly basis by check.

VIII.

The City recognizes and acknowledges that MVBA owns all right, title and interest in certain proprietary software that MVBA may utilize in conjunction with performing the services provided in the contract. The City agrees and hereby grants to MVBA the right to use and incorporate any information provided by the City ("account or debtor information") to update the databases in this proprietary software, and, notwithstanding that the case or defendant information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the City shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the City shall be entitled to obtain a copy of such data that directly relates to the City's accounts at any time.

MVBA agrees that it will not share or disclose any specific confidential account or debtor information with any other company, individual, organization or agency, without the prior written consent of the City, except as may be required by law or where such information is otherwise publicly available. It is agreed that MVBA shall have the right to use account or debtor information for internal analysis, improving the proprietary software and database, and generating aggregate data and statistics that may inherently contain account or debtor information. These aggregate statistics are owned solely by MVBA and will generally be used internally, but may be shared with MVBA's affiliates, partners or other third parties for purposes of improving MVBA's software and services.

MVBA reserves the right to return to the City all accounts not collected within one (1) year of referral by the City, or identified as being in bankruptcy. Upon return of these accounts, neither party will have any obligation to the other party to this contract. Additionally, the City reserves the right to recall a delinquent account at any time and for any reason without any cost or obligation.

MVBA agrees that it shall submit an annual report to the City detailing all accounts considered uncollectable. MVBA shall provide a record of collection efforts and an explanation why the accounts are deemed uncollectable.

IX.

The initial term of this contract is **three (3) years, beginning on the first day of the month following the execution of this contract by both parties**, with an option to renew the contract for three (3) additional one year terms on the same terms and conditions, upon the agreement and approval by the City Council, the City of Watauga and MVBA. This contract may be cancelled or terminated at any time by either party by delivering written "Notice of Termination of Contract" to the other party of its intent to terminate this contract for any reason thirty (30) days prior to the intended date of termination.

In the event that the City terminates this contract, MVBA shall be entitled to continue its collection activity on all accounts previously referred to MVBA for six (6) months from the date of receipt of the "Notice of Termination of Contract" and to payment of its fee, pursuant to Paragraph VII of this contract for all amounts collected on accounts referred to MVBA. The City may, at its discretion, refer additional accounts to MVBA after notice of termination has been received by MVBA. At the end of the six (6) month period, all accounts shall be returned to the City by MVBA.

X.

For purposes of sending notice under the term of this contract, all notices from the City shall be sent to MVBA by certified United States mail to the following address:

McCreary, Veselka, Bragg & Allen, LLC.
Attention: Harvey M. Allen
P.O. Box 1310
Round Rock, Texas 78680-1310

or delivered by hand or by courier, and addressed to: 700 Jeffrey Way, Suite 100, Round Rock, Texas 78664-2425. All notices to the City shall be sent by certified United States mail or delivered by hand or courier to the following address:

City of Watauga, Texas
Attention: Director of Finance
7105 Whitley Road
Watauga, Texas 76148

XI.

This contract is made and is to be interpreted under the laws of the State of Texas. Exclusive venue for any action, lawsuit, claim, dispute or another legal proceeding concerning or arising out of this contract shall be in Tarrant County, Texas.

In the event that any provision(s) of this contract shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of that provision(s) shall not affect any other provision(s) of this contract, and it shall further be construed as if the invalid or unenforceable provision(s) had never been a part of this contract.

XII.

In consideration of the terms and compensation herein stated, MVBA hereby agrees to undertake performance of said contract as set forth above.

The City has authorized by order heretofore passed and duly recorded in its minutes the chief executive officer to execute this contract.

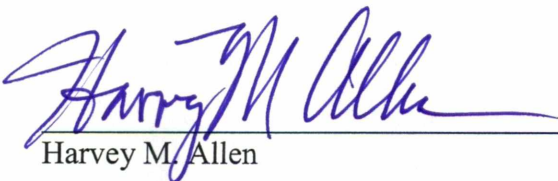
This contract may be executed in any number of counterparts, and each counterpart shall be deemed an original for all purposes. Signed facsimiles shall be binding and enforceable.

WITNESS the signatures of all parties hereto this, the ____ day of _____, A.D. 2019.

CITY OF WATAUGA, TEXAS

Mayor

McCREARY, VESELKA, BRAGG & ALLEN, P.C.



Harvey M. Allen

**CONTRACT FOR COLLECTION
OF
DELINQUENT MUNICIPAL COURT FINES AND FEES**

STATE OF TEXAS

§

COUNTY OF TARRANT

§

§

THIS CONTRACT is made and entered into by and between the **CITY OF WATAUGA, TEXAS**, acting herein by and through its governing body, hereinafter styled, "**City**", and **McCREARY, VESELKA, BRAGG AND ALLEN, P.C.**, hereinafter styled "**MVBA**".

I.

The City agrees to retain and does hereby retain MVBA to provide specific legal services provided herein and enforce the collection of delinquent municipal court fines, fees, court costs, restitution, debts and accounts receivable and other amounts in accordance with Article 103.0031, Texas Code of Criminal Procedure (hereinafter referred to in the agreement as "Fines and Fees") pursuant to the terms and conditions described herein. Legal services shall include but not be limited to recommendations and legal advice to the City to take legal enforcement action; representing the City in any dispute or legal challenge to authority to collect such court fees and fines; defending the City in litigation or challenges of its collection authority; and representing the City in collection interests in bankruptcy matters as determined by MVBA or the City. The City further authorizes MVBA to execute all legal documents that are reasonably necessary to pursue collection of the City's claims in connection with the collection of fines and fees that are subject to this contract. This contract supersedes all prior oral and written contracts between the parties regarding court fees and fines, and can only be amended if done so in writing and signed by all parties. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

II.

For purposes of this contract all Fines and Fees shall be referred to MVBA when determined to be delinquent as provided for in Article 103.0031, Code of Criminal Procedure.

At least once each month on a date or dates agreed upon by the parties, the City will provide MVBA with copies of, or access to, the information and documentation necessary to collect the Fines and Fees that are subject to this contract. The City shall furnish the information to MVBA by electronic transmission or magnetic medium.

III.

MVBA shall advise all defendants to forward payments directly to the City.

MVBA shall forward to the City all cashier's checks or money orders received by MVBA made payable to the City and any correspondence from defendants. Cashier's checks, money orders, or any other form of payment received by MVBA which are made payable to MVBA will be deposited daily into the MVBA Trust Account. **All communications from MVBA to defendants, whether oral or written, shall instruct defendants to forward all monies directly to the City of Watauga Municipal Court.** In spite of instructions to the defendant to the contrary, if MVBA receives any direct payment on any case by a defendant or an agent of a defendant, MVBA will receive and record any such payment made and immediately remit same to the City.

The City reserves the right, upon written direction, to change the method of collection that all monies are paid directly to MVBA. MVBA shall remit to the City, at least once a week, all funds deposited into the MVBA Trust Account which pay the entire balance of a fines and fees account, along with an invoice detailing the docket number, name of defendant, amount paid by the defendant to MVBA or directly to the City and the MVBA fee percentage and fees earned for each case. The remittance from MVBA to the City shall include the fees earned by MVBA on the fines and fees collected.

IV.

MVBA shall indemnify and hold the City harmless from and against all liabilities, losses and/or costs arising from claims for damages, or suits for losses or damages, including reasonable costs and attorney's fees, which may arise as a result of MVBA's performance of the services described in this Contract. The indemnity provision of this Contract shall have no application to any claim or demand which results from the sole negligence or fault of the City, its officers, agents, employees or contractors. And furthermore, in the event of joint and/or shared negligence or fault of the City and MVBA, responsibility and indemnity, if any, shall be apportioned in accordance with Texas law and without waiving any defenses of either party. The provisions of this paragraph are intended for the sole benefit of the parties hereto and are not intended to create or grant any right, contractual or otherwise, to any other persons or entities.

V.

For the collection of Fines and Fees, the City agrees to pay to MVBA, as compensation for the legal services rendered the following fees:

1. For those Fines and Fees imposed against Unadjudicated Offenses that occurred before June 18, 2003, there is no fee due (0%) MVBA on the amount collected by the Court on those cases.
2. For those Fines and Fees imposed against Adjudicated Offenses regardless of the date of the offense, and against Unadjudicated Offenses that occurred on or after June 18, 2003, a fee of thirty percent (30%) of the amount of the Fines and Fees collected by the Court as provided by Article 103.0031 of the Code of Criminal Procedure.

3. In the event any case is disposed of by acquittal or dismissal, or if the fine, costs and/or fees are discharged through performance of community service, credit for jail time served, the discretionary removal of a collection fee by the Court or pursuant to §45.0491 of the Code of Criminal Procedure, no compensation shall be paid to MVBA by the City.

All compensation due to MVBA shall become the property of MVBA at the time of payment of the fines and fees by the defendant. The City shall pay to MVBA said compensation on a monthly basis by check.

VI.

The City recognizes and acknowledges that MVBA owns all right, title and interest in certain proprietary software that MVBA may utilize in conjunction with performing the services provided in the contract. The City agrees and hereby grants to MVBA the right to use and incorporate any information provided by the City ("case or defendant information") to update the databases in this proprietary software, and, notwithstanding that the case or defendant information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the City shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the City shall be entitled to obtain a copy of such data that directly relates to the City's accounts at any time.

MVBA agrees that it will not share or disclose any specific confidential case or defendant information with any other company, individual, organization or agency, without the prior written consent of the City, except as may be required by law or where such information is otherwise publicly available. It is agreed that MVBA shall have the right to use case or defendant information for internal analysis, improving the proprietary software and database, and generating aggregate data and statistics that may inherently contain case and defendant information. These aggregate statistics are owned solely by MVBA and will generally be used internally, but may be shared with MVBA's affiliates, partners or other third parties for purposes of improving MVBA's software and services.

MVBA reserves the right to return to the City all accounts not collected within one (1) year of referral by the City, or identified as being in bankruptcy. Upon return of these accounts, neither party will have any obligation to the other party to this contract. Additionally, the City reserves the right to recall a delinquent case at any time and for any reason without any cost or obligation.

MVBA agrees that it shall submit an annual report to the city detailing all accounts considered uncollectable. MVBA shall provide a record of collection efforts and an explanation why the accounts are deemed uncollectable.

VII.

The initial term of this contract is **three years, beginning on the first day of the month following the execution of this contract by both parties**, with an option to renew the contract for three additional one year terms on the same terms and conditions, upon the agreement and approval by the City Council, the City of Watauga and MVBA. This contract may be cancelled or terminated at any time by either party by delivering written "Notice of Termination of Contract" to the other party of its intent to terminate this contract for any reason thirty days prior to the intended date of termination.

In the event that the City terminates this contract, MVBA shall be entitled to continue its collection activity on all accounts previously referred to MVBA for six (6) months from the date of receipt of the "Notice of Termination of Contract" and to payment of its fee, pursuant to Paragraph V of this contract for all amounts collected on accounts referred to MVBA. The City may, at its discretion, refer additional accounts to MVBA after notice of termination has been received by MVBA. At the end of the six (6) month period, all accounts shall be returned to the City by MVBA.

VIII.

For purposes of sending notice under the term of this contract, all notices from the City shall be sent to MVBA by certified United States mail to the following address:

McCreary, Veselka, Bragg & Allen, P.C.
Attention: Harvey M. Allen
P.O. Box 1310
Round Rock, Texas 78680-1310

or delivered by hand or by courier, and addressed to: 700 Jeffrey Way, Suite 100, Round Rock, Texas 78664-2425. All notices to the City shall be sent by certified United States mail or delivered by hand or courier, to the following address:

City of Watauga, Texas
Attention: Director of Finance
7105 Whitley Road
Watauga, Texas 76148

IX.

This contract is made and is to be interpreted under the laws of the State of Texas. Exclusive venue for any action, lawsuit, claim, dispute or another legal proceeding concerning or arising out of this contract shall be in Tarrant County, Texas.

In the event that any provision(s) of this contract shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of that provision(s) shall not affect any other provision(s) of this contract, and it shall further be construed as if the invalid or unenforceable provision(s) had never been a part of this contract.

X.

In consideration of the terms and compensation herein stated, MVBA hereby agrees to undertake the performance of said contract as set forth above.

The City has authorized by order heretofore passed and duly recorded in its minutes the chief executive officer to execute this contract.

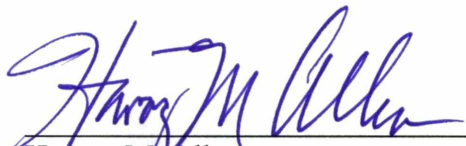
This contract may be executed in any number of counterparts, and each counterpart shall be deemed an original for all purposes. Signed facsimiles shall be binding and enforceable.

WITNESS the signatures of all parties hereto this, the ____ day of _____, A.D. 2019.

CITY OF WATAUGA, TEXAS

Mayor

McCREARY, VESELKA, BRAGG & ALLEN, P.C.



Harvey M. Allen
Attorney at Law

BUSINESS ASSOCIATE AGREEMENT

THIS Agreement is entered into on this _____ day of _____, 2019 (the "Effective Date") between The **CITY OF WATAUGA, TEXAS** ("Covered Entity") and **McCREARY, VESELKA, BRAGG & ALLEN, P.C. (MVBA)** ("Business Associate").

WHEREAS, Covered Entity is an "Entity" as that term is defined in Health Insurance Portability and Accountability Act Privacy Regulation, ("Privacy Regulation") will make available to Business Associate certain information that is confidential and must be afforded special treatment and protection.

WHEREAS, Business Associate will have access to and/or receive from Covered Entity certain protected health information that can be used or disclosed only as permitted by the Health Insurance Portability and Accountability Act of 1996, and the Rules and Regulations enacted with respect thereto, as the same may be amended regarding privacy of individual identifiable health information.

Definitions

Catch-all definition:

The following terms used in this Agreement shall have the same meaning as those terms in the HIPAA Rules: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Notice of Privacy Practices, Protected Health Information, Required By Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

Specific definitions:

(a) **Business Associate**. "Business Associate" shall generally have the same meaning as the term "Business Associate" at 45 CFR 160.103, and in reference to the party to this agreement, shall mean MVBA.

(b) **Covered Entity**. "Covered Entity" shall generally have the same meaning as the term "Covered Entity" at 45 CFR 160.103, and in reference to the party to this agreement, shall mean City of Watauga, Texas

(c) **HIPAA Rules**. "HIPAA Rules" shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164.

Obligations and Activities of Business Associate

Business Associate agrees to:

(a) Not use or disclose protected health information other than as permitted or required by the Agreement or as required by law;

(b) Use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 with respect to electronic protected health information, to prevent use or disclosure of protected health information other than as provided for by the Agreement;

(c) Report to Covered Entity any use or disclosure of protected health information not provided for by the Agreement of which it becomes aware, including breaches of unsecured protected health information as required at 45 CFR 164.410, and any security incident of which it becomes aware;

(d) In accordance with 45 CFR 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, ensure that any subcontractors that create, receive, maintain, or transmit protected health information on behalf of the Business Associate agree to the same restrictions, conditions, and requirements that apply to the Business Associate with respect to such information;

(e) Make available protected health information in a designated record set to the Covered Entity as necessary to satisfy Covered Entity's obligations under 45 CFR 164.524;

(f) Make any amendment(s) to protected health information in a designated record set as directed or agreed to by the Covered Entity pursuant to 45 CFR 164.526, or take other measures as necessary to satisfy Covered Entity's obligations under 45 CFR 164.526;

(g) Maintain and make available the information required to provide an accounting of disclosures to the Covered Entity as necessary to satisfy Covered Entity's obligations under 45 CFR 164.528;

(h) To the extent the Business Associate is to carry out one or more of Covered Entity's obligation(s) under Subpart E of 45 CFR Part 164, comply with the requirements of Subpart E that apply to the Covered Entity in the performance of such obligation(s); and

(i) Make its internal practices, books, and records available to the Secretary for purposes of determining compliance with the HIPAA Rules.

Permitted Uses and Disclosures by Business Associate

(a) Except as otherwise limited in the Agreement, Business Associate may only use or disclose Protected Health Information to perform functions, activities, or services for, or on behalf of, Covered Entity, as specified in the Contract for Services between Covered Entity and Business Associate, provided that such use or disclosure would not violate the Privacy Rule if done by Covered Entity or the minimum necessary policies and procedures of the Covered Entity.

(b) Business Associate may use protected health information to de-identify the information in accordance with 45 CFR 164.514(a)-(c).

(c) Business Associate may use or disclose protected health information as required by law.

(d) Business Associate agrees to make uses and disclosures and requests for protected health information consistent with Covered Entity's minimum necessary policies and procedures.

- (e) Business Associate may not use or disclose protected health information in a manner that would violate Subpart E of 45 CFR Part 164 except for the specific uses and disclosures set forth below.
- (f) Business Associate may use protected health information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.
- (g) Business Associate may disclose protected health information for the proper management and administration of Business Associate or to carry out the legal responsibilities of the Business Associate, provided the disclosures are required by law, or Business Associate obtains reasonable assurances from the person to whom the information is disclosed that the information will remain confidential and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person, and the person notifies Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.
- (h) Business Associate may provide data aggregation services relating to the health care operations of the Covered Entity as permitted by 42 CFR § 164.504(e)(2)(1)(B).
- (i) Business Associate may use the Protected Health Information to report violations of law to appropriate Federal and State authorities, consistent with § 164.502(j)(1).

Provisions for Covered Entity to Inform Business Associate of Privacy Practices and Restrictions

- (a) Covered Entity shall notify Business Associate of any limitation(s) in the notice of privacy practices of Covered Entity under 45 CFR 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of protected health information.
- (b) Covered Entity shall notify Business Associate of any changes in, or revocation of, the permission by an individual to use or disclose his or her protected health information, to the extent that such changes may affect Business Associate's use or disclosure of protected health information.
- (c) Covered Entity shall notify Business Associate of any restriction on the use or disclosure of protected health information that Covered Entity has agreed to or is required to abide by under 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of protected health information.

Permissible Requests by Covered Entity

Covered Entity shall not request Business Associate to use or disclose protected health information in any manner that would not be permissible under Subpart E of 45 CFR Part 164 if done by Covered Entity with the exception if the Business Associate will use or disclose protected health information for, and the agreement includes provisions for, data aggregation and transmission services to the Texas Trauma Registry and/or the Texas

Department of Health that Business Associate performs on behalf of Covered Entity or management and administration and legal responsibilities of the Business Associate.

Term and Termination

(a) Term.

The Term of this Agreement shall be effective as of the Effective Date entered above, and shall terminate when all of the Protected Health Information provided by Covered Entity to Business Associate Business Associate, or created or received by Business Associate on behalf of Covered Entity, is destroyed or returned to Covered Entity, or, if it is infeasible to return or destroy Protected Health Information, protection are extended to such information, in accordance with the termination provisions in this Section or on the date Covered Entity terminates for cause as authorized in paragraph (b) of this Section, whichever is sooner.

(b) Termination for Cause.

Business Associate authorizes termination of this Agreement by Covered Entity, if Covered Entity determines Business Associate has violated a material term of the Agreement and Business Associate has not cured the breach or ended the violation within the time specified by Covered Entity.

(c) Obligations of Business Associate Upon Termination.

Upon termination of this Agreement for any reason, Business Associate, with respect to protected health information received from Covered Entity, or created, maintained, or received by Business Associate on behalf of Covered Entity, shall:

1. Retain only that protected health information which is necessary for Business Associate to continue its proper management and administration or to carry out its legal responsibilities;
2. Return to Covered Entity [or, if agreed to by Covered Entity, destroy] the remaining protected health information that the Business Associate still maintains in any form;
3. Continue to use appropriate safeguards and comply with Subpart C of 45 CFR Part 164 with respect to electronic protected health information to prevent use or disclosure of the protected health information, other than as provided for in this Section, for as long as Business Associate retains the protected health information;
4. Not use or disclose the protected health information retained by Business Associate other than for the purposes for which such protected health information was retained and subject to the same conditions set out at which applied prior to termination; and
5. Return to Covered Entity [or, if agreed to by Covered Entity, destroy] the protected health information retained by Business Associate when it is no longer needed by Business Associate for its proper management and administration or to carry out its legal responsibilities.

Miscellaneous

(a) Regulatory References. A reference in this Agreement to a section in the HIPAA Rules means the section as in effect or as amended.

(b) Amendment. The Parties agree to take such action as is necessary to amend this Agreement from time to time as is necessary for compliance with the requirements of the HIPAA Rules and any other applicable law.

(c) Survival. The obligations of Business Associate under this Section shall survive the termination of this Agreement.

(d) Interpretation. Any ambiguity in this Agreement shall be interpreted to permit compliance with the HIPAA Rules.

(e) Governing Law. This Agreement shall be construed in accordance with the laws of the State of Texas

Notices

All notices required or permitted under this Agreement shall be in writing and sent to the other party as directed below or as otherwise directed by either party, from time to time, by written notice to the other. All such notices shall be deemed validly given upon receipt of such notice by certified mail, postage prepaid, facsimile transmission, email or personal or courier delivery:

If to Covered Entity: City of Watauga, Texas
 7105 Whitley Road
 Watauga, Texas 76148
 Attn: City Manager

 Telephone No.: 817-514-4800

If to Business Associate: McCreary, Veselka, Bragg & Allen, P.C.
 P.O. Box 1310
 Round Rock, Texas 78680
 Attn: Harvey M. Allen

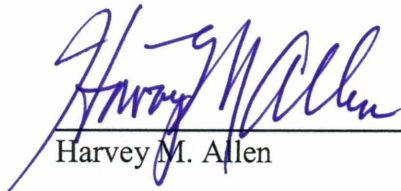
 Telephone No.: (512) 323-3200
 Facsimile No.: (512) 323-3210

IN WITNESS WHEREOF, the parties hereto have duly executed this as of the Effective Date.

CITY OF WATAUGA, TEXAS

Mayor

McCREARY, VESELKA, BRAGG & ALLEN, P.C.



Harvey M. Allen