



**COMMISSIONERS COURT
COMMUNICATION**

COURT ORDER NUMBER _____

PAGE 1 OF 22

DATE: 10/1/2024

**SUBJECT: BID NO. 2024CD-006 – CONSIDERATION OF CONSTRUCTION
CONTRACT BETWEEN TARRANT COUNTY AND MX CONSTRUCTION
SERVICES, INC. FOR THE CITY OF WATAUGA, TEXAS 46TH YEAR
COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT PROJECT**

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

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider a construction contract between Tarrant County and MX Construction Services, Inc. for the City of Watauga Texas 46th Year Community Development Block Grant CARES Act Project.

BACKGROUND

On July 3, 2024, Tarrant County Community Development opened bids for a 46th Year Community Development Block Grant CARES Act (CDBG-CV) project consisting of water improvements on Plum Street in Watauga, Texas. MX Construction Services, Inc. came in as the low bidder in the amount of \$333,738.26.

Through this contract, MX Construction Services, Inc. will provide all the necessary work according to the proposal, of which the engineer’s line-item summary is attached. Tarrant County will contribute \$333,738.26 in CDBG-CV funds with no required contribution from the City of Watauga.

The Criminal District Attorney’s Office has approved this contract as to form.

FISCAL IMPACT

Funding in the amount of \$333,738.26 is available through the Community Development Block Grant-CARES Act (CDBG-CV) #B-20-UW-48-0001. Upon approval of the claim for payment under this contract, funds will be drawn from the U.S. Treasury through the U.S. Department of Housing and Urban Development’s (HUD’s) electronic transfer system to Tarrant County’s bank account.

SUBMITTED BY	Community Development and Housing	PREPARED BY:	Wren Davis
		APPROVED BY:	Marguerite Allen

27

CO#143978



COMMISSIONERS COURT
COMMUNICATION

COURT ORDER NUMBER _____

PAGE 1 OF 22

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SUBMITTED BY	Community Development and Housing	PREPARED BY:	Wren Davis
		APPROVED BY:	Marguerite Allen

STANDARD FORM OF AGREEMENT

STATE OF TEXAS §
COUNTY OF TARRANT §

This agreement is made and entered into this 15th day of August, 2024, by and between the TARRANT COUNTY (the "Owner"), acting by and through its duly authorized officer, and MX Construction Services, Inc. (the "Contractor").

1. In consideration of the payments and agreements mentioned below, the CONTRACTOR agrees with the OWNER to commence and complete the construction of certain improvements described as follows:

Plum Street Water System Improvements from Ship Drive to Bowie Street in the City of Watauga, CDBG-CV Round 4 project, #B-20-UW-48-0001-62-15
2. The work herein contemplated will consist of the Contractor furnishing, as an independent contractor, the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and all other accessories and services necessary to complete the Project in accordance to the drawings and specifications prepared by Burgess & Niple (Engineer), and made a part of this Agreement the same as if written herein, plus all extra work in connection with the improvements, at the CONTRACTOR'S own expense, as noted in the terms of both the General Conditions, Supplementary General Conditions and the Special Conditions of the Agreement.
3. The CONTRACTOR agrees to commence work within ten (10) days from the date agreed to and specified in the "Notice-to-Proceed," and to substantially complete the work within one hundred and thirty five (135) calendar days after the date specified in the "Notice-to-Proceed" with construction, subject to such extensions of time as are provided in the contract conditions.
4. The Total Contract Price: The OWNER agrees to pay the CONTRACTOR the amount shown in the PROPOSAL, which forms a part of this Contract, with such payments subject to the General and Supplementary Conditions of the contract. Commissioners Court Communication, attached hereto as Exhibit B, states the funding amount available from all sources. The Owner will pay the Contractor for the performance of the work required by the Contract Documents, subject to additions and deductions mutually agreed to by Change Order, the Total Contract Price of \$333,738.26.
5. Based upon applications for payment submitted to Tarrant County Community Development according to the Contract Documents.
6. To the extent permitted by Texas Law, the Contractor agrees to fully indemnify, save, and hold harmless the Owner from all costs or damages arising out of any real or asserted claim or cause of action against it of whatsoever kind or character and in addition, from any and all costs or damages arising out of any wrongs, injuries, demands or suits for damages, either real or asserted, claimed against it that may be occasioned by any act, omission, neglect or misconduct

of the said Contractor, its agents, servants or employees. All venue for litigation regarding this project is in the State or Federal District Courts physically located in Tarrant County, Texas.

7. The CONTRACTOR acknowledges and agrees that in accordance with Section 2252.908 (b) – (c) of the Texas Government Code, it has fully, accurately, and completely disclosed all interested parties on the Texas Ethics Commission’s Form 1295 attached as “Attachment A”.
8. The CONTRACTOR verifies the acceptance and acknowledgement of the anti-boycott statutes as applicable by law and required by Chapters 2271, 2252, and 2274 Texas Government Code Verification as follows:
 - (a) Boycott of Israel Prohibited. In compliance with Section 2271.001 et seq. of the Texas Government Code, Contractor verifies that neither it nor any of its affiliates currently boycott Israel and neither it nor any of its affiliates will boycott Israel during the term of this Agreement. “Boycott Israel” is defined in Section 808.001(1) of the Texas Government Code.
 - (b) Scrutinized Business Operations Prohibited. In compliance with Section 2252.151 et seq. of the Texas Government Code, Contractor warrants and represents that: (1) neither Contractor nor any of its affiliates engages in scrutinized business operations in Sudan; (2) neither Contractor nor any of its affiliates engages in scrutinized business operations in Iran; and (3) neither Contractor nor any of its affiliates engages in scrutinized business operations with designated foreign terrorist organizations. “Scrutinized business operations in Sudan” is defined in Section 2270.0052 of the Texas Government Code. “Scrutinized business operations in Iran” is defined in Section 2270.0102 of the Texas Government Code. “Scrutinized business operations with designated foreign terrorist organizations” is defined in Section 2270.0152 of the Texas Government Code. Contractor further represents and warrants that neither Contractor nor any of its affiliates appears on any of the Texas Comptroller’s Scrutinized Companies Lists.
 - (c) Boycott of Certain Energy Companies Prohibited. In compliance with Section 2274.002 of the Texas Government Code (added by 87th Legislature, S.B. 13), Contractor verifies that neither it nor any of its affiliates currently boycott energy companies and neither it nor any of its affiliates will boycott energy companies during the term of this Agreement. “Boycott energy company” is defined in Section 809.001(1) (added by 87th Legislature, S.B. 13) and means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by subsection (A).
 - (d) Discrimination against Firearm Entities or Firearm Trade Associations Prohibited. In compliance with Section 2274.002 of the Texas Government Code (added by 87th Legislature, S.B. 19), Contractor verifies that neither it nor any of its affiliates have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and neither it nor any of its affiliates will discriminate during the term of the Agreement against a firearm entity or firearm trade association. “Discriminate against a firearm entity or firearm trade association” is defined in Section 2274.001(3) (added by 87th Legislature, S.B. 19) and means, with respect to the entity

or association, to: (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; the term does not include: (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (ii) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship: (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

9. CONTRACTOR must comply with the requirements of the Build America, Buy America (BABA) Act, as part of the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58 §§ 70901-52, Nov. 15, 2021, 41 USC § 8301 note), and all applicable rules and notices, as may be amended, if applicable to this infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

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

This contract shall be interpreted under the laws of the State of Texas. The venue for any lawsuit arising out of this Agreement will be the Fort Worth Division of the Northern District of Texas if the lawsuit arises in Federal Court or Tarrant County, Texas if the matter arises in state court.

11. Compliance with Laws. In providing the services required by this Agreement, Contractor must observe and comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. Contractor shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

12. The Contract Documents consist of the following:

- This Agreement,
- Request for Bid 2024CD-006 Bid Documents including Notice to Bidders, Bidder Information and Certification Form, Non-Collusion Affidavit and Proposal
- Performance Bond, Payment Bond, Maintenance Bond, Certificate of Insurance,

- General Conditions of Agreement, Supplementary General Conditions
- Technical Specifications, Special Specifications, Special Material and/or Equipment Specifications, Special Conditions
- Federal Labor Standards, Hud-4010, Wage Determination, Employment, Training and Contracting Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects under Hud Section 3 of The Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) And 24 CFR 75, and all applicable rules and notices, as may be amended,
- and the drawings and blueprints as prepared by the Owner's Engineer;
- Any exhibits attached hereto, conditions of the contract (special, supplementary, and other conditions), all addenda issued prior to the execution of this Agreement and all modifications issued subsequent hereto.

To the extent of an ambiguity among the various documents, this signed Agreement prevails. These documents collectively form the Contract, and all are as fully a part of the Contract as if attached hereto to this Agreement or repeated herein.

Both OWNER and CONTRACTOR agree to abide by all state and federal laws, statutes, and regulations applicable to the completion of the project described.

EXECUTED THIS 18th DAY OF October, 2024.

COUNTY OF TARRANT

OWNER



(SIGNATURE)

BY: Tim O'Hare

TITLE: County Judge

ATTEST: 

CONTRACTOR



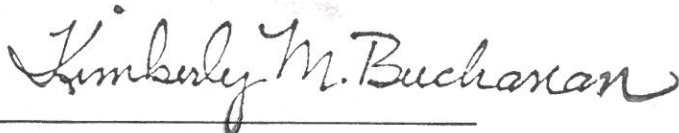
(SIGNATURE)

BY: Fernando S. Esquivel

TITLE: CEO

ATTEST: 

Certification of Funds Available in the amount of: **\$333,738.26**



Kimberly M. Buchanan, CPA
Tarrant County Auditor

Approved as to Form:

Craig Price

Criminal District Attorney's Office*

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

ITEM NO.	DESCRIPTION OF ITEM	UNIT	BID QUANTITY
1	Prepare and Restore Right of Way	LS	1
2	Remove and Replace Existing Curb and Gutter	LF	92
3	Remove and Replace Existing Concrete Driveways	SF	65
4	Remove and Replace Existing Concrete Valley Gutters	SF	27
5	4" Thick Topsoil & Solid Sodding	SY	109
6	Traffic Control Plan and Implementation	LS	1
7	Erosion Control	LS	1
8	Project Signs	EA	2
9	Project-Wide Miscellaneous Allowance	LS	1
10	Remove Existing 6"/8" Water Line	LF	101
11	Remove Existing Fire Hydrant	EA	1
12	Remove Existing Gate Valve	EA	2
13	6" Dia. (DR-18) Water Line	LF	9
14	8" Dia. (DR-18) Water Line	LF	879
15	8" Gate Valve & Box	EA	6
16	Fire Hydrant Assy., incl. 6" GV	EA	2
17	Ductile Iron Fittings for Water Line	TONS	0.9
18	Connect to Existing 6"/8" Water Line	EA	5
19	Long Single Water Service	EA	1.0
20	Long Double Water Service	EA	3
21	Short Single Water Service	EA	3
22	Short Double Water Service	EA	1
23	Reroute of Private Service at 5925 Plum St to New Meter (Plumbing)	LS	1
24	Water Service Transfer	EA	12
25	Temporary 2" Dia. Water Line w/ temporary water service connections	LS	1
26	Water Trench Safety	LF	888
27	Temporary Pavement Replacement for Water Lines	LF	958
28	Asphalt Pavement Replacement for Water Lines	LF	896
29	Concrete Pavement Replacement for Water Lines	LF	62

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2024-1203905

Date Filed:
08/21/2024

Date Acknowledged:
9/9/24

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

MX Construction Services, INC.
McKinney, TX United States

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

Tarrant County

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

#B-20-UW48-001-62-15

Plum Street Water System Improvements from Ship Drive to Bowie Street in the City of Watauga

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

5 Check only if there is NO Interested Party.



6 UNSWORN DECLARATION

My name is Carezu Ramirez, and my date of birth is 09/21/1996.

My address is 8951 Collin McKinney PKWY, McKinney, TX, 75070, US.
(street) (city) (state) (zip code) (country)

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

Executed in Collin County, State of Texas, on the 21 day of August, 20 24.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
AUGUST 12, 2024**

CALL TO ORDER

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

ROLL CALL

The meeting convened with the following members present:

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

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

and

Sandra Gibson
Linda Proskey
David Berman
Deby Woodard
Paul Hackleman
Randy Richards
Julie Rodriguez
Lana Ewell

Interim City Manager and Finance Director
City Secretary
City Attorney
Assistant Finance Director
Public Works Director
Assistant Public Works Director
Director of Human Resources
Director of Library Services

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

6. Discuss and consider action to approve the Community Development Block Grant (CDGB)-CV Round 4 Project (Plum Street Water Improvements) - Construction Bid Recommend Tarrant County Acceptance

Paul Hackleman, Director of Public Works, presented the item. He stated that the item was approved by the council at the July 29, 2024, meeting. However, Tarrant County needed the motion to be revised. They requested the addition of the words 'recommend Tarrant County' to the motion.

Councilmember Neal made the motion: I move to recommend Tarrant County accept the bid from MX Construction Services, Inc. for construction of the Plum Street Water System Improvements project in the amount of Three Hundred Thirty-Three Thousand Seven Hundred Thirty-Eight Dollars and Twenty-six Cents. Watauga's pledge above and beyond Tarrant County's grant is Zero Dollars and No Cents. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

7. Consider action to approve the Watauga Crime Control and Prevention District Proposed Budget for Fiscal Year 2024-2025.

Sandra Gibson, Interim City Manager and Director of Finance, said there were no changes to what the council had been presented with in previous meetings.

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

8. Consider action to approve the FY2024-2025 Proposed Watauga Economic Development Budget.

1. Pursuant to Section 551.074 of the Texas Government Code, discuss matters relating to personnel as follows: City Manager duties.

There was no action taken.

ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

Mayor Miner announced that the demolition of the Old Senior Center began today.

ADJOURNMENT

Mayor Miner adjourned the meeting at 8:11 pm.


Approved: this 26 day of August, 2024

Signed: this 27 day of August, 2024

APPROVED:


Arthur L. Miner, Mayor

ATTEST:


Linda Proskey, City Secretary





AGENDA MEMORANDUM

DATE: August 7, 2024

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works

SUBJECT: Discuss and consider action to approve the Community Development Block Grant (CDGB)-CV Round 4 Project (Plum Street Water Improvements) - Construction Bid Recommend Tarrant County Acceptance

BACKGROUND/INFORMATION:

This item was approved at the July 29th City Council Meeting. Tarrant County would like the motion modified to include the wording: "I move to recommend Tarrant County accept the bid from MX Construction Services, Inc. for construction of the Plum Street Water System Improvements project in the amount of Three Hundred Thirty-Three Thousand Seven Hundred Thirty-Eight Dollars and Twenty-Six Cents. Watauga's pledge above and beyond Tarrant County's grant is Zero Dollars and No Cents."

The purpose of this agenda item is to accept the bid from MX Construction Services, Inc. and issue a resolution to Tarrant County allowing Tarrant County to award and construct the Water Main on Plum Street.

The project limits for the water main replacement are from 5901 Plum Street to 5937 Plum Street. The waterline along Plum Street was identified as needing replacement due to excessive breaks and leaks.

The project will remove the existing 6" dia. water line and replace it with an 8" dia. DR-18 PVC water line by open cut. The project also entails removal of two existing fire hydrants, four existing water valves, replacement of concrete driveways and other miscellaneous items of work.

On August 15, 2023, Tarrant County issued an Invitation to Bid for the CDBG-CV Round 4 Grant to fund water infrastructure projects. Burgess and Niple, Inc. prepared and submitted the application. The City of Watauga was awarded \$358,875.00 in Grant Funds for the construction. The City of Watauga was responsible for the engineering cost of \$48,900.00 and any construction cost overruns.

On December 18, 2023, Tarrant County issued the City of Watauga an Engineering Firm Selection letter listing two engineering firms qualified to perform the design. The Mayor was asked to sign the letter selecting Burgess and Niple, Inc. by the Director of



AGENDA MEMORANDUM

Public Works through the City Secretary's Office.

On January 22, 2024, the City Council approved the engineering contract with Burgess and Niple, Inc. for the design, surveying, and construction administration of the CDBG-CV Round 4 Project for a water main replacement project on Plum Street in the amount of \$48,900.00.

On July 3, 2024, Tarrant County opened seven (7) bids for construction of the project and MX Construction Services, Inc. was the lowest qualified bidder. One (1) bid was deemed invalid after opening due to a missing bid bond and three (3) bids had calculation errors. For your reference, we have enclosed a tabulation of the bids received at that time.

If the City Council accepts the bid, Tarrant County will hold a Commissioner's Court Meeting to award the project. It may take six (6) weeks or more for work to proceed on the project. The construction contract allows one hundred thirty-five (135) days to complete the work. Grant Funding for the CDBG-CV 4 Program is \$358,875.00. The construction project has a cost of \$333,738.26, leaving a City obligation of \$0 unless the project has significant cost overruns.

After City Council action, the City will provide Brad Hearne, CDBG Program Manager for Tarrant County, with a draft copy of the Council minutes and a letter from the City Secretary stating that the minutes are correct.

FINANCIAL IMPLICATIONS:

Funding for future construction shall be provided by CDBG Grant and CIP Reserves if needed

RECOMMENDATION/ACTION DESIRED:

Tarrant County specifically requested the following motion: "I move to recommend Tarrant County accept the bid from MX Construction Services, Inc. for construction of the Plum Street Water System Improvements project in the amount of Three Hundred Thirty-Three Thousand Seven Hundred Thirty-Eight Dollars and Twenty-Six Cents. Watauga's pledge above and beyond Tarrant County's grant is Zero Dollars and No Cents."

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Award Recommendation - 46th Year CDBG-CV R4 Plum Street
2. Bid Tabulation - 8.5x11 - 46th Year CDBG-CV R4 Plum Street
3. PP - Construction - CDBG Round 4 - August 2024

REVIEWED BY:



AGENDA MEMORANDUM

Paul Hackleman, Director of Public Works

Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
July 29, 2024**

CALL TO ORDER

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

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner
Malissa Minucci

Pat Shelbourne
Cris Blackburn
Lovie Downey
Andrew Neal
Mark Taylor
Jan Hill

and

Sandra Gibson
Linda Proskey
David Berman
Brian Teneyck
Deby Woodard
Paul Hackleman
Randy Richards
Jeannette Garcia
Randy Barkley
Robert Parker
Julie Rodriguez
Lana Ewell

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

Interim City Manager and Finance Director
City Secretary
City Attorney
Assist. Director of Parks and Community Srv.
Assistant Finance Director
Public Works Director
Assistant Public Works Director
Planner I
Fire Chief
Police Chief
Director of Human Resources
Director of Library Services

INVOCATION

Pastor Ramón Anguiano of Iglesia Bautista El Buen Samaritano Church gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

ANNOUNCEMENTS

Councilmember Neal asked that people have their pets spayed or neutered. He also mentioned that the Parks Kids Fish event is coming up.

PUBLIC COMMENT

No requests for public testimony were received.

PUBLIC TESTIMONY FOR ACTION ITEMS

No requests for public testimony were received.

CONSENT AGENDA

- 1. Consider the appointment of Steve Welch to Place 1 on the Watauga Economic Development Corporation**
- 2. Consider the appointment of Brian Downey to Place 7 on the Watauga Economic Development Corporation.**
- 3. Consider action to accept the Watauga Economic Development Corporation's Proposed Fiscal Year Budget for FY2024-2025; providing for all anticipated expenditures.**
- 4. Consider action to set the Watauga Economic Development Corporation's Proposed FY2024-2025 Budget Public Hearing for August 12, 2024 at 6:30 p.m. and the budget adoption Date for Monday, August 26, 2024**

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

Motion carried 4-0-0-3.

Ayes, Blackburn, Neal, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne, Downey, Minucci

There was no request to speak.

Mayor Miner closed the public hearing at 7:11 pm.

ACTION ITEMS

- 1. Discuss and consider action to approve the Community Development Block Grant (CDGB)-CV Round 4 Project (Plum Street Water Improvements) - Construction Bid Acceptance.**

Paul Hackleman, Director of Public Works, presented the item. He said this is to accept the bid and not to award the bid; Tarrant County will do that at a later date. The CDBG Grant project involves replacing the water line along the east side of Plum Street from Shipp Drive to Bowie Street because the existing cast iron waterline has been leaking and failing. He spoke about the timeline for the project, with a start date of around September 2024.

Councilmember Taylor made the motion: "I move to accept the bid from MX Construction Services, Inc. for the construction of the Plum Street Water System Improvements project in the amount of three hundred thirty-three thousand seven hundred thirty-eight dollars and twenty-six cents. Watauga's pledge above and beyond Tarrant County's grant is zero dollars and no cents."

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

Motion carried 4-0-0-3.

Ayes, Blackburn, Neal, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne, Downey, Minucci

2. Discuss and consider action for the purchase of medical, dental, and vision insurance for all eligible employees and authorize the Interim City Manager to execute a contract with Blue Cross Blue Shield.

Juliet Rodriguez, Human Resources and Civil Service Director, introduced Heath Haigood from Hud International, who spoke about the bids received for the healthcare plan and suggested switching to Blue Cross/Blue Shield, which came in with cost savings. He also recommended bundling the dental and vision plans with the healthcare plan for even greater savings. He added that the health and dental plans have 1-year rates, while the vision plan has a 4-year rate.

Juliet Rodriguez stated that since the deductible is higher and the savings substantial, the HSA city contribution will increase from \$450 to \$750 for employee-only plans, and to \$1000 for family plans to help employees with the higher deductible. She introduced a \$50 WataugaFit reward for employees who bring confirmation of a completed annual physical. She also mentioned plans to increase education on the different types of care available and add a wellness fair to help employees understand how they can help keep insurance costs down. Additionally, they will continue to offer supplemental benefits such as pet insurance, accident, cancer, critical illness, hospital indemnity, permanent life insurance, legal and identity theft protection, short-term disability, and medical transportation insurance at the employee's cost.

Councilmember Taylor believed that the contribution should be \$1000 for employees and \$1500 for family plans to make the city more competitive with other cities. He also wanted to explore other HSA accounts and investment opportunities available through Optum Bank for employees' accounts, as well as alternatives to Optum Bank.

Mayor Miner asked for a Motion. Councilmember Taylor made a motion to accept the proposal with the adjustment to the HSA contribution of 1000 for individuals and 1500 for families. Councilmember Neal seconded the motion,

Motion carried 4-0-0-3.

Ayes, Blackburn, Neal, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne, Downey, Minucci

ITEMS FOR FUTURE AGENDAS

There were no items for future agendas

ADJOURNMENT

Mayor Miner adjourned the meeting at 7:16 pm.

Approved: this _____ day of _____, 2024

Signed: this _____ day of _____, 2024

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, City Secretary

TAKINGS IMPACT ASSESSMENT CHECKLIST

This form has been established to comply with the assessment requirements mandated by the Texas Private Real Property Preservation Act adopted under Chapter 2007, Texas Government Code

Project/Regulation Name: Watauga CV-4 B-20-UW-48-0001-62-15

County Department: TARRANT COUNTY COMMUNITY DEVELOPMENT

Contact Person: Marguerite Allen

Phone Number for Contact Person: 817-850-7961

Type of TIA Performed: **SHORT TIA** or FULL TIA.
Select one after answering the questions in Section II below.

I. Stated Purpose

Attached to this checklist is an explanation of the purpose of the regulation, policy, guideline, court resolution or order.

II. Potential Effect on Private Real Property

1. Does the county action require a physical invasion, occupation, or dedication of real property?

Yes No

2. Does the county action limit or restrict a real property right, even partially or temporarily?

Yes No

If you answer no to both, STOP HERE and select SHORT TIA at the top of the form. A No Impact Determination should be made, and no further compliance with the Property Rights Act is necessary.

If you answer yes to either question, go to Section III to complete FULL TIA. Note: Section II. of this Takings Impact Assessment should be completed in consultation with the Criminal District Attorney's Office.

TAKINGS IMPACT ASSESSMENT (TIA) EXPLANATION

Attached is the TIA Checklist as approved by the District Attorney's Office. Due to timeliness regulations governing CDBG programs, a completed Short TIA (No Impact Determination) checklist is being submitted to Commissioners Court for approval for this contract. Categorical Determinations that no private real property interests are affected by the proposed governmental action would obviate the need for any further compliance with the Property Rights Act. This project is located entirely within city-owned property (under a dedicated public street).

Section III Takings Impact Assessment Long Form

Consult DA for TIA Long Form Questions and Guidelines.

STANDARD FORM OF AGREEMENT

STATE OF TEXAS §
COUNTY OF TARRANT §

This agreement is made and entered into this 15th day of August, 2024, by and between the TARRANT COUNTY (the "Owner"), acting by and through its duly authorized officer, and MX Construction Services, Inc. (the "Contractor").

- 1. In consideration of the payments and agreements mentioned below, the CONTRACTOR agrees with the OWNER to commence and complete the construction of certain improvements described as follows: Plum Street Water System Improvements from Ship Drive to Bowie Street in the City of Watauga, CDBG-CV Round 4 project, #B-20-UW-48-0001-62-15
2. The work herein contemplated will consist of the Contractor furnishing, as an independent contractor, the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and all other accessories and services necessary to complete the Project in accordance to the drawings and specifications prepared by Burgess & Niple (Engineer), and made a part of this Agreement the same as if written herein, plus all extra work in connection with the improvements, at the CONTRACTOR'S own expense, as noted in the terms of both the General Conditions, Supplementary General Conditions and the Special Conditions of the Agreement.
3. The CONTRACTOR agrees to commence work within ten (10) days from the date agreed to and specified in the "Notice-to-Proceed," and to substantially complete the work within one hundred and thirty five (135) calendar days after the date specified in the "Notice-to-Proceed" with construction, subject to such extensions of time as are provided in the contract conditions.
4. The Total Contract Price: The OWNER agrees to pay the CONTRACTOR the amount shown in the PROPOSAL, which forms a part of this Contract, with such payments subject to the General and Supplementary Conditions of the contract. Commissioners Court Communication, attached hereto as Exhibit B, states the funding amount available from all sources. The Owner will pay the Contractor for the performance of the work required by the Contract Documents, subject to additions and deductions mutually agreed to by Change Order, the Total Contract Price of \$333,738.26.
5. Based upon applications for payment submitted to Tarrant County Community Development according to the Contract Documents.
6. To the extent permitted by Texas Law, the Contractor agrees to fully indemnify, save, and hold harmless the Owner from all costs or damages arising out of any real or asserted claim or cause of action against it of whatsoever kind or character and in addition, from any and all costs or damages arising out of any wrongs, injuries, demands or suits for damages, either real or asserted, claimed against it that may be occasioned by any act, omission, neglect or misconduct

of the said Contractor, its agents, servants or employees. All venue for litigation regarding this project is in the State or Federal District Courts physically located in Tarrant County, Texas.

7. The CONTRACTOR acknowledges and agrees that in accordance with Section 2252.908 (b) – (c) of the Texas Government Code, it has fully, accurately, and completely disclosed all interested parties on the Texas Ethics Commission’s Form 1295 attached as “Attachment A”.
8. The CONTRACTOR verifies the acceptance and acknowledgement of the anti-boycott statutes as applicable by law and required by Chapters 2271, 2252, and 2274 Texas Government Code Verification as follows:
 - (a) Boycott of Israel Prohibited. In compliance with Section 2271.001 et seq. of the Texas Government Code, Contractor verifies that neither it nor any of its affiliates currently boycott Israel and neither it nor any of its affiliates will boycott Israel during the term of this Agreement. “Boycott Israel” is defined in Section 808.001(1) of the Texas Government Code.
 - (b) Scrutinized Business Operations Prohibited. In compliance with Section 2252.151 et seq. of the Texas Government Code, Contractor warrants and represents that: (1) neither Contractor nor any of its affiliates engages in scrutinized business operations in Sudan; (2) neither Contractor nor any of its affiliates engages in scrutinized business operations in Iran; and (3) neither Contractor nor any of its affiliates engages in scrutinized business operations with designated foreign terrorist organizations. “Scrutinized business operations in Sudan” is defined in Section 2270.0052 of the Texas Government Code. “Scrutinized business operations in Iran” is defined in Section 2270.0102 of the Texas Government Code. “Scrutinized business operations with designated foreign terrorist organizations” is defined in Section 2270.0152 of the Texas Government Code. Contractor further represents and warrants that neither Contractor nor any of its affiliates appears on any of the Texas Comptroller’s Scrutinized Companies Lists.
 - (c) Boycott of Certain Energy Companies Prohibited. In compliance with Section 2274.002 of the Texas Government Code (added by 87th Legislature, S.B. 13), Contractor verifies that neither it nor any of its affiliates currently boycott energy companies and neither it nor any of its affiliates will boycott energy companies during the term of this Agreement. “Boycott energy company” is defined in Section 809.001(1) (added by 87th Legislature, S.B. 13) and means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by subsection (A).
 - (d) Discrimination against Firearm Entities or Firearm Trade Associations Prohibited. In compliance with Section 2274.002 of the Texas Government Code (added by 87th Legislature, S.B. 19), Contractor verifies that neither it nor any of its affiliates have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and neither it nor any of its affiliates will discriminate during the term of the Agreement against a firearm entity or firearm trade association. “Discriminate against a firearm entity or firearm trade association” is defined in Section 2274.001(3) (added by 87th Legislature, S.B. 19) and means, with respect to the entity

or association, to: (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; the term does not include: (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (ii) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship: (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

9. CONTRACTOR must comply with the requirements of the Build America, Buy America (BABA) Act, as part of the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58 §§ 70901-52, Nov. 15, 2021, 41 USC § 8301 note), and all applicable rules and notices, as may be amended, if applicable to this infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

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

This contract shall be interpreted under the laws of the State of Texas. The venue for any lawsuit arising out of this Agreement will be the Fort Worth Division of the Northern District of Texas if the lawsuit arises in Federal Court or Tarrant County, Texas if the matter arises in state court.

11. Compliance with Laws. In providing the services required by this Agreement, Contractor must observe and comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. Contractor shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

12. The Contract Documents consist of the following:

- This Agreement,
- Request for Bid 2024CD-006 Bid Documents including Notice to Bidders, Bidder Information and Certification Form, Non-Collusion Affidavit and Proposal
- Performance Bond, Payment Bond, Maintenance Bond, Certificate of Insurance,

- General Conditions of Agreement, Supplementary General Conditions
- Technical Specifications, Special Specifications, Special Material and/or Equipment Specifications, Special Conditions
- Federal Labor Standards, Hud-4010, Wage Determination, Employment, Training and Contracting Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects under Hud Section 3 of The Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) And 24 CFR 75, and all applicable rules and notices, as may be amended,
- and the drawings and blueprints as prepared by the Owner's Engineer;
- Any exhibits attached hereto, conditions of the contract (special, supplementary, and other conditions), all addenda issued prior to the execution of this Agreement and all modifications issued subsequent hereto.

To the extent of an ambiguity among the various documents, this signed Agreement prevails. These documents collectively form the Contract, and all are as fully a part of the Contract as if attached hereto to this Agreement or repeated herein.

Both OWNER and CONTRACTOR agree to abide by all state and federal laws, statutes, and regulations applicable to the completion of the project described.

EXECUTED THIS _____ DAY OF _____, 2024.

COUNTY OF TARRANT
OWNER

CONTRACTOR

(SIGNATURE)

(SIGNATURE)

BY: Tim O'Hare

BY: Fernando S Esquivel

TITLE: County Judge

TITLE: CEO

ATTEST: _____

ATTEST: _____

Certification of Funds Available in the amount of:

Kimberly M. Buchanan, CPA
Tarrant County Auditor

Approved as to Form:

Craig Price

Criminal District Attorney's Office*

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

ITEM NO.	DESCRIPTION OF ITEM	UNIT	BID QUANTITY
1	Prepare and Restore Right of Way	LS	1
2	Remove and Replace Existing Curb and Gutter	LF	92
3	Remove and Replace Existing Concrete Driveways	SF	65
4	Remove and Replace Existing Concrete Valley Gutters	SF	27
5	4" Thick Topsoil & Solid Sodding	SY	109
6	Traffic Control Plan and Implementation	LS	1
7	Erosion Control	LS	1
8	Project Signs	EA	2
9	Project-Wide Miscellaneous Allowance	LS	1
10	Remove Existing 6"/8" Water Line	LF	101
11	Remove Existing Fire Hydrant	EA	1
12	Remove Existing Gate Valve	EA	2
13	6" Dia. (DR-18) Water Line	LF	9
14	8" Dia. (DR-18) Water Line	LF	879
15	8" Gate Valve & Box	EA	6
16	Fire Hydrant Assy., incl. 6" GV	EA	2
17	Ductile Iron Fittings for Water Line	TONS	0.9
18	Connect to Existing 6"/8" Water Line	EA	5
19	Long Single Water Service	EA	1.0
20	Long Double Water Service	EA	3
21	Short Single Water Service	EA	3
22	Short Double Water Service	EA	1
23	Reroute of Private Service at 5925 Plum St to New Meter (Plumbing)	LS	1
24	Water Service Transfer	EA	12
25	Temporary 2" Dia. Water Line w/ temporary water service connections	LS	1
26	Water Trench Safety	LF	888
27	Temporary Pavement Replacement for Water Lines	LF	958
28	Asphalt Pavement Replacement for Water Lines	LF	896
29	Concrete Pavement Replacement for Water Lines	LF	62

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
MX Construction Services, INC.
McKinney, TX United States

Certificate Number:
2024-1203905

Date Filed:
08/21/2024

Date Acknowledged:
9/9/24

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

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
#B-20-UW48-001-62-15
Plum Street Water System Improvements from Ship Drive to Bowie Street in the City of Watauga

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

5 Check only if there is NO Interested Party.

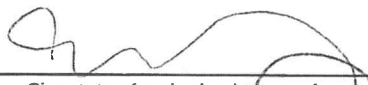
6 UNSWORN DECLARATION

My name is Carezu Ramirez, and my date of birth is 09/21/1996.

My address is 8951 Collin McKinney PKWY, McKinney, TX, 75070, US.
(street) (city) (state) (zip code) (country)

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

Executed in Collin County, State of Texas, on the 21 day of August, 20 24.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
AUGUST 12, 2024**

CALL TO ORDER

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

ROLL CALL

The meeting convened with the following members present:

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

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

and

Sandra Gibson
Linda Proskey
David Berman
Deby Woodard
Paul Hackleman
Randy Richards
Julie Rodriguez
Lana Ewell

Interim City Manager and Finance Director
City Secretary
City Attorney
Assistant Finance Director
Public Works Director
Assistant Public Works Director
Director of Human Resources
Director of Library Services

INVOCATION

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

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

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

Motion carried 7-0-0-0.

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



6. Discuss and consider action to approve the Community Development Block Grant (CDGB)-CV Round 4 Project (Plum Street Water Improvements) - Construction Bid Recommend Tarrant County Acceptance

Paul Hackleman, Director of Public Works, presented the item. He stated that the item was approved by the council at the July 29, 2024, meeting. However, Tarrant County needed the motion to be revised. They requested the addition of the words 'recommend Tarrant County' to the motion.

Councilmember Neal made the motion: I move to recommend Tarrant County accept the bid from MX Construction Services, Inc. for construction of the Plum Street Water System Improvements project in the amount of Three Hundred Thirty-Three Thousand Seven Hundred Thirty-Eight Dollars and Twenty-six Cents. Watauga's pledge above and beyond Tarrant County's grant is Zero Dollars and No Cents. Councilmember Hill seconded the motion. Mayor Miner called for a vote.

Motion carried 7-0-0-0.

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

7. Consider action to approve the Watauga Crime Control and Prevention District Proposed Budget for Fiscal Year 2024-2025.

Sandra Gibson, Interim City Manager and Director of Finance, said there were no changes to what the council had been presented with in previous meetings.

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

Motion carried 7-0-0-0.

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

8. Consider action to approve the FY2024-2025 Proposed Watauga Economic Development Budget.

1. Pursuant to Section 551.074 of the Texas Government Code, discuss matters relating to personnel as follows: City Manager duties.

There was no action taken.

ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

Mayor Miner announced that the demolition of the Old Senior Center began today.

ADJOURNMENT

Mayor Miner adjourned the meeting at 8:11 pm.


Approved: this 26 day of August, 2024

Signed: this 27 day of August, 2024

APPROVED:


Arthur L. Miner, Mayor

ATTEST:


Linda Proskey, City Secretary





AGENDA MEMORANDUM

DATE: August 7, 2024

TO: Honorable City Council Members

FROM: Paul Hackleman, Director of Public Works

SUBJECT: Discuss and consider action to approve the Community Development Block Grant (CDGB)-CV Round 4 Project (Plum Street Water Improvements) - Construction Bid Recommend Tarrant County Acceptance

BACKGROUND/INFORMATION:

This item was approved at the July 29th City Council Meeting. Tarrant County would like the motion modified to include the wording: "I move to recommend Tarrant County accept the bid from MX Construction Services, Inc. for construction of the Plum Street Water System Improvements project in the amount of Three Hundred Thirty-Three Thousand Seven Hundred Thirty-Eight Dollars and Twenty-Six Cents. Watauga's pledge above and beyond Tarrant County's grant is Zero Dollars and No Cents."

The purpose of this agenda item is to accept the bid from MX Construction Services, Inc. and issue a resolution to Tarrant County allowing Tarrant County to award and construct the Water Main on Plum Street.

The project limits for the water main replacement are from 5901 Plum Street to 5937 Plum Street. The waterline along Plum Street was identified as needing replacement due to excessive breaks and leaks.

The project will remove the existing 6" dia. water line and replace it with an 8" dia. DR-18 PVC water line by open cut. The project also entails removal of two existing fire hydrants, four existing water valves, replacement of concrete driveways and other miscellaneous items of work.

On August 15, 2023, Tarrant County issued an Invitation to Bid for the CDBG-CV Round 4 Grant to fund water infrastructure projects. Burgess and Niple, Inc. prepared and submitted the application. The City of Watauga was awarded \$358,875.00 in Grant Funds for the construction. The City of Watauga was responsible for the engineering cost of \$48,900.00 and any construction cost overruns.

On December 18, 2023, Tarrant County issued the City of Watauga an Engineering Firm Selection letter listing two engineering firms qualified to perform the design. The Mayor was asked to sign the letter selecting Burgess and Niple, Inc. by the Director of



AGENDA MEMORANDUM

Public Works through the City Secretary's Office.

On January 22, 2024, the City Council approved the engineering contract with Burgess and Niple, Inc. for the design, surveying, and construction administration of the CDBG-CV Round 4 Project for a water main replacement project on Plum Street in the amount of \$48,900.00.

On July 3, 2024, Tarrant County opened seven (7) bids for construction of the project and MX Construction Services, Inc. was the lowest qualified bidder. One (1) bid was deemed invalid after opening due to a missing bid bond and three (3) bids had calculation errors. For your reference, we have enclosed a tabulation of the bids received at that time.

If the City Council accepts the bid, Tarrant County will hold a Commissioner's Court Meeting to award the project. It may take six (6) weeks or more for work to proceed on the project. The construction contract allows one hundred thirty-five (135) days to complete the work. Grant Funding for the CDBG-CV 4 Program is \$358,875.00. The construction project has a cost of \$333,738.26, leaving a City obligation of \$0 unless the project has significant cost overruns.

After City Council action, the City will provide Brad Hearne, CDBG Program Manager for Tarrant County, with a draft copy of the Council minutes and a letter from the City Secretary stating that the minutes are correct.

FINANCIAL IMPLICATIONS:

Funding for future construction shall be provided by CDBG Grant and CIP Reserves if needed

RECOMMENDATION/ACTION DESIRED:

Tarrant County specifically requested the following motion: "I move to recommend Tarrant County accept the bid from MX Construction Services, Inc. for construction of the Plum Street Water System Improvements project in the amount of Three Hundred Thirty-Three Thousand Seven Hundred Thirty-Eight Dollars and Twenty-Six Cents. Watauga's pledge above and beyond Tarrant County's grant is Zero Dollars and No Cents."

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Award Recommendation - 46th Year CDBG-CV R4 Plum Street
2. Bid Tabulation - 8.5x11 - 46th Year CDBG-CV R4 Plum Street
3. PP - Construction - CDBG Round 4 - August 2024

REVIEWED BY:



AGENDA MEMORANDUM

Paul Hackleman, Director of Public Works

Sandra Gibson, Interim City Manager and Director of Finance

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD,
July 29, 2024**

CALL TO ORDER

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

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner
Malissa Minucci

Pat Shelbourne
Cris Blackburn
Lovie Downey
Andrew Neal
Mark Taylor
Jan Hill

and

Sandra Gibson
Linda Proskey
David Berman
Brian Teneyck
Deby Woodard
Paul Hackleman
Randy Richards
Jeannette Garcia
Randy Barkley
Robert Parker
Julie Rodriguez
Lana Ewell

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

Interim City Manager and Finance Director
City Secretary
City Attorney
Assist. Director of Parks and Community Srv.
Assistant Finance Director
Public Works Director
Assistant Public Works Director
Planner I
Fire Chief
Police Chief
Director of Human Resources
Director of Library Services

INVOCATION

Pastor Ramón Anguiano of Iglesia Bautista El Buen Samaritano Church gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the Pledge of Allegiance.

ANNOUNCEMENTS

Councilmember Neal asked that people have their pets spayed or neutered. He also mentioned that the Parks Kids Fish event is coming up.

PUBLIC COMMENT

No requests for public testimony were received.

PUBLIC TESTIMONY FOR ACTION ITEMS

No requests for public testimony were received.

CONSENT AGENDA

- 1. Consider the appointment of Steve Welch to Place 1 on the Watauga Economic Development Corporation**
- 2. Consider the appointment of Brian Downey to Place 7 on the Watauga Economic Development Corporation.**
- 3. Consider action to accept the Watauga Economic Development Corporation's Proposed Fiscal Year Budget for FY2024-2025; providing for all anticipated expenditures.**
- 4. Consider action to set the Watauga Economic Development Corporation's Proposed FY2024-2025 Budget Public Hearing for August 12, 2024 at 6:30 p.m. and the budget adoption Date for Monday, August 26, 2024**

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

Motion carried 4-0-0-3.

Ayes, Blackburn, Neal, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne, Downey, Minucci

There was no request to speak.

Mayor Miner closed the public hearing at 7:11 pm.

ACTION ITEMS

- 1. Discuss and consider action to approve the Community Development Block Grant (CDGB)-CV Round 4 Project (Plum Street Water Improvements) - Construction Bid Acceptance.**

Paul Hackleman, Director of Public Works, presented the item. He said this is to accept the bid and not to award the bid; Tarrant County will do that at a later date. The CDBG Grant project involves replacing the water line along the east side of Plum Street from Shipp Drive to Bowie Street because the existing cast iron waterline has been leaking and failing. He spoke about the timeline for the project, with a start date of around September 2024.

Councilmember Taylor made the motion: "I move to accept the bid from MX Construction Services, Inc. for the construction of the Plum Street Water System Improvements project in the amount of three hundred thirty-three thousand seven hundred thirty-eight dollars and twenty-six cents. Watauga's pledge above and beyond Tarrant County's grant is zero dollars and no cents."

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

Motion carried 4-0-0-3.

Ayes, Blackburn, Neal, Taylor, Hill

Nays: None

Abstain: None

Absent: Shelbourne, Downey, Minucci

2. Discuss and consider action for the purchase of medical, dental, and vision insurance for all eligible employees and authorize the Interim City Manager to execute a contract with Blue Cross Blue Shield.

Juliet Rodriguez, Human Resources and Civil Service Director, introduced Heath Haigood from Hud International, who spoke about the bids received for the healthcare plan and suggested switching to Blue Cross/Blue Shield, which came in with cost savings. He also recommended bundling the dental and vision plans with the healthcare plan for even greater savings. He added that the health and dental plans have 1-year rates, while the vision plan has a 4-year rate.

Juliet Rodriguez stated that since the deductible is higher and the savings substantial, the HSA city contribution will increase from \$450 to \$750 for employee-only plans, and to \$1000 for family plans to help employees with the higher deductible. She introduced a \$50 WataugaFit reward for employees who bring confirmation of a completed annual physical. She also mentioned plans to increase education on the different types of care available and add a wellness fair to help employees understand how they can help keep insurance costs down. Additionally, they will continue to offer supplemental benefits such as pet insurance, accident, cancer, critical illness, hospital indemnity, permanent life insurance, legal and identity theft protection, short-term disability, and medical transportation insurance at the employee's cost.

Councilmember Taylor believed that the contribution should be \$1000 for employees and \$1500 for family plans to make the city more competitive with other cities. He also wanted to explore other HSA accounts and investment opportunities available through Optum Bank for employees' accounts, as well as alternatives to Optum Bank.

Mayor Miner asked for a Motion. Councilmember Taylor made a motion to accept the proposal with the adjustment to the HSA contribution of 1000 for individuals and 1500 for families. Councilmember Neal seconded the motion,

Motion carried 4-0-0-3.

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

ITEMS FOR FUTURE AGENDAS

There were no items for future agendas

ADJOURNMENT

Mayor Miner adjourned the meeting at 7:16 pm.

Approved: this _____ day of _____, 2024

Signed: this _____ day of _____, 2024

APPROVED:

Arthur L. Miner, Mayor

ATTEST:

Linda Proskey, City Secretary

TAKINGS IMPACT ASSESSMENT CHECKLIST

This form has been established to comply with the assessment requirements mandated by the Texas Private Real Property Preservation Act adopted under Chapter 2007, Texas Government Code

Project/Regulation Name: Watauga CV-4 B-20-UW-48-0001-62-15

County Department: TARRANT COUNTY COMMUNITY DEVELOPMENT

Contact Person: Marguerite Allen

Phone Number for Contact Person: 817-850-7961

Type of TIA Performed: **SHORT TIA** or FULL TIA.
Select one after answering the questions in Section II below.

I. Stated Purpose

Attached to this checklist is an explanation of the purpose of the regulation, policy, guideline, court resolution or order.

II. Potential Effect on Private Real Property

1. Does the county action require a physical invasion, occupation, or dedication of real property?

Yes No

2. Does the county action limit or restrict a real property right, even partially or temporarily?

Yes No

If you answer no to both, STOP HERE and select SHORT TIA at the top of the form. A No Impact Determination should be made, and no further compliance with the Property Rights Act is necessary.

If you answer yes to either question, go to Section III to complete FULL TIA.
Note: Section II. of this Takings Impact Assessment should be completed in consultation with the Criminal District Attorney's Office.

TAKINGS IMPACT ASSESSMENT (TIA) EXPLANATION

Attached is the TIA Checklist as approved by the District Attorney's Office. Due to timeliness regulations governing CDBG programs, a completed Short TIA (No Impact Determination) checklist is being submitted to Commissioners Court for approval for this contract. Categorical Determinations that no private real property interests are affected by the proposed governmental action would obviate the need for any further compliance with the Property Rights Act. This project is located entirely within city-owned property (under a dedicated public street).

Section III Takings Impact Assessment Long Form

Consult DA for TIA Long Form Questions and Guidelines.