

AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This agreement is made and entered into this 5 day of May, 2023, by and between the COUNTY OF TARRANT (hereinafter referred to as "OWNER"), acting by and through its duly authorized officer, and Atkins Bros of the City of Midlothian County of Ellis, and State of Texas (hereinafter referred to as "CONTRACTOR").

WITNESSETH: 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:

EMERSON DR. WATER SYSTEM IMPROVEMENTS (Whitley Rd. to Maurie dr.) basically consisting of 786 L.F. of 6" and 8" Dia. (DR-18) PVC water line, 5-8" Gate Valves, 4 Fire Hydrant Assemblies, 1 Curb Ramp Replacement, Water Services, and Pavement Replacement located in the City of Watauga, Texas
(hereinafter referred to as the "Project")

and all extra work in connection with the improvements as noted in the terms of both the General Conditions and the Special Conditions of the Agreement. The materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and all other accessories and services necessary to complete the construction shall be at the CONTRACTOR'S own expense. The construction shall be in accordance with the NOTICE TO BIDDERS, CONTRACTOR/SUBCONTRACTOR INFORMATION, PROPOSAL, PERFORMANCE BOND, PAYMENT BOND, MAINTENANCE BOND, CERTIFICATION OF INSURANCE, GENERAL CONDITIONS OF AGREEMENT, SPECIAL CONDITIONS, FEDERAL LABOR STANDARDS, WAGE DECISIONS, LABOR STANDARD AND WAGE DECISION CERTIFICATION, EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION, HUD HANDBOOK NO. 1300.17, TRAINING, EMPLOYMENT AND CONTRACTING

OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS, COPELAND ANTI-KICKBACK ACT, SPECIAL SPECIFICATIONS, SPECIAL MATERIAL AND/OR EQUIPMENT SPECIFICATIONS, E-VERIFY, ANTI-BOYCOTT STATUTES, and the drawings and blueprints as prepared by the OWNER'S engineer; all of which are made a part hereof and collectively evidence and constitute the entire contract (hereinafter "the Contract").

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 Five (105) calendar days after the date specified in the "Notice-to-Proceed" with construction, subject to such extensions of time as are provided in the General and Special Conditions.

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 Special Conditions of the contract. Attachment A. Commissioners Court Communication attached hereto states the funding amount available from all sources.

The CONTRACTOR acknowledges and agrees that it has fully, accurately, and completely disclosed all interested parties in the attached Form 1295 and has acknowledged the completeness of this disclosure by filing the Form 1295, attached as Exhibit A, with the Texas Ethics Commission as required by law.

The CONTRACTOR verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. The term "boycott Israel" is as defined by Texas Government Code Section 808.001, effective September 1, 2017.

Chapters 2271, 2252, and 2274 Texas Government Code Verification.

(a) Boycott of Israel Prohibited. In compliance with Section 2271.001 et seq. of the Texas Government Code, Vendor 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, Vendor warrants and represents that: (1) neither Vendor nor any of its affiliates engages in scrutinized business operations in Sudan; (2) neither Vendor nor any of its affiliates engages in scrutinized business operations in Iran; and (3) neither Vendor 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. Vendor further represents and warrants that neither Vendor 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), Vendor 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), Vendor 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.

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.

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.

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.

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 _____, 2023.

ATKINS BROS. EQUIP. CO., INC.

P.O. Box 990

3516 Old Ft. Worth Rd.

Midlothian, TX 76065

TARRANT COUNTY, TEXAS
(OWNER)

(CONTRACTOR)

BY: _____

BY:  _____

COUNTY JUDGE OR
PRESIDING OFFICER

ATTEST: _____

ATTEST:  _____

FUNDS CERTIFIED AVAILABLE BY:

TARRANT COUNTY AUDITOR

APPROVED AS TO FORM:

CRIMINAL DISTRICT ATTORNEY'S OFFICE*

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

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:
2023-983169

Date Filed:
02/14/2023

Date Acknowledged:
FEB 14 2023

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

Atkins Bros. Equipment Co., Inc.
Midlothian, 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 Community Development Division

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.

48th yr cdbg Watauga
Tarrant County 48th year CDBG Project (Watauga) Emerson Drive Water System Imprvts.

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Atkins, Michael	Midlothian, TX United States	X	

5 Check only if there is NO Interested Party. ☐

6 UNSWORN DECLARATION

My name is Jennifer Little, and my date of birth is 12/31/1979.

My address is 5630 Stone Lane, Midlothian, TX, 76065, USA.
(street) (city) (state) (zip code) (country)

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

Executed in ELLIS County, State of TEXAS, on the 14 day of February, 20 23.
(month) (year)

Jennifer Little
Signature of authorized agent of contracting business entity
(Declarant)



**MINUTES
WATAUGA CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER,
7105 WHITLEY ROAD
MARCH 13, 2023
6:30 PM**

CALL TO ORDER

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

ROLL CALL

The meeting convened with the following members present:

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

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

and
Joshua Jones
Linda Proskey
Joe
Sandra Gibson
Lana Ewell
Julie Rodriguez
Timothy Hamilton

City Manager
City Secretary

Director of Finance
Director of Library Services
HR/Civil Service Director
Parks and Community Services Director

INVOCATION

Pastor Mark Lofton, of Northside Nazarene Church, provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Miner led the pledge to the flags.

ANNOUNCEMENTS

Councilmember Neal reminded everyone of the concert in the park on Friday and added to adopt a pet at the Animal Service.

Mayor Miner announced the passing of former Councilmember Melva Clark.

PRESENTATION

Joshua Jones gave service awards to Jennifer Walls for five years, Randy Richards for 30 years, and James Dykes for ten years.

PUBLIC COMMENT

No Request for Public Comment

PUBLIC TESTIMONY FOR ACTION ITEMS

No Requests for public testimony were received.

CONSENT AGENDA

Mayor Miner read the following consent addenda items:

1. **Approval of proposed changes to the Watauga Public Library's Meeting Room Policy.**
2. **Consideration and approval of the Monthly Financial Report for the period ending January 31, 2023.**
3. **Consideration and approval of a purchase of replacement Panasonic mobile devices and accessories for Police Patrol vehicles from SHI Government.**
4. **Consideration and approval of Saturday, April 29, 2023, and Saturday, September 23, 2023, for the city-wide semi-annual garage sales and waiving the application requirement and permit fee.**
5. **Consider approval of the joint contract with Tarrant County Elections for the May 6, 2023, general election.**

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

PUBLIC HEARINGS / ACTION

1. **SUP.23-01: Public hearing to receive comments for or against a request for a specific use permit for the property established at 6600 Denton Highway Suite #200, Lot B2R, Block 4, of the Greenfield Village Addition, located north of Greenfield Drive east of Denton Highway and west of Chapman Road; and consider action on the final report recommending to Council to allow for a massage establishment in a General Business (GB) zoning district. Owner, Nikki Cee LLC. Applicant/agent, Josephine Bacon.**

Randy Richards Assistant Public Works Director presented the item. Applicant Josephine Bacon was present.

Mayor Miner opened the Public Hearing at 6:43 p.m.

There were no requests to speak.

Public Hearing was closed at 6:43 p.m.

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

2. **SUP.23-02: Public hearing to receive comments for or against a request for a specific use permit, for property known as 6029 Plum St., Lot 2R, Block 9, of the Original Town of Watauga Addition, located north of Lamar Street south of Main Street and east of Denton Highway; and consider action on the final report recommending to Council to allow for a private school establishment in a General Business (GB) zoning district. Owner/applicant, ChristaCarol Jones.**

Randy Richards, Assistant Public Works Director, presented the item; ChristaCarol Jones was present.

Councilmember Neal asked what the ultimate enrollment that is being looked at is.

Ms. Jones said they are looking at 24, so it will be 12 per classroom, and they have two classrooms. But they could go to the state limit of 32 students.

Councilmember Minucci. She wanted to know the size of the building and where she was with her accreditation.

Ms. Jones said that the building is 1600 sq. feet and that the state requires 30 per student. She said she was in her first third of the accreditation and should have it by the end of the summer.

Mayor Miner opened the public hearing at 6:50 p.m.

There were no requests to speak.

Mayor Miner closed the public hearing at 6:50 p.m.

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

ACTION ITEMS

- 1. Discuss and consider action to approve a resolution to accept the Annual Audit and Single Audit for the period October 1 - September 30, 2022.**

Sandra Gibson, Director of Finance, introduced Jackie Gonzales, with the accounting firm Weaver to present the audit. Ms. Gonzales explained how the audit was performed and how the city did.

Councilmember Shelbourne asked about what caused the fee increases.

Gibson said that water consumption was the leading cause due to the hot summer.

Councilmember Minucci asked about Harvest Christian and why they were not listed as a principal employer.

Ms. Gibson said it is because they changed ownership.

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

Mayor Miner congratulated the finance department for receiving a certificate for excellence in financial reporting.

- 2. Consider action to award Landscape Maintenance RFP # 23-003 to MG Lawn & Landscape and Smith Lawn & Tree.**

Timothy Hamilton, Director of Parks and Recreation, presented the item. Additional channel locations and cycles were added. The proposal is based and awarded on a three-year initial term with an option of renewal for two additional one-year periods. Councilmember Taylor asked about the services and if included plant replacement.

Mr. Hamilton stated it is separate and that they have requested the prices for replacing plants.

Councilmember Shelbourne asked how often the channels would be maintained and why the two bidders were picked.

Mr. Hamilton said the channels would be maintained nine times, and the companies were higher and lower in certain areas, so they awarded it to both to save money.

Councilmember Minucci wanted to know why one vendor that met the scoring and was lower in cost was not chosen.

Mr. Councilmember Minucci wanted to know why one vendor that met the scoring and was lower in cost was not chosen.

Hamilton stated that the plan they submitted was not a plan that would work for the city.

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

Motion carried 7-0-0-0.

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

Nays: None

Abstain: None

Absent: None

3. Discuss and consider action to approve the Community Development Block Grant (CDGB) 48th Year Emerson Drive Water System Improvements - Construction Bid Acceptance.

Paul Hackleman, Director of Public Works, presented this item Water Main replacement along Emerson Drive from Whitley Road to Maurie Drive. A public hearing, which confirmed the project, was held by the City Council on April 11, 2022. Therefore, this item is to accept the bid.

Mayor Miner called for a Motion. Councilmember Neal made a motion I move to accept the bid from Atkins Brothers Equipment Company, Inc. for construction of the Emerson Dr. Water System Improvements project in the amount of Three Hundred Three Thousand Five Hundred Seventy-Eight Dollars and No Cents. Watauga's pledge above and beyond Tarrant County's grant is One Hundred Thirty-Four Thousand Two Hundred Fifty-One Dollars and No Cents Councilmember Minucci seconded the motion. Mayor Miner called for a vote. Councilmember Hill seconded the motion.

Motion carried 7-0-0-0.

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

ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.


ADJOURNMENT

Mayor Miner adjourned the meeting at 7:22 pm

Approved: this 10th day of April, 2023

Signed: this 12th day of April, 2023

ATTEST:


Linda Proskey, City Secretary

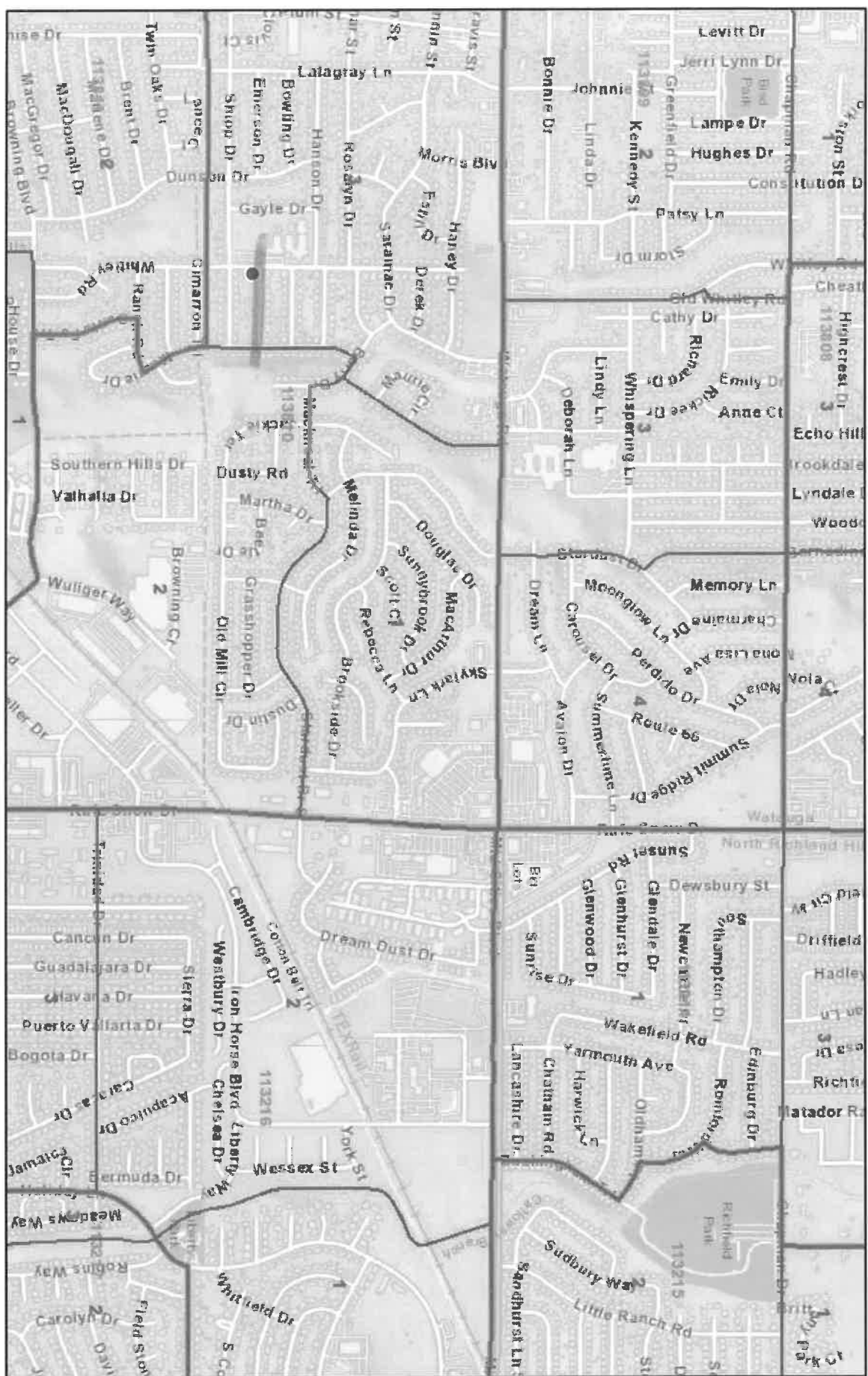


APPROVED:


Arthur L. Miner, Mayor

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

Watauga - CDBG 2022 (Water on Emerson)



February 10, 2022



Counties

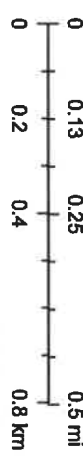


Tracts (2020)



Block Groups (2020)

1:18,056



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

TAKINGS IMPACT ASSESSMENT CHECKLIST

Complete this form for any count

Project/Regulation Name: WATAUGA B-22-UC-48-0001-62-15

County Department: TARRANT COUNTY COMMUNITY DEVELOPMENT

Contact Person: BRAD HEARNE

Phone Number for Contact Person: 817/850-7961

Type of TIA Performed: SHORT TIA or FULL TIA. Circle one after answering the questions in Sections II and III below.

I. Stated Purpose

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

Note: The remainder of this Takings Impact Assessment Checklist should be completed in consultation with the Criminal District Attorney's Office.

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 yes to either question, go to Section III. If you answer no to both, STOP HERE and circle SHORT TIA at the top of the form.

TAKINGS IMPACT ASSESSMENT (TIA) CHECKLIST

Attached is the TIA Checklist as preliminarily approved by the District Attorney's Office. Due to both timeliness regulations governing CDBG programs and the problems associated with undertaking public works project in the warmer summer months, a completed preliminary checklist is being submitted to Commissioners Court for approval for this contract. Once the Commissioners Court has approved a written policy, additional documentation will be submitted for the CITY OF WATAUGA, 48th YEAR CDBG Project. This project is located entirely within city-owned property (under a dedicated public street).