

CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4
Paul Davidhizar, Position 1 At-Large
Lydia Montgomery, Position 2 At-Large
Don H. Johnson, Position 3 At-Large



Joe Emmett, Ward 1
Tish Humphrey, Ward 2
Ronald Allen, Ward 3
Joe Rodriguez, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, OCTOBER 18, 2016 - REGULAR SESSION 6:00 P.M.

CITY COUNCIL CHAMBERS HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

MAIN SESSION [6:00 P.M.]

1. **CALL TO ORDER**

2. **INVOCATION AND PLEDGES**

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. **CONSENT AGENDA**

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on October 4, 2016, the combined workshop with the Planning Commission on October 6, 2016, and of the State of the City address on October 11, 2016. [Lee Woodward, City Secretary]
- b. Authorize the City Manager to accept a 2016 Homeland Security Grant in the amount of \$99,936 from the Governor's Office. [Dr. Sherry McKibben, Director of Neighborhood Resources]

4. **STATUTORY AGENDA**

- a. **FIRST READING** - *Presentation, public comment, discussion, and possible action* to authorize the City Manager to sign Addendum D, for a Guaranteed Maximum Price in the amount of \$355,800 to the Construction Manager at Risk Agreement with Anchor Construction for the City of Huntsville Transfer Station, first reading. [Carol Reed, Director of Public Works]
- b. *Presentation, public comment, discussion, and possible action* to authorize the City Manager and City Attorney to execute the necessary documents to abandon the existing public utility easement filed in Volume 174, Page 623 of the Public Records of Walker County Texas located at 1710 11th Street. [Aron Kulhavy, Director of Community and Economic Development]

5. **CITY COUNCIL/CITY MANAGER/CITY ATTORNEY**

- a. *Presentation, public comment, discussion, and possible action* to adopt Resolution 2017-01, as to the principal and interest payments associated with Propositions 1, 2 and 3 on the November 8, 2016 ballot. [Matt Benoit, City Manager]

6. **REQUESTS FOR CITIZEN PARTICIPATION**

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on Tuesday, October 11, 2016.

7. **MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**

8. **ITEMS OF COMMUNITY INTEREST**

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

9. **EXECUTIVE SESSION**

- a. City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.074 - personnel matters regarding the evaluation and job duties of City Manager Matt Benoit.

10. **RECONVENE**

- a. Take action, if necessary, on items addressed during Executive Session.

11. **ADJOURNMENT**

*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session

of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the October 18, 2016 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.huntsvilletx.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____

TIME OF POSTING: _____ am/pm

TAKEN DOWN: _____

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 4th DAY OF OCTOBER 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Paul Davidhizar, Don H. Johnson, Ronald Allen, Tish Humphrey, Keith Olson, Joe Emmett, Lydia Montgomery

COUNCILMEMBERS ABSENT: Joe P. Rodriguez

OFFICERS PRESENT: Matt Benoit, City Manager; Leonard Schneider, City Attorney; Lee Woodward, City Secretary

MAIN SESSION [6:00 p.m.]

1. CALL TO ORDER – Mayor Brauninger called the meeting to order at 6:00 p.m.

2. INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

Councilmember Johnson gave an invocation Ashleen Brown from HISD led the pledges.

3. PRESENTATIONS AND PROCLAMATIONS

- Proclamation for Fire Prevention Week

- Proclamation for Domestic Violence Awareness Month

4. CONSENT AGENDA

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on September 20, 2016 and the combined workshop with the Planning Commission on September 15, 2016. [Lee Woodward, City Secretary]
- b. Approve renewal of annual software maintenance with Tyler Technologies for Finance and Public Safety in the amount of \$84,548.61. [Bill Wavra, IT Director]

Councilmember Montgomery moved to adopt the consent agenda; the motion was seconded by Mayor Pro Tem Olson. The motion was unanimously adopted, 8-0.

5. STATUTORY AGENDA

- a. *Presentation, public comment, discussion, and possible action* to consider adoption of Ordinance 2016-42, amending Chapter 12, Building and Building Regulations, Article V, Electricity, of the Code of Ordinances of the City of Huntsville, second reading. [Aron Kulhavy, Director of Community and Economic Development]

Councilmember Humphrey moved to adopt Ordinance 2016-42, amending Chapter 12, Building and Building Regulations, Article V, Electricity, of the Code of Ordinances of the City of Huntsville; the motion was seconded by Councilmember Montgomery. The motion was adopted, 8-0.

- b. FIRST READING - *Presentation, public comment, discussion, and possible action* to consider authorizing the City Manager to award the construction contract for the IH-45 Widening Utility Relocation Project (No. 15-09-23), first reading. [Y. S. Ram Ramachandra, City Engineer]

Mayor Pro Tem Olson moved to waive the second reading per the provisions of the City Charter; the motion was seconded by Councilmember Humphrey. The motion was adopted, 6-2, Councilmembers Allen and ~~Olson~~ Emmett voting against. Mayor Pro Tem Olson moved to authorize the City Manager to award the construction contract for the IH-45 Widening Utility Relocation Project (No. 15-09-23); the motion was seconded by Councilmember Davidhizar. The motion was adopted, 6-2, Councilmembers Allen and ~~Olson~~ Emmett voting against.

6. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- a. *Presentation, discussion and public comment* to consider a request by Councilmember Allen to discuss the City's membership with the Gulf Coast Strategic Highway Coalition. [City Manager Matt Benoit]

Item posted only for discussion, no action taken.

- b. **Presentation, public comment, discussion, and possible action to approve the Mayor's nominations for City boards, committees, and commissions. [Mayor Brauning]**

Councilmember Johnson moved to divide the question and handle each separately; the motion was seconded by Councilmember Humphrey. The motion to divide was adopted, 8-0.

Mayor Brauning moved his nomination for the Cemetery Advisory Board, the motion was unanimously adopted, 8-0. Mayor Brauning moved his nominations for the Parks and Recreation Advisory Board, the motion was unanimously adopted, 8-0. Mayor Brauning moved his nomination for the City of Huntsville, Texas Veterans Affairs Advisory Board, the motion was unanimously adopted, 8-0. Mayor Brauning moved his nomination for the Planning Commission, the motion failed, 2-6, Mayor Brauning and Councilmember Allen in support.

The following were appointed:

Cemetery Advisory Board - Joyce Robinson, reappointment

Parks & Recreation Advisory Board - Nate Grigsby, reappointment; Julia Woods, initial appointment

City of Huntsville, Texas Veterans Affairs Advisory Board - Michelle Bright

7. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

No requests were received by noon on Tuesday, September 27, 2016.

8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

There were no media inquiries.

9. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)

Mayor Pro Tem Olson gave an *HISD Minute*, joining HISD in thanking Kroger for their annual Backpack Booster Campaign. The store associates collected school supplies for over 300 children on secondary campuses. Councilmember Humphrey took a moment to give Lumberjack Aron Kulhavy a difficult time and a small gift over SHSU's win over SFA last Saturday.

Mayor Brauning announced:

- Mark your calendar for October 11th at 5:30 p.m. at the shelter to join us for the State of the City Address. You will have the opportunity to meet City staff, hear updates about your City and learn more about the Bond proposals. We look forward to seeing you there.
- We want all citizens to be fully informed on the upcoming bond election. Visit www.huntsvilletx.gov/Bond to watch the video and learn more.

Councilmembers Johnson and Humphrey urged the public to become informed on the City's upcoming bond election and request Councilmembers to come speak to groups of interested individuals.

10. EXECUTIVE SESSION

- a. **City Council will meet in Executive Session pursuant to Texas Government Code Section 551.071- to receive legal advice on the SJRA petition for Declaratory Judgment filed in Travis County, on its rates set for Montgomery County.**

The Council adjourned into Executive Session at 6:46 p.m.

11. RECONVENE

Take action, if necessary, on items addressed during Executive Session.

The Council reconvened at 7:17 p.m. No action was taken

12. ADJOURNMENT

Mayor Brauning adjourned the meeting at 7:17 p.m.

Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL SPECIAL MEETING HELD ON THE 6th DAY OF OCTOBER 2016, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 12:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: None

COUNCILMEMBERS ABSENT: Andy Brauninger, Don H. Johnson, Joe P. Rodriguez, Tish Humphrey, Paul Davidhizar, Joe Emmett, Ronald Allen, Lydia Montgomery, Keith D. Olson

A quorum of the Council was not present, no Council meeting held.

Lee Woodward, City Secretary



MINUTES FROM THE HUNTSVILLE CITY COUNCIL SPECIAL MEETING HELD ON THE 11th DAY OF OCTOBER 2016, WALKER COUNTY STORM SHELTER, 445 STATE HIGHWAY 75 NORTH, HUNTSVILLE, TX 77320, AT 5:30 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Don H. Johnson, Joe P. Rodriguez, Tish Humphrey, Paul Davidhizar, Joe Emmett, Ronald Allen, Lydia Montgomery, Keith D. Olson

COUNCILMEMBERS ABSENT: None

OFFICERS PRESENT: Matt Benoit, City Manager; Lee Woodward, City Secretary

With a quorum present, the City Manager presented the Annual State of the City address from 6-7 p.m.

Lee Woodward, City Secretary





CITY COUNCIL AGENDA

10/17/2016

Agenda Item: 3b

Item/Subject: Consider authorizing the City Manager to accept a 2016 Homeland Security Grant in the amount of \$99,936 from the Governor's Office.

Initiating Department/Presenter: Neighborhood Resources

Presenter: Sherry McKibben, Director

Recommended Motion: Move to authorize the City Manager to accept a 2016 Homeland Security Grant in the amount of \$99,936 from the Governor's Office.

Strategic Initiative: Goal #7 - Public Safety - Provide safety and security for all citizens.

Discussion: The City currently has 58 police officers, 16 paid firefighters, and 30 volunteer firefighters who carry radios. Additionally, there are directors and supervisors who utilize the radios in emergency situations. Staff is using proactive steps to fund a number of the new radios needed before the Harris County upgrades the communication system.

This request was made for 21 radios housed under the Police Department and 10 radios for the Fire Department. Programming of the radios is included in the funding. Additionally, the City requested four (4) in-car radios to be installed in fire trucks that currently have no radios.

This grant has been approved, and there is no match requirement. Total amount of the award is for \$99,936.00.

Previous Council Action: Council authorized applying for this grant on February 16, 2016 and adopted Resolution 2016-28 on May 17, 2016.

In February of 2013, the City applied to the Houston-Galveston Area Council (H-GAC) and the State Criminal Justice Division of the Governor's Office for funding of \$123,214.00 for 26 radios, but did not receive this grant. The Council then approved applying for Homeland Security Grant in May 7, 2013 for \$131,214.00, which was awarded to the City in the accepted amount of \$65,000.00 on October 15, 2013. Staff received quotes and was able to negotiate for 21 of the needed radios with the approved budget. The Council approved awarding the contract to Motorola for the 21 radios on November 19, 2013. These 21 radios have since been received.

In January 2014, the City applied for the General Land Office's Wildfire Mitigation Grant for 36 radios, chargers, and batteries for a total of \$140,000.00, earmarked for 36 firefighters. This application was combined with Walker County's grant and awarded, which gave the City 36 radios for the Fire Department.

In March 2014, the Council approved the award from Homeland Security for \$60,000.00 to purchase 20 radios for the Police Department.

Additionally, the City was awarded the JAG 2014 grant for two additional radios requested for the Police

Department.

The final tally of radios include:

21 from 2013 Homeland Security Grant
20 from 2014 Homeland Security
2 from 2014 JAG Grant
43 radios for the Police Department for 53 officers

36 from General Land Office, Wildfire Mitigation Grant
36 radios for the Fire Department for 46 firefighters.

Financial Implications:

- There is no financial impact associated with this item.
 Item is budgeted: 101-559-57475 In the amount of \$ 99,936.00
 Item is not budgeted:
 Item is estimated to generate additional revenue:
-

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Award (page 3)

*** PREVIEW - Statement of Grant Award (SOGA) - PREVIEW ***

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

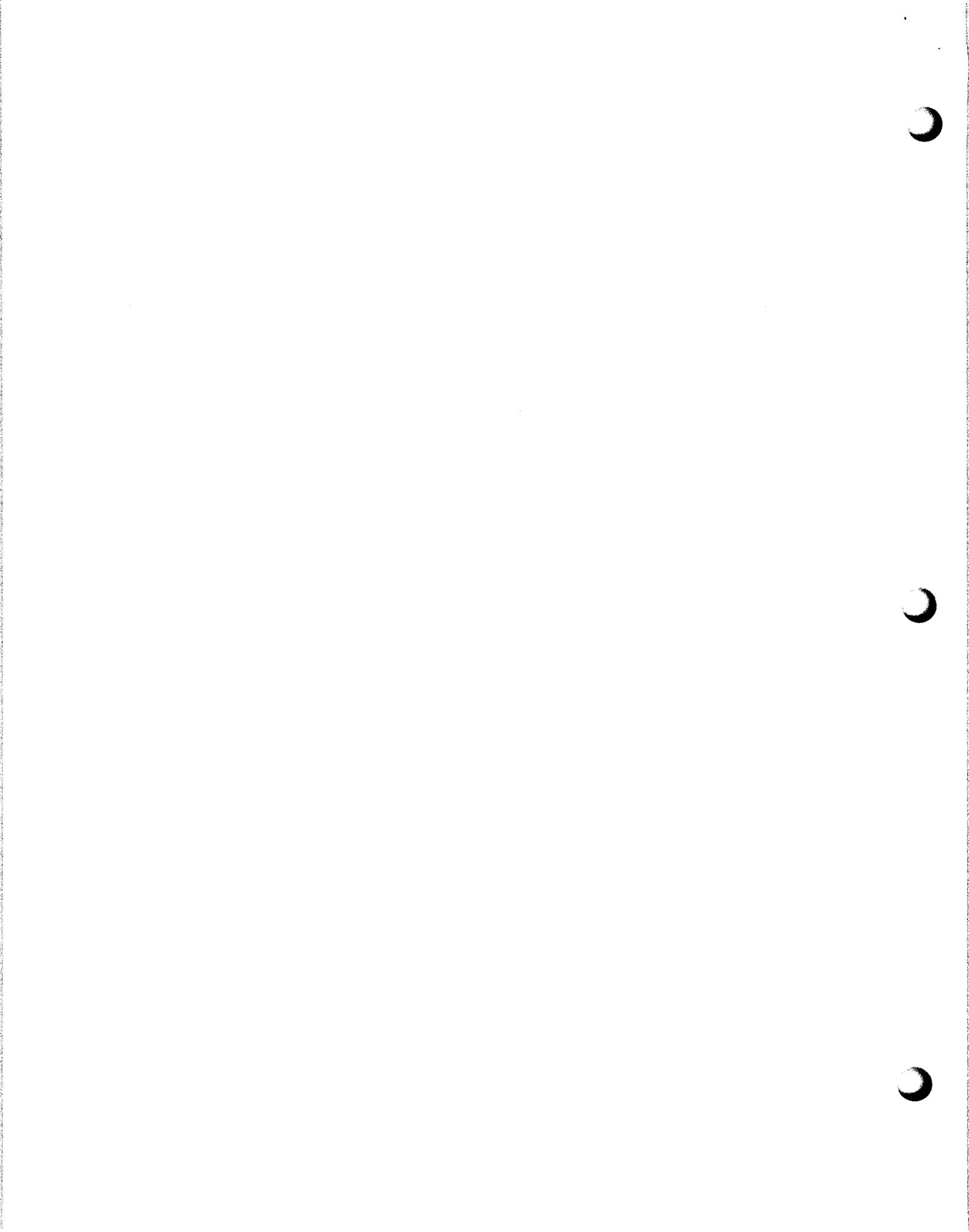
The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter I of the Texas Administrative Code, and the Uniform Grant Management Standards (UGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Grant Number:	3080601	Award Amount:	\$99,936.00
Date Awarded:	PREVIEW - AWARD NOT ACTIVE	Grantee Cash Match:	\$0.00
Grant Period:	10/01/2016 - 06/30/2017	Grantee In Kind Match:	\$0.00
Liquidation Date:	09/28/2017	Total Project Cost:	\$99,936.00
Program Fund:	HS-Homeland Security Grant Program (HSGP)		
Grantee Name:	Huntsville, City of		
Project Title:	Interoperable Communications Equipment		
Grant Manager:	Will Ogletree		
DUNS Number:	084971480		

CFDA:	97.067 - Homeland Security Grant Program (HSGP)
Federal Awarding Agency:	U.S. Department of Homeland Security, Federal Emergency Management Agency
Federal Award Date:	8/6/2016
Federal/State Award ID Number:	EMW-2016-SS-00056
Total Federal Award/State Funds Appropriated:	\$80,593,000.00
Pass Thru Entity Name:	Texas Office of the Governor - Homeland Security Grants Division (HSGD)
Is the Award R&D:	No
Federal/State Award Description:	The purpose of the HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 31 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community.





CITY COUNCIL AGENDA

10/18/2016

Agenda Item: 4a

Item/Subject: Consider authorizing the City Manager to sign Addendum D, for a Guaranteed Maximum Price in the amount of \$355,800 to the Construction Manager at Risk Agreement with Anchor Construction for the City of Huntsville Transfer Station, first reading.

Initiating Department/Presenter: Public Works

Presenter: Carol Reed, Public Works Director

Recommended Motion: FIRST READING - Move to authorize the City Manager to sign Addendum D, for a Guaranteed Maximum Price in the amount of \$355,800 to the Construction Manager at Risk Agreement with Anchor Construction for the City of Huntsville Transfer Station, first reading.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: In January of 2015, the City Council authorized the City Manager to enter into a CMAR agreement with Anchor Construction, LLC and Weaver Boos Consultants (now Weaver Consultants Group) for the permitting, design, and construction of a new transfer station facility. To date, the TCEQ Permit application has been determined to be technically complete. By the end of October, major earthwork, including retaining walls, will be complete. Building concrete will begin this month, with the steel building be erected starting in November. Project completion is scheduled for January 2017.

This project includes furnishing and installing underground utilities (water, sanitary sewer, and conduit for electrical and telecommunications) and final finish earthwork. Solid Bridge Construction has proposed the lowest price for this work.

Included with the proposal is the Lime Stabilization component. The need for lime stabilization will be determined by soil moisture conditions at the time of paving. A third-party testing company will measure the soil moisture, and the Public Works Director, with consultation from the Construction Manager, the Engineer-of-Record, and the City Engineer, will determine if lime stabilization is required. The Lime Stabilization line item below (\$70,800) is an allowance, and not to exceed. Whether all, some or none of the lime is needed, the City will only pay for what is used and needed and never to exceed \$70,800. Anchor Construction has agreed to not assess the 19% CMAR fee to the Lime Stabilization line item.

	Doughtie Construction Company, Inc.	Solid Bridge Construction, LLC
Import and Place Fill; Final Grading	\$121,000	\$157,100
Furnish and Install Storm Sewer and Underground Utilities	\$139,500	\$82,400
Base Subtotal	\$260,500	\$239,500
Lime Stabilization	\$58,000	\$70,800
<i>Construction Management Fee (19% of "Base Subtotal")</i>	<i>\$49,495</i>	<i>\$45,505</i>
Total Cost to Project (with Alternate)	\$368,000	\$355,800

Overall Budget Update

Prior to this award, the Total Project Cost (Cost of Work and Construction Management Fee) approved by the City Council is \$2,762,100.00. With this proposed award, the Total Project Cost approved will be \$3,117,900.

The revised estimated Total Project Cost for the entire project is \$3,924,613. At this estimate, available revenue for the project exceeds to estimated project cost by \$114,532.

The remaining work to be awarded includes Miscellaneous Steel; Electrical, Mechanical, and Low Voltage; Restroom Framing and Plumbing; Overhead Doors and Openers; Truck Scales and Scale Equipment; Compactor Vehicle; Office Remodel Reroofing and Insulation; and Office Remodel Framing, Finishing, and MEP.

Overall Schedule Update

The work included in this proposed award is tentatively scheduled to commence on October 31, 2016, and be complete by December 9, 2016. The scheduled completion date for the overall project is January 27, 2017.

Previous Council Action: The City Council has previously authorized the City Manager to take the following actions:

- Enter into a design and permitting agreement with Weaver Boos Consultants (now Weaver Consultants Group)
- Enter into a Construction Manager At Risk agreement with Anchor Construction
- Authorize Addendum A, in the amount of \$1,023,400 for Mass Grading and Steel Building Erected
- Authorize Addendum B, in the amount of \$583,100, for Retaining Wall Construction
- Authorize Addendum C, in the amount of \$1,155,600, for Building Concrete and Site Concrete Pavement

Financial Implications:

Item is budgeted: 724-1724-62300 In the amount of \$ 3,737,945

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Addendum D (page 3)
- Exhibit 1 to Addendum D Guaranteed Maximum Price (page 4)

ADDENDUM D to the

AGREEMENT FOR CONSTRUCTION MANAGER-AT-RISK SERVICES BETWEEN THE CITY OF HUNTSVILLE AND ANCHOR CONSTRUCTION, LLC

This Addendum D is effective _____, 2016, and is incorporated into and will be deemed to supplement the Agreement for Construction Manager-At-Risk Services (“Agreement”) between the City of Huntsville, Texas (“City”) and Anchor Construction, LLC (“Anchor”), entered into on January 20, 2015. This Addendum D shall be attached to the Agreement.

WHEREAS The City of Huntsville, Texas and Anchor Construction executed an agreement (referred to within as “base agreement”) for Construction Manager At-Risk services to design and construct the Huntsville Transfer Station, with such agreement approved by the Huntsville City Council on January 20, 2015;

WHEREAS Anchor Construction has conducted Requests for Proposal processes as set forth and in conformance with Section 2.3.2 of the base agreement;

WHEREAS For the services more fully described and discussed below, Anchor Construction wishes to offer a Guaranteed Maximum Price proposal for the City’s review and acceptance in accordance with 2.4.1.1.

NOW, THEREFORE, BE IT HEREBY RESOLVED, THAT:

Exhibit 1 includes the Guaranteed Maximum Price proposal submitted for Final Site Grading and Site Utilities for the City of Huntsville Transfer Station by Solid Bridge Construction, LLC \$355,800 (Exhibit 1) which includes the Construction Manager at Risk Fee of 19% (in accordance with section 2.4.2.1) of \$45,500.

Signatures below constitute approval of Exhibits 1 for a total Guaranteed Maximum Price of \$355,800, as well as the associated proposals and vendor recommendations submitted by Anchor Construction.

IN WITNESS WHEREOF the parties hereto have, by and through their duly authorized officers in that regard, made and executed this contract as of the date first written above.

SIGNED and DELIVERED

City of Huntsville, Texas
Owner

Anchor Construction, LLC
Construction Manager

By: _____
Matt Benoit, City Manager

By: _____
Robert Weaver, Principal

**Exhibit 1 to Addendum D
Construction Manager at Risk
Guaranteed Maximum Price**

Pursuant to a Construction Manager at Risk (CMAR) agreement between the City of Huntsville, Texas (“City”), and Anchor Construction, LLC (“**Construction Manager**”), dated January 20, 2015, the Construction Manager is proposing the following Guaranteed Maximum Price for the Scope of Work described below:

Base Guaranteed Maximum Price

Cost of Work:	\$310,300
<u>Construction Management Fee (19%):</u>	<u>\$ 45,500</u>
Total:	\$355,800

Subcontractors:

Solid Bridge Construction, LLC

Dated this 18th day of October, 2016.

Construction Manager:



Jeffrey D. Schaffer, PE, Project Manager

Accepted by City:

Matt Benoit, City Manager



CITY COUNCIL AGENDA

10/4/2016
Agenda Item: 4b

Item/Subject: Consider authorizing the City Manager and City Attorney to execute the necessary documents to abandon the existing public utility easement filed in Volume 174, Page 623 of the Public Records of Walker County Texas located at 1710 11th Street.

Initiating Department/Presenter: Community & Economic Development

Presenter: Aron Kulhavy, Director, Community & Economic Development Department

Recommended Motion: Move to authorize the City Manager and City Attorney to execute the necessary documents to abandon the existing public utility easement filed in Volume 174, Page 623 of the Public Records of Walker County Texas located at 1710 11th Street.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: The City has been approached by HEB to develop the property located at 1710 11th Street, the northwest corner of the intersection of 11th Street and SH 75 North, for a grocery store and fuel station. The property was originally developed in the 1970s with easements dedicated for utilities to serve the structure as it currently exists. One of these easements, containing a water line, cuts through the middle of the property creating challenges for redevelopment of the site. According to the plans submitted by HEB and currently under review by staff, HEB intends to develop an 81,000 square foot grocery store over the existing utility easement. They intend to abandon the existing water line through the middle of the property and tie into the water system along SH 75 North. The City, as part of the 11th Street water line replacement project, will install water lines along 11th Street and the portion of SH 75 North along the perimeter of the HEB site ensuring continuance of the water system to the surrounding properties. HEB will dedicate a 10' utility easement along SH 75 North and 11th Street for the placement of the water and any other public utilities to serve the area.

Abandoning the existing easements through the property requires City Council approval. The attached exhibit on page 4 shows the easements to be abandoned through this action. Approval of this item will allow the staff to work with the City Attorney to craft and amend the existing easement documents and file them at the Courthouse. The abandonment of the existing utility easement will be filed concurrently with the dedicated public utility easement.

Previous Council Action: The Council has taken no action on this item.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Easement abandonment request letter (page 2)
- Easement exhibits (page 3-4)



CONSULTING
ENGINEERS

September 2, 2016

Aron Kulhavy
Director of Development Services
City of Huntsville
448 SH 75 N
Huntsville, Texas 77320

**Re: HEB Huntsville Waterline Easement Abandonment Request
SH30 and SH75
Huntsville, TX**

**TAI Project No.: 2870-1601
TAI Firm Registration No.: F-003832**

Dear Mr. Kulhavy,

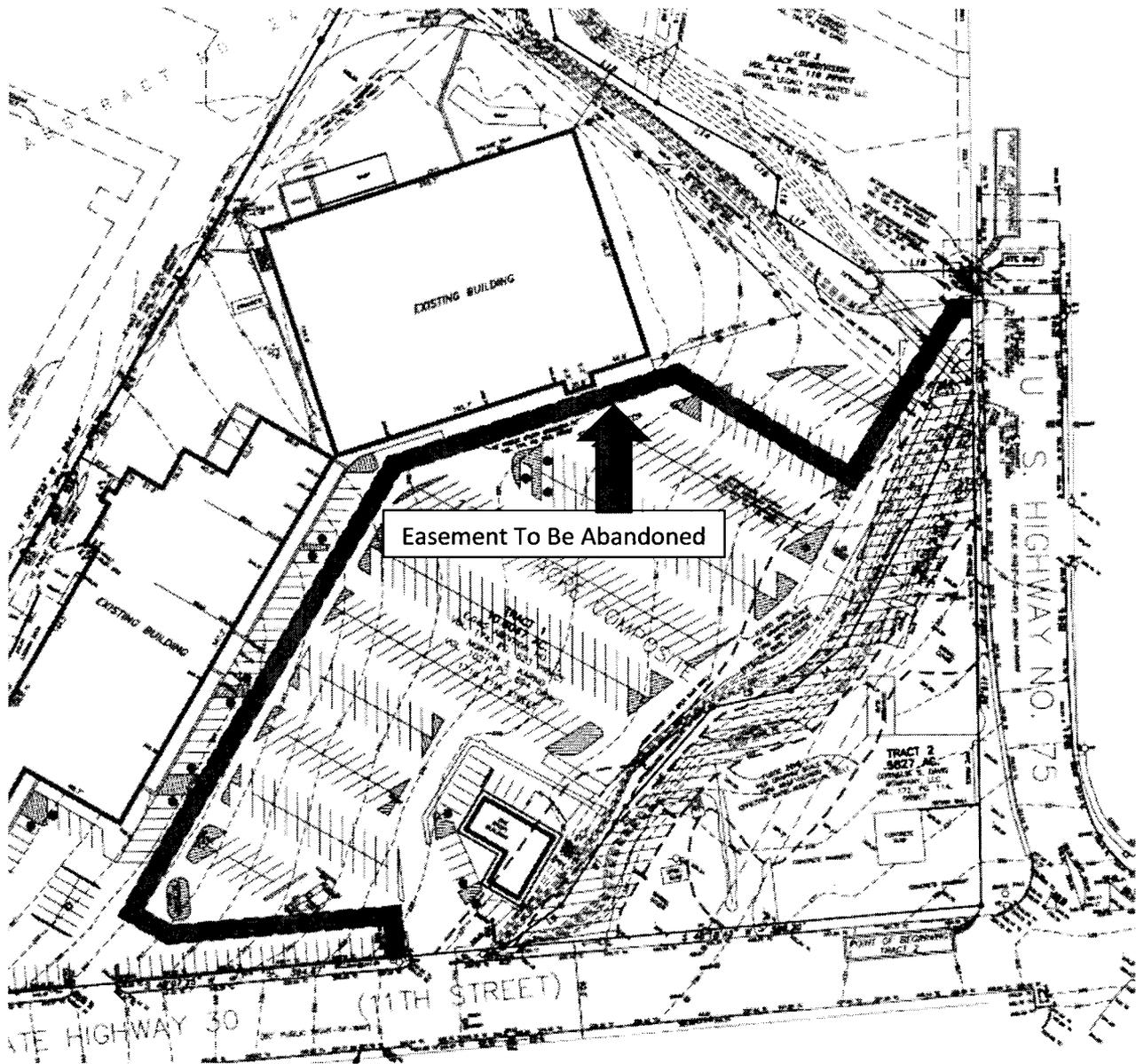
Please let this letter serve as our request, on behalf of the owner, HEB Grocery Co., to abandon the existing 15' Public Utility Easement "A" recorded under Volume 174, Page 623, PRWCT and as shown in the attached exhibit. This easement contains a City of Huntsville waterline that is being rerouted by the city along the perimeter of the site adjacent to SH30 and SH75. The location of the existing easement is also in conflict with the proposed HEB development.

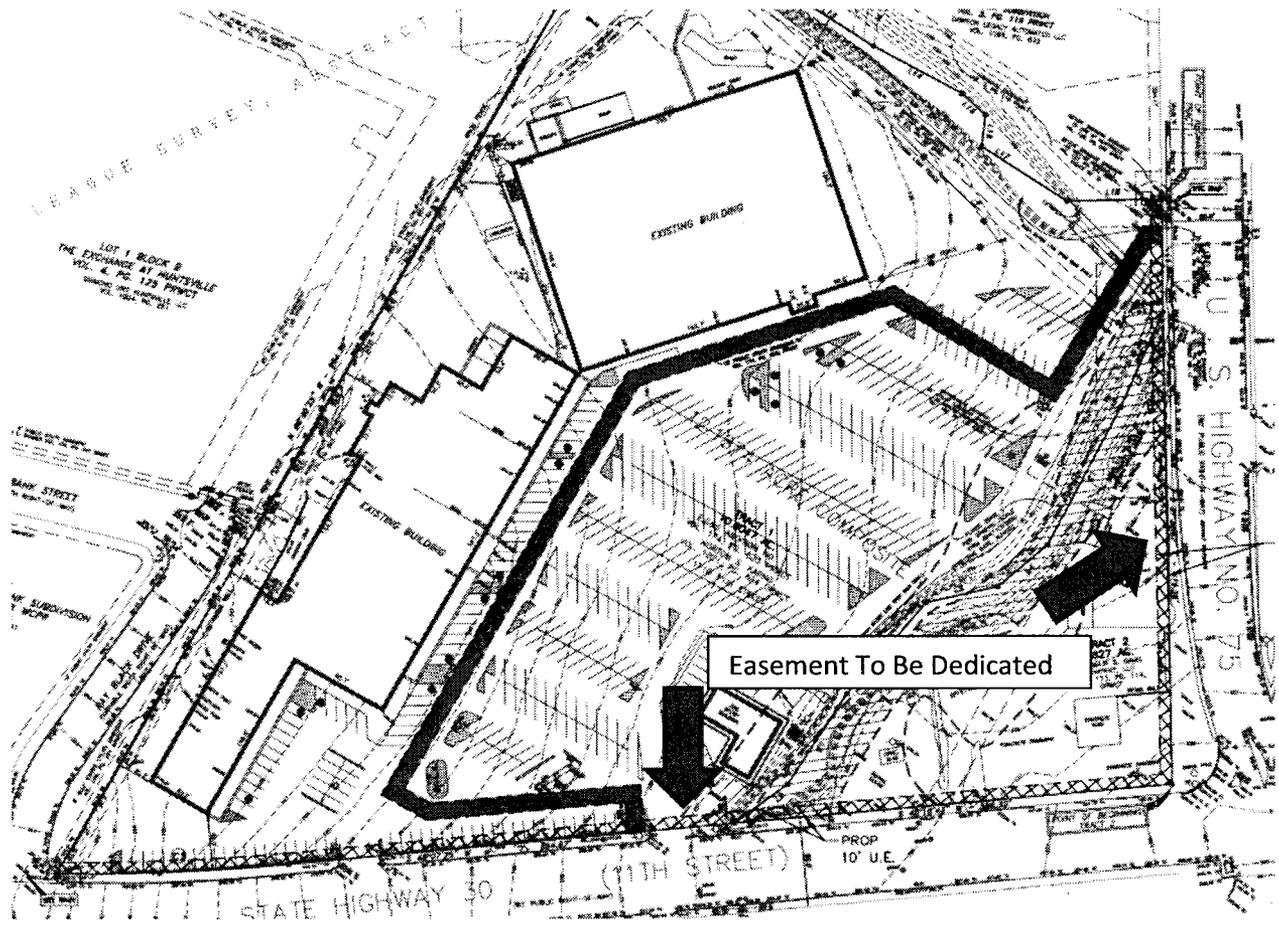
Please present this request to the City Council at the next regularly scheduled meeting. If you have any questions, or require additional information, feel free to contact us at any time.

Best Regards,

David A. Sepulveda, P.E.
Vice President

Attachment







CITY COUNCIL AGENDA

10/18/2016

Agenda Item: 5a

Item/Subject: Consider adopting Resolution 2017-01 of the City Council of the City of Huntsville, Texas, as to the principal and interest payments associated with Propositions 1, 2 and 3 on the November 8, 2016 ballot.

Initiating Department/Presenter: City Manager

Presenter: Matt Benoit, City Manager

Recommended Motion: Move to adopt Resolution 2017-01 of the City Council of the City of Huntsville, Texas, as to the principal and interest payments associated with Propositions 1, 2 and 3 on the November 8, 2016 ballot.

Strategic Initiative: Goal #2 - Communications - Provide public information outreach efforts that inform the public of City operations, accomplishments and policies and allows for citizens input on matters of Council policy.

Discussion: Feedback received by City staff and Councilmembers from the State of the City Address has been that an important educational piece is the City's belief that expiring debt and additional revenue sources will allow the City to avoid an increase in ad valorem and utility rates for the purpose of paying for the principal and interest on the three bond propositions. To address this public information element for the November 8, 2016 election, the Council is asked to consider Resolution 2017-01 to formalize that belief as a finding of fact.

With that, City staff can produce and send public information pieces to make this issue more clear for the public.

Previous Council Action: None.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Resolution 2017-01 (page 2)

RESOLUTION NO. 2017-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AS TO THE PRINCIPAL AND INTEREST PAYMENTS ASSOCIATED WITH PROPOSITIONS 1, 2, AND 3 ON THE NOVEMBER 8, 2016 BALLOT.

WHEREAS on August 16, 2016, the City Council of the City of Huntsville, Texas approved Ordinance 2016-33 calling a special election for bond propositions for the November 8, 2016 election ballot; and

WHEREAS Ordinance 2016-33 was passed by a unanimous vote of the City Council of the City of Huntsville, Texas; and

WHEREAS prior to adoption of Ordinance 2016-33, the City Council carefully and diligently reviewed independent studies and recommendations on items included with Propositions 1, 2, and 3 on the November 8, 2016 ballot; and

WHEREAS as part of the review prior to adopting Ordinance 2016-33, the City Council carefully considered and reviewed expiring debt and additional revenue sources that will be used to pay the principal and interest payments associated with Propositions 1, 2, and 3; and

WHEREAS it is believed the expiring debt and additional revenue sources will allow the City to not have to increase ad valorem or utility rates for the purpose of paying for the principal and interest associated with Propositions 1, 2, and 3.

NOW, THEREFORE, be it resolved by the City Council of the City of Huntsville, Texas, that:

the above findings of fact are adopted by the City Council of the City of Huntsville, Texas.

PASSED AND APPROVED this 18th day of October 2016.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Leonard Schneider, City Attorney