

MINUTES  
REGULAR MEETING  
February 14, 2017

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 14, 2017, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Mayor Michael Carpenter  
Councilmember Mark Davis  
Councilmember Scott Larson  
Councilmember Angelina Kiser

Mayor Pro-Tem Cedric Edwards  
Councilmember Ralph Gutierrez  
Councilmember Robin Thompson  
Councilmember Bert Crawford

Staff Present:  
Executive Director Brian James  
Assistant to the City Manager Sarah Gonzalez  
Deputy City Secretary Donna Schmoekel

City Manager John Kessel  
Executive Director Dudley Wait  
City Attorney Jameene Banks

**Call to Order – City Council Regular Session**

Mayor Carpenter called the meeting to order at 6:00 p.m.

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.**  
(Mayor Pro-Tem Edwards)

Mayor Carpenter provided the opening prayer followed by the pledges of allegiance to the flags of the United States and the State of Texas.

*Mayor Pro-Tem Edwards arrived at 6:02 p.m. on the dais.*

**Proclamation**

- Proclamation recognizing George Washington's Birthday. (Mayor/Council/Louis Segaloff)

Mayor Carpenter read and presented the proclamation to the following recipients:  
Mr. Louis Segaloff, Mrs. Joyce O. Segaloff, and Mr. Thomas "Tom" Jones.

Mayor Carpenter spoke stating the actual vote was taken on July 2, 1776, although it reads in Congress July 4, 1776. History tells us that after the vote was taken our founding fathers all stood there in silence for several minutes, in awe of what they had done. They had all just agreed to pledge their lives and honor, fortunes and families – they all committed an act of treason that day against their lawful government. This was no small undertaking and took extraordinary courage. He hopes that day that they dreamed that their children and children's children would one day do what we do here today – to come together peaceably and as a community choose how to govern ourselves. It was a great gift, from George Washington and all those like him.

## Presentations

- Presentation and recognition of retired K-9 Rambo and introducing our new K-9 Medor. (D. Wait/M. Hansen/M. Bane)

As the K-9 officers were unavailable this evening, the item was pulled.

## City Events and Announcements

- Announcements of upcoming City Events (B. James/D. Wait/S. Gonzalez)

Mayor Carpenter recognized Assistant to the City Manager Sarah Gonzalez who provided the following announcements:

- **Wednesday, February 15** **Fire Department Awards Banquet**, 6:30 p.m.  
Schertz Civic Center
  - **Thursday, February 16** **Chamber Mixer Hosted by Cruise Planners** at 5:30 p.m.-7:00 p.m. The Chamber and Visitors Center
  - **Monday, February 20** **Presidents Day** - City offices closed.
  - **Tuesday, February 21** **Chamber Luncheon**, 11:30 a.m. at the Schertz Civic Center, "State of the Cities Address".  
**City Council On-The-Go Town Hall Meeting**, 6:30 p.m., Ray Corbett Jr. High, 1200 Ray Corbett Drive.
  - **Saturday, February 25** **Operation Comfort 5K and Kids Freedom Fun Run**  
9:00 a.m., Bluebonnet Palace, registration is at 6:30 a.m.  
– Commemorating the 7<sup>th</sup> Annual salute to our service members.
  - **Tuesday, February 28** **City Council Meeting**, Council Chambers, 6:00 p.m.
- Announcements and recognitions by City Manager (J. Kessel)

Mayor Carpenter recognized City Manager John Kessel who spoke about three Valentine Day awards for staff. The first award is for teamwork regarding a large hole in the pavement and had been unrepaired for quite a while. Eddie Diggs from Public Works was commended by a grateful citizen but he in turn gave full credit to his co-workers.

The second award is for the City itself. We have a program called Smart Dollars (a Dave Ramsey online course) provided to the staff (free of charge) so they can get better with their finances – currently there is a 32% participation rate of all city employees. He hopes to see that percentage increase in the next coming weeks.

The third Valentine award is a STRAC award for our EMS, which is due to our quick response time to heart attack calls. We are receiving an award this week and are in competition with San Antonio, New Braunfels, and all of the different urban EMS systems in the region. Schertz had the fastest average for the whole calendar year 2016 with a new record for us of 12.6 minutes per call. This is due to all the training they have had. This kind of training and performance does save lives. He congratulated EMS Director Jason Mabbit and his response teams.

## Hearing of Residents

- Mr. Glen Outlaw, 3729 Forsyth Park, who thanked city staff for their prompt attention to his request to start putting the council videos online on the city website. They have also now decided to put the Planning and Zoning meetings out there as well. He also commended the City for offering a financial planning program again and availing it to staff members.
- Mr. Danny Sale, 3812 Hunters Glen, who stated one of the better things he ever saw was the City of Kingsville working with their recycle partners, which ultimately resulted in a positive revenue situation for them by providing a location and employee for residents to bring their recycle and then the City reusing good intact cardboard items and saving the landfill from getting filled up so fast. Another item he spoke of was in regards to the FM 1103 road which has some debris build up in one area which is causing some water backup issues.
- Mr. Grumpy Azzoz, 528 Wayward Pass, who spoke of seeing a city worker on February 8 at approximately 11:55 a.m. on FM 3009 and Ashley Place. He appeared to be working alone on a pothole and there were no visible safety lights on the city vehicle flashing or caution signs displayed. He felt this was an endangering situation for the staff member. He was very concerned for his safety.

He also spoke about Resolution 17-R-07 stating he saw that we are going to use the same company as our Construction Risk Manager for Fire Station No. 3 that we used to oversee the construction of the animal shelter. Why are we seeking someone so far outside the San Antonio area and pay all those expenses? We need to consider how we are spending the taxpayer's money. As you address this item later, please think about this.

## Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Regular Meeting of February 7, 2017. (J. Kessel/B. Dennis)
2. **Boards, Commissions and Committee Member Appointments/Resignations** – Consideration and/or action ratifying the resignations of Ms. Mireille Ferdinand-Hercule as a regular member of EDC and Mr. Dave Reynolds as a regular member of the Committee of Committees Advisory Board and consideration and/or action appointing Mr. Don Taylor to the Hal Baldwin Scholarship Committee. (B. Dennis/Mayor/Council)
3. **Ordinance No. 17-S-07** - Consideration and/or action approving an Ordinance to rezone 611 & 615 Main Street, approximately 1 acre of land, from Single Family Residential District (R-2) to Main Street Mixed Use District (MSMU). **Final Reading** (B. James/L. Wood/E. Grobe)  
The following was read into record:

### **ORDINANCE NO. 17-S-07**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 1 ACRE OF LAND FROM SINGLE-FAMILY RESIDENTIAL DISTRICT, (R-2) TO MAIN STREET MIXED USE DISTRICT (MSMU).**

4. **Ordinance No. 17-A-08** – Consideration and/or action approving an Ordinance regarding the annexation of approximately 63-acres of land generally located on Trainer Hale Road, approximately 600 feet north of I-10, specifically located at 7424 Trainer Hale Road, Bexar County, Texas. *Final Reading* (B. James/L. Wood/C. Gould)

The following was read into record:

**ORDINANCE NO. 17-A-08**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 63 ACRES LOCATED ON TRAINER HALE ROAD, APPROXIMATELY 600 FEET NORTH OF I-10, BEXAR COUNTY, TEXAS.**

5. **Ordinance No. 17-S-09**- Consideration and/or action approving an Ordinance on a request to zone approximately 63 acres of land to Public Use District (PUB). The property is more specifically described as a portion of the E. Gotari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County Texas; located at 7424 Trainer Hale Road. *Final Reading* (B. James/L. Wood/C. Gould)

The following was read into record:

**ORDINANCE NO. 17-S-09**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY ZONING APPROXIMATELY 63 ACRES OF LAND TO PUBLIC USE DISTRICT (PUB).**

Mayor Carpenter recognized Mayor Pro Tem Edwards who moved, seconded by Councilmember Larson to approve the consent agenda items 1-5. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.**

**Discussion and Action Items**

6. **Resolution No. 17-R-09** – Consideration and/or action approving a Resolution Authorizing an Interlocal Agreement with South Texas Regional Advisory Council (STRAC) for EMS Billing Solution Services. (D. Wait/J. Mabbitt)

The following was read into record:

## RESOLUTION NO. 17-R-09

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN INTERLOCAL AGREEMENT WITH SOUTH TEXAS REGIONAL ADVISORY COUNCIL (STRAC) FOR EMS BILLING SOLUTION SERVICES, AND OTHER MATTERS IN CONNECTION THEREWITH

Mayor Carpenter recognized EMS Director Jason Mabbitt who stated South Texas Regional Advisory Council (STRAC) is the Regional EMS/Trauma Advisory Council designated by the Texas Department of State Health Services (DSHS) to design, implement and maintain the Regional EMS/Trauma, Disaster and Emergency Healthcare System. Since 2002, STRAC has provided a regional electronic patient care report (ePCR) system that all 9-1-1 EMS agencies can utilize at a much lower cost than implementing such a system individually. As a result of this service line, STRAC also has the appropriate licensing authority from ZOLL Medical Corporation (ePCR vendor) to provide ZOLL's RescueNet Billing Solution as a component of the ePCR project and as such has an interest to provide cost effective software solutions to member agencies.

The RescueNet Billing Solution is an EMS billing software system designed specifically for the unique needs of ambulance organizations. This solution streamlines day-to-day billing, accounts receivable and reporting. The RescueNet Billing application integrates completely with RescueNet ePCR product (the system STRAC has been using since 2002) to eliminate redundant data entry increasing the overall efficiency and capability of the public safety system.

Schertz EMS purchased ZOLL RescueNet Billing in 2002 when billing was brought in house. Since this time, we have had great success in capturing available revenue with both the ePCR and Billing software packages. The only shortcoming was the ePCR product was in STRACs servers and the Billing product was in our servers. To transfer data, some would automatically transfer while other critical billing data still had to be entered by hand.

In 2015, the City's IT Department notified EMS of the need to upgrade their RescueNET Billing server. At the same time, STRAC was seeking agencies willing to utilize the RescueNET Billing software included with the ePCR product at STRAC. Testing was done and it was determined that moving our licenses over to STRAC would allow our billing to be done from the save servers (and same database) as the ePCR which would eliminate almost all of the data entry of EMS Billing staff leading to greater productivity.

Additionally, this would prevent the regular replacement costs of a billing server on the City network every three to four years.

Staff has reviewed the benefits of participating in this cooperative agreement and has concluded that the program will provide the best value to the City and taxpayers. The cost of participating with STRAC's RescueNet Billing Solution is \$15,000 annually and was approved for the 2016/2017 budget. Staff recommends approval.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Davis to approve Resolution 17-R-09. **The vote was unanimous with**

**Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.**

7. **Resolution No. 17-R-10** – Consideration and/or action approving a Resolution requesting permission to apply for the 2017 Homeland Security Grant Funds for Hazmat Equipment. (D. Wait/D. Covington/K. Long)

The following was read into record:

**RESOLUTION NO. 17-R-10**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THE SUBMISSION OF A GRANT APPLICATION IN AN AMOUNT UP TO \$76,767.47 TO THE STATE ADMINISTRATIVE AGENCY FOR GRANT FUNDS FROM THE 2017 HOMELAND SECURITY GRANT PROGRAM TO PREVENT, RESPOND TO, AND RECOVER FROM ACTS OF TERRORISM AND NATURAL DISASTERS; AND AUTHORIZING THE ACCEPTANCE OF THE FUNDS, UPON AWARD.**

Mayor Carpenter recognized Assistant Fire Chief Kade Long who stated Schertz Fire is a founding member of the FEMA Type III, GuadaComa Emergency Response Group that includes New Braunfels, Seguin, Cibolo, Selma and the Guadalupe, Comal and Bexar county area. The team currently covers 395 square miles of 3 counties (Bexar, Comal and Guadalupe Counties). The estimated population in this area is approximately 235,000. This group's sole purpose is to jointly mitigate hazardous material incidents to limit the public and commercial impact of hazardous materials situations.

In addition, Schertz Fire participates in numerous mutual aid agreements including regional and statewide responses. In hazardous material situations it is imperative to be able to properly identify the hazardous product that is being dealt with in a rapid manner. Technology now allows a device to be carried to a scene that will identify approximately 50,000 different chemicals and compounds.

Additionally, in hazardous material situations and almost every other firefighting operation, proper personal protective equipment protects firefighters during operations on emergency scenes. Increased attention is being focused on breathing protection in situations where oxygen may be prevalent but the air is still heavy laden with particulates. Schertz Fire is also seeking particulate filter cartridge adapters for their self-contained breathing apparatus for firefighters to use on a variety of response scenes to further protect their personnel every day.

If awarded this grant, Schertz Fire personnel will be placed in PPE that provides a cooler option for firefighters that are working in a non-oxygen deficient atmosphere and will have a device to help identify hazards present during hazardous material responses. Equipment is expected to cost \$76,767.47, of which all \$76,767.47 will be state funds and no matching City funds will be used. Staff recommends approval.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Mayor Pro-Tem Edwards to approve the consent Resolution 17-R-10. **The vote was unanimous**

**with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.**

8. **Resolution No. 17-R-06** – Consideration and/or action approving a Resolution authorizing the City Manager or his designee and its City Attorney to move forward with obtaining rights of entry for surveying and geologic testing in determining the final route of the Schertz-Seguin Local Government Corporation (SSLGC) parallel pipeline. (D. Wait)

The following was read into record:

**RESOLUTION NO. 17-R-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING THE FILING OF A PETITION FOR INJUNCTIVE RELIEF TO GAIN NECESSARY ACCESS FOR DETERMINING THE LOCATION OF EASEMENTS AND IN ANTICIPATION OF FUTURE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE SAID EASEMENTS NECESSARY FOR THE COMPLETION OF THE SCHERTZ-SEGUIN LOCAL GOVERNMENT CORPORATION'S ("SSLGC") SECONDARY PIPELINE AND WATER INFRASTRUCTURE IMPROVEMENT PROJECT.**

Mayor Carpenter recognized Executive Director Dudley Wait who stated in 1998 the cities of Schertz and Seguin formed the Schertz Seguin Local Government Corporation to secure water rights, produce that water and transport that water to the founding cities. During this process 43 miles of pipeline was built between Gonzales County and the City of Schertz.

As the SSLGC has matured the corporation has made several business decisions that have benefited Schertz and Seguin by maintaining lower water rates. One of most important decisions was entering into a partnership with the San Antonio Water System (SAWS) to process and transport their water produced in Gonzales County. These 12,000 acre feet per year are critical to SAWS capacity and the fees paid to transport this water have saved our rate payers millions of dollars over the last several years.

One of the side effects of this decision was essentially giving one-half of the capacity of the 36" pipeline from Seguin to Schertz to SAWS for their water transport. This decision was well understood when it was entered into by SSLGC and both cities. It was a good decision because the construction of a parallel pipeline from Seguin to Schertz was a part of SSLGC's long term growth as other well fields were developed to meet the water needs of a rapidly growing Schertz.

Last year, SSLGC obtained funding from the Texas Water Development Board to begin this next phase of their growth. The first project is the construction of the parallel pipeline and the first steps of this project is the engineering study to determine the actual route of the new pipeline. It is the desire of SSLGC that the pipeline run as close as possible to the original pipeline, however development and logistic issues will require some variation with the 2<sup>nd</sup> pipeline.

Anytime the City desires to build infrastructure such as a pipeline for the greater good of the community that will cross private property, there are a number of steps that the governing body must be prepared to undertake to complete the project. The most difficult pieces of this process are those that allow the City to access private property to survey and determine the best route for the project and then to compensate the property owner appropriately for easements where the pipeline will be placed and maintained. Ideally, property owners will understand the need for this infrastructure and will cooperatively allow the City to access their property to conduct surveys and land studies and then negotiate in good faith with the City for the purchase of needed easements. The largest majority of property owners SSLGC interacted with for the first pipeline were willing participants in the process; however, there were those who were not willing and the City had to utilize the power of eminent domain to accomplish the final product.

SSLGC has begun the necessary steps to determine the final route of the parallel pipeline. In order to study the proposed route, survey the land and do appropriate geologic testing, SSLGC's engineers must gain access to all the parcels of land that are proposed to be crossed. A land agent has been retained by SSLGC and they have begun the process of contacting the almost 80 land owners to access over 110 parcels that may be impacted seeking a voluntary "Right of Entry" agreement. To date, the largest majorities of land owners have agreed and have signed these agreements. However, as can be expected from the history with the first pipeline, there are some land owners that are not agreeable to signing an entry agreement.

As the process continues, if these land owners continue to refuse to sign an agreement, we will reach a time where it will be necessary to take legal action to obtain a right to enter these remaining properties so the route can be appropriately studied.

This process to obtain Rights of Entry is being conducted by Statewide Right of Way Services. This firm is doing all of the research for each parcel of land to determine the owner, to locate the owner and to communicate effectively with the owner about the process we are asking them to participate in. This process involves a number of mailings, phone calls and attempted visits to each property owner. If none of this effort is successful, a renewed communication effort by the attorney handling the Right of Entry legal matters will happen via mail. It is only after this complete process is unsuccessful that the City Attorney would then begin the court proceedings for an injunction. This process is outlined in Attachment D.

SSLGC is not a governmental entity and as such, does not have the right of eminent domain and must rely upon its two member cities to conduct these activities. Seguin and Schertz have agreed to split the length of the pipeline in half and Seguin will do this legal work on the half closest to Seguin and Schertz will do the legal work on the half closest to Schertz. The dividing line is Gembler Road on the east side of Marion.

Our City Attorney firm has agreed to do the legal work necessary for our portion of the proposed route and tonight, City Staff is asking City Council to pass a resolution authorizing our attorney to perform the legal work necessary to obtain the "Right of Entry" only. This authorization is not to perform condemnation or other eminent domain work at this time and is limited to only getting SSLGC access to the parcels where the property owners are not willing to voluntarily sign an entry agreement.



Staff is seeking authorization to begin the land acquisition process for the building of a parallel water pipeline from the SSLGC booster pump station in Seguin to the City of Schertz water system. The City's responsibility is to do this land work for the pipeline route from Gembler Road in Marion to the City of Schertz. This includes approximately 48 parcels of land.

This land acquisition process has several steps. The first step is a Right of Entry. The Right of Entry gives SSLGC authority to enter private property to survey the land, do geologic and environmental testing and to determine the best route for the proposed pipeline. This process will disturb the land for the geologic and environmental testing (boring for samples, etc) but this disturbance should be minimal.

The Right of Entry step is ideally a voluntary process. A contracted land agent has been working with the land owners to seek a voluntary Right of Entry for each parcel of land. To date, the land owners along the proposed route from Gembler Road to Main Street and Schaefer Road in Cibolo have all signed voluntary Right of Entry documents. Land owners from Cibolo to the Schertz water plant are being contacted at this time so the status of these parcels remains unknown.

If a property owner declines to sign a voluntary Right of Entry, despite numerous attempts and numerous discussions, the City has the ability to go to court to obtain an injunction that allows the City to access the private land for the surveying and testing phase of the project. This process gives the property owner the opportunity to be heard by a judge before the injunction is granted.

Once the entire route of the project is surveyed and tested, the project can be completely designed. Once the design process is complete, the final route of the pipeline will be completely known and the land acquisition process will move to step two: the purchase of easements for the placement of the pipeline.

Again, the process of purchasing easements will be a voluntary process of negotiations around the appraised value of the land the easement will cross followed by agreeing to a purchase price and then the actual purchase of the easement.

However, like the Right of Entry process, it is likely that some property owners may be reluctant to voluntarily allow the City to purchase easements or may want more dollars than the land has been appraised. If this occurs, then the process of land condemnation would begin whereby legal proceedings determine the fair market value of the land and the land is purchased by the City at that value against the will of the property owner.

It is noteworthy to mention that the City and SSLGC will not be purchasing land, but easements across that land. This easement will be a 30' wide path over which the landowner cannot legally build or construct any permanent improvement. It does not however preclude the landowner from using the land for livestock, farming or any other use that does not involve a permanent improvement over the easement.

By acting to authorize the City Attorney to conduct Right of Entry work as necessary the City Council is beginning the land acquisition process for the construction of the SSLGC parallel pipeline.

The construction of a parallel pipeline for water transmission to Schertz by SSLGC is necessary to have the water volumes available for our community after 2021. With our community's growth and increased water demand, we are approaching a time where the current single pipeline will reach its capacity and limit the amount of water we can obtain in our transmission system for our citizens. Additionally, a parallel pipeline will also give us redundancy and security in the event of a catastrophic failure of our current pipeline.

The engineering phase of the pipeline project is included in the overall expenses of constructing the parallel pipeline. The costs of this project are being financed for SSLGC through funds from the Texas Water Development Board. All costs incurred by the City will be reimbursed by SSLGC's bond funds from TWDB. Staff recommends approval.

Mr. Wait and City Attorney Ms. Banks addressed questions and comments from Council.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Mayor Pro-Tem Edwards to approve the consent Resolution 17-R-06. **The vote was 6-1-0 with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Thompson, Kiser and Crawford voting for and Councilmember Larson voting no. Motion passed.**

9. **Resolution No. 17-R-07** – Consideration and/or action approving a Resolution authorizing the Preconstruction Phase Service only of the Construction Manager at Risk Agreement for Fire Station #3 and miscellaneous projects and associated support systems. (D. Wait/P. Gaudreau)

The following was read into record:

#### **RESOLUTION NO. 17-R-07**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE PRECONSTRUCTION PHASE SERVICE ONLY OF THE CONSTRUCTION MANAGER AT RISK AGREEMENT FOR FIRE STATION #3 AND MISCELLANEOUS PROJECTS AND ASSOCIATED SUPPORT SYSTEMS AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Owners Representative Phil Gaudreau who stated the Construction Manager at Risk (CMAR) is a construction manager delivery method that entails a construction firm being brought on during the design phase of a project and through their participation in completing that design; the firm delivers the customer a Guaranteed Maximum Price (GMP). This works to the owner's benefit because the construction firm must manage and control construction costs in order to not exceed the GMP because any costs above the GMP that are not change orders, are the financial liability of CMAR.

The City has used this method of construction most recently for the Aquatic Facility. This process allows the City to have full review of the costs of construction during the design process to guarantee that the project being designed has the funds necessary to be successfully built.

On July 26, 2016 City Council authorized contracting with BRW Architects for the design of Fire Station #3. Since that time, staff has been working with the architects to develop a schematic design for the facility. As is typical of the Construction Manager at Risk method of construction, prior to proceeding with the design development phase, the Construction Manager at Risk should be brought into the process. This is so that the Construction Manager at Risk can work with the Architect and the City to begin determining the cost to construct the facility and adjustments can be made to the schematic plan in conjunction with completing the construction drawings for the facility in order to stay within the budget.

When preparing to seek a CMAR through a Request for Qualifications, staff decided to include five repair and renovation projects into the scope of the RFQ. Recent experience we have had plus the status of the local construction industry concerned staff that attempting to complete these five smaller projects on their own would not attract a high quality firm or would return an overinflated price due to the high demand in local construction.

In an effort to obtain better pricing for the miscellaneous projects, these were combined as part of the RFQ and contract for the construction of the Fire station. These projects include:

- Repairs to the exterior of Fire Station #2.
- Renovations to the Senior Center in the areas formally occupied by WellMed.
- Renovations to the 311 area and Human Resource's Department to provide additional office space for staff.
- Renovations to the Civic Center to provide additional office space for staff.
- Renovations to the Mayor's office area to provide a waiting room.

Summaries of these projects are provided in the attached Exhibit C. Most of these projects have been discussed with City Council at various times over the past few years and funds have been approved as part of past budgets and CO bond sales, but the summary is being attached as they have not all been discussed with the current City Council.

The approval being sought is simply to contract with the Construction Manager at Risk for Preconstruction Phase Services to establish a guaranteed maximum price for Fire Station #3 and for each of these five additional projects. This provides the City the cost of constructing these projects. Once staff has those costs an item will be presented to City Council seeking approval to construct some or all of the projects based on the availability of funding. One of the benefits of the Construction Manager at Risk method is that it reduces the likelihood that the City will spend the time and money to fully design a project only to have subsequent construction bids come in well in excess of the available budget and being unable to construct the project.

On October 31, 2016, a Request for Qualifications (RFQ) for Fire Station #3 using the two step selection process under Section 2269 *et seq.* of the Texas Government Code (The Code) for a Construction Manager at Risk (CMAR) was issued by the City. An Addenda to that RFQ was issued on November 14, 2016 adding the five Miscellaneous Projects to the RFQ and extending the deadline for submittals to November 23, 2016. Eight responses to this RFQ were received on November 23, 2016. These responses were evaluated by a selection committee comprised of City employees and members of the Architect's staff.

The responding firms were evaluated by the committee and ranked solely on the basis of their qualifications in the first step as required by The Code. The two top ranked firms were then interviewed by the selection committee on December 20, 2016.

Contract negotiations were initiated with Thomas S Byrne, Ltd over the next several weeks and the City has reached an agreement.

At the conclusion of this process the committee recommends the award of the Preconstruction Phase Services of the Construction Manager at Risk Agreement to Thomas S Byrne, Ltd. This is the same firm that recently completed the repairs to the Recreation Center and is finishing work on the Aquatic Center.

Fire Station #3 funding will be from the GO 2016 Bonds and the upcoming GO 2017 Bonds. Funding for the miscellaneous projects will come from the CO 2016 Bonds and funds set aside in the fund balance for building renovations in FY 2013-14 and FY 2014-15. Staff recommends approval.

Mr. Gaudreau, Mr. Wait, Mr. James and Ms. Gonzalez addressed questions and comments from Council.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Mayor Pro-tem Edwards to approve Resolution No. 17-R-07. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.**

### **Roll Call Vote Confirmation**

Mayor Carpenter recognized Deputy City Secretary Donna Schmoekel who provided the roll call votes for agenda items 1-9.

*Mayor Carpenter moved to the Executive Session of the Agenda.*

### **Executive Session**

13. City Council will meet in closed session under section 551.074 of the Texas Government Code, Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

*Mayor Carpenter recessed into executive session at 7:00 p.m.*

### **Reconvene into Regular Session**

*Mayor Carpenter reconvened into regular session at 11:43 p.m.*

13a. Take any action based on discussions held in closed session under Agenda Item 13.

No action was taken.

Mayor Carpenter moved to agenda item 10.

**Requests and Announcements**

10. Announcements by City Manager.

No further announcements were made.

11. **Future Agenda Item Request for City Council:** This is an opportunity for City Council members to request that items be placed on a future agenda. No discussion of the merits of the item may be taken at this time. Should a Council Member oppose placement of the requested item on a future agenda, the Mayor, without allowing discussion, shall ask for the consensus of the other City Council members to place or not place the item on a future agenda.

No requests were made.

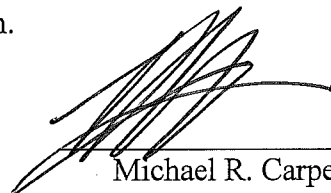
12. Announcements by Mayor and Councilmembers

- City and community events attended and to be attended
- City Council Committee and Liaison Assignments (see assignments below)
- Continuing education events attended and to be attended
- Recognition of actions by City employees
- Recognition of actions by community volunteers

No announcements were made.

**Adjournment**

Mayor Carpenter adjourned the meeting at 11:45 p.m.

  
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Michael R. Carpenter, Mayor

ATTEST:

  
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Donna Schmoekel, Deputy City Secretary

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