AGENDA
HALTOM CITY COUNCIL MEETING
November 12, 2018 - CITY HALL - 5024 BROADWAY AVENUE
Council Chambers – Work Session – 6:00 P.M./Regular Session – 7:00 P.M.

WORK SESSION 6:00 P.M.

CALL TO ORDER (General Comments)

VISITORS/CITIZENS FORUM
This time is set-aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker’s Request Form to the City Secretary and follow the instructions listed on the form. If a group is present and interested in the same issue, please choose a spokesperson. Council cannot discuss or debate any issue brought forth at this time, nor can any formal action be taken, as it is not a posted agenda item in accordance with the open meetings law.

• Review and discuss items on the regular agenda of November 12, 2018.

EXECUTIVE SESSION
Chapter 551 of the Texas Government Code
As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:
Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, code of ethics and conflicts of interest, city charter limitations, dissolution/restructuring of the Haltom City EDC, Chapter 380 Agreement with Haltom Hospitality, LLC, selection process for design/construction of Fire Station 3, amending and repealing city ordinances and pending litigation and settlement offers for the following cases:

• Flynn v. Haltom City EDC
• James H. Watson v. City of Haltom City
• Ray Beshirs v. City of Haltom City
• Nicklaus Forrest v. City of Haltom City
• Amer Ozzie v. City of Haltom City
• Joe Williamson v. City of Haltom City

Section 551.072 – Deliberations about Real Property
Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City and the EDC, including city buildings.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER
INVOCATION/PLEDGE OF ALLEGIANCE – Council Member Brent Weast
ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho
PRESENTATION - TAAF Local Athlete of the Year – Christi Pruitt

REGULAR AGENDA

1. Minutes – Consideration and/or action regarding approval of the Minutes of the meeting of October 22, 2018 Regular Meeting. (A. Camacho)
2. Reconstruction of Lower Birdville Road – Consideration and/or action regarding approval of the 3-Way Agreement with Wilbarger Street, LP and Reliable Paving, Inc. for the reconstruction of Lower Birdville Road between SH121 and Carson Street. (G. Van Nieuwenhuize)
3. Carson Street Bridge Replacement Project Change Order No. 7 – Consideration and/or action regarding approval of Change Order No. 7 in the amount of $76,392.47 to the Carson Street Bridge Replacement Project. (G. Van Nieuwenhuize)
4. **Misc. Concrete Improvements Bid No. B2019-311-001** – Consideration and/or action to award Bid No. B2019-311-001 for miscellaneous concrete improvements to Reliable Paving as primary vendor with the option to renew for two (2) additional twelve-month periods if so desired, and award Bid No. B2019-311-001 for miscellaneous concrete improvements to GRod Construction as the secondary vendor in the absence of the primary vendor. *(J. Fung/J. Carver)*

5. **Street Sweeper** – Consideration and/or action to purchase a street sweeper for $255,820 for the 2019 Tymco street sweeper from Tymco, Inc. through their contract with H-GAC, and expressly authorize the City Manager to execute any and all change orders within the amounts set by state and local law. *(J. Fung/J. Carver)*

6. **Fire Pumper** – Consideration and/or action to authorize the purchase of a 2017 Spartan Pumper truck from Metro Fire Apparatus Specialist, Inc. through their contract with HGAC in the amount of $419,000, and the recommendation that the City Manager be expressly authorized to execute any and all change orders with the amounts set by state and local laws. *(J. Fung/J. Carver)*

**CITY STAFF REPORTS**

7. Staff Report to Council/citizens from inquiries from Visitor/Citizen Forum.

**FUTURE AGENDA ITEMS**

8. Discussion on items to be placed on future agendas.

**BOARDS/COMMISSIONS**

9. **Resignations of Board/Commission, and Committee Members** – Consider approval of the resignations of Board, Commission, and Committee Members.

10. **Appointment/Reappointment to Boards, Commissions, and Committees** – Consider approval regarding appointments/reappointments to Boards, Commissions, or Committees.

**EXCUSED ABSENCE OF COUNCIL MEMBERS**

11. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter.

**EXECUTIVE SESSION**

See Posting on Page One (1) of Agenda.

**RECONVENE TO REGULAR SESSION**

12. Take any action deemed necessary as a result of the Executive Session.

**ADJOURNMENT**

**CERTIFICATION**

I, ART CAMACHO, CITY SECRETARY OF THE CITY OF HALTOM CITY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE OFFICIAL BULLETIN BOARDS IN CITY HALL ON THIS THE 9th DAY OF NOVEMBER, 2018 AT 5:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE CITY HALL BULLETIN BOARD ON ________ DAY OF ______________, 2018.

*Signature*

ART CAMACHO, CITY SECRETARY

This facility is wheelchair accessible. Handicapped parking spaces are available. Request for sign interpretative services must be made 48 hours ahead of meeting. To make arrangements call 817-222-7754.
CITY COUNCIL MEMORANDUM

City Council Meeting:    November 12, 2018
Department:       City Secretary
Subject:     Minutes October 22, 2018.

BACKGROUND
A Regular Meeting was held October 22, 2018 at City Hall, 5024 Broadway Avenue.

FISCAL IMPACT
None.

RECOMMENDATION
Staff recommends the City Council approve the Minutes of October 22, 2018.

ATTACHMENTS
Minutes of October 22, 2018
A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on October 22, 2018, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

Mayor David Averitt       Mayor Pro Tem Dr. An Truong
Council Place 2 Walter Grow               Council Place 4 Brent Weast
Council Place 5 Bob Watkins    Council Place 6 Ricky Brown
Council Place 1 Jeannine Nunn and Council Place 3 Lin Thompson were absent.

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Wayne Olson, City Attorney; Art Camacho, City Secretary; Jennifer Fung, Finance Director; Glenna Batchelor, Planning and Community Development Director; Sidonna Foust, Customer Service Director; Cody Phillips, Police Chief; and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER - Mayor Averitt called the Worksession to order at 6:00 p.m.

Council Member Bob Watkins raised an objection to having the Visitors/Citizen Forum at the beginning of the meeting during the Worksession. Mayor Averitt stated the new time schedule for this agenda item is to prevent citizens from staying the near-entire length of the meeting to address the Council and since there is no Council action during the Visitor/Citizen Forum, it will be placed there for future meetings.

VISITORS/CITIZENS FORUM

The following citizens came forward:
1. Chris Anderson, President, HC Firefighter Assoc. – Addressed the sentiments toward the Fire Fighter Department concerning problems with personnel and leadership and stated the accusations will not affect their work performance or standards.
2. Bill Lanford – Gave support to the BISD Bond proposition for new schools in Haltom City.
3. Don Lemaster – Stated the American Legion will be presenting the Veterans Day program at the Veterans Memorial on November 11th and the Fire Department will be furnishing their Drum Corp.

No other citizen came forward.

WORKSESSION

Council Member Grow addressed the item regarding the Crime Free Single-Family Rental Ordinance, and a discussion was held regarding the procedure to begin the program, possible objections from property owners, and the large increase of rental property in Haltom City. Police Chief Phillips and Officer Perkins provided additional information on the item. In addition, City Manager Lane stated that the IT Department will be researching security camera systems for some possible installations than what is currently being used. Council Member Weast expressed his thanks for the assistance he received during his health issue at the last Council meeting. Mayor Averitt closed the Worksession at 6:52 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Averitt called the meeting to order at 7:05 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Assistant City Manager Rex Phelps gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.
ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho read the following:

- The HC Public Library lists the children, teen, and adult programs on the website.
- The Carson Street Closing will be closed for at least 5 to 7 weeks.
- The Trunk-R-Treat will be held on Thursday, October 25th from 4:30 p.m. to 8:30 p.m.
- The Harvest Fest will be held on October 31st from 6:00 to 8:00 p.m.
- The Haltom Rec Center will hold its Haltom Halloween on Saturday, October 27th.
- Fall Gallery Night will be held at the Library on Friday, Nov. 9th and Saturday, Nov. 10th.
- The Veterans Day Ceremony will be held on Sunday, Nov. 11th at 11:00 a.m.
- The Haltom Sr. Center will host their Halloween Party on Wed., October 31st.
- The HC Citizens Fire Academy will host an all-you-can-eat breakfast at Applebee’s on Saturday, November 10th from 8:00 a.m. to 10:00 a.m.
- The Pumpkin Decorating Contest is Saturday, October 27th at the Library.
- The Pumpkin Smash is Thursday, Nov. 1st at 5:00 p.m. at the Library.
- Hooowling Halloween is Tuesday, October 30th at 6:30 p.m. at the Library.
- The Board/Commission Banquet is Thursday, Nov. 1st at Diamond Oaks at 6:00 p.m.

Assistant City Manager Rex Phelps presented a Certificate of Recognition for the 90th Anniversary of St. Luke Methodist Church, in which Rev. Mel Bishara thanked the Council and citizens.

PRESENTATIONS - New ISO Fire Rating – Perry Bynum – this presentation was cancelled and is rescheduled for January 2019.

Mayor Averitt notified the citizens regarding the new placing of the Visitor/Citizen Forum and asked if anyone who was unaware of the new placement would like to address the Council at this time. No citizen came forward.

REPORTS

1. Monthly Financial Report – Review of the Monthly Financial Report for Sept. 2018. Finance Director Jennifer Fung presented the monthly financial report that included the ending of the fiscal year 2018 and showed several revenues reaching above their budgeted amount and the City sales tax showing a near 8.48% increase. No questions were asked.

2. Quarterly Investment Report for 2018 – Review of the Quarterly Investment Report for the quarter ended September 30, 2018. Finance Director Jennifer Fung presented the quarterly investment report which included a higher interest rate and a total book value of over fifty million dollars. A question was asked regarding the possibility of a loss occurring in the Unrealized Gain, but there will be no loss when the maturity date is reached. No other questions were asked.

3. 2018 Crime Statistics (3rd Quarter) – Presentation of Haltom City Police Department crime statistics for the third quarter of 2018. Chief Phillips introduced Officer Robert Parsons with the new canine services dog Harcos. Police Chief Cody Phillips then presented the third quarter report that included an increase in service calls, Part 1 Offenses, sexual assault, aggravated assault, residential burglary and vehicle theft. Decreases were shown in robbery and burglary of a building. In addition, data acquired from the Code Enforcement Department and Animal Services was presented and a discussion regarding sexual assault prevention and “grand-fathered” dumpster enclosures was held.

REGULAR AGENDA

4. Minutes – Consideration and/or action regarding approval of the Minutes of the October 8, 2018 Regular Meeting. Mayor Pro Tem Truong moved, seconded by Council Member Grow, to approve the minutes of October 8, 2018. The vote was unanimous. Motion carried.

5. Ordinance No. O-2018-030-15 (CU 009-18) – Consideration and/or action regarding the application of Ali Sairafi requesting a Conditional Use Permit for automobile and light truck repair shop, automobile tune up and lube center, and tire and battery sales store, auto
laundry/car wash located on a tract of land situated in the Meadow Oaks Addition-Haltom, Lot 6 to 13 & S10’ 5, Block 37 and being approximately 0.8774 acres east of Denton Highway, locally known as 2906 & 2908 Denton Highway. 2nd Reading. Planning and Community Development Director Glenna Batchelor presented the ordinance and Mr. Sairafi answered questions regarding his compliance with the conditions of the CUP and enforcement measures. Council Member Grow moved, seconded by Council Member Weast, to approve Ordinance No. O-2018-030-15 (CU 009-18) – second reading. The vote was unanimous. Motion carried.

6. Rejection of Bids RFB2018-311-01 – Consideration and/or action to reject bids received for Street and Utility Reconstruction Improvements for Joy Lee Street, Swan Street, Lamond Court and Springview Court. Public Works Director Greg Van Nieuwenhuize presented the agenda item, reviewed the process, and stated that in lieu of problems with the construction documents not stating that the project could be awarded based on the project having partial sidewalks or no sidewalks, he recommended that the Council reject the bids submitted so a new bid situation can be done with all conditions made clear. A discussion was held regarding the necessity of city sidewalks in both commercial and residential areas. Council Member Grow moved, seconded by Council Member Weast, to reject all bids for Bid RFB2018-311-01 – Street and Utility Construction. The vote was unanimous. Motion carried.

7. Resolution No. R-2018-014-11 – Consideration and/or action regarding approval to abandon a portion of Utility Easement within the IDEA Public Schools Addition, Lot 1, Block A (formerly the Thomas Acres Addition, parts of Lots A, B, & C) and to authorize the Mayor to execute the corresponding Quitclaim Deed. Public Works Director Greg Van Nieuwenhuize presented the resolution and Mayor Pro Tem Truong moved, seconded by Council Member Brown, to approve Resolution No. R-2018-014-11. The vote was unanimous. Motion carried.

8. Sprint Tower Lease – Consideration and/or action to authorize the City Manager to execute a lease agreement with Sprint for the Tower Lease at 3310 Meadow Oaks. Assistant City Manager Rex Phelps presented the agreement and explained the new terms for leasing with Sprint. Council Member Grow moved, seconded by Mayor Pro Tem Truong, to the City Manager to complete the lease agreement with Sprint for the Tower Lease at 3310 Meadow Oaks. The vote was unanimous. Motion carried.

Mayor Averitt requested that the next two items will be discussed in Executive Session prior to any action during the Regular Session and proceeded with Agenda Items 11 – 15.

9. Haltom Hospitality 380 Development Agreement – Consideration and/or action regarding Chapter 380 Development Program and Economic Development Agreement between the City of Haltom City, the Haltom City Economic Development Corporation and Haltom Hospitality, LLC for Development of a Hotel and Restaurant.

10. Resolution No. R-2018-015-01 – Consideration and/or action to approve the sale of properties owned by the Economic Development Corporation (EDC) that are no longer necessary to fulfill project purposes; authorizing the EDC to sell such properties for market value for development purposes that benefit the proper and orderly growth of the City.

11. CITY STAFF REPORTS – There were no City Staff Reports.

12. FUTURE AGENDA ITEMS – Council Member Grow requested the Comprehensive Land Use Plan (CLUP) review be delayed until after the Charter Review Committee (CRC) is finished with their work because some of the CRC members may be serving on the CLUP.

BOARDS/COMMISSIONS

13. Resignations of Board/Commissions/Committee Members – Consider approval of the
resignations of Board/Commission/Committee Members. There were no resignations.

14. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees. There were no appointments or reappointments.

**EXCUSED ABSENCE OF COUNCIL MEMBERS**

15. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Council Member Weast moved, seconded by Council Member Grow, to approve the excused absences of Council Member Nunn and Council Member Thompson. *The absences were approved unanimously.*

Mayor Averitt called for an Executive Session at 8:16 p.m. under the following:

**EXECUTIVE SESSION**

Chapter 551 of the Texas Government Code  
As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

- Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, code of ethics and conflicts of interest, city charter limitations, dissolution/restructuring of the Haltom City EDC, Chapter 380 Agreement with Haltom Hospitality, LLC, selection process for design/construction of Fire Station 3, amending and repealing city ordinances, and pending litigation and settlement offers for the following cases:
  - Flynn v. Haltom City EDC
  - James H. Watson v. City of Haltom City
  - Ray Beshirs v. City of Haltom City
  - Nicklaus Forrest v. City of Haltom City
  - Amer Ozzie v. City of Haltom City
  - Joe Williamson v. City of Haltom City

Section 551.072 – Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City and the EDC, including city buildings.

Mayor Averitt reconvened to Regular Session at 8:53 p.m. with Council acting on the following:

**RECONVENE TO REGULAR SESSION**

16. Take any action deemed necessary as a result of the Executive Session.
   1. Council Member Weast moved, seconded by Council Member Brown, to authorize the negotiation amendments with Haltom Hospitality 380 Development Agreement as discussed in Executive Session and if they fail (to consider the negotiations), to file a lawsuit in breach of the agreement. *The vote was unanimous. Motion carried.*
   2. Council Member Weast moved, seconded by Mayor Pro Tem Truong, to approve the amended Resolution No. R-2018-015-01. *The vote was unanimous. Motion carried.*

**ADJOURNMENT**

Mayor Averitt adjourned the meeting at 8:55 p.m.

RESPECTFULLY SUBMITTED BY:  
APPROVED BY:

_________________________________  ____________________________________________
Art Camacho, City Secretary  
David Averitt, Mayor
BACKGROUND

Earlier this year Mr. Chad Alvarez platted approximately 4.6 acres at the southwest corner of the intersection of Carson Street and Lower Birdville Road as the Wilbarger Commercial Complex, Block A, Lots 1 & 2 (the “Subdivision”). The development on these lots includes an expansion (separate facility) for the Rental One business and office warehouses.

As with all new developments in Haltom City and in accordance with the City’s regulations, staff prepared a Rough Proportionality Determination (RPD). An RPD is the City Engineer’s determination of the public infrastructure required to support the proposed development. If the existing infrastructure is not adequate, the City Engineer’s RPD determines which infrastructure is required of the developer to support the proposed development.

In the case of the Subdivision, additional infrastructure was determined to be roughly proportionate to support the proposed buildings/uses on the site. The construction plans for the Subdivision included the necessary changes and additions to water, sanitary sewer and drainage infrastructure per the RPD; however, the roadway infrastructure was relatively small and Mr. Alvarez entered into a Development Agreement in which he is to be responsible for $76,226 worth of roadway reconstruction. (The City Engineer’s RPD determined that $76,226 was the economic equivalent of the amount of roadway that the Subdivision required.)

As the Council is aware, Carson Street under SH 121 has been closed to through traffic for almost a year. This Carson Street closure has resulted in an increase in the traffic loading on some of the area’s side streets. In particular, Lower Birdville Road (SH 121 to Carson Street) has received a significant increase in traffic and correspondingly an increase in its degradation.
During the development of the Subdivision, Mr. Alvarez and his prime contractor (Reliable Paving who is also the City’s “annual concrete contractor”) approached staff about reconstructing Lower Birdville Road. Mr. Alvarez is willing to pay $76,226 now and Reliable Paving is willing to use their concrete pricing from their previous year’s annual contract (as the 3-way agreement was negotiated in the previous fiscal year). Staff has looked into this and we agree that it is cost effective to enter into a 3-way agreement with each party having the following responsibilities:

I. Wilbarger Street’s Responsibilities
   (Note: Wilbarger Street is Mr. Alvarez’s development/ownership entity for the Subdivision)

   1. Pay Reliable Paving $76,226.00 upon the completion and City’s acceptance of the Project.

II. Reliable Paving’s Responsibilities

   1. Install concrete curb & gutter on both sides of the Project;
   2. Stabilize the Project’s subgrade;
   3. Remove and install 6” thick concrete commercial driveway approaches and connect into the new street section;
   4. Place the asphalt delivered by the City’s asphalt supplier between the replaced concrete curb & gutter/concrete driveway approaches; and
   5. Provide and install erosion control and traffic control during construction of the Project.

III. City’s Responsibilities

   1. Remove the existing concrete curb & gutter within the Project’s limits;
   2. Remove the existing asphalt and base to a depth of 6”;
   3. Coordinate with asphalt supplier to provide asphalt (2” Type D HMAC and 4” Type B Asphalt Base); and
   4. Pay Reliable Paving $39,564.00 upon the completion and City’s acceptance of the Project.

The sanitary sewer main within this portion of Lower Birdville Road was replaced about 15 years ago and it remains in good shape. The existing 8” DIA cast iron water main will be replaced with an 8” DIA PVC water main by the City’s Construction Division prior to the roadway construction.

The City Attorney has reviewed the proposed 3-way agreement and found it acceptable.
FISCAL IMPACT

The replacement of the 8” DIA water main and its appurtenances can be funded from the Water Line and Fire Hydrant line items in the FY 2019 Budget. The City’s street related financial responsibilities can be funded from the Street Maintenance and Curb & Gutter Replacement line items in the FY2019 Budget.

RECOMMENDATION

Staff recommends the approval of the 3-Way Agreement with Wilbarger Street, LP and Reliable Paving, Inc. for the reconstruction of Lower Birdville Road between SH 121 and Carson Street.

In addition, the staff recommends the City Manager be expressly authorized to execute any and all change orders/cost increases within the amounts set by state and local law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 12th day of November, 2018, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

_________________________
David Averitt, Mayor

ATTEST:

________________________
Art Camacho, City Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: November 12, 2018

Department: Public Works

Subject: Ratify Staff’s Approval of Change Order No. 7 to the Carson Street Bridge Replacement Project

BACKGROUND

In 2000, the City approved a Mater Agreement Governing Local Transportation Project Advance Funding Agreement (the “Master Agreement”) with TxDOT. TxDOT requires cities to enter into a Master Agreement before they will enter into any future shared funding agreements for projects within a city.

In 2011, the City approved a Local Transportation Project Advance Funding Agreement (the “Local Agreement”) with TxDOT for the Carson Street Bridge Replacement Project (the “CB Project”). TxDOT requires cities to enter into a Local Agreement which is project specific before they will share funds on a local project.

In 2016, the City approved Amendment #1 to the Local Agreement. (Amendment #1 is the only amendment to the Local Agreement.) Amendment #1 modified the Environmental and Assessment section of the Local Agreement and the cost share section (Attachment C) to the Local Agreement.

As with most agreements with TxDOT, TxDOT “caps” their cost share and any project overruns are the responsibility of the city. In fact, the Master Agreement states, “The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, including any overruns in excess of the approved local project budget, unless otherwise provided for in the LPAFA <i.e., the Local Agreement>. ” In addition, Amendment #1 is even more direct and it states, “The Local Government will be responsible for any cost overruns.”

Presently, the amount of paving outside of the new bridge deck that needs to be replaced is greater than the amount indicated in the construction plans. Because of a “survey bust”, if the contractor (DCI Contracting) does not replace additional paving beyond the amount indicated in the construction plans, Carson Street will not drain properly and the transition between the existing paving and the new bridge deck will be drastic. Since the City’s engineering design firm was also responsible for providing surveying services, they will share in the cost of the eventual change order that DCI Contracting is due.
In situations such as this, staff considers the following:

1. What would have been the cost to the City if the “survey bust” would not have occurred and this additional paving would have been indicated in the construction plans used for bidding?
2. What is the cost of this additional that the contractor is requesting now and is this additional cost reasonable?
3. If the additional cost is reasonable what is the difference between #2 and #1 as this is the additional cost to the change order that should be the engineering firm’s responsibility?

In the CB Project, the additional cost of this paving work is $76,392.47. In looking at the CB Project’s bid schedule, researching TxDOT’s “bid item database” for this area and using TxDOT’s experience in evaluating similar situations, it has been determined that this amount is reasonable for the proposed individual work items which comprise this change order. Further, $23,720.45 of the $76,392.47 (change order amount) is due to cost increases in some of the work items since the start of the CB Project. Therefore had this “survey bust” not occurred, the City could have expected to pay around $52,672.02 (this amount is $76,392.47 - $23,720.45) for the work identified in this change order. Halff Associates has accepted responsibility for the “survey bust” and they are willing to pay the City (or credit the City) $23,720.45.

As stated previously, the agreements that the City has entered into with TxDOT require the City to pay for all cost overruns (such as change orders). Therefore, the City does not really have a choice but to execute this change order. Because this change order is in excess of $50,000, per the City’s Purchasing Policy, the expenditure of $76,392.47 should be approved by the City Council.

The work required by this change order has to be done. Staff became aware of the approximate dollar value of this change order a few days prior to the Council’s last meeting (10/22) and received the actual change order on October 23rd, the day following the last City Council Meeting. As such, this change order could not be presented to the City Council at the October 22nd Meeting. Because 1) by contract with TxDOT the City is required to pay this change order, 2) DCI Contracting is trying to re-open Carson Street within the next few weeks and 3) the work indicated in this change order will begin prior to the Council’s (at the time) next City Council Meeting, staff signed Change Order No. 7.

The original construction contract that TxDOT has with DCI Contracting is $5,252,178.37. Change Order Nos. 1 – 7 amount to $229,124.38 which equates to 4.36% of the overall construction contract.

**FISCAL IMPACT**

The FY2019 Budget has allocated $500,000 for these types of cost increases.
RECOMMENDATION

Staff recommends the City Council ratify staff’s approval of Change Order No. 7 in the amount of $76,392.47 to the Carson Street Bridge Replacement Project.
CITY COUNCIL MEMORANDUM/RESOLUTION

City Council Meeting: November 12, 2018
Department: Finance/Purchasing
Subject: Bid Award: Bid No. B2019-311-001 – Miscellaneous Concrete Improvements

BACKGROUND

The City is seeking for a responsible concrete supplier to provide concrete work. The concrete work typically includes the replacement of sections of concrete pavement, curbs and gutters, driveway approaches, ramps, etc. The agreement is on an “as needed” basis for a period of one year with an option for two (2) additional one year periods.

Bid notifications were published in the Fort Worth Star Telegram on October 3rd and October 10th. Bid notifications were sent directly to twelve (12) concrete vendors and two (2) additional packets were sent upon email request. On October 17, 2018, three (3) bids were received, opened and read. One of the vendors, Reliable Paving, had provided concrete services to the City in the past.

The three (3) bids received are referenced below:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Grand Total</th>
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<tbody>
<tr>
<td>Reliable Paving, Inc.</td>
<td>$1,208,300</td>
</tr>
<tr>
<td>GRod Construction, LLC.</td>
<td>$1,255,000</td>
</tr>
<tr>
<td>Urban Infraconsruction, LLC.</td>
<td>$1,509,750</td>
</tr>
</tbody>
</table>

Staff has had experience working with Reliable Paving on the two (2) previous miscellaneous concrete contracts; they have consistently complied with the City’s specifications and staff’s time requirements.

FISCAL IMPACT

Funding for the concrete work will be provided from the Street Construction Fund, the Drainage Capital Project (Operating) Fund and the Water & Sanitary Sewer Enterprise Fund on a project by project (situational) basis.
RECOMMENDATION

Staff recommends the City Council award Bid No. B2019-311-001 for miscellaneous concrete improvements to Reliable Paving as primary vendor with the option to renew for two (2) additional twelve-month periods if so desired by the City. In addition, staff recommends the City Council award Bid No. B2019-311-001 for miscellaneous concrete improvements to GRod Construction as the secondary vendor in the absence of the primary vendor.

In addition, Staff recommends the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated Staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 12th day of November, 2018, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

_________________________________
David Averitt, Mayor

ATTEST:

_________________________________
Art Camacho, City Secretary
CITY COUNCIL MEMORANDUM/RESOLUTION

City Council Meeting: November 12, 2018
Department: Finance / Purchasing
Subject: Purchase of Street Sweeper

BACKGROUND

The FY 2019 budget provides for the purchase of a street sweeper to be used in maintaining the city’s streets. The new street sweeper is to replace a 2002 Elgin Whirlwind street sweeper that was purchased in 2003 which is currently non-operational. Replacement parts for the 2002 sweeper are difficult to find and repairs are too costly and time-consuming.

FISCAL IMPACT

The street sweeper is budgeted for $260,000 and is funded through the Drainage Utility Fund (Fund 45). The actual cost for the new 2019 TYMCO Model 600 Regenerative Air Sweeper is $255,820 which is under budget.

The referenced price for the above street sweeper is from TYMCO, Inc. based on their contract with the (H-GAC) Houston-Galveston Area Council Purchasing Cooperative.

RECOMMENDATION

Staff recommends the purchase of the street sweeper for $255,820 for the 2019 Tymco street sweeper as referenced above from TYMCO, Inc. through their contract with H-GAC. The City is a member of H-GAC and purchases made through this agency satisfy all state and local bidding requirements.

In addition, the staff recommends the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated staff recommendations are hereby approved and authorized.
PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 12th day of November, 2018, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

__________________________________________
David Averitt, Mayor

ATTEST:

__________________________________________
Art Camacho, City Secretary

APPROVED AS TO FORM:

__________________________________________
Wayne Olson, City Attorney
CITY COUNCIL MEMORANDUM/RESOLUTION

City Council Meeting: November 12, 2018
Department: Finance/Purchasing
Subject: Purchase of a Fire Engine

BACKGROUND

The FY2019 budget includes the purchase of a new fire engine/pumper. Staff is proposing to purchase a 2017 Spartan Pumper with a purchase price of $419,000.

This purchase fits into the long-range plan to replace a 2008 Rosenbauer unit to be moved to reserve status. This new 2017 Spartan unit will continue to upgrade our frontline and reserve fleet to help reduce the periods of time where we have no available apparatus to respond to calls for service due to maintenance issues.

In early 2018, the City purchased a 2018 Spartan for $504,000. The City has the opportunity to purchase a new 2017 Spartan model at $419,000 which is a significant cost savings of about $85,000. In addition, the vendor has indicated that the manufacturer price will increase by about 4% for the coming year.

FISCAL IMPACT

The estimated cost for the 2017 Spartan Pumper is $419,000 which includes a $11,000 discount.

RECOMMENDATION

Staff recommends the City Council to authorize the purchase of a 2017 Spartan Pumper truck from Metro Fire Apparatus Specialist, Inc. through their contract with HGAC in the amount of $419,000. The City is a member of HGAC and purchases made through this agency satisfy all state and local bidding requirements.

In addition, Staff recommends the City Manager be expressly authorized to execute any and all change orders with the amounts set by state and local laws.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated staff recommendations are hereby approved and authorized.
PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 12th day of November, 2018, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

_________________________       David Averitt, Mayor

ATTEST:

________________________ Art Camacho, City Secretary

APPROVED AS TO FORM:

________________________ Wayne Olson, City Attorney
CITY COUNCIL MEMORANDUM

City Council Meeting: November 12, 2018
Department: City Secretary
Subject: City Staff Reports

BACKGROUND
City Staff will report to Council/Citizens from inquiries from Visitors/Citizens Forum.

FISCAL IMPACT
None.

RECOMMENDATION
None.

ATTACHMENTS
None.
CITY COUNCIL MEMORANDUM

City Council Meeting: November 12, 2018
Department: City Secretary
Subject: Future Agenda Items

BACKGROUND

There are no items currently scheduled for future agendas.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

None.
CITY COUNCIL MEMORANDUM

City Council Meeting: November 12, 2018
Department: City Secretary
Subject: Boards/Commission/Committee Resignation of Members

BACKGROUND
The City Council will consider action regarding the resignations from Boards, Commissions, and Committees.

FISCAL IMPACT
None.

RECOMMENDATION
None.

ATTACHMENT
None.
CITY COUNCIL MEMORANDUM

City Council Meeting: November 12, 2018
Department: City Secretary
Subject: Boards/Commissions/Committees
Appointments/Reappointments

BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board, commission, and committee members. Place One on the TIRZ Board expired December 31, 2017. Currently Bob Watkins serves in Place One.

Appointments and/or reappointments that are due:

Mayor:  
Public Arts Program Committee – One vacancy

CC Place 6: CCPD/Redlight – Current member Layla Caraway
ZBA – Current member Debbie Hardin

CC Place 7: Beautification – Vacant
CCPD/Redlight – Current member Patti Street
Fire – Current member Sue Austin
P&Z – Current member Suzette Teague

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Applications received: Raymond Balandran, 2018; Jonathan Thomas, 2018; Larry Handschoh, 2018; Alaina Tellson, 2018; Colton Hudson, 2018; Layla Caraway 2018; Joy Dalton 2018; Eric Morris, 2018; Garrett Schleier, 2018; Betty Porter, 2018; Andrea Hudson, 2018; Alexandra Geltmeier, 2017; Matthew Schoonover, 2017; Gary Hilbert II, 2017.