

**CITY OF DEL RIO, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS - CITY HALL
109 WEST BROADWAY
TUESDAY, FEBRUARY 14, 2017 @ 6:30 P.M.**

**AGENDA
DESCRIPTION**

ITEM NO.

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. **CITIZEN COMMENTS**
(NO ACTION WILL BE TAKEN)

This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not discuss any presented issue, nor take any action on any issue. A sign-up sheet is available for citizens who wish to address the Council. Please limit remarks to three minutes. Topics of operational concerns shall be directed to the City Manager. Comments should not personally attack other speakers, Council or staff.

6. **MAYOR'S COMMENTS**

7. **INFORMATION ITEMS**

a. Proclamation for "Ciscos Soldiers Day MDA Fest" - Robert Garza, Mayor

b. Information and Update on the Energov Permitting Software Project - Janice Pokrant, City Planner

8. **CONSENT AGENDA**
(ACTION MAY BE TAKEN ON THESE MATTERS)

This is a procedure to help facilitate the meeting with a CONSENT AGENDA. One motion will approve all action items, noted as consent. These are routine matters which are repeated on the agenda. Approval means they will be implemented as recommended by the administration. Prior to acting on the consent agenda, any Councilmember may have a consent item withdrawn from this portion of the agenda so that it may be discussed prior to action.

a. 2017 Fourth of July Fireworks Contract - Esmeralda Meza, Community Service Director

9.

ORDINANCES

(ACTION MAY BE TAKEN ON THESE MATTERS)

- a. O: 2017 - 028 An Ordinance in Accordance with the Del Rio City Charter and State Law Ordering and Establishing a Date for Holding and Conducting a Special Election in and throughout the City of Del Rio for the Purpose of Providing for the Appointment of Election Judges; Fixing the Maximum Number of Election Clerks and Establishing the Rate of Pay for all the Election Officers; Providing for the Designation and Location of Municipal Election Precincts and Polling Places; and Providing for the Public Notices of said Election; and in Accordance with the City Charter and State Law Providing for the Submission of Amendments to the City Charter of the City of Del Rio at a Special Election to be held on Saturday, May 6, 2017 - Suzanne West, City Attorney
- b. O: 2017 - 029 An Ordinance Issuing a Consumer Price Index Increase in the Red River Service Corporation DBA RR Waste Solutions Solid Waste Contract with the City of Del Rio, Texas - Manuel B. Chavez, Interim Assistant City Manager
- c. O: 2017 - 030 An Ordinance by the City Council of the City of Del Rio, Texas Authorizing and Directing City Manager Henry Arredondo to Award Work Order No. 24 in the amount of \$119,605.40 to the firm of Bain Medina Bain for Professional Services for the Designs, Plans and Specifications, for Street Paving in the Chihuahua, San Felipe and Other Areas, City of Del Rio, Texas - Alejandro Garcia, Public Works Director
- d. O: 2017 - 031 An Ordinance by the City Council of the City of Del Rio, Texas Authorizing and Directing City Manager Henry Arredondo to Issue Change Order No. 1 In the Amount of -\$55,650.00 to the Contract with the firm of Agate Steel, Inc., for the New Construction of T-6 Prefabricated Aircraft Sun Shades at Laughlin Air Force Base, Texas - Alejandro Garcia, Public Works Director
- e. O: 2017 - 032 An Ordinance Authorizing the City to Expend the Hotel Occupancy Tax Revenue to the Whitehead Museum - Leno Hernandez, Paul Poag Theatre Manager/ HOT Fund Committee Vice-Chair

10.

RESOLUTIONS

(ACTION MAY BE TAKEN ON THESE MATTERS)

- a. R: 2017 - 007 A Resolution by the City Council of the City of Del Rio, Texas Authorizing and Directing the City Manager Henry Arredondo to Enter Into an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS)to Provide Access for the Purchase of Lab Submission Supplies for the Del Rio Police Department - Waylon Bullard, Chief of Police
- b. R: 2017 - 008 A Resolution by the City Council of the City of Del Rio, Texas Authorizing and Directing City Manager Henry Arredondo to Advertise for Bids for the Agarita Well Rehabilitation - Alejandro Garcia, Public Works Director

11.

OTHER BUSINESS

(ACTION MAY BE TAKEN ON THESE MATTERS)

- a. Commercial Air Service agreement and flights scheduling update - Juan Carlos Onofre, Airport Director
- b. Discussion and Possible Action on Contracts for Services for the Del Rio EDC - Ori Fernandez, Economic Development Director

- c. Overview of the Del Rio to Austin 2017 Austin, TX Legislative Advisory Trip - Henry Arredondo, City Manager
- d. Discussion and Possible Action on Procedures for Documentation of City Council Travel - Diana Salgado, Councilperson-at-Large, Place A
- e. Discussion and Possible Action on Update from Administration regarding the Possibility of a Water District in the 2017 Legislative Session - Diana Salgado, Councilperson-at-Large, Place A
- f. End of Probationary Period Employee Review for City Secretary Alma Levrie- Mary Canales, Human Resources Director

12.

EXECUTIVE SESSION
(ACTION MAY BE TAKEN ON THESE MATTERS)

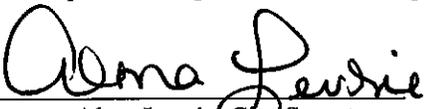
- a. Discuss and Update from City Attorney on the Long Term Maintenance of Water Lines in the Palomino Mobile Home Park in the City of Del Rio, Texas - Suzanne West, City Attorney

13.

ADJOURNMENT

* NOTE: The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.

I, Alma Levrie, City Secretary, hereby certify that the above agenda was posted on the bulletin board in the Municipal Building and on the bulletin board immediately outside the Municipal Building on or before 6:30 p.m. on the 10th day of February 2017.


Alma Levrie, City Secretary

City Council Regular

7. a.

Meeting Date: 02/14/2017

Information

Subject

Proclamation for "Ciscos Soldiers Day MDA Fest" - Robert Garza, Mayor

Attachments

No file(s) attached.

City Council Regular

7. b.

Meeting Date: 02/14/2017

Information

Subject

Information and Update on the Energov Permitting Software Project - Janice Pokrant, City Planner

Attachments

No file(s) attached.

Meeting Date: 02/14/2017

Submitted By: Esmeralda Meza, Community Services Director, COMMUNITY SERVICE

Information

SUBJECT:

2017 Fourth of July Fireworks Contract - Esmeralda Meza, Community Service Director

SUMMARY:

The fireworks contract for the 2017 Fourth of July celebration needs to be secured as soon as possible.

BACKGROUND:

City of Del Rio has spent \$25,000 on fireworks in 2016 and 2015. HEB sponsored \$7,500 and City of Del Rio, HOT Funds covered the remaining \$17,500.

DISCUSSION:

Since the city has contributed more than the \$7,500 budgeted for fireworks. Staff is recommending a budget amendment in the amount of \$17,500 to cover the fireworks. Staff is submitting the application for funds from HEB in the amount of \$17,500. However notification of an award will not be known immediately. If funds are awarded in any amount from HEB, that be allocated for the fireworks. Any remaining funds awarded through the budget amendment if approved, be allocated for the 4th of July entertainment. Staff will actively seek out sponsors for entertainment and food for the hospitality room. This would be the only budget amendment to be requested for the 4th of July and staff will stay within the working budget.

PROS:

Securing the fireworks contract will allow staff to proceed with obtaining sponsors for entertainment and finalize the operating budget and celebration in a timely manner.

CONS:

The longer we prolong securing the fireworks, the limited amount of companies will be available.

RECOMMENDATION:

I recommend that council authorize the City Manager to designate staff to proceed with a fireworks contract.

Fiscal Impact

FISCAL IMPACT:

The fiscal impact for this contract will be \$25,000, the City of Del Rio has budgeted \$12,500 for the 4th of July Event.

Attachments

Contract

Budget Amendment

Fireworks Quote



CONTRACT FOR SERVICE

This contract is entered into this 19th day of January, 2017 by and between Precision Fireworks, LLC. of P.O. Box 71 Era, TX 76238 telephone 469-321-0722 designated herein as the "Seller", and **City of Del Rio 109 W. Broadway, Del Rio, TX 78849** designated as the Buyer.

Seller will deliver to buyer of fireworks **for the July 4th Celebration fireworks show to be conducted on 7-4-2017 at San Felipe Country Club as a turn-key display** and/or will make necessary substitutions of equal or greater value. Buyer agrees to allow for the performance of the fireworks display safely and in accordance with all Federal, State, and Local laws that might be applicable.

Buyer agrees to allow contractor for the safe check of the display area after the presentation of the fireworks display for any debris or material that might be on site. Material found shall be disposed of.

The display operator is responsible for maintaining a certificate of insurance in the amount of \$1,000,000.00 for the display. The client shall be listed as an additional insured. At the sole discretion of the display operator, the fireworks display venue shall also be listed as an additional insured. The insurance certificate shall be maintained by the display operator and made available to the client prior to any payment and fireworks display. The certificate of insurance shall only be for any incident or liability caused by the display operator that is directly related to the set-up, storage, discharge or clean-up for the fireworks used in the fireworks display.

Buyer will furnish the minimum safety distance required per N.F.P.A 1123 after on-site inspection of the proposed shooting location. In no case, shall spectators be allowed closer than 70 feet per inch of shell diameter. Buyer will procure adequate monitoring to maintain these distance factors. Buyer also agrees to have adequate fire protection available on location of this display. It is agreed and understood that Buyer will pay the purchase price of **\$25,000** for the fireworks (*estimated show duration 20-25 minutes*). The Buyer deposit is 50% (**\$12,500**) of the show cost due upon signing of this contract. The 50% balance of **\$12,500** will be paid by **July 4, 2017**. Seller also offers an early pay discount of 10% more product added to the show if balance is paid in full.

Buyer acknowledges that any balance past due is subject to a finance charge computed by a "Periodic Rate" of 1.25% per month, which is an annual percentage of 15%, applied to balance due after specified payment due date above. The Parties acknowledge and agree that any legal action commenced regarding this contract or collection shall be brought in the Circuit Court of Val Verde County, Texas, and that Texas law shall govern the determination of rights, responsibilities and remedies. Buyer shall further be entirely responsible for any attorney fees and court costs incurred by Seller in enforcing its right under this contract and to collect any unpaid balances.

Precision Fireworks, LLC.
Seller

City of Del Rio
Purchaser

By: 
Authorized Agent

By: _____
Authorized Agent

Date: 01-19-2017

Date: _____

Budget Adjustment Request for Departments & Divisions

City of Del Rio

Please identify the account and department/division for the requested amount. Departments/divisions must submit additional and backup information with the budget adjustment request form in Excel, PDF, Word or PowerPoint formats to further explain and justify any related supplemental or reduction requests. Submit the **typed** form to the budget analyst for review and processing.

Fund: 101

Date of Request: 01/20/17

Department/Division: Community Services

RequestBy: Esmeralda Meza

Department/Division Head

For immediate review

Increase funds

Budget amendment

Decrease funds

Esmeralda Meza
Signature

Fund	-	-	Dept	-	-	Div	-	-	Acct	-	-	Description	Adopted/ Amended Budget Amount	Adjustment Amount	Proposed/Amended Budget Amount
101	-	5	-	01	-	01	-	5882	-			4TH OF JULY	\$ 12,500	\$ 12,500	\$ 25,000
	-		-		-		-		-						\$ 0
	-		-		-		-		-						\$ 0
	-		-		-		-		-						\$ 0
	-		-		-		-		-						\$ 0
	-		-		-		-		-						\$ 0
	-		-		-		-		-						\$ 0
Sub-Total												\$ 12,500	\$ 12,500	\$ 25,000	

Explanation of increase or decrease and resulting goods or service impact. Please note whether the adjustment is on-going or one-time.

Increase 4th of July funds from \$12,500 to \$25,000 to cover the fireworks contract. Note there is an application being submitted to HEB for fireworks and they have donated \$7,500 in the past, however staff wants to ensure that funds for the fireworks contract is covered. Any funds awarded from HEB will be allocated under the fireworks and left over funds will be allocated for entertainment. Other funding for entertainment will be solicited through sponsors.

City Manager and Finance Department Use Only

City Manager & Finance Director comments:

Actual amount approved or declined from following funding source:

\$	Budget Amendment (amount will be considered during subsequent amendment process)
\$	General Fund Reserves/Retained Earnings (for immediate processing)
\$	City Manager Reserves (for immediate processing)
\$	CO's (depending on availability)
\$	Amount declined

City Manager: _____
Print Name Signature Date

Finance Director: _____
Print name Signature Date

Entered _____ Approved by Council on: _____ By Ordinance #: _____ Adjustment Year _____

Initial _____ Date _____

2016-2017



Precision Fireworks, LLC.
 PO Box 71
 Era, TX 76238
 469-321-0722

Quote

Quote Number 3
 Quote Date: 1/19/2017
 Salesperson: Jesse Williams

Bill To:
 City of Del Rio
 109 W. Broadway
 Del Rio, TX 78849
 830-774-8508
 mqarcia@cityofdelrio.com

Display / Ship To Location:
 City of Del Rio
 109 W. Broadway
 Del Rio, TX 78849

Show Type: Turn-key **Show Date:** 7/4/2017 **Payment Terms:** 50% Deposit upon contract agreement **Customer PO:** **Ship VIA:** PF1

Item Description	Each	
	Shots Ordered	Total Shots
Aerial Shells		
2.5 INCH		
Shell Module A	96	2 192
Shell Module B	96	2 192
Shell Module C	96	2 192
	Total	576
3 INCH		
Shell Module A	72	1 72
Shell Module B	72	1 72
Shell Module C	72	1 72
Shell Module D	72	1 72
3" Finale Chains	10	34 340
	Total	628
4 INCH		
Shell Module B	36	1 36
Shell Module C	36	1 36
Shell Module D	36	1 36
Shell Module E	36	1 36
Shell Module F	36	1 36
Lidu Assortment	36	1 36
4" Finale Chains	6	10 60
	Total	276
5 INCH		
Shell Module A	24	1 24
Shell Module B	24	1 24
Shell Module C	24	1 24
Shell Module D	24	1 24
Shell Module E	24	1 24
Special Effects Assortment	24	1 24
	Total	144
CAKES		
36 Shot 2.5" Red, White, Blue, Ti Salute	36	6 216
2" 100'S Mix Shells	100	4 400
8x5 2" Green Strobe & Brocade	40	2 80
2" 5x5 Shot Fan Shaped Silver Chrysanthemum	25	2 50
2" 8x5 Assorted Color Mine & Salute	40	2 80
2" 8x5 R/W/B/R/W Crossette	40	2 80
36 Shot 2.5" Blue Chrysanthemum w/Tail	36	2 72
36 Shot 2.5" Red Chrysanthemum w/Tail	36	2 72
36 Shot 2.5" White Chrysanthemum w/Tail	36	2 72
36 Shot 2.5" Red, White, Blue, Super Peony	36	2 72
36 Shot 2.5" Multi Color Chrystanthum w/Tail	36	2 72
600 Shot Z Red/White/Blue/Salute	600	2 1200
300 Shot Whistling Dragon	300	2 600
600 Shot Fan Whistle & Crackle & Red Tail	600	2 1200
	Total	4266
OTHER		
Ematch	1	1377 1377
	Total	1377

Show Budget: \$25,000.00

Grand total of 5890 shots in display.

Balance: \$25,000.00
 Deposit: \$0.00
Total Due: \$25,000.00

Note: ***If balance is paid in full 10% more product will be added to show***

Meeting Date: 02/14/2017

Submitted By: Aida Garcia, Administrative Assistant, Legal Department

Information

SUBJECT:

O: 2017 - 028 An Ordinance in Accordance with the Del Rio City Charter and State Law Ordering and Establishing a Date for Holding and Conducting a Special Election in and throughout the City of Del Rio for the Purpose of Providing for the Appointment of Election Judges; Fixing the Maximum Number of Election Clerks and Establishing the Rate of Pay for all the Election Officers; Providing for the Designation and Location of Municipal Election Precincts and Polling Places; and Providing for the Public Notices of said Election; and in Accordance with the City Charter and State Law Providing for the Submission of Amendments to the City Charter of the City of Del Rio at a Special Election to be held on Saturday, May 6, 2017 - Suzanne West, City Attorney

SUMMARY:

If the Council chooses to call an election in order to provide the opportunity for voters to amend the Charter, the election must be called by Friday, February 17th, 2017. This is the culmination of the Charter Review Process that has occurred over the past two months.

BACKGROUND:

The Council voted to proceed with a charter amendment committee to look at only specific provisions of the charter. Suggested provisions were provided by council members and committee members. All suggested changes were discussed, but only some items were voted by a majority to be recommended for possible changes.

The Charter was last changed in 2014, and state law only allows charters to be amended every two years.

This committee met on January 4, January 12, and January 20th of 2017.

DISCUSSION:

Below are the recommendations of the committee:

- 1--Recommend that a measure change all council person seats to at-large, rather than having three places.
- 2--Recommend to establish a provision for the council to directly obtain the use of an auditor.
- 3--Recommend that the City Secretary provision be amended so that the duties, responsibilities, and supervision of the department fall under the City Manager.
- 4--Recommend that where applicable and allowable under state law, all committee members be appointed by the council as a whole.
- 5--That the recall petition language in Section 110 be amended to reflect the changes made previously to section 97 and 98 regarding petition signatures needed.

The following items were discussed by the committee but not recommended for action:

- 1--Removal of term limits
- 2--Mayor's term changed from 4 years to 2
- 3--Whether the Mayor should only be allowed to vote in the case of a tie
- 4--That all places, Mayor and Councilpersons, be changed to 2 years

PROS:

The minutes of the meetings are attached to explain the recommendations and discussion--which will lay out both the pros and cons from the committee's standpoint.

CONS:

N/A

RECOMMENDATION:

The legal department makes no recommendation on whether to move forward or not, but please be aware that should you choose to move forward, it must be decided at this meeting, as the deadline is February 17 to call the election.

Fiscal Impact

FISCAL IMPACT:

According to the City Secretary, she received an informal quote for special election administration for around \$20,000.

Attachments

Minutes Jan 25 Charter

Mintues Jan 4 Charter

Minutes Jan 12 Charter

**CITY OF DEL RIO, TEXAS
CHARTER REVIEW COMMITTEE MEETING
CITY HALL – COUNCIL CHAMBERS
MINUTES FOR MEETING HELD ON WEDNESDAY, JANUARY 25, 2017
12:00 P.M.**

MINUTES

1. CALL TO ORDER

David Ortiz, called the meeting to order at approximately 12:15.

2. ROLL CALL

The following committee members were present:

David Ortiz, Ramiro Guzman, Diana Salgado, Anna Chapman, Clay Cowan, Eloy Padilla, Tammy Hyslop

Absent:

Pat Collins, Ana Markowski-Smith, Regan Fagan, Al Cervantes

3. APPROVAL OF MINUTES

Mr. Padilla made a motion to approve the minutes, second by Mr. Cowan.

All members voted in favor.

4. PRESENTATION AND DISCUSSION:

- a. Discussion and clarification of modifications to section 110 on recall.

5. DISCUSS AND PROPOSE OF CHARTER AMENDMENTS:

- a. Discuss the ability or authority for all boards to be appointed by the city council. Mr. Guzman made a motion to “Request wording consistent with the charter that all committees and commissions and boards where applicable and allowed by state law be appointed by the city council”. Ms. Chapman seconded the motion. All members voted in favor.
- b. Mr. Ortiz gave his preference on proposals from the previous two meetings.
 - i. Whether all seven council seats should be “at large”. (Yes), Ms. Hyslop also expresses support for At Large as Ms. Salgado had in a previous meeting.
 - ii. Whether term limits should be removed. (No motion made)
 - iii. Whether the city should establish an internal audit department. (Yes)

- iv. Whether the mayor's term should be two or remain at four years. (Yes)
The committee is split 5 to 5 votes.
 - v. The city secretary be appointed, supervised and managed by the city manager. (Yes)
- c. Items related to employee conflicts of interest were discussed but consensus was that the charter already defers to state law on the issue and no new charter changes were needed in this area.
- d. Whether members of city committees, commissions and boards should live in the city.
Ms. Salgado made a motion that they should be in the city.
Second by Ms. Chapman.
In Favor: Ms. Salgado, Ms. Chapman.
Opposed: Mr. Ortiz, Mr. Guzman, Mr. Padilla, Ms. Hyslop (Mr. Cowan had stepped out)

6. ADJOURNMENT

Meeting Adjourned at 1:30 PM

**CITY OF DEL RIO, TEXAS
CHARTER REVIEW COMMITTEE MEETING
CITY HALL – COUNCIL CHAMBERS
IN TEST FOR MEETING HELD ON WEDNESDAY, JANUARY 4, 2017
12:00 P.M.**

IN TEST

1. CALL TO ORDER

Suzanne West, City Attorney Called the meeting to order at approximately 12 noon.

2. ROLL CALL

The following committee members were present:

Eloy Padilla, Clay Cowen, David Ortiz, Anna Chapman, Diana Salgado

Absent:

Ramiro Guzman, Ana Markowski-Smith, Tammy Hyslop, Jim Ramos, Pat Collins

3. OTHER BUSINESS

Suzanne West gave a brief overview of charter review process.

Timeline presented for charter review process. (attached)

Meeting schedule preferences discussed.

Suggestions of how proposals will be presented mentioned. (14 min)

4. DISCUSS AND ACT:

a. Appointment of a Chair/Vice Chair / Secretary

Eloy Padilla nominated **David Ortiz as Chair**, Second by Diana Salgado.

Unanimous approval.

Eloy Padilla nominated **Ana Chapman as Vice Chair**, Second by Clay Cowen

Unanimous approval.

Eloy Padilla nominated **Ramiro Guzman as Secretary**, Second by David Ortiz

Unanimous approval.

5. PRESENTATION AND DISCUSSION:

a. Current City of Del Rio Charter

Noted that an annotated version of the charter will be made available before the next meeting. Current version is not available online on muni code.

b. Charter Review Process

Timelines reviewed and discussion of reasons behind proposed changes.

6. DISCUSS AND PROPOSE:

a. Possible Charter Amendments

Each of the proposed amendments was discussed in turn, not motions were made.

3—Whether the city should establish an internal audit department (17 min)

Additional documentation from other cities will be provided for next meeting.

4—Whether the mayor's term should be 2 years or remain at 4 (10 min)

2—Whether term limits should be removed (5 min)

1—Whether all 7 council member seats should be “at large” (11 min)

5—Whether the city secretary should be directly hired by the council or recommended by the city manager as currently written (15 min)

6—Whether the mayor should be only allowed to vote in the case of a tie (8 min)

Also discussed:

The signature requirements for a recall election (6 min)

Adjustment of voter precinct lines (6 min)

7. DISCUSS ANDS ACT:

a. Meeting Schedule and Other Organizational Matters

Next two meetings set for Jan 12th and 20th at Noon.

8. ADJOURNMENT

Eloy Padilla Moved to Adjourn, Second by Clay Cowen

Unanimous Approval

(total meeting time 1 hour, 49 min)

**CITY OF DEL RIO, TEXAS
CHARTER REVIEW COMMITTEE MEETING
CITY HALL – COUNCIL CHAMBERS
MINUTES FOR MEETING HELD ON THURSDAY, JANUARY 12, 2017
12:00 P.M.**

MINUTES

1. CALL TO ORDER

Anna Chapman, called the meeting to order at approximately 12:15.

2. ROLL CALL

The following committee members were present:

Ana Markowski-Smith, Regan Fagan, Ramiro Guzman, Diana Salgado, Al Cervantes, Anna Chapman, Clay Cowan

Absent:

Eloy Padilla (arrived after roll call), Tammy Hyslop (arrived after roll call), Pat Collins, David Ortiz

3. APPROVAL OF MINUTES

Diana Salgado moved to approve the minutes of the January 4th Meeting, seconded by Clay Cowan.

All members voted in favor except for Ms. Markowski-Smith who abstained.

4. PRESENTATION AND DISCUSSION:

We don't have a current codified copy of the most recent version of the charter. We will work from the annotated version from the city attorney's office.

12:25PM (Mr. Padilla Arrived)

Reviewed the charter review process and timelines.

5. DISCUSS AND PROPOSE OF CHARTER AMENDMENTS:

- a. Whether all seven council seats should be "at large".

Points in Favor: Larger pool of qualified candidates, councilmembers focus on the city as whole, reduce voter confusion with precinct lines.

Points Against: Neighborhood representation is important, lower barrier to run for a district candidate,

12:32 (Ms. Hyslop Arrived)

In Favor: Guzman, Chapman, Markowski-Smith, Fagan
Against: Cervantes, Cowan, Padilla
Abstaining: Hyslop, Salgado

- b. Whether term limits should be removed.
No arguments to remove term limits
- c. Whether the city should establish an internal audit department

This auditor function would go beyond financial audits and could include process, ethics and other audits.

In Favor: Chapman, Cervantes, Padilla, Hyslop, Guzman, Salgado
Against: Cowan, Markowski-Smith, Fagan
Abstaining: none

- d. Whether the mayor's term should be two or remain at four years.

Points in favor: Voters can change direction of council every two years.
Points against: Don't want a mayor constantly in campaign mode and easier for someone to be willing to serve.

In Favor: Chapman, Padilla, Guzman, Salgado
Against: Hyslop, Cowan, Cervantes, Fagan, Markowski-Smith
Abstaining: none

- e. Whether the City Secretary position should be directly hired by the city council or recommended by the city manager as currently written.

Mr. Padilla suggested that the phrase "Who shall be recommended by the city manager" in the charter section pertaining to hiring of city secretary be removed.

2:31 PM (Mr. Padilla left the meeting, leaving an opinion on the remaining items.)

2:33 PM (Mr. Cowan left the meeting, leaving an opinion on the remaining items.)

In Favor: Salgado, Guzman, Cowan and Padilla.
Against: Cervantes
Abstaining: Fagan, Markowski-Smith, Hyslop

f. Whether the mayor should be only allowed to vote in the case of a tie.

No interest in changing this portion of the charter.

g. Whether office of the mayor and all council members should run in two year terms.

No interest in changing this portion of the charter

2:47 PM (Ms. Hyslop left the meeting)

h. Changing the number of signatures required for a recall election.

We will review the exact wording and turnout numbers at the next meeting.

6. ADJOURNMENT

Meeting Adjourned at 3:03 PM

Meeting Date: 02/14/2017

Submitted By: Manuel Chavez, Operations Director, OPERATIONS

Information

SUBJECT:

O: 2017 - 029 An Ordinance Issuing a Consumer Price Index Increase in the Red River Service Corporation DBA RR Waste Solutions Solid Waste Contract with the City of Del Rio, Texas - Manuel B. Chavez, Interim Assistant City Manager

SUMMARY:

Discussion and possible action on an ordinance to apply a producer price index increase of 1.44% in the Red River Service Corporation DBA RR Waste Solutions solid waste contract with the City of Del Rio, Texas.

BACKGROUND:

On December 30, 2013 per Ordinance O:2013- the City of Del Rio and Red River Service Corporation dba RR Waste Solutions entered into a contract for the purpose of operating the City's landfill and providing residential, commercial, industrial and extra territorial jurisdiction (ETJ) customers with solid waste collection/disposal services. As part of the contract the fees shall be adjusted annually per section 17.

DISCUSSION:

Modification to the collection and disposal rates is evaluated yearly according to Section 17 of the Red River Service Corporation contract. On February 1, 2015, and every February 1st thereafter, the collection rates, landfill fee and all other rates billed to the City shall be adjusted upward or downward to reflect changes in the cost of operations per the PPI Solid Waste Collection and fuel adjustment of rates per the formula provided in the contract. Based on the current calculation of the producer price index and fuel rate formula, a 1.44% increase will occur to the rates described above.

PROS:

The City will be in compliance with this part of the contract.

CONS:

No cons identified

RECOMMENDATION:

Staff recommends approval of this ordinance to apply a 1.44% producer price index increase in the solid waste contract with Red River Service Corporation.

Fiscal Impact

FISCAL IMPACT:

Attached is the schedule outlining the current rates and the new rates that includes a 1.44% increase. These new rates will now be billed to the City for services rendered starting February 1, 2017.

Attachments

Red River Ordinance
RevisedRR_Rates2017

ORDINANCE NO. O: 2017 - 029

AN ORDINANCE ISSUING A PRODUCER PRICE INDEX INCREASE IN THE RED RIVER SERVICE CORPORATION DBA RR WASTE SOLUTIONS SOLID WASTE CONTRACT WITH THE CITY OF DEL RIO, TEXAS.

WHEREAS, a contract was approved on December 30, 2013 and was conferred to Red River Service Corporation dba RR Waste Solutions (“Red River”) and became effective February 1, 2014; and

WHEREAS, the contract per Section 17 Paragraph 18, requires changes in the cost of doing business as measured by the fluctuation in the Producer Price Index; and

WHEREAS, changes in the fees due to Red River are necessary in order to meet the contract requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS, THAT:

Section 1. It hereby authorizes and directs the City Manager Henry Arredondo to issue a Producer Price Index increase of 1.44%

Section 2. The allowable increases to Red River shall become effective on February 1, 2017.

Section 3. The City shall change the sums as shown on the attached Exhibit “A” shared with Red River from the existing rates to the new revised rates for the customer accounts in the City, in the City’s extraterritorial jurisdiction, and commercial accounts, respectively.

PASSED AND APPROVED on this 14th day of February 2017

ROBERT GARZA
Mayor

ATTEST:

ALMA LEVRIE
City Secretary

REVIEWED FOR ADMINISTRATION:

REVIEWED AS TO FORM AND LEGALITY:

HENRY ARREDONDO
City Manager

SUZANNE WEST
City Attorney

EXHIBIT A

RED RIVER WASTE SOLUTIONS LP - PPI & FUEL MODIFICATION OF RATES CONTRACT SECTION 17

DESCRIPTION OF SERVICES		CURRENT UNIT PRICE	BASE RATE (PPI) = 85% OF UNIT PRICE	PPI ADJUSTMENT AMT	FUEL = 15% OF UNIT PRICE	FUEL ADJUSTED AMT	NEW RATE (CURRENT RATE +PPI ADJ AMT + FUEL ADJ AMT)	TOTAL CHANGE IN UNIT PRICES	% OF TOTAL CHANGE IN UNIT PRICE
Landfill	OPERATION & MAINTENANCE	\$ 20.37	\$ 17.31	\$ 0.48	\$ 3.06	\$ (0.19)	\$ 20.66	\$ 0.29	1.44%
Landfill	SCRAP TIRE STORAGE & DISPOSAL	\$ 1,909.84	\$ 1,623.36	\$ 45.45	\$ 286.48	\$ (18.05)	\$ 1,937.25	\$ 27.41	1.44%
Landfill	WHITE GOODS STORAGE & DISPOSAL	\$ 142.52	\$ 121.14	\$ 3.39	\$ 21.38	\$ (1.35)	\$ 144.57	\$ 2.05	1.44%
Landfill	SLUDGE - LAND APPLYING	\$ 9.50	\$ 8.08	\$ 0.23	\$ 1.43	\$ (0.09)	\$ 9.64	\$ 0.14	1.44%
Landfill	YARD WASTE - LAND APPLYING	\$ 9.50	\$ 8.08	\$ 0.23	\$ 1.43	\$ (0.09)	\$ 9.64	\$ 0.14	1.44%
Landfill	LECHATE PUMPING AND DISPOSAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Refuse Collection	Residential - Curbside Solid Waste	\$ 7.00	\$ 5.95	\$ 0.17	\$ 1.05	\$ (0.07)	\$ 7.10	\$ 0.10	1.44%
Refuse Collection	Residential - Additional Carts	\$ 2.85	\$ 2.42	\$ 0.07	\$ 0.43	\$ (0.03)	\$ 2.89	\$ 0.04	1.44%
Refuse Collection	Small Commercial - Curbside Solid Waste	\$ 17.50	\$ 14.88	\$ 0.42	\$ 2.63	\$ (0.17)	\$ 17.75	\$ 0.25	1.44%
Refuse Collection	Small Commercial - Additional Carts	\$ 5.25	\$ 4.47	\$ 0.13	\$ 0.79	\$ (0.05)	\$ 5.33	\$ 0.08	1.44%
18 Gallon Bins	Residential - Curbside Recycling	\$ 2.82	\$ 2.39	\$ 0.07	\$ 0.42	\$ (0.03)	\$ 2.86	\$ 0.04	1.44%
18 Gallon Bins	Residential - Additional Bins	\$ 1.43	\$ 1.22	\$ 0.03	\$ 0.21	\$ (0.01)	\$ 1.45	\$ 0.02	1.44%
18 Gallon Bins	Delivery - Recover	\$ 7.16	\$ 6.09	\$ 0.17	\$ 1.07	\$ (0.07)	\$ 7.26	\$ 0.10	1.44%
18 Gallon Bins	Delivery - Redelivery	\$ 7.16	\$ 6.09	\$ 0.17	\$ 1.07	\$ (0.07)	\$ 7.26	\$ 0.10	1.44%
18 Gallon Bin	Replacement/Purchase	\$ 14.32	\$ 12.18	\$ 0.34	\$ 2.15	\$ (0.14)	\$ 14.53	\$ 0.21	1.44%
96 Gallon Carts	Return and Service - Confirmed Late Set-Off	\$ 3.34	\$ 2.84	\$ 0.08	\$ 0.50	\$ (0.03)	\$ 3.39	\$ 0.05	1.44%
96 Gallon Carts	Delivery - Recover	\$ 7.16	\$ 6.09	\$ 0.17	\$ 1.07	\$ (0.07)	\$ 7.26	\$ 0.10	1.44%
96 Gallon Carts	Delivery - Redelivery	\$ 7.16	\$ 6.09	\$ 0.17	\$ 1.07	\$ (0.07)	\$ 7.26	\$ 0.10	1.44%
96 Gallon Carts	Replacement	\$ 62.07	\$ 52.76	\$ 1.48	\$ 9.31	\$ (0.59)	\$ 62.96	\$ 0.89	1.44%
Sideloading Dumpsters	2CY 1xWK collection	\$ 41.59	\$ 35.35	\$ 0.99	\$ 6.24	\$ (0.39)	\$ 42.18	\$ 0.60	1.44%
Sideloading Dumpsters	2CY 2xWK collection	\$ 81.74	\$ 69.48	\$ 1.95	\$ 12.26	\$ (0.77)	\$ 82.91	\$ 1.17	1.44%
Sideloading Dumpsters	2CY 3xWK collection	\$ 121.73	\$ 103.47	\$ 2.90	\$ 18.26	\$ (1.15)	\$ 123.48	\$ 1.75	1.44%
Sideloading Dumpsters	2CY 4xWK collection	\$ 162.07	\$ 137.76	\$ 3.86	\$ 24.31	\$ (1.53)	\$ 164.39	\$ 2.33	1.44%
Sideloading Dumpsters	2CY 5xWK collection	\$ 202.23	\$ 171.89	\$ 4.81	\$ 30.33	\$ (1.91)	\$ 205.13	\$ 2.90	1.44%
Sideloading Dumpsters	2CY 6xWK collection	\$ 242.38	\$ 206.02	\$ 5.77	\$ 36.36	\$ (2.29)	\$ 245.86	\$ 3.48	1.44%
Casters	2CY 1xWK collection (\$2.50 per pull)	\$ 10.34	\$ 8.79	\$ 0.25	\$ 1.55	\$ (0.10)	\$ 10.49	\$ 0.15	1.44%
Casters	2CY 2xWK collection (\$2.50 per pull)	\$ 20.67	\$ 17.57	\$ 0.49	\$ 3.10	\$ (0.20)	\$ 20.97	\$ 0.30	1.44%
Casters	2CY 3xWK collection (\$2.50 per pull)	\$ 31.01	\$ 26.36	\$ 0.74	\$ 4.65	\$ (0.29)	\$ 31.46	\$ 0.45	1.44%
Casters	2CY 4xWK collection (\$2.50 per pull)	\$ 41.35	\$ 35.15	\$ 0.98	\$ 6.20	\$ (0.39)	\$ 41.94	\$ 0.59	1.44%
Casters	2CY 5xWK collection (\$2.50 per pull)	\$ 51.69	\$ 43.93	\$ 1.23	\$ 7.75	\$ (0.49)	\$ 52.43	\$ 0.74	1.44%
Casters	2CY 6xWK collection (\$2.50 per pull)	\$ 62.02	\$ 52.72	\$ 1.48	\$ 9.30	\$ (0.59)	\$ 62.91	\$ 0.89	1.44%
Casters	2CY Install	\$ 131.64	\$ 111.90	\$ 3.13	\$ 19.75	\$ (1.24)	\$ 133.53	\$ 1.89	1.44%
Locks	2CY Install	\$ 115.85	\$ 98.47	\$ 2.76	\$ 17.38	\$ (1.09)	\$ 117.51	\$ 1.66	1.44%
Sideloading Dumpsters	3CY 1xWK collection	\$ 42.78	\$ 36.36	\$ 1.02	\$ 6.42	\$ (0.40)	\$ 43.39	\$ 0.61	1.44%
Sideloading Dumpsters	3CY 2xWK collection	\$ 82.93	\$ 70.49	\$ 1.97	\$ 12.44	\$ (0.78)	\$ 84.12	\$ 1.19	1.44%
Sideloading Dumpsters	3CY 3xWK collection	\$ 123.09	\$ 104.63	\$ 2.93	\$ 18.46	\$ (1.16)	\$ 124.86	\$ 1.77	1.44%
Sideloading Dumpsters	3CY 4xWK collection	\$ 163.25	\$ 138.77	\$ 3.89	\$ 24.49	\$ (1.54)	\$ 165.60	\$ 2.34	1.44%
Sideloading Dumpsters	3CY 5xWK collection	\$ 203.42	\$ 172.90	\$ 4.84	\$ 30.51	\$ (1.92)	\$ 206.34	\$ 2.92	1.44%
Sideloading Dumpsters	3CY 6xWK collection	\$ 243.57	\$ 207.03	\$ 5.80	\$ 36.54	\$ (2.30)	\$ 247.07	\$ 3.50	1.44%
Casters	3CY 1xWK collection (\$2.50 per pull)	\$ 10.34	\$ 8.79	\$ 0.25	\$ 1.55	\$ (0.10)	\$ 10.49	\$ 0.15	1.44%
Casters	3CY 2xWK collection (\$2.50 per pull)	\$ 20.67	\$ 17.57	\$ 0.49	\$ 3.10	\$ (0.20)	\$ 20.97	\$ 0.30	1.44%
Casters	3CY 3xWK collection (\$2.50 per pull)	\$ 31.01	\$ 26.36	\$ 0.74	\$ 4.65	\$ (0.29)	\$ 31.46	\$ 0.45	1.44%
Casters	3CY 4xWK collection (\$2.50 per pull)	\$ 41.35	\$ 35.15	\$ 0.98	\$ 6.20	\$ (0.39)	\$ 41.94	\$ 0.59	1.44%
Casters	3CY 5xWK collection (\$2.50 per pull)	\$ 51.69	\$ 43.93	\$ 1.23	\$ 7.75	\$ (0.49)	\$ 52.43	\$ 0.74	1.44%
Casters	3CY 6xWK collection (\$2.50 per pull)	\$ 62.02	\$ 52.72	\$ 1.48	\$ 9.30	\$ (0.59)	\$ 62.91	\$ 0.89	1.44%
Casters	3CY Install	\$ 131.64	\$ 111.90	\$ 3.13	\$ 19.75	\$ (1.24)	\$ 133.53	\$ 1.89	1.44%
Locks	3CY Install	\$ 115.85	\$ 98.47	\$ 2.76	\$ 17.38	\$ (1.09)	\$ 117.51	\$ 1.66	1.44%
Sideloading Dumpsters	4CY 1xWK collection	\$ 43.49	\$ 36.96	\$ 1.04	\$ 6.52	\$ (0.41)	\$ 44.11	\$ 0.62	1.44%
Sideloading Dumpsters	4CY 2xWK collection	\$ 83.64	\$ 71.10	\$ 1.99	\$ 12.55	\$ (0.79)	\$ 84.84	\$ 1.20	1.44%
Sideloading Dumpsters	4CY 3xWK collection	\$ 123.80	\$ 105.23	\$ 2.95	\$ 18.57	\$ (1.17)	\$ 125.58	\$ 1.78	1.44%
Sideloading Dumpsters	4CY 4xWK collection	\$ 163.97	\$ 139.37	\$ 3.90	\$ 24.59	\$ (1.55)	\$ 166.32	\$ 2.35	1.44%
Sideloading Dumpsters	4CY 5xWK collection	\$ 204.13	\$ 173.51	\$ 4.86	\$ 30.62	\$ (1.93)	\$ 207.06	\$ 2.93	1.44%
Sideloading Dumpsters	4CY 6xWK collection	\$ 244.28	\$ 207.64	\$ 5.81	\$ 36.64	\$ (2.31)	\$ 247.79	\$ 3.51	1.44%
Casters	4CY 1xWK collection (\$2.50 per pull)	\$ 10.34	\$ 8.79	\$ 0.25	\$ 1.55	\$ (0.10)	\$ 10.49	\$ 0.15	1.44%
Casters	4CY 2xWK collection (\$2.50 per pull)	\$ 20.67	\$ 17.57	\$ 0.49	\$ 3.10	\$ (0.20)	\$ 20.97	\$ 0.30	1.44%
Casters	4CY 3xWK collection (\$2.50 per pull)	\$ 31.01	\$ 26.36	\$ 0.74	\$ 4.65	\$ (0.29)	\$ 31.46	\$ 0.45	1.44%
Casters	4CY 4xWK collection (\$2.50 per pull)	\$ 41.35	\$ 35.15	\$ 0.98	\$ 6.20	\$ (0.39)	\$ 41.94	\$ 0.59	1.44%
Casters	4CY 5xWK collection (\$2.50 per pull)	\$ 51.69	\$ 43.93	\$ 1.23	\$ 7.75	\$ (0.49)	\$ 52.43	\$ 0.74	1.44%
Casters	4CY 6xWK collection (\$2.50 per pull)	\$ 62.02	\$ 52.72	\$ 1.48	\$ 9.30	\$ (0.59)	\$ 62.91	\$ 0.89	1.44%
Casters	4CY Install	\$ 131.64	\$ 111.90	\$ 3.13	\$ 19.75	\$ (1.24)	\$ 133.53	\$ 1.89	1.44%
Locks	4CY Install	\$ 115.85	\$ 98.47	\$ 2.76	\$ 17.38	\$ (1.09)	\$ 117.51	\$ 1.66	1.44%
Sideloading Dumpsters	2CY Extra Pickups	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Sideloading Dumpsters	3CY Extra Pickups	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Sideloading Dumpsters	4CY Extra Pickups	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Recycling Dumpsters	2CY 1xWK collection	\$ 41.59	\$ 35.35	\$ 0.99	\$ 6.24	\$ (0.39)	\$ 42.18	\$ 0.60	1.44%
Recycling Dumpsters	2CY 2xWK collection	\$ 81.74	\$ 69.48	\$ 1.95	\$ 12.26	\$ (0.77)	\$ 82.91	\$ 1.17	1.44%
Recycling Dumpsters	2CY 3xWK collection	\$ 121.73	\$ 103.47	\$ 2.90	\$ 18.26	\$ (1.15)	\$ 123.48	\$ 1.75	1.44%
Recycling Dumpsters	2CY 4xWK collection	\$ 162.07	\$ 137.76	\$ 3.86	\$ 24.31	\$ (1.53)	\$ 164.39	\$ 2.33	1.44%
Recycling Dumpsters	2CY 5xWK collection	\$ 202.23	\$ 171.89	\$ 4.81	\$ 30.33	\$ (1.91)	\$ 205.13	\$ 2.90	1.44%
Recycling Dumpsters	2CY 6xWK collection	\$ 242.38	\$ 206.02	\$ 5.77	\$ 36.36	\$ (2.29)	\$ 245.86	\$ 3.48	1.44%
Casters	2CY 1xWK collection (\$2.50 per pull)	\$ 10.34	\$ 8.79	\$ 0.25	\$ 1.55	\$ (0.10)	\$ 10.49	\$ 0.15	1.44%
Casters	2CY 2xWK collection (\$2.50 per pull)	\$ 20.67	\$ 17.57	\$ 0.49	\$ 3.10	\$ (0.20)	\$ 20.97	\$ 0.30	1.44%
Casters	2CY 3xWK collection (\$2.50 per pull)	\$ 31.01	\$ 26.36	\$ 0.74	\$ 4.65	\$ (0.29)	\$ 31.46	\$ 0.45	1.44%
Casters	2CY 4xWK collection (\$2.50 per pull)	\$ 41.35	\$ 35.15	\$ 0.98	\$ 6.20	\$ (0.39)	\$ 41.94	\$ 0.59	1.44%
Casters	2CY 5xWK collection (\$2.50 per pull)	\$ 51.69	\$ 43.93	\$ 1.23	\$ 7.75	\$ (0.49)	\$ 52.43	\$ 0.74	1.44%
Casters	2CY 6xWK collection (\$2.50 per pull)	\$ 62.02	\$ 52.72	\$ 1.48	\$ 9.30	\$ (0.59)	\$ 62.91	\$ 0.89	1.44%
Casters	2CY Install	\$ 131.64	\$ 111.90	\$ 3.13	\$ 19.75	\$ (1.24)	\$ 133.53	\$ 1.89	1.44%
Locks	2CY Install	\$ 115.85	\$ 98.47	\$ 2.76	\$ 17.38	\$ (1.09)	\$ 117.51	\$ 1.66	1.44%
Recycling Dumpsters	3CY 1xWK collection	\$ 42.78	\$ 36.36	\$ 1.02	\$ 6.42	\$ (0.40)	\$ 43.39	\$ 0.61	1.44%
Recycling Dumpsters	3CY 2xWK collection	\$ 82.93	\$ 70.49	\$ 1.97	\$ 12.44	\$ (0.78)	\$ 84.12	\$ 1.19	1.44%
Recycling Dumpsters	3CY 3xWK collection	\$ 123.09	\$ 104.63	\$ 2.93	\$ 18.46	\$ (1.16)	\$ 124.86	\$ 1.77	1.44%
Recycling Dumpsters	3CY 4xWK collection	\$ 163.25	\$ 138.77	\$ 3.89	\$ 24.49	\$ (1.54)	\$ 165.60	\$ 2.34	1.44%
Recycling Dumpsters	3CY 5xWK collection	\$ 203.42	\$ 172.90	\$ 4.84	\$ 30.51	\$ (1.92)	\$ 206.34	\$ 2.92	1.44%
Recycling Dumpsters	3CY 6xWK collection	\$ 243.57	\$ 207.03	\$ 5.80	\$ 36.54	\$ (2.30)	\$ 247.07	\$ 3.50	1.44%
Casters	3CY 1xWK collection (\$2.50 per pull)	\$ 10.34	\$ 8.79	\$ 0.25	\$ 1.55	\$ (0.10)	\$ 10.49	\$ 0.15	1.44%
Casters	3CY 2xWK collection (\$2.50 per pull)	\$ 20.67	\$ 17.57	\$ 0.49	\$ 3.10	\$ (0.20)	\$ 20.97	\$ 0.30	1.44%
Casters	3CY 3xWK collection (\$2.50 per pull)	\$ 31.01	\$ 26.36	\$ 0.74	\$ 4.65	\$ (0.29)	\$ 31.46	\$ 0.45	1.44%
Casters	3CY 4xWK collection (\$2.50 per pull)	\$ 41.35	\$ 35.15	\$ 0.98	\$ 6.20	\$ (0.39)	\$ 41.94	\$ 0.59	1.44%
Casters	3CY 5xWK collection (\$2.50 per pull)	\$ 51.69	\$ 43.93	\$ 1.23	\$ 7.75	\$ (0.49)	\$ 52.43	\$ 0.74	1.44%
Casters	3CY 6xWK collection (\$2.50 per pull)	\$ 62.02	\$ 52.72	\$ 1.48	\$ 9.30	\$ (0.59)	\$ 62.91	\$ 0.89	1.44%
Casters	3CY Install	\$ 131.64	\$ 111.90	\$ 3.13	\$ 19.75	\$ (1.24)	\$ 133.53	\$ 1.89	1.44%
Locks	3CY Install	\$ 115.85	\$ 98.47	\$ 2.76	\$ 17.38	\$ (1.09)	\$ 117.51	\$ 1.66	1.44%
Recycling Dumpsters	4CY 1xWK collection	\$ 43.49	\$ 36.96	\$ 1.04	\$ 6.52	\$ (0.41)	\$ 44.11	\$ 0.62	1.44%
Recycling Dumpsters	4CY 2xWK collection	\$ 83.64	\$ 71.10	\$ 1.99	\$ 12.55	\$ (0.79)	\$ 84.84	\$ 1.20	1.44%
Recycling Dumpsters	4CY 3xWK collection	\$ 123.80	\$ 105.23	\$ 2.95	\$ 18.57	\$ (1.17)	\$ 125.58	\$ 1.78	1.44%
Recycling Dumpsters	4CY 4xWK collection	\$ 163.97	\$ 139.37	\$ 3.90	\$ 24.59	\$ (1.55)	\$ 166.32	\$ 2.35	1.44%
Recycling Dumpsters	4CY 5xWK collection	\$ 204.13	\$ 173.51	\$ 4.86	\$ 30.62	\$ (1.93)	\$ 207.06	\$ 2.93	1.44%

EXHIBIT A

RED RIVER WASTE SOLUTIONS LP - PPI & FUEL MODIFICATION OF RATES CONTRACT SECTION 17

DESCRIPTION of SERVICES			CURRENT UNIT PRICE	BASE RATE (PPI) = 85% OF UNIT PRICE	PPI ADJUSTMENT AMT	FUEL = 15% OF UNIT PRICE	FUEL ADJUSTED AMT	NEW RATE (CURRENT RATE +PPI ADJ AMT + FUEL ADJ AMT)	TOTAL CHANGE IN UNIT PRICES	% OF TOTAL CHANGE IN UNIT PRICE
Recycling Dumpsters	4CY	6xWK collection	\$ 244.28	\$ 207.64	\$ 5.81	\$ 36.64	\$ (2.31)	\$ 247.79	\$ 3.51	1.44%
Casters	4CY	1xWK collection (\$2.50 per pull)	\$ 10.34	\$ 8.79	\$ 0.25	\$ 1.55	\$ (0.10)	\$ 10.49	\$ 0.15	1.44%
Casters	4CY	2xWK collection (\$2.50 per pull)	\$ 20.67	\$ 17.57	\$ 0.49	\$ 3.10	\$ (0.20)	\$ 20.97	\$ 0.30	1.44%
Casters	4CY	3xWK collection (\$2.50 per pull)	\$ 31.01	\$ 26.36	\$ 0.74	\$ 4.65	\$ (0.29)	\$ 31.46	\$ 0.45	1.44%
Casters	4CY	4xWK collection (\$2.50 per pull)	\$ 41.35	\$ 35.15	\$ 0.98	\$ 6.20	\$ (0.39)	\$ 41.94	\$ 0.59	1.44%
Casters	4CY	5xWK collection (\$2.50 per pull)	\$ 51.69	\$ 43.93	\$ 1.23	\$ 7.75	\$ (0.49)	\$ 52.43	\$ 0.74	1.44%
Casters	4CY	6xWK collection (\$2.50 per pull)	\$ 62.02	\$ 52.72	\$ 1.48	\$ 9.30	\$ (0.59)	\$ 62.91	\$ 0.89	1.44%
Casters	4CY	Install	\$ 131.64	\$ 111.90	\$ 3.13	\$ 19.75	\$ (1.24)	\$ 133.53	\$ 1.89	1.44%
Locks	4CY	Install	\$ 115.85	\$ 98.47	\$ 2.76	\$ 17.38	\$ (1.09)	\$ 117.51	\$ 1.66	1.44%
Recycling Dumpsters	2CY	Extra Pickups	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Recycling Dumpsters	3CY	Extra Pickups	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Recycling Dumpsters	4CY	Extra Pickups	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Roll Off Compactors	20CY	Haul Rate	\$ 166.28	\$ 141.33	\$ 3.96	\$ 24.94	\$ (1.57)	\$ 168.66	\$ 2.39	1.44%
Roll Off Compactors	30CY	Haul Rate	\$ 166.28	\$ 141.33	\$ 3.96	\$ 24.94	\$ (1.57)	\$ 168.66	\$ 2.39	1.44%
Roll Off Compactors	20CY	Disposal Cost (City Gate Rate as of 12-12-14)	\$ 34.03	\$ 28.93	\$ 0.81	\$ 5.11	\$ (0.32)	\$ 34.52	\$ 0.49	1.44%
Roll Off Compactors	30CY	Disposal Cost City Gate Rate as of 12-12-14)	\$ 34.03	\$ 28.93	\$ 0.81	\$ 5.11	\$ (0.32)	\$ 34.52	\$ 0.49	1.44%
Roll Off Compactors	20CY	Compactor Rental	\$ 381.97	\$ 324.67	\$ 9.09	\$ 57.30	\$ (3.61)	\$ 387.45	\$ 5.48	1.44%
Roll Off Compactors	30CY	Compactor Rental	\$ 381.97	\$ 324.67	\$ 9.09	\$ 57.30	\$ (3.61)	\$ 387.45	\$ 5.48	1.44%
Roll Off Compactors	ANY	Delivery Fee	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Roll Off Dumpsters	20CY	Haul Rate	\$ 166.28	\$ 141.33	\$ 3.96	\$ 24.94	\$ (1.57)	\$ 168.66	\$ 2.39	1.44%
Roll Off Dumpsters	30CY	Haul Rate	\$ 166.28	\$ 141.33	\$ 3.96	\$ 24.94	\$ (1.57)	\$ 168.66	\$ 2.39	1.44%
Roll Off Dumpsters	40CY	Haul Rate	\$ 166.28	\$ 141.33	\$ 3.96	\$ 24.94	\$ (1.57)	\$ 168.66	\$ 2.39	1.44%
Roll Off Dumpsters	20CY	Disposal Cost City Gate Rate as of 12-12-14)	\$ 34.03	\$ 28.93	\$ 0.81	\$ 5.11	\$ (0.32)	\$ 34.52	\$ 0.49	1.44%
Roll Off Dumpsters	30CY	Disposal Cost City Gate Rate as of 12-12-14)	\$ 34.03	\$ 28.93	\$ 0.81	\$ 5.11	\$ (0.32)	\$ 34.52	\$ 0.49	1.44%
Roll Off Dumpsters	40CY	Disposal Cost City Gate Rate as of 12-12-14)	\$ 34.03	\$ 28.93	\$ 0.81	\$ 5.11	\$ (0.32)	\$ 34.52	\$ 0.49	1.44%
Roll Off Dumpsters	20CY	Dumpster Rental	\$ 2.86	\$ 2.44	\$ 0.07	\$ 0.43	\$ (0.03)	\$ 2.91	\$ 0.04	1.44%
Roll Off Dumpsters	30CY	Dumpster Rental	\$ 3.34	\$ 2.84	\$ 0.08	\$ 0.50	\$ (0.03)	\$ 3.39	\$ 0.05	1.44%
Roll Off Dumpsters	30CY	Dumpster Rental	\$ 3.82	\$ 3.25	\$ 0.09	\$ 0.57	\$ (0.04)	\$ 3.87	\$ 0.05	1.44%
Roll Off Dumpsters	ANY	Delivery Fee	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%
Disaster Collection		Grapple Truck	\$ 167.11	\$ 142.04	\$ 3.98	\$ 25.07	\$ (1.58)	\$ 169.51	\$ 2.40	1.44%
Disaster Collection		Semi-Auto Truck	\$ 143.24	\$ 121.75	\$ 3.41	\$ 21.49	\$ (1.35)	\$ 145.29	\$ 2.06	1.44%
Disaster Collection		Roll Off Truck	\$ 157.56	\$ 133.93	\$ 3.75	\$ 23.63	\$ (1.49)	\$ 159.82	\$ 2.26	1.44%
Disaster Collection		Laborer	\$ 23.87	\$ 20.29	\$ 0.57	\$ 3.58	\$ (0.23)	\$ 24.22	\$ 0.34	1.44%
Disaster Collection		Supervisor	\$ 47.75	\$ 40.58	\$ 1.14	\$ 7.16	\$ (0.45)	\$ 48.43	\$ 0.69	1.44%

Meeting Date: 02/14/2017

Submitted By: Alejandro Garcia, Public Works Director/City Engineer, Engineering Department

Information

SUBJECT:

O: 2017 - 030 An Ordinance by the City Council of the City of Del Rio, Texas Authorizing and Directing City Manager Henry Arredondo to Award Work Order No. 24 in the amount of \$119,605.40 to the firm of Bain Medina Bain for Professional Services for the Designs, Plans and Specifications, for Street Paving in the Chihuahua, San Felipe and Other Areas, City of Del Rio, Texas - Alejandro Garcia, Public Works Director

SUMMARY:

City of Del Rio, Texas needs to have designs and plans and specifications completed for the paving works in the Chihuahua and San Felipe and othere areas of the City now that infrastructure works in those areas are completed. Bain Medina Bain can economically complete the designs as this firm is on call for providing professional engineering services. This is the quickest way to get the designs completed and request City Council approve this Work Order No. 24 in the amount of \$119,605.40

BACKGROUND:

City of Del Rio 2nd contract for waterlines installation funded by Texas Water Development Board loan in these areas has now been completed by Alvin E. Stock Contractor, Ltd. Paving can now be done and request for designs proposal sent to Bain Medina Bain (BMB) as this firm is on call to provide professional engineering services. Staff has provided BMB a list of streets where infrastructure is complete and which need paving. However, there could be other streets added to this contract or any paving contract as City staff finishes more installations of water and sewer lines. Bain Medina Bain now has been sent the list as finalized by the City Staff and can now start the design work and the plans and specifications for this future Streets Paving construction contract. .

DISCUSSION:

Discuss approval of this Work Order No. 24 for BMB to complete the designs and plans and specifications for paving in the areas of San Felipe and Chihuahua and possibly other areas as City staff completes infrastructures installations. Work Order No. 24 is now finalized after discussions and is in amount of \$119,606.40. If staff completes other streets with all infrastructure, per the terms of the agreement, City may issue change orders adding more design work as necessary

PROS:

Approval will allow BMB to start and complete designs with plans and specifications for paving certain areas of the City of Del Rio, Texas. Upon completions of designs with plans and specifications, the project for paving can be advertised for bidding.

CONS:

No approval will delay start of designs and plans with specifications and will delay the proposed future paving contract.

RECOMMENDATION:

Staff recommends approval of this Work Order No. 24 to Bain Medina Bain.

Fiscal Impact

FISCAL IMPACT:

City will be fiscally impacted by the award of this work order in the amount of \$119,605.40. The advertisement costs as well as award of any future contract will also later impact fiscally. Funding for all costs is available from previous CO's of 2011 and 2014 and also from the recent CO's of 2016-2017 of \$4.6 million from the Current CIP. Funds are not budgeted but are being appropriated from CO's for the purposes stated in the Work Order No. 24..

Attachments

Ord WO BMB Street Design
Work Order No. 24 BMB

ORDINANCE O: 2017 - 030

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DEL, TEXAS AUTHORIZING AND DIRECTING CITY MANAGER HENRY ARREDONDO TO EXECUTE WORK ORDER NO. 24 IN THE AMOUNT OF \$119,605.40 TO BAIN MEDINA BAIN FOR STREET DESIGNS

WHEREAS, the City of Del Rio Public Works Department requires professional engineering services for the designs for construction of the streets in Chihuahua and San Felipe areas of the City of Del Rio, Texas; and

WHEREAS, funds are not included in the current budget but funds from previous and current Certificates of Obligation are being obligated for the purposes stated in this Work Order; and

WHEREAS, the City of Del Rio must perform the rehabilitation, reconstruction or repaving of these various streets since the installation of water, gas or wastewater infrastructure in Chihuahua and San Felipe areas of the City of Del Rio, Texas has now been completed; and

WHEREAS, work orders can be issued to the firm since this firm is under contract to perform professional engineering services upon demand and issuance of the work order is the quickest and most cost efficient method, to complete the designs;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS, THAT:

City Manager Henry Arredondo is hereby authorized and directed to execute and award Work Order No. 24 in the amount of \$119,605.40 to the firm of Bain Medina Bain for the designs for construction of the streets in the City of Del Rio, Texas.

PASSED AND APPROVED on this the 14th day of February 2017

ROBERT GARZA
Mayor

ATTEST:

ALMA LEVRIE
City Secretary

REVIEWED FOR ADMINISTRATION:

REVIEWED AS TO FORM AND LEGALITY:

HENRY ARREDONDO
City Manager

SUZANNE WEST
City Attorney

ATTACHMENT A

WORK AUTHORIZATION NO. 24

To Master Agreement between:

Bain Medina Bain, Inc.

The City of Del Rio, Texas

This Work Authorization describes authorizes and work to be performed by the Engineer in accordance with the Master Agreement between the Engineer and the City, which is incorporated herein by reference.

Identification of Project Assigned: Del Rio Street Project Paving Plan

General Category of Services: Preparing plans for reclaim/overlay of street and limit as noted in proposal.

Specific Scope of Basic Services [identify deletions/additions to Master Agreement by Article No.] use additional pages as needed. _____

See attached Revised Proposal dated January 27, 2017

Identify Schedule if applicable, (see Section 8.1 of the Master Agreement):

N/A

Additional deliverables not identified in the Master Agreement:

N/A

Accepted:

City of Del Rio

Engineer: Bain Medina Bain, Inc.

By: _____

By:  _____

Title: _____

Title: PE, VICE PRESIDENT

Date: _____

Date: January 27, 2017

Original Agreement amount:

\$ _____

Total Change in Service amounts:

\$ _____

Current contract amount:

\$ _____

Total Previous Work Authorizations: (WA #1-WA #23)

\$ 539,809.50

Funds Requested: (WA #24)

\$ 119,605.40



June 15, 2016
 Revised: January 03, 2017
 Revised: January 17, 2017
 Revised: January 27, 2017

Alejandro Garcia, P.E.
 City Engineer
 City of Del Rio
 114 W. Martin St.
 Del Rio, Texas 78840

Re: Proposal for Engineering Services
 Street Rehab & Reconstruction Project
 BMB Job No. P-1490.12

Dear Mr. Garcia:

Bain Medina Bain, Inc. (BMB) is pleased to submit this fee proposal for providing professional engineering services for preparing plans for the reclaim/overlay of the streets and limits as shown in the following table:

	Street	Limits		Replace 8" Sanitary Sewer and Laterals	Length
		From	To		
1.	AVE Q	Gibbis	3 rd	No	1,150 LF
2.	AVE Q	9 th	10 th	No	400 LF
3.	Chapoy	Barron	Flores	No	1,600 LF
4.	Cantu	Cisneros	Magnolia	No	1,500 LF
5.	Andrade	Cisneros	Magnolia	No	1,550 LF
6.	Diaz	Jones	Magnolia	No	1,150 LF
7.	Mendez	Jones	Magnolia	No	1,150 LF
8.	Guillen	Barron	Dead End	No	1,068 LF
9.	Cisneros	Barron	Cantu	No	800 LF
10.	Flores	Jones	Magnolia	Yes	1,200 LF
11.	Zertuche	DeLeon	Dead End	No	200 LF
12.	W Cortinas	Gillis	Taini	Yes	1,025 LF
13.	De Leon	Las Vacas	Dead End	No	919 LF
14.	Foster	Pierce	Las Vacas	No	1,637 LF
15.	Gaitan	Las Vacas	Rio Grande	No	653 LF
16.	Hill	*Nueces/Canon	Las Vacas	No	1,980 LF
17.	Regin	*Nueces/Canon	Las Vacas	No	1,409 LF
18.	Guillen	Barron	Cantu	No	775 LF
19.	Jones	Barron	Mendez	No	1,280 LF
20.	Rubio	Barron	Flores	No	1,750 LF

*Does not intersect with Nueces, but does intersect with Canon

This proposal is for the following scope of services:

- Prepare a Title Sheet;
- Prepare Index Sheet & Summary of Quantities Sheet;
- Prepare a Project Layout Sheet
- Prepare Typical Section Sheets;
- Prepare General Notes Sheet;
- Prepare a Phasing Plan, & SW3P & Notes Sheet;
- Prepare Horizontal Alignment Data Sheets;
- Design pavement marking sheets for streets with existing pavement markings;
- Prepare Opinion of Probable Cost for Construction;
- Provide technical specifications for the effective construction items;
- Provide Bid Package.

The cost proposal includes a topographic survey of the 8" sanitary sewer lines and laterals at Flores Street and W. Cortinas Street.

The City of Del Rio will provide the latest water and sewer files in AutoCAD format.

The cost proposal does not include the following items of work:

- Topographic survey, except for the 2-8" sanitary sewer improvements;
- Drainage design;
- Roadway profiles;
- Geotechnical testing/pavement design;
- Construction phase services (shop drawings, submittal reviews, construction supervision, staking and construction survey, project close-out).

Should the City of Del Rio decide to engage Bain Medina Bain, Inc. to perform these services, we would be pleased to provide a separate cost proposal for these services.

The design phase will consist of two submittal milestones; a preliminary submittal consisting of 50% design plans and a preliminary opinion of probable cost; and a final submittal consisting of 100% design plans, standards, specifications, bid documents, and a final opinion of probable cost. BMB's total lump sum for the work described above shall be \$119,605.40. Attached for your review is our fee breakdown by task, hours and dollars.

Services performed will be in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing under similar conditions. No other warranty, expressed or implied, is made. You may, at any time, authorize any change within the scope of the project. Such change shall be authorized in writing. An adjustment shall be made to the contract price based on the attached hourly schedule.

Mr. Alejandro Garcia
June 15, 2016
Revised: January 03, 2017
Revised: January 17, 2017
Revised: January 27, 2017
Page 3 of 2
Re: Street Rehab & Reconstruction Project

If this proposal satisfactorily sets forth your understanding of the agreement between us, BMB will prepare a contract and forward it to you.

BMB looks forward to working with you on this project. Please call or email me with questions or comments.

Sincerely,



Carl Bain, P.E. | Vice-President
Bain Medina Bain, Inc.

Engineers & Surveyors
HUB, SBE, WBE, TxDOT Pre-Certified Firm
TBPE Registered Firm Engineering Number: F-1712
TBPLS Firm Surveying Number: 10020900

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
Project Management & Common Tasks							
Meetings	24	24					48
Site Visits	24	24					48
Title Sheet (1 Sheet)		1	1		4		6
Index Sheet & Summary of Quantities (2 Sheets)		1	8		12		21
Project Layout (1 Sheet)		2	4		8		14
Typical Section Sheets (5 Sheets)		1	8		30		39
General Notes Sheet (1 Sheet)		1	2		8		11
Phasing Plan & SW3P & Notes Sheet (1 Sheet)		2	8		16		26
Horizontal Alignment Data Sheets (4 Sheets)		4	20		40		64
Opinion of Probable Cost	2	10	20		20	4	56
QA/QC, Address Comments & 50% Submittal	2	4	8		24	4	42
Standards & Specifications	1	4	8		8	4	25
QA/QC, Address Comments & 100% Submittal	2	4	8		24	4	42
Prepare Bid Documents	2	4	4			12	22
HOURS SUB-TOTAL	57	86	99	0	194	28	464
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 9,576.00	\$ 11,352.00	\$ 10,197.00	\$ -	\$ 16,878.00	\$ 1,736.00	\$ 49,739.00
SUBTOTAL							\$ 49,739.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
AVE Q CONSTRUCTION PLANS							
(From Gibbis to 3rd) (1,150 LF)							
Roadway Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
AVE Q CONSTRUCTION PLANS							
(From 9th to 10th) (400 LF)							
Roadway Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
CHAPOY CONSTRUCTION PLANS							
(From Barron to Flores) (1,600 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
CANTU CONSTRUCTION PLANS							
(From Cisneros to Magnolia) (1,500 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
Pavement Markings Sheets (1 Sheet @ 100 Scale)	1	2	2	2	8		15
HOURS SUB-TOTAL	2	4	6	6	18	0	36
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 336.00	\$ 528.00	\$ 618.00	\$ 618.00	\$ 1,566.00	\$ -	\$ 3,666.00
SUBTOTAL							\$ 3,666.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
ANDRADE CONSTRUCTION PLANS							
(From Cisneros to Magnolia) (1,550 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
DIAZ CONSTRUCTION PLANS							
(From Jones to Magnolia) (1,150 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
MENDEZ CONSTRUCTION PLANS							
(From Jones to Magnolia) (1,150 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
GUILLEN CONSTRUCTION PLANS							
From Barron to Dead End) (1,068 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
HOURS SUB-TOTAL	1	2	4	4	10	0	21
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
SUBTOTAL							\$ 2,126.00

Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
CISNEROS CONSTRUCTION PLANS							
(From Barron to Cantu) (800 LF)							
Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
Pavement Markings Sheets (1 Sheet @ 100 Scale)	1	2	2	2	8		15
HOURS SUB-TOTAL	2	4	6	6	18	0	36
LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
TOTAL LABOR COSTS	\$ 336.00	\$ 528.00	\$ 618.00	\$ 618.00	\$ 1,566.00	\$ -	\$ 3,666.00
SUBTOTAL							\$ 3,666.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
10	FLORES CONSTRUCTION PLANS							
	(From Jones to Magnolia) (1,200 LF)							
	Roadway and Sewer Plan and Profile Sheets (3 Sheets @ 40 Scale)	2	10	12	12	40		76
	HOURS SUB-TOTAL	2	10	12	12	40	0	76
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 336.00	\$ 1,320.00	\$ 1,236.00	\$ 1,236.00	\$ 3,480.00	\$ -	\$ 7,608.00
	SUBTOTAL							\$ 7,608.00
	Task Description	RPLS	SURVEY TECHNICIAN	CADD TECHNICIAN	3-PERSON CREW	ADMIN ASST	TOTAL LABOR HRS. & COSTS	
	SURVEY SERVICES - 8" Sanitary Sewer and Laterals							
	Locate/Set Control	1	1		2		4	
	Topographical Survey	1	4		8		13	
	CADD	1		16			17	
	Control Sheet	2	2	4			8	
	QA/QC	1	2	2			5	
	HOURS SUB-TOTAL	6	9	22	10	0	47	
	LABOR COSTS	\$ 134.00	\$ 84.00	\$ 87.00	\$ 153.00	\$ 62.00		
	TOTAL LABOR COSTS	\$ 804.00	\$ 756.00	\$ 1,914.00	\$ 1,530.00	\$ -	\$ 5,004.00	
	SUBTOTAL						\$ 5,004.00	

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
11	ZERTUCHE CONSTRUCTION PLANS							
	(From DeLeon to Dead End) (200 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
	HOURS SUB-TOTAL	1	2	4	4	10	0	21
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
12	W CORTINAS CONSTRUCTION PLANS							
	(From Gillis to Taini) (1,025 LF)							
	Roadway and Sewer Plan and Profile Sheets (3 Sheets @ 40 Scale)	2	10	12	12	40		76
	HOURS SUB-TOTAL	2	10	12	12	40	0	76
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 336.00	\$ 1,320.00	\$ 1,236.00	\$ 1,236.00	\$ 3,480.00	\$ -	\$ 7,608.00
	SUBTOTAL							\$ 7,608.00
	Task Description	RPLS	SURVEY TECHNICIAN	CADD TECHNICIAN	3-PERSON CREW	ADMIN ASST	TOTAL LABOR HRS. & COSTS	
	SURVEY SERVICES - 8" Sanitary Sewer and Laterals							
	Locate/Set Control	1	1		2		4	
	Topographical Survey	1	4		8		13	
	CADD	1		16			17	
	Control Sheet	2	2	4			8	
	QA/QC	1	2	2			5	
	HOURS SUB-TOTAL	6	9	22	10	0	47	
	LABOR COSTS	\$ 134.00	\$ 84.00	\$ 87.00	\$ 153.00	\$ 62.00		
	TOTAL LABOR COSTS	\$ 804.00	\$ 756.00	\$ 1,914.00	\$ 1,530.00	\$ -	\$ 5,004.00	
	SUBTOTAL						\$ 5,004.00	

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
13	DELEON CONSTRUCTION PLANS							
	(From Las Vacas to Rio Grande) (919 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
	HOURS SUB-TOTAL	1	2	4	4	10	0	21
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
14	FOSTER CONSTRUCTION PLANS							
	(From Pierce to Las Vacas) (1,637 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
	HOURS SUB-TOTAL	1	2	4	4	10	0	21
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
15	GAITAN CONSTRUCTION PLANS							
	(From Las Vacas to Rio Grande) (653 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
	HOURS SUB-TOTAL	1	2	4	4	10	0	21
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
16	HILL CONSTRUCTION PLANS							
	(From Nueces/Canon to Las Vacas) (1,980 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	2	10		19
	Pavement Markings Sheets (1 Sheet @ 100 Scale)	1	2	2	2	8		15
	HOURS SUB-TOTAL	2	4	6	4	18	0	34
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 336.00	\$ 528.00	\$ 618.00	\$ 412.00	\$ 1,566.00	\$ -	\$ 3,460.00
	SUBTOTAL							\$ 3,460.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
17	REGIN CONSTRUCTION PLANS							
	(From Nueces/Canon to Las Vacas) (1,409 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
	HOURS SUB-TOTAL	1	2	4	4	10	0	21
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS
18	GUILLEN CONSTRUCTION PLANS							
	(From Barron to Cantu) (775 LF)							
	Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
	HOURS SUB-TOTAL	1	2	4	4	10	0	21
	LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
	TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS	
19	JONES CONSTRUCTION PLANS								
	(From Barron to Mendez) (1,280 LF)								
		Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
		HOURS SUB-TOTAL	1	2	4	4	10	0	21
		LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
		TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00	

	Task Description	PROJECT MANAGER	DESIGN ENGINEER	ENGINEER IN TRAINING	DESIGN TECHNICIAN	CADD TECHNICIAN	ADMIN ASSISTANT	TOTAL LABOR HRS. & COSTS	
20	RUBIO CONSTRUCTION PLANS								
	(From Barron to Flores) (1,750 LF)								
		Roadway Plan Sheets (1 Sheet @ 100 Scale)	1	2	4	4	10		21
		HOURS SUB-TOTAL	1	2	4	4	10	0	21
		LABOR COSTS	\$ 168.00	\$ 132.00	\$ 103.00	\$ 103.00	\$ 87.00	\$ 62.00	
		TOTAL LABOR COSTS	\$ 168.00	\$ 264.00	\$ 412.00	\$ 412.00	\$ 870.00	\$ -	\$ 2,126.00
	SUBTOTAL							\$ 2,126.00	

	CONSTRUCTION PLANS	TOTAL MH BY	TOTAL COSTS BY
	Project Management & Common Tasks	464	\$ 49,739.00
1	AVE Q	21	\$ 2,126.00
2	AVE Q	21	\$ 2,126.00
3	CHAPOY	21	\$ 2,126.00
4	CANTU	36	\$ 3,666.00
5	ANDRADE	21	\$ 2,126.00
6	DIAZ	21	\$ 2,126.00
7	MENDEZ	21	\$ 2,126.00
8	GUILLEN	21	\$ 2,126.00
9	CISNEROS	36	\$ 3,666.00
10	FLORES	76	\$ 7,608.00
11	ZERTUCHE	21	\$ 2,126.00
12	W CORTINAS	76	\$ 7,608.00
13	DELEON	21	\$ 2,126.00
14	FOSTER	21	\$ 2,126.00
15	GAITAN	21	\$ 2,126.00
16	HILL	34	\$ 3,460.00
17	REGIN	21	\$ 2,126.00
18	GUILLEN	21	\$ 2,126.00
19	JONES	21	\$ 2,126.00
20	RUBIO	21	\$ 2,126.00
	SUBTOTAL CONSTRUCTION PLANS LABOR EXPENSES	1037	\$ 107,637.00

	CONSTRUCTION PLANS	TOTAL MH BY	TOTAL COSTS BY
	Construction Plans Labor Expense	1037	\$ 107,637.00
	SUBTOTAL LABOR EXPENSES	1037	\$ 107,637.00

	SURVEY SERVICES - 8" Sanitary Sewer and Laterals	TOTAL MH BY	TOTAL COSTS BY
10	Flores Labor Expense	47	\$ 5,004.00
12	W Cortinas Labor Expense	47	\$ 5,004.00
	SUBTOTAL LABOR EXPENSES	94	\$ 10,008.00

	OTHER DIRECT EXPENSES	TOTAL MH BY	TOTAL COSTS BY	
	MILEAGE (7 Round Trips @ 320 mi)	320 miles	0.56 per mile x 7 trips	\$ 1,254.40
	LODGING	1 night x 2 days x	\$85.00 per night x 3 persons	\$ 255.00
	PER DIEM	2 days x	\$36.00 per day x 3 persons	\$ 216.00
	11" x 17" B/W Paper Copies (5 Sets)	400		\$ 80.00
	OVERNIGHT EXPRESS-LETTER SIZE	2		\$ 40.00
	OVERNIGHT EXPRESS-OVERSIZED BOX	3		\$ 90.00
	COURIER SERVICES	1		\$ 25.00
	SUBTOTAL DIRECT EXPENSES			\$ 1,960.40

SUMMARY	
TOTAL LABOR COSTS - CONSTRUCTION PLANS	\$ 107,637.00
TOTAL LABOR COSTS - SURVEY SERVICES	\$ 10,008.00
NON-SALARY (OTHER DIRECT EXPENSES)	\$ 1,960.40
GRAND TOTAL	\$ 119,605.40

Meeting Date: 02/14/2017

Submitted By: Alejandro Garcia, Public Works Director/City Engineer, Engineering Department

Information

SUBJECT:

O: 2017 - 031 An Ordinance by the City Council of the City of Del Rio, Texas Authorizing and Directing City Manager Henry Arredondo to Issue Change Order No. 1 In the Amount of -\$55,650.00 to the Contract with the firm of Agate Steel, Inc., for the New Construction of T-6 Prefabricated Aircraft Sun Shades at Laughlin Air Force Base, Texas - Alejandro Garcia, Public Works Director

SUMMARY:

This modifications provides credit of -\$55,650.00 for the elimination of phases 2 to 5 and the project can be constructed in one phase. The Contractor will be allowed to work on all five (5) rows at one time and as each row is completed Laughlin Air Force Base (LAFB) will be allowed to put that row into service. This revises the contract from the awarded amount of \$3,371,216.00 to the revised amount of \$3,315,566.00

BACKGROUND:

Originally, the contract could not be constructed in all five (5) phases as it had been directed by the User, LAFB, that only three (3) rows could be worked on at one time and then the other two (2) rows would be allowed to work on after the first three were finished. This required for the contractor to mobilize and then remobilize several times to work on three, then four and then the final fifth row. This is expensive requiring various mobilizations and demobilization by the various subs involved in the work such as the pier drilling crews, the stripping and painting crews, and others. Contract was awarded with this restriction which resulted in a contract that exceeded the budgets. City Manager appealed to the Base Commander, Col. Shanks to allow construction of all rows. After some discussions, it was agreed by Airport Manager and Col. Shanks that in the interest of working with the City of Del Rio to save costs to lower the overall construction price that all rows could be worked on and as finished, LAFB could put them to use. The decision was discussed with the contractor and a request for the change savings was issued and Contractor then provided the negotiated amount shown for the credit.

DISCUSSION:

Discuss and act to allow issuance of this modification to reduce the contract by the negotiated amount of -\$55,650.00 as this lowers the overall contract cost. As it is, the contract is over budget by approximately \$229,000.00 and with this credit, this amount over budget is reduced to about \$173,500.00. However, City Manager now working with LAFB to see if the electric allowance of \$70,000.00 can be provided by LAFB. If so, then the over budget amount would only be about \$104,000.00 or so.

PROS:

Issuance of this credit modification will lower the contract price by the sum of \$55,600.00.

CONS:

If not approved, the contract will be over budget at greater amount.

RECOMMENDATION:

City staff recommends approval of this credit modification in the sum of -\$55,600.00

Fiscal Impact

FISCAL IMPACT:

City of Del Rio, Texas will realize a credit of \$55,600.00 as reduction to the overall contract price with Agate Steel, Inc. for a revised contract amount of \$3,315,566.00.

Attachments

O 2017-031 CHANGE ORDER 1 AGATE STEEL INC.

Change Order No. 1 - Agate

ORDINANCE NO. O: 2017 - 031

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS AUTHORIZING AND DIRECTING CITY MANAGER HENRY ARREDONDO TO ISSUE AND AWARD CHANGE ORDER NO. 1 IN AMOUNT OF -\$55,600.00 TO THE CONTRACT WITH AGATE STEEL, INC., FOR THE NEW CONSTRUCTION OF T-6 AIRCRAFT SUN SHADES AT LAUGHLIN AIR FORCE BASE, TEXAS.

WHEREAS, the City of Del Rio as the owner may issue Change Orders to the contract with Agate Steel, Inc. within the general scope of the contract consisting of additions, deletions or revision and the Contract Sum and Contract Time as applicable will be adjusted accordingly; and

WHEREAS, the City of Del Rio has confirmed the need for the deletion of the phasing of Phase 2 to 5 and the Contractor may work and all five (5) phases at one time and turn these over as these are finished to Laughlin Air Force Base for their use; and

WHEREAS, all other terms of the contract remain unchanged except that the contract cost is adjusted by this reduction of costs in the sum of -\$55,600.00 and the contract price now results in a revised total contract price of \$3,315,566.00.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS THAT:

It hereby authorizes and directs City Manager Henry Arredondo to issue and award Change Order No. 1 in the amount of -\$55,600.00 to the contract with Agate Steel, Inc. for the New Construction of T-6 Aircraft Sun Shades at Laughlin Air Force Base, Texas.

PASSED AND APPROVED on this the 14th day of February 2017

ROBERT GARZA
Mayor

ATTEST:

ALMA LEVRIE
City Secretary

REVIEWED FOR ADMINISTRATION:

REVIEWED AS TO FORM AND LEGALITY:

HENRY ARREDONDO
City Manager

SUZANNE WEST
City Attorney

REQUEST FOR PROPOSAL

No: 1

DATE: January 27, 2017

CONTRACTOR: Agate Steel, Inc.

PROJECT: T-6 Prefabricated Aircraft Sun Shades at LAFB

JOB NO.: C-1239.22

THE FOLLOWING MODIFICATION TO THE CONTRACT HAS BEEN IDENTIFIED. PURSUANT TO THE GENERAL CONDITIONS, PLEASE PROVIDE A QUOTATION FOR THE ALTERATION DESCRIBED IN ITEM 1. THE QUOTATION SHOULD INCLUDE AN ITEMIZED BREAKDOWN OF CONTRACTOR AND SUBCONTRACTOR COSTS, INCLUDING LABOR, MATERIALS, RENTALS, APPROVED SERVICES, OVERHEAD, AND PROFIT. THIS REQUEST SHALL NOT BE CONSIDERED AUTHORIZATION TO PROCEED WITH THE WORK HEREIN DESCRIBED.

TO BE COMPLETED BY INITIATOR OF REQUEST:

- SCOPE OF WORK: (INCLUDE LIST OF ATTACHMENTS)
Please provide a credit to eliminate phases 2 thru 5. The project can be constructed in one phase. The rows should be completed in the order shown, which is J, I, H, G, and F. As each row is completed and accepted, Laughlin will be allowed to put into service that row.
- JUSTIFICATION FOR MODIFICATION: City of Del Rio and Laughlin Air Force Base will allow contractor to work on all five (5) rows at the same time.
- APPROVAL OF REQUEST

DESIGN ENGINEER: _____ DATE: January 27, 2017

TO BE COMPLETED BY CONTRACTOR

- TOTAL COST OF MODIFICATION (ATTACH DETAILED BREAKDOWN) \$55,650.00
- WILL A MODIFICATION TO THE CONTRACT TIME BE REQUIRED?
 YES NO DURATION: save 10 (CALENDAR DAYS)
- ATTACHMENT IDENTIFICATION (LIST): Request for Proposal 1 on Agate Steel Letterhead
- QUOTATION IN EFFECT UNTIL (DATE): March 1, 2017
- APPROVAL OF QUOTATION

CONTRACTOR: Tim Huffman  DATE: January 27, 2017



STEEL FABRICATORS • STEEL SALES
MANUFACTURERS OF PRE-ENGINEERED METAL BUILDINGS

Request for Proposal 1

Carl Bain
Bain Medina Bain, Inc.
7073 San Pedro Ave.
San Antonio, TX 78216

1-27-2017

Office: 210.494.7223 ext. 226
cbain@bmbi.com

Carl,

The price breakdown credit for the Mobilizations and efficiencies for doing all 5 rows at once is:

Mobilizations for drilling Footings 4 @ \$2,500 each

Mobilizations for Striping and Paint Removal 4 @ \$8,000 each

Efficiencies for pouring concrete and cleanup 1 @ \$11,000

Subtotal \$53,000

5% Overhead /profit \$2,650

For a total of \$55,650

Sincerely,

Tim Huffman
Manager
Agate Steel Inc.

CORPORATE OFFICES, STEEL FABRICATION & STEEL SALES YARD
NORTHEAST CORNER OF OAK STREET & COUNTRY CLUB DRIVE
SCOTTSDALE, ARIZONA 85256

ARIZONA A-ROC197425, B-UNDOC197426 CALIFORNIA #952062 A, B C-8, C-51
GUAM CLB08-0347 HAWAII C-48 C-2967, NEW MEXICO C-598-366779



SDVOSB
SERVICE DISABLED VETERAN
OWNED SMALL BUSINESS

GSA Contract
Holder

Meeting Date: 02/14/2017

Submitted By: Leno Hernandez, Paul Poag Theatre Mgr, COMMUNITY SERVICE

Information

SUBJECT:

O: 2017 - 032 An Ordinance Authorizing the City to Expend the Hotel Occupancy Tax Revenue to the Whitehead Museum - Leno Hernandez, Paul Poag Theatre Manager/ HOT Fund Committee Vice-Chair

SUMMARY:

The funds if awarded will be used to support the Whitehead Museum's mission of Historical Preservation and Restoration with the addition of 3 new displays.

BACKGROUND:

The mission of the Whitehead Museum is to preserve historical and tangible artifacts that reflect early history, cultures, and economics of Del Rio and Val Verde County. The Whitehead Museum receives an annual allocation of 5% of Hotel Occupancy Tax collections.

DISCUSSION:

The budgets of any department may be amended under state law for municipal purposes, and the City Council finds that providing funds to the Whitehead Museum is a municipal purpose.

PROS:

The addition of the displays at the Whitehead Museum could directly promote tourism and the hotel and convention industry by enhancing the experience of our tourist and visitors.

CONS:

The return on this investment will require time for construction, implementation, and visitor participation to quantify affect.

RECOMMENDATION:

The Hotel Occupancy Tax Fund Committee recommends the approval of the Ordinance in compliance with Chapter 351 of the Texas Tax Code, whereas the Texas Tax Code allows the proposed use of funds to be used for historical restoration and preservation projects that directly promote tourism and the hotel and convention industry. HOT Fund Committee voted 7-0 in favor of the Recommendation.

Fiscal Impact

FISCAL IMPACT:

The Fiscal Impact included with the passing of this ordinance includes the potential increase in collections from both the Hotel Occupancy Tax and Sales Tax.

FISCAL IMPACT:

Amount requested is \$30,000 from the Hotel Occupancy Tax Fund Committee Fund.

Attachments

WHITEHEAD ORD
WHMM_APP



ORDINANCE NO. O: 2017 032

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS AUTHORIZING AND DIRECTING CITY MANAGER HENRY ARREDONDO TO EXPEND THE HOTEL OCCUPANCY TAX REVENUE TO THE WHITEHEAD MEMORIAL MUSEUM

HEREAS, the Whitehead Memorial Museum is committed to preserving the historical artifacts that reflect the early history, cultures, and economics of Del Rio and Val Verde County, and

HEREAS, the Whitehead Memorial Museum directly enhances and promotes tourism and the convention and hotel industry, and

HEREAS, the Whitehead Memorial Museum's proposed use of funds is directly related to funding historical restoration or preservation programs, and

HEREAS, the proposed use matches a category under State of Texas Tax Code Chapter 351 of permissible uses for HOT funds, and

HEREAS, the City Council hereby finds that the Whitehead Memorial Museum's application and proposed use of funds provides proper guidelines to follow the state law in regards to expenditures of these funds; and

NO THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS, THAT:

All documents necessary for transfers of funds are hereby authorized to expend the Hotel Occupancy Tax revenues by providing the Whitehead Memorial Museum \$30,000.00 for the purpose of adding three new displays and housing in its purpose to preserve the history of Del Rio.

PASSED AND APPROVED on this 14th day of February 2017

ROBERT GARZA
Mayor

ATTEST:

ALMA LEVRIE
City Secretary

REVIEWED FOR ADMINISTRATION:

REVIEWED AS TO FORM AND LEGALITY :

HENRY ARREDONDO
City Manager

SUZANNE WEST
City Attorney

Hotel Occupancy Tax Application

I. Contact Information

Legal name of Organization requesting funds: Whitehead Memorial Museum
Organization Mailing Address: 1308 S Main St
E-Mail: michael.diaz@whiteheadmueum.org
Phone: 8307747568 Mobile: 8307341036
Name of Primary Contact: Michael Diaz
Title of Primary Contact: Director
Mailing Address of Primary Contact: 1308 S Main St
E-Mail: michael.diaz@whiteheadmuseum.org
Phone: 8307747568 Mobile: 8307341036

II. Organization Type

This Organization Is: Private Non-Profit/Tax Exempt Other

Tax ID#: 74-6200255

Type of Organization (IRS Code): 501(c)(3)

What is the Mission of your Organization? The Whitehead Memorial Museum was established in 1962 and remains the only full time public museum in Val Verde County. The mission of the Whitehead Memorial Museum is to preserve historical and tangible artifacts that reflect the early history, cultures and economics of Del Rio and Val Verde County.

Year Organization was established: 1962

Number of full time staff: 3

Number of part time staff: 2

Number of volunteers: 6

III. Required Information to be submitted with Application

- Organization's proposed annual budget, including all revenue sources, expenditures, and proposed HOT funds expenditures. Acceptable HOT Fund expenditures will be required to meet the requirements established in Criteria #1 and at least one of the nine categories in Criteria #2.
- Organization financial statements from previous two years
- Articles of Incorporation
- By-laws
- Board Members - names and titles

IV. Previous HOT Funding

Has the Organization previously received HOT funding from the City of Del Rio? Yes
If Yes, what year(s) and for what purpose? _____
2014-2015 Historical Preservation

2015-2016 Historical Preservation

2016-2017 Historical Preservation

V. Previous Events/Programs Organized

List major events/programs that this Organization or Applicant has organized and hosted.
Cajun Fest, Dino Days, Oktoberfest, Archeology Fair, Dia de los Muertos,
Christmas Under the Stars, Movies at the Museum

Additional information such as schedules, financial statements, articles or other relevant information regarding these events/programs may be provided during the Board presentation. Marketing collateral samples may also be brought to the presentation and are not required with the application.

VI. Request

HOT Fund Amount Requested: \$30,000.00

If this request for funding is denied, will the program continue: yes

Comments: The requested amount will be used to construct 3 new buildings on the grounds of the museum. Each building will be used to house new exhibits. These exhibits will include City and County Government, Notable people from Del Rio and Del Rio/San Felipe Schools.

VII. End of Year Report

Upon completion of awarded payment, the Hotel Occupancy Tax Fund recipient will be required to deliver an annual report to the City Secretary's Office, 109 West Broadway, Del Rio, Texas, 78840. The recipient must also present the annual report to City Council at an agreed future date to be determined. Failure to submit a Post Event/Program report could affect future funding recommendations for HOT funds.

VIII. Submitting an Application

Applicants must submit a completed application and provide required documentation. The application deadline is Monday, December 12, 2016, 3:00pm. At which time there will be a mandatory meeting with all perspective applicants at City Hall Monday, December 12, 2016 @ 3:00pm to go over FY 16-17 HOT funding and expectations.

Completed applications will be accepted online at mchavez@cityofdelrio.com. Email is the preferred method of receiving the application and required documents. However, applications will also be accepted at City Hall, City Secretary Office, 109 West Broadway, Del Rio, TX 78840.

Notification of dates and times of presentations, appeals or any changes that may occur, will be made by email and/or phone. Applicants are responsible for providing email addresses / phone numbers that will allow them to be contacted expediently.

IX. Acknowledgment

I, Michael Diaz representing the Whitehead Memorial Museum understand the Texas State limitations placed on use of Hotel Occupancy Tax funds, and certify that the requested funds will be used only for purposes described in this application or as approved by the City. Furthermore, I understand our Organization's use of HOT funds is subject to audit.



Signature

2/01/2017

Date

**Whitehead Memorial Museum
1308 S. Main St. Del Rio, Texas
Budget for 2016-2017**

Income

Membership	\$	1,000.00
Admission	\$	7,500.00
County	\$	65,000.00
Room Tax	\$	30,000.00
Exhibit Sponsors	\$	2,750.00
Gift Shop	\$	6,200.00
Memorial	\$	100.00
Fundraiser	\$	7,500.00
Grants	\$	5,000.00
Grounds Rental	\$	11,100.00
	Total	\$ 136,150.00

Expense

Gift Shop	\$	5,000.00
Computer	\$	2,000.00
Ground Rental Expense	\$	3,500.00
Office Supply	\$	2,000.00
Building Maintenance	\$	20,000.00
Exhibits	\$	8,818.00
Payroll Taxes	\$	18,452.00
Workers Compensation	\$	1,100.00
Unemployment Insurance	\$	550.00
Pay roll	\$	55,000.00
Sub Contract Labor	\$	8,000.00
Events	\$	5,000.00
Advertisements	\$	6,730.00
	Total	\$ 136,150.00

Whitehead Memorial Museum
Statement of Financial Income and Expense
October 2014 through September 2015

	<u>Oct '14 - Sep 15</u>
Income	
A004. Candy/Food	995.74
0001 · Membership	1,579.70
0002 · Admissions	8,236.00
0003 · Museum Support	
0003-1 · County Check	65,000.00
0003-2 · Room Tax Check	34,362.38
0003-3 · Grants	5,815.00
0003-4 · Donations	2,805.77
0003-5 · Exhibit Sponsorships	2,400.00
0003-6 · Eagle Scout Project	670.00
Total 0003 · Museum Support	<u>111,053.15</u>
0004 · Gift Shop Income	6,999.54
0005 · Memorials	2,150.00
0006 · Event Income	
0006-1 · Oktoberfest	6,111.31
0006-2 · Archiological Fair	442.83
0006-3 · Cajun Night	4,438.47
0006-4 · Dinosaur Days	1,160.93
0006-9 · Texas Ind Day	644.61
0006-11 · snack bar	966.92
0006 · Event Income - Other	114.22
Total 0006 · Event Income	<u>13,879.29</u>
0007 · Hands On Activities	
0007-3 · Kid Kamp	192.37
0007-4 · Tours	369.00
Total 0007 · Hands On Activities	<u>561.37</u>
0008- · Grounds Rental	
0008-1 · Accessories Sales-Rental	168.75
0008-2 · Catering	5,270.02
0008- · Grounds Rental - Other	7,211.50
Total 0008- · Grounds Rental	<u>12,650.27</u>
4999 · Uncategorized Income	670.03
Total Income	<u>158,775.09</u>
Gross Profit	158,775.09
Expense	
events 6001-06	
6001-06 · Events 6001	255.20
Total events 6001-06	255.20
Sales Tax States	509.68

Whitehead Memorial Museum
Statement of Financial Income and Expense
October 2014 through September 2015

	<u>Oct '14 - Sep 15</u>
0010 · Gift Shop Expense	
0010-1 · Consignment Sales	120.00
0010-2 · Merchandise	5,138.41
0010 · Gift Shop Expense - Other	50.00
	<hr/>
Total 0010 · Gift Shop Expense	5,308.41
0011 · Operation	
0011-1 · Funds Transfer	0.00
office supply	501.77
0011-2 · Office Supplies	3,025.53
0011-3 · Postage	5.97
0011-4 · Internet	1,691.18
0011-5 · Website	251.76
0011-6 · Petty Cash	175.00
0011-7 · Office Equipment	5,965.33
0011 · Operation - Other	1,896.88
	<hr/>
Total 0011 · Operation	13,513.42
0012 · Maintenance	
0012-4 · Animal Care	1,476.05
0012-1 · Building Maintenance	4,592.29
0012-2 · Exhibit	3,443.28
0012-3 · Ground/Landscaping	1,894.36
0012 · Maintenance - Other	14,274.59
	<hr/>
Total 0012 · Maintenance	25,680.57
0013 · Event	
0013-1 · Oktoberfest	4,948.62
0013-2 · Archeology Fair	1,865.11
0013-3 · Cajun Fest	4,052.45
0013-4 · Dinosaur Day	1,174.50
0013-6 · Movie Night	162.05
0013-7 · Texas Independence Day	1,554.61
0013-8 · Event kids camp	100.00
0013-9 · First Friday	205.99
0013-10 · Day of the Dead	1,010.14
0013-12 · Christmas Under the stars	1,287.12
0013 · Event - Other	2,348.88
	<hr/>
Total 0013 · Event	18,709.47
0014 · Advertisements	6,403.40
6070 · Postage	98.00
0015 · Worker's Compensation	500.00
0016 · Unemployment Insurance	-10.66
0017 · Sub Contract Labor	10,475.40

Whitehead Memorial Museum
Statement of Financial Income and Expense
October 2014 through September 2015

	<u>Oct '14 - Sep 15</u>
0018 · Payroll Expenses	
Employee Child Support	3,647.80
Federal Withholding	-4,423.00
FICA	-3,361.59
Payroll Taxes- Company	8,114.10
0018 · Payroll Expenses - Other	48,821.86
	<hr/>
Total 0018 · Payroll Expenses	52,799.17
0019 · Reconciliation Discrepancies	102.44
0020 · Ground Rental Expense	
0020-1 · Catering	3,540.58
0020-3 · Accessories	50.44
0020 · Ground Rental Expense - Other	195.81
	<hr/>
Total 0020 · Ground Rental Expense	3,786.83
0021 · Miscellaneous	
Franchise Tax	5.14
0021 · Miscellaneous - Other	987.90
	<hr/>
Total 0021 · Miscellaneous	993.04
	<hr/>
Total Expense	139,124.37
	<hr/>
Net Income	19,650.72
	<hr/> <hr/>

Whitehead Memorial Museum
Statement of Financial Income and Expense
October 2015 through September 2016

	<u>Oct '15 - Sep 16</u>
Income	
A004. Candy/Food	1,263.42
0001 · Membership	705.00
0002 · Admissions	
0002-1 · Groupon	19.13
0002 · Admissions - Other	<u>8,169.00</u>
Total 0002 · Admissions	8,188.13
0003 · Museum Support	
0003-1 · County Check	65,000.00
0003-2 · Room Tax Check	36,088.23
0003-3 · Grants	6,700.00
0003-4 · Donations	1,196.36
0003-5 · Exhibit Sponsorships	<u>2,750.00</u>
Total 0003 · Museum Support	111,734.59
0004 · Gift Shop Income	5,777.68
0005 · Memorials	150.00
0006 · Event Income	
0006-1 · Oktoberfest	6,650.59
0006-2 · Archiological Fair	216.00
0006-3 · Cajun Night	9,869.00
0006-4 · Dinosaur Days	1,293.00
0006-9 · Texas Ind Day	888.00
0006-10 · Misc Fundraisers	170.00
0006-11 · snack bar	
006-6 · Sanck Bar	1,010.00
0006-11 · snack bar - Other	<u>1,099.71</u>
Total 0006-11 · snack bar	2,109.71
0006 · Event Income - Other	<u>2,208.85</u>
Total 0006 · Event Income	23,405.15
0007 · Hands On Activities	
0007-3 · Kid Kamp	176.00
0007-4 · Tours	<u>657.00</u>
Total 0007 · Hands On Activities	833.00
0008- · Grounds Rental	
0008-1 · Accessories Sales-Rental	236.04
0008-2 · Catering	2,547.00
0008- · Grounds Rental - Other	<u>10,700.00</u>
Total 0008- · Grounds Rental	13,483.04
4999 · Uncategorized Income	<u>65.68</u>
Total Income	<u>165,605.69</u>
Gross Profit	165,605.69

Whitehead Memorial Museum
Statement of Financial Income and Expense
October 2015 through September 2016

	<u>Oct '15 - Sep 16</u>
Expense	
Sales Tax States	518.87
0010 · Gift Shop Expense	
0010-2 · Merchandise	5,669.95
0010 · Gift Shop Expense - Other	761.70
	<hr/>
Total 0010 · Gift Shop Expense	6,431.65
0011 · Operation	
0011-1 · Funds Transfer	25.00
office supply	26.99
0011-2 · Office Supplies	2,482.67
0011-3 · Postage	286.93
0011-4 · Internet	1,539.39
0011-5 · Website	251.76
0011-7 · Office Equipment	4,055.03
0011 · Operation - Other	3,836.09
	<hr/>
Total 0011 · Operation	12,503.86
0012 · Maintenance	
0012-4 · Animal Care	789.33
0012-1 · Building Maintenance	1,848.21
0012-2 · Exhibit	5,649.78
0012-3 · Ground/Landscaping	329.22
0012 · Maintenance - Other	13,349.14
	<hr/>
Total 0012 · Maintenance	21,965.68
0013 · Event	
0013-1 · Oktoberfest	3,806.18
0013-2 · Archeology Fair	2,322.21
0013-3 · Cajun Fest	3,675.51
0013-4 · Dinosaur Day	1,650.17
0013-6 · Movie Night	763.09
0013-7 · Texas Independence Day	1,751.97
0013-8 · Event kids camp	100.00
0013-10 · Day of the Dead	492.81
0013-11 · DRCC Buisness Showcase	164.38
0013-12 · Christmas Under the stars	99.98
0013 · Event - Other	6,190.46
	<hr/>
Total 0013 · Event	21,016.76
0014 · Advertisements	11,913.43
0015 · Worker's Compensation	820.00
0016 · Unemployment Insurance	-5.33
0017 · Sub Contract Labor	22,516.50

Whitehead Memorial Museum
Statement of Financial Income and Expense
October 2015 through September 2016

	<u>Oct '15 - Sep 16</u>
0018 · Payroll Expenses	
Employee Child Support	3,717.95
Federal Withholding	-4,126.00
FICA	-3,049.61
Payroll Taxes- Company	6,765.79
0018 · Payroll Expenses - Other	<u>43,968.32</u>
Total 0018 · Payroll Expenses	47,276.45
0020 · Ground Rental Expense	
0020-1 · Catering	1,405.97
0020-3 · Accessories	5.41
0020 · Ground Rental Expense - Other	<u>319.44</u>
Total 0020 · Ground Rental Expense	1,730.82
0021 · Miscellaneous	<u>337.23</u>
Total Expense	<u>147,025.92</u>
Net Income	<u><u>18,579.77</u></u>

**Form 202
(Revised 05/11)**

Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: \$25



**Certificate of Formation
Nonprofit Corporation**

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas
MAR 21 2012
Corporations Section

Article 1 – Entity Name and Type

The filing entity being formed is a nonprofit corporation. The name of the entity is:

Whitehead Memorial Museum

Article 2 – Registered Agent and Registered Office

(See instructions. Select and complete either A or B and complete C.)

A. The initial registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

<u>Leona</u>	<u>M</u>	<u>Lincoln</u>	
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>

C. The business address of the registered agent and the registered office address is:

<u>1308 S. Main St</u>	<u>Del Rio</u>	<u>TX</u>	<u>78840</u>
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

Article 3 – Management

The management of the affairs of the corporation is vested in the board of directors. The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of members or until their successors are elected and qualified are as follows:

A minimum of three directors is required.

Director 1				
<u>Mike</u>		<u>Parker</u>		
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
<u>121 Bolner Ln.</u>	<u>Del Rio</u>	<u>TX</u>	<u>78840</u>	<u>Val Verde</u>
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Director 2				
Ralph		Howard		
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
218 Park Ave	Del Rio	TX	78840	Val Verde
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Director 3				
Merry		Doring		
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
517 Johnson	Del Rio	TX	78840	Val Verde
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

OR

The management of the affairs of the corporation is to be vested in the nonprofit corporation's members.

Article 4 – Membership

(See instructions. Do not select statement B if the corporation is to be managed by its members.)

A. The nonprofit corporation shall have members.

B. The nonprofit corporation will have no members.

Article 5 – Purpose

(See instructions. This form does not contain language needed to obtain a tax-exempt status on the state or federal level.)

The nonprofit corporation is organized for the following purpose or purposes:

The purpose shall be to promote through the establishment and maintenance of a public museum and allied projects, a program which will bring about better understanding and appreciation of the history of Val Verde County, Texas, the arts natural and social sciences associated with the history of Val Verde County, Texas

The following text area may be used to include any additional language or provisions that may be needed to obtain tax-exempt status.

Federal Tax 74-6200255

Supplemental Provisions/Information
(See instructions.)

Text Area: [The attached addendum, if any, is incorporated herein by reference.]

Organizer

The name and address of the organizer:

Leona Lincoln

Name

7020 Vega Verde Rd.

Del Rio

TX

78840

Street or Mailing Address

City

State

Zip Code

Effectiveness of Filing (Select either A, B, or C.)

- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

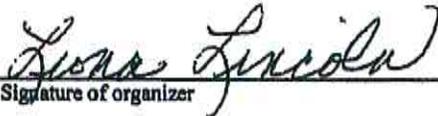
The following event or fact will cause the document to take effect in the manner described below:

We have a grant from the Texas arts Comm. This must be filed first this is or first grant from the arts comm. did not no about this Thank You

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized to execute the filing instrument.

Date: March 21, 2012



Signature of organizer

Leona Lincoln

Printed or typed name of organizer

BYLAWS
OF
WHITEHEAD MEMORIAL MUSEUM
A CITY/COUNTY MUSEUM

AMENDED JUNE 1998
AMENDED JANUARY 2012
Amended May 2014

ARTICLE I
NAME

The name of the museum is: Whitehead Memorial Museum.

ARTICLE II
PURPOSE

The purpose shall be to promote through the establishment and maintenance of a public museum and allied projects; a program which will bring about better understanding and appreciation of:

1. The history of Val Verde County, Texas,
2. The arts,
3. Natural and social sciences associated with the history.

ARTICLE III
MEMBERSHIP

All Trustees shall be a member of the Whitehead Memorial Museum, but not of the corporation.

ARTICLE IV
BOARD OF TRUSTEES

Section 1. Purpose, Powers, and Duties. The Board of Trustees has the general power to 1) control and manage the affairs, funds and property of the corporation; 2)

disburse the corporation's monies and dispose of its property in fulfillment of its Corporate purpose; provided, however, that the fundamental and basic purpose of the Corporation, as expressed in the Certificate of Incorporation shall not thereby be amended or changed, and provided further, that the Board of Trustees shall not permit any part of the net earnings or capital of the Corporation to benefit any private individual.

The Board of Trustees shall appoint a Director who shall be responsible to the Board for the administrative and business management of the Corporation. The Board of Trustees may further delegate authority to committees or to individual Trustees as it deems necessary for the carrying out of the purpose and business of the Corporation.

Section 2. Number. The number of Trustees, which shall be not less than seven (7) or more than Twelve (12), shall be fixed from time to time by the Trustees then serving in office, except that a Trustee's term may not be shortened by a reduction in the Board's size.

Section 3. Election, Term of Office. Trustees shall normally be elected at the annual meeting of the Board of Trustees by a majority vote of the Trustees then serving in office. Candidates for board membership may be nominated for office by a board member or self-nominated by filling out a Board of Trustee Self Nomination Form. Trustees shall be elected to office for a term of three years, or until their successors are duly elected and qualified, except in the case of their earlier death, resignation, or removal from office. The elected Trustees shall be divided into three classes of approximately equal size to provide for the election of approximately one-third of the elected Trustees at each annual meeting.

Section 4(a). Ex-Officio, Honorary and Emeritus Trustees. Not less than two nor more than four members of the Board of Trustees shall be selected from a group composed of direct decedents or spouses of direct decedents of Walter E. Whitehead and Will Whitehead.

The Director of the Whitehead Memorial Museum shall serve ex-officio as a non-voting member of the Board of Trustees. From time to time, by majority vote of the Trustees then serving in office, the Board of Trustees may designate additional ex-officio Trustees with vote or ex-officio Trustees without vote. Ex-officio Trustees with vote shall be counted in determining whether or not a quorum is present at a meeting. Ex-officio Trustees without vote shall not be counted in determining the presence of a quorum.

The Board also may appoint Honorary Trustees and Trustees Emeritus. The terms of such appointments shall be determined by a majority vote of the Trustees then serving.

Section 4(b). City and County Representatives

The Board of Trustees shall have one representative to be selected by the City of Del Rio, Texas, and one representative to be selected by the Commissioner's Court of Val Verde County, Texas. The selection of representatives on the Board of Trustees of the City of Del Rio, Texas, and Val Verde County, Texas, shall be made by the governing

bodies of said City of Del Rio, Texas, and Val Verde County Texas, and such selection shall not be subject to the election provision of this article.

Section 4(c). Special

Section 5. Resignation and Removal of Trustees. Any Trustee may resign by giving written notice of his or her resignation to the Board or to the President or Secretary of the Board of Trustees. Such resignation shall take effect at the time specified on such notice and the acceptance of such resignation shall not be necessary to make it effective. Any Trustee may be removed from office, with or without cause, by a two-thirds vote of all Trustees then serving in office. Three consecutive absences shall be considered a resignation. Board members are expected to participate in fund raising activities and events.

Section 6. Vacancies. Vacancies in the Board, however arising, shall be filled by a majority vote of all Trustees then serving in office at any regular meeting of the Board or at a special meeting of the Board called for that purpose.

ARTICLE V MEETINGS

Section 1. Regular Meetings. The frequency and dates of regular meetings of the Board of Trustees shall be fixed by the Board of Trustees. The first Tuesday of the month shall be deemed to be the date of the regular meetings.

Section 2. Special Meetings. Special meetings of the Board of Trustees may be called by the President or Vice President of the Board or shall be called by the Secretary at the request of any three voting Trustees then serving in office.

Section 3. Action Without a Meeting. Action may be taken by the Executive Committee without a board meeting. Documentation or verbal conversation of action taken shall be brought before the full Board at the next regular meeting.

Section 4. Telephone Meetings. Members of the Board or of any committee may participate in a Board meeting through the use of conference telephone or similar communication equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting pursuant to this provision constitutes presence in person at such meeting.

Section 5. Notice of Meetings Notice of the time and place of regular and special meetings shall normally be sent to each Trustee by E-mail to the last known e-mail

address or by written notice to the last known home or business address at least seventy-two (72) hours, but not thirty days prior to the date of such meetings.

Section 6. Waiver of Notice. Notwithstanding the provisions of any of the foregoing sections, a meeting of the Board of Trustees may be held at such time and place without prior notice.

Section 7. Quorum. Unless provided for differently elsewhere in these Bylaws, a majority of the Trustees then serving in office shall constitute a quorum for all meetings of the Board of Trustees. In the absence of a quorum, the Trustees present may still discuss business; however, no official action may be taken.

Section 8. Voting. At any meeting of the Trustees, every voting Trustee present at such meeting shall be entitled to one vote.

ARTICLE VI OFFICERS

Section 1. Principal Officers. The principal officers of the Museum shall be a President, a Vice President, a Treasurer, and a Secretary. All officers shall be elected to office from among the Trustees then serving at the time of the election.

Section 2. Election and Term of Office. The officers of the Board shall normally be elected at any meeting of the board at which a quorum is present, by a vote of the majority of the Trustees present at the meeting. The Board shall prepare a list of nominations for officer positions, and such list shall be mailed to each Trustee then serving, along with the notice of the next meeting of the Board. An Officer shall remain in office, if re-elected, following election or until his or her successor shall have been elected, except in the case of death, resignation, or removal as provided for in these Bylaws. There will be no limit to set to an officer's term except as stated above.

Section 3. Removal of Officers. Any officer may be removed, with or without cause, at any time at any Board meeting at which a quorum is present by a vote of two-thirds of the number of Trustees then serving in office.

Section 4. Vacancies. Vacancies among the officers, however arising, shall be filled by a majority vote of Trustees present at any regular or special meeting of the Board at which a quorum is present. The list of nominations for officer positions, recommended

by the Board, shall be included with the notice of the meeting at which election is proposed.

Section 5. President. The President shall preside at all meetings of the Board and of the Executive Committee and generally do and perform all acts incident to the office of President and shall have such additional powers and duties as may from time to time be assigned to him or her by the Board. Unless otherwise provided for in these Bylaws, the President shall appoint the chairs of any Board Committee and be an ex-officio voting member of each Board Committee.

Section 6. Vice President. In the absence, of inability to act, of the President, the Vice President shall exercise the powers and perform the duties of President. The Vice President shall also generally assist the President and shall have such other powers and perform such other duties as may from time to time be designated by the President or by the Board of Trustees.

Section 7. Treasurer. The Treasurer shall act under the supervision of the Board and shall have charge and custody of, and be responsible for, all the funds of the Corporation and shall keep or cause to be kept an accurate and adequate record of the assets, liabilities, and transactions of the Corporation. He or she shall deposit, or cause to be deposited, all monies and other valuable affects of the Corporation in the name of and to the credit of the Corporation in such banks, trust companies, or other depositories as may be designated from time to time by the Board of Trustees. He or she shall disburse, or cause to be disbursed, the funds of the Corporation based upon proper vouchers for such disbursement. In general, he or she shall perform the duties incident to the office of Treasurer and such other duties as my from time to time be assigned to him or her by the President or the Board.

Section 8. Secretary. The Secretary shall keep, or cause to be kept, the minutes of all meetings of the Boards and of the Executive Committee in one or more books provided for that purpose and shall see that the minutes of meetings of the Board and of the Executive Committee are distributed promptly to all members of the Board of Trustees. He or she shall see that all notices are duly given in accordance with these Bylaws and as required by law. He or she shall have charge of the books, records and papers of the Corporation relating to its organization as a Corporation and shall see that all reports, statements, and other documents required by law are properly kept or filed, except to the extent that the same are to be kept or filed by the Treasurer. In general, he or she shall perform all duties incident to the office of Secretary and such other duties as my from time to time be assigned to him or her by the President or by the Board of Trustees.

Section 9. Bonding. Any officer of the Board of Trustees or employee of the Corporation shall, if required by the Board of Trustees, give such security for the faithful performance of his or her duties as the Board of Trustees may require.

ARTICLE VII COMMITTEES

Section 1 Membership. Normally, the President of the Board of Trustees shall appoint the chair of each Board committee. Normally, the chair of each committee shall appoint the other committee members in consultation with the President of the Board and appropriate management staff. Each committee normally shall consist of at least three members, at least one whom shall be a voting member of the Board of Trustees may include as full voting members of such committee such person, whether or not Trustees or Offices of the Board, as the Board of Trustees shall determine. Each such committee shall have power to the extent delegated to it by the Board of Trustees.

Section 2. Executive Committee. The Executive Committee shall include in its membership, the officers of the Corporation and such other Trustees as may from time to time be designated by vote of the Board of Trustees. Unless a different person is designated Chair of the Executive Committee by resolution of the Board, the President of the Board shall serve as Chair. All members of the Executive Committee shall be voting members of the Board of Trustees.

The Executive Committee shall, during intervals between meeting of the Board exercise all the powers of the Board in the management of the business and affairs of the Corporation, except as otherwise provided by law, these Bylaws, or by resolution to constitute a quorum and the act of a majority of the members of the Executive Committee present. The Committee shall keep full and fair records and accounts of its proceedings and transactions. The minutes of the Executive Committee shall be distributed to all members of the Board of Trustees. All actions by the Committee shall also be reported to the Board at its next meeting and shall be subject to approval by the Board.

Section 3. Committee Meetings. Unless otherwise provided for in these bylaws, a majority of the members then serving on a Committee constitutes a quorum for the meeting of the Committee and the vote of a simple majority of those present at a meeting at which a quorum is present, constitutes an action of the Committee. Each Committee shall determine and schedule the number of regular meetings it will hold each year.

ARTICLE VIII INDEMNIFICATION

Each person who is or shall be or shall have been a Trustee or Officer of the Board of Trustees and his or her personal representatives shall be protected by the Corporation against all costs and expenses reasonably incurred by or imposed upon him or her in connection or resulting from any action, suit or proceeding to which he or she may be made a party by reason of his or her being or having been a Trustee or Officer of the Board of Trustees or of any subsidiary or affiliate in such action, suit, or proceeding to have acted in bad faith and to have been liable by reason of willful misconduct or willful negligence in the performance of his or her duty as Trustee or Officer. Costs and expenses of actions for which this Article provides indemnification shall include among other things, attorneys' fees, damages, and reasonable amounts paid in settlement.

ARTICLE IX MISCELLANEOUS

Section 1. Personal Liability. No Trustee or Officer of the Board of Trustees shall be held personally liable for any debts of the Corporation.

Section 2. Fiscal Year. The fiscal year for the Corporation shall begin October 1, and end September 30.

Section 3. Contracts, Checks, Bank Accounts, Etc. The Board of Trustees is authorized to select such banks or depositories as it shall deem proper for the funds of the Corporation. The Board shall determine who if anyone, in addition to the President and the Treasurer, shall be authorized from time to time on the Corporation's behalf to sign checks, drafts, or other orders for the payment of money, acceptances, notes, or other evidences of indebtedness, or enter into contracts or to execute and deliver other documents and instruments.

Section 4. Loans. This Corporation shall not make any loan of money or property to or guarantee the obligation of any Trustee, Officer, or Employee. Provided, however, that this Corporation may advance money to a Trustee, Officer of the Board of Trustees, or Employee of the Corporation or any subsidiary for expenses reasonably anticipated to be incurred in the performance of duties of such Trustee, Officer, or Employee so long as such individual would be entitled to be reimbursed for such expenses absent that advance.

ARTICLE X AMENDMENTS

These Bylaws may be altered, amended, or repealed in whole or in part at any duly organized meeting of the Board of Trustees of the Corporation, by a two-thirds majority vote of the voting Trustees then in office. Any proposal to amend these Bylaws shall be included with the notice of the meeting at which the amendment is proposed.

**Whitehead Memorial Museum
2016-2017 Board of Trustees**

President
Mike Parker

Vice President
Ralph Howard

Treasurer
Gay Culbertson

Secretary
Merry Doring

Trustees

John Little
Ellen Little
Andy Lewis
Bill Culpepper
Gloria Culpepper
Peggy Albert

County Rep
Marta Rodriguez

City Rep
Vacant

Ex-Officio
Lou emma Brown
Minnie Lee Altizer

Meeting Date: 02/14/2017

Submitted By: Mario Garcia, Purchasing Agent, Finance

Information

SUBJECT:

R: 2017 - 007 A Resolution by the City Council of the City of Del Rio, Texas Authorizing and Directing the City Manager Henry Arredondo to Enter Into an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS)to Provide Access for the Purchase of Lab Submission Supplies for the Del Rio Police Department - Waylon Bullard, Chief of Police

SUMMARY:

Discussion and possible action on a resolution to authorize and direct the City Manager Henry Arredondo to enter into an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS)to provide access for the purchase of lab submission supplies for the Del Rio Police Department

BACKGROUND:

The Texas Department of Public Safety (DPS) stocks certain forms, manuals, gunshot residue kit, and supplies for Intoxilyzer Breath Testing Program and the Laboratory Alcohol and Drug Testing Program for all Texas cities, counties and state Department of Public Safety operations. This is done to control uniformity of procedures, consistency of paper work and supplies of the Breath Testing Program and the Laboratory Alcohol and Drug Testing Program thus strengthening DPS's position in court should the need arise.

DISCUSSION:

This Interlocal Cooperation Contract is required by the Texas Department of Public Safety and will allow the Del Rio Police Department to purchase lab submission supplies.

PROS:

This Interlocal Cooperation Contract will allow the Del Rio Police Department to purchase lab submission supplies that are necessary for proper evidence submission and compliance with legislative requirements.

CONS:

none

RECOMMENDATION:

Staff recommends the approval of this resolution to authorize and direct the City Manager Henry Arredondo to enter into an Interlocal Cooperation Contract with the Texas Department of Public Safety (DPS)to provide access for the purchase of lab submission supplies for the Del Rio Police Department .

Fiscal Impact

FISCAL IMPACT:

There is no immediate financial impact with the approval of this resolution except for the cost of supplies as ordered.

Attachments

Reso 2017-007 DPS
ILA DPS FORM

RESOLUTION NO. R: 2017 – 007

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS AUTHORIZING AND DIRECTING THE CITY MANAGER HENRY ARREDONDO TO ENTER INTO AN INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS) TO PROVIDE ACCESS FOR THE PURCHASE OF LAB SUBMISSION SUPPLIES FOR THE DEL RIO POLICE DEPARTMENT

WHEREAS, the Texas Department of Public Safety (DPS) is the primary supplier of the required lab submission supplies

WHEREAS, the Texas Department of Public Safety (DPS) requires an Interlocal Cooperation Contract for the purchase of lab submission supplies

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEL RIO THAT:

City Manager, Henry Arredondo is hereby authorized and directed to enter into an interlocal cooperation contract with the Texas Department of Public Safety (DPS) to provide the access to purchase lab submission supplies for the Del Rio Police Department.

PASSED AND APPROVED on this 14th day of February 2017

ROBERT GARZA
Mayor

ATTEST:

ALMA LEVRIE
City Secretary

REVIEWED FOR ADMINISTRATION:

REVIEWED AS TO FORM & LEGALITY:

HENRY ARREDONDO
City Manager

SUZANNE WEST
City Attorney

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
DEPUTY DIRECTORS



COMMISSION
A. CYNTHIA LEON, CHAIR
MANNY FLORES
FAITH JOHNSON
STEVEN P. MACH
RANDY WATSON

May 1, 2016

To Whom It May Concern:

The Texas Department of Public Safety Interlocal Cooperation Contract will expire August 31, 2015. Enclosed is the revised contract effective September 1, 2015 through August 31, 2017.

If your agency is interested in purchasing intoxilyzer mouthpieces, alcohol blood test kits, gunshot residue kits, urine specimen kits or syringe transport tubes, we must have a current contract on file before your order can be processed.

Please note that an Interlocal Cooperation Contract is not required to obtain printed materials.

Sincerely,

Michael Iffla, Director,
General Services Bureau

THE UNDERSIGNED CONTRACTING PARTIES bind themselves to the faithful performances of this Contract. It is mutually understood that this Contract shall be effective if signed by a person authorized to do so according to the normal operating procedure of said party. If the governing body of a party is required to approve this Contract, it shall not become effective until approved by the governing body of that party. In that event, this Contract shall be executed by the duly authorized official(s) of the party as expressed in the approving resolution or order of the governing body of said party, a copy of which shall be attached to this Contract.

RECEIVING AGENCY

PERFORMING AGENCY

Name of Agency

TEXAS DEPARTMENT OF PUBLIC SAFETY
Name of Agency

By: _____
Authorized Signature

By: _____
Authorized Signature

Title

Title

Date: _____

Date: _____

INTRODUCTION

The Texas Department of Public Safety is stocking certain forms, manuals, gunshot residue kit, and supplies for the Intoxilyzer Breath Testing Program and the Laboratory Alcohol and Drug Testing Program for all Texas cities, counties and state Department of Public Safety operations. This is being done to control uniformity of procedures, consistency of paper work and supplies of the Breath Testing Program and the Laboratory Alcohol and Drug Testing Program thus strengthening our position in court should the need arise. We will also be able to take advantage of volume buying thus passing on the savings to you, the customer. Certain minimum quantities and packaging will be required in order to be as efficient as possible. The prices will differ between DPS and non-DPS users. The non-DPS agencies will be charged a slightly higher price due to all administrative and handling expense and will be required by law to have an Interlocal Cooperation Contract on file with General Services for any supply item such as mouthpieces, alcohol blood tests kits, gunshot residue kit and urine specimen kit.

An Interlocal Contract is not required for printed materials. We strongly urge that all purchases be discussed and coordinated with your local Breath Test Program Technical Supervisor and/or DPS Headquarters Laboratory Alcohol and Drug Testing Program personnel. These individuals are familiar with the ordering procedure and should be aware of any price changes. The Technical Supervisor or Laboratory Alcohol and Drug Testing personnel will also be in a position to advise the purchaser of the quantities of supplies that will be needed.

INSTRUCTIONS FOR THE PURCHASE OF
INTOXILYZER BREATH TESTING AND LABORATORY ALCOHOL/DRUG TESTING
SUPPLIES AND GUN SHOT RESIDUE KIT

1. Submit your request on your department letterhead using the sample on page 5.

This request must have an authorized signature and the name and phone number of a contact person. Also, furnish exemption number if tax exempt.

Attach pages 3 and 4 to include requested items and total amount due.

This request should be addressed to:

DPS GENERAL STORES
P.O.BOX 15999
AUSTIN, TEXAS 78761-5999

2. Prices will be subject to change on a periodic basis and include shipping and handling.
3. Submit check or money order made out to the **Department of Public Safety, General Stores**, along with your request.
4. Our minimum stock quantities for non DPS agencies of Intoxilyzer Breath Testing and Alcohol/Drug testing supplies and printed materials will be listed on pages 3 and 4. Minimum quantities must be adhered to.
5. If you have any questions concerning this procedure, please contact:

DPS GENERAL STORES
512-424-5424
512-424-5425

NON DPS AGENCIES PRICE SHEET

**AN INTERLOCAL COOPERATION CONTRACT IS NOT REQUIRED
TO PURCHASE PRINTED MATERIALS BELOW**

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

THESE ITEMS MUST BE PRE-PAID

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>MINIMUM QUANTITY</u>	<u>PRICES</u>	<u>TOTAL AMOUNT</u>
_____	DIC 23 PEACE OFFICERS SWORN REPORT (Rev. 9-01)	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 23A SPECIMEN ROUTING REPORT	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 24 STATUTORY WARNING	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 25 NOTICE OF SUSPENSION TEMPORARY DRIVING PERMIT	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 54 PEACE OFFICER'S SWORN REPORT COMM. MOTOR VEHICLE	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 55 STATUTORY WARNING COMMERCIAL MOTOR VEHICLE OPERATORS	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 56 BREATH TEST TECHNICAL SUPERVISOR AFFIDAVIT	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 57 NOTICE OF DISQUALIFICATION (Rev. 9-01)	PAD 50 SETS	\$2.50/PAD	_____
DIC SPANISH FORMS:				
_____	DIC 24S DWI STATUTORY WARNING	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 25S NOTICE OF SUSPENSION	PAD 50 SETS	\$2.50/PAD	_____
_____	DIC 57S NOTICE OF DISQUALIFICATION	PAD 50 SETS	\$2.50/PAD	_____
THP FORMS:				
_____	THP 1 OFFENSE REPORT	PAD OF 100 SHEETS	\$2.50/PAD	_____
_____	THP 1A SFST SCORING SHEET	PAD OF 100 SHEETS	\$2.50/PAD	_____

_____	THP 51 STATUTORY AUTHORIZATION MANDATORY BLOOD SPECIMEN	PAD OF 100 SHEETS	\$2.50/PAD	_____
_____	THP 51A AFFIDAVIT OF PERSON WHO WITHDREW BLOOD	PAD OF 100 SHEETS	\$2.50/PAD	_____
_____	THP/BR 38 INTOXILYZER MANUAL	(BINDER, TABS & CONTENTS)	\$8.75/EACH	_____

***MUNICIPALITIES AND COUNTIES MUST HAVE AN INTERLOCAL CONTRACT
ON FILE TO PURCHASE ITEMS BELOW**

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

THESE ITEMS MUST BE PRE-PAID

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>MINIMUM QUANTITY</u>	<u>PRICES</u>	<u>TOTAL AMOUNT</u>
_____	* PBT (MOUTHPIECES) (PORTABLE BREATH TESTING TUBE)	1 PKG of 25 EACH	\$4.50/PKG.	_____
_____	* INTOXILYZER MOUTHPIECES	1 PKG of 100 EACH	\$23.00/PKG.	_____
_____	* ALCOHOL BLOOD TEST KIT	1 EACH	\$6.50/EACH	_____
_____	* URINE SPECIMEN TEST KIT	1 EACH	\$4.50/EACH	_____
_____	* SYRINGE TRANSPORT TUBES	1 EACH	\$3.50/EACH	_____
_____	* GUNSHOT RESIDUE KIT	1 EACH	\$8.50/EACH	_____

TOTAL ENCLOSED

(Items from pages 3 & 4)

MAIL ORDERS AND PAYMENTS TO:

GENERAL STORES

P.O. BOX 15999

AUSTIN, TEXAS 78761-5999

512 -424-5424

512-424-5425

**USING YOUR LETTERHEAD, PRINT THIS PAGE,
ATTACH ORDER SHEETS, AND MAIL TO:
GENERAL STORES
P.O. BOX 15999
AUSTIN, TEXAS 78761-5999**

DATE _____

Gentlemen:

Please enter our order for the attached supplies. My check is enclosed.

Sincerely,

Title _____

Tax exempt number _____

Contact person _____ Phone number _____

Physical Address (City, State, Zip)

Email Address

Meeting Date: 02/14/2017

Submitted By: Alejandro Garcia, Public Works Director/City Engineer, Engineering Department

Information

SUBJECT:

R: 2017 - 008 A Resolution by the City Council of the City of Del Rio, Texas Authorizing and Directing City Manager Henry Arredondo to Advertise for Bids for the Agarita Well Rehabilitation - Alejandro Garcia, Public Works Director

SUMMARY:

The City Council decided that the all sources should be evaluated to determine to rehab existing wells, to examine water rights costs and to submit report for all the possible options, including drilling new well. LBG-Guyton Associates evaluated the possible alternate sources and prepared the report dated May 27, 2016. Their report showed that costs for the Agarita Well project and the contract work will be in the range of \$ 496,000.00. City Council decided that the best option at this time was the rehabilitation of the Agarita Well. LBG-Guyton has submitted a draft scope of work contract and this has been submitted to Legal for review.

BACKGROUND:

It is necessary to advertise the project for the construction or rehabilitation work of Agarita Well as best value bid and it is now necessary to get approval from City Council to advertise this project and solicit best value bids.

DISCUSSION:

Since City Council has decided to have this work done, staff must now prepare the advertisement and have it in our local newspaper for at least three weeks to obtain good responses for Best Value Bid from Contractors in and out of the area. City staff will request that the consultant, LBG-Guyton contact contractors well known to them in the San Antonio area and other areas to assure wide distribution of the advertisement. Other engineering or construction agencies will also be notified and the project will be advertised also on the City's web page.

PROS:

Must advertise to solicit best value bids for evaluation and future consideration for contracting out the work.

CONS:

None known but if not advertised, City will not be able to proceed on alternate water source

RECOMMENDATION:

Staff recommends approval to advertise.

Fiscal Impact

FISCAL IMPACT:

City of Del Rio, Texas will be fiscally impacted by the cost of the advertisement which is estimated to be approximately \$300.00 and funds are available through operating budget.

Attachments

R 2017-008 Alternate Water Source

RESOLUTION R: 2017 – 008

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS AUTHORIZING AND DIRECTING CITY MANAGER HENRY ARREDONDO TO ADVERTISE FOR BIDS FOR THE AGARITA WELL REHABILITATION

WHEREAS, the City Council of the City of Del Rio, Texas determined it is necessary to rehabilitate and repair the city’s existing Agarita Well; and

WHEREAS, the City of Del Rio, Texas maintains and operates the Water Treatment Plant and does not have other alternate sources of water; and

WHEREAS, the City of Del Rio needs to procure construction services and believes that the alternative best value bid process will obtain the best price but allow the city to evaluate additional criteria, such as experience and reputation, quality of the goods or services; impact on compliance with rules regarding historically underutilized businesses, safety record, proposed personnel, financial capability, and any other relevant factor specifically listed in the request for bids.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS, THAT:

City Manager Henry Arredondo is hereby authorized and directed to advertise for best value bids for the rehabilitation of the Agarita Well for an alternate water source for the City of Del Rio, Texas.

PASSED AND APPROVED on this the 14th day of February 2017

ROBERT GARZA
Mayor

ATTEST:

ALMA LEVRIE
City Secretary

REVIEWED FOR ADMINISTRATION:

REVIEWED AS TO FORM AND LEGALITY:

HENRY ARREDONDO
City Manager

SUZANNE WEST
City Attorney

Meeting Date: 02/14/2017

Submitted By: Juan Onofre, Airport Manager, Economic Development

Information

SUBJECT:

Commercial Air Service agreement and flights scheduling update - Juan Carlos Onofre, Airport Director

SUMMARY:

The air services provider, Public Charters Inc. DBA Texas Sky, has presented a new schedule for consideration and latest developments of its service in Victoria TX.

BACKGROUND:

On January 17, 2017 the City Council approved to execute an agreement with Public Charters Inc. DBA Texas Sky to provide air services from Del Rio to Austin and Dallas/Ft. Worth.

On Friday Jan. 20, in the afternoon, Ms. Oriana Fernandez and the Airport Manager had a phone conference with Mr. Jim Gallagher, CEO of Public Charters Inc. to talk about any observations to the latest revision to the air services agreement made by Mrs. West (Legal Department) and to press for a confirmation of an initial date for the startup of operations from the Del Rio Airport.

DISCUSSION:

On Friday January 20, 2017 Mr. Jim Gallagher stated the following:

He said that he has not been able to get a second airplane for his operation in Texas (his first one is covering the routes from Victoria County). The company that is operating his flights, Corporate Flight Management (CFM), has not given him a solution for a second airplane. – This means:

- ● Public Charters Inc. cannot provide the route to Dallas all the way from Del Rio in the same airplane.
- He could flight from Del Rio to Austin in CFM's airplane and at Austin transfer to American Airlines for the continuation to Dallas.
- He is making an agreement with American Airlines for the portion Austin – Dallas. The flight would be booked as Texas Sky operated by American Airlines.
- This will mean a longer transfer time at Austin. Because the traveler would have to deplane the CFM's airplane and be transferred by bus to the terminal and then walk or bused again to the terminal where American Airlines departs.
- This American Airlines deal will start for him on April 1st to serve Victoria County, regardless of any decision by the City of Del Rio.
- Additionally, Mr. Gallagher (Texas Sky) said in an email that this American Airlines deal can be guaranteed from April 1 until Nov. 1st. – this because on Nov. 1st. his contract on Victoria County expires and they could be confirmed for other 2 years or could lose those routes and he would have the airplane free and would go back to the original plan of having the airplane staying overnight in Del Rio.
- If he was to continue in Victoria past Nov. 1st. we would continue with this set up. (starting early in Dallas).

PROS:

The new scheduling provides the opportunity to be in contact with a major airline.

CONS:

The proposed scheduling is not too appealing to the maquila industry and the Airport Commission Board expressed concerns for this same reason.

There would not be a same-day trip option to any destination (Dallas, Austin or Del Rio) for a passenger interested in doing so.

RECOMMENDATION:

The Airport Commission Board expressed concerns about the schedule.

Fiscal Impact

FISCAL IMPACT:

The new schedule would not affect the total amount of the agreement.

Attachments

Air service schedule

Air Service



Origin	Destination	Carrier	Operated by:	Flight #	Time
DFW	AUS	Texas Sky	American Airlines	1004	06:45 AM to 07:44 AM
AUS	DRT	Texas Sky	CFM	7003	09:30 AM to 10:30 AM

Origin	Destination	Carrier	Operated by:	Flight #	Time
DRT	AUS	Texas Sky	CFM	7004	11:00 AM to 12:00 AM
AUS	DFW	Texas Sky	American Airlines	2222	2:26 PM to 3:33 PM

Meeting Date: 02/14/2017

Submitted By: Oriana Fernandez, Economic Development Director, Economic Development

Information

SUBJECT:

Discussion and Possible Action on Contracts for Services for the Del Rio EDC - Ori Fernandez, Economic Development Director

SUMMARY:

On February 2, the EDC Board recommended through a formal motion for City Council to direct the EDC on "services contracts" as defined in the eventual bylaws. The EDC Board recommends that the City, in lieu of the EDC, carry the personnel or services costs through the end of the fiscal year in October. A draft of the bylaws that are still under review due to section 3.08 ("Contracts for Services") is attached. With the exception of this section of the bylaws, the EDC Board accepts the language laid out in the rest of the bylaws. They are seeking direction on this one issue in order to move forward and formally accept and recommend the DREDC bylaws for Council approval in March.

BACKGROUND:

February 2 was the second DREDC Board of Directors meeting. A draft of the bylaws was introduced and discussed in the first meeting on January 11. Once legal reviewed the draft, the issue of paying for "Contracts for Services" was brought up. With Council approval, this can be determined in several ways. Outside legal counsel has suggested either a certain amount of a person's or people's salaries, or a specific percentage of that person's or people's salaries, to be allocated to the EDC's account and not the City's (where it is currently coming from). Thus, the EDC Board is seeking direction from City Council on how this matter should be resolved.

DISCUSSION:

Additional discussion on above issue per Council's request.

PROS:

After two months, the EDC currently has a fund balance of approximately \$80,000. At this rate, the EDC is projected to acquire between \$450,000 to \$500,000 in a year's time. Thus, it would be financially feasible to direct the EDC to take up the expenses of service contracts.

CONS:

The EDC just started up. The Board of Directors believes that they will be more financially comfortable to absorb these costs after the first year. Otherwise, the service contracts may take up a decent portion of this "basket" of funds. The EDC Board would rather use these funds for future economic development projects as opposed to administrative costs the first year.

RECOMMENDATION:

Staff recommends that Council direct the EDC Board to which fund services contracts will come out of. Legally, it is staff's understanding that the EDC stands alone as a separate entity. Thus, staff recommends doing what is legally and financially acceptable in good practice.

Fiscal Impact

FISCAL IMPACT:

Depending on what is decided, the fiscal impact could be well over \$100,000 to the EDC's fund. Regardless, this decision will impact the source of where service contracts will come out of, either the City's economic development fund (general fund) or the EDC's account. City attorney and the finance director can explain more in detail.

Attachments

Draft of Bylaws for EDC

**BYLAWS
OF
DEL RIO ECONOMIC DEVELOPMENT CORPORATION**

ARTICLE I. OFFICES

Section 1.01 LOCATION, REGISTERED OFFICE AND REGISTERED AGENT

The street address of the initial registered office of the Corporation is City Hall, 109 West Broadway Street, Del Rio, Texas 78840, and the name of the initial registered agent as such address is Oriana A. Fernandez, Executive Director of the Corporation, who may be served with process at the present registered office of the Corporation.

ARTICLE II. DIRECTORS

Section 2.01 NUMBER APPOINTMENT, AND TERM OF OFFICE

The affairs of the Corporation shall be managed by a Board of Directors (the “Board”) consisting of nine (9) directors. Each of the directors shall reside within Val Verde County. Each director shall meet at least one of the following qualifications:

- (a) Serve, or have served, as Chief Executive Officer of a company; or
- (b) Serve, or have served, in a position of executive management of a company; or
- (c) Serve, or have served, in a professional capacity; or
- (d) Have experience equivalent to any of the above qualifications.

No individual shall, while either serving on the board of a city council, county commissioners’ court, hospital district, or school district, or while acting in the capacity of a chief executive or administrative officer for any of those governing bodies, be appointed to the Board of Directors.

Directors are appointed by and serve at the pleasure of the City Council of the City of Del Rio (the “City Council”), and may be removed by the City Council at any time without cause. The directors shall serve as such without compensation except that they shall be reimbursed for their reasonable actual expenses incurred in the performance of their duties as directors.

The terms of office for each of the initial directors shall be as provided by the City Council with three (3) directors to have three (3) year terms (expiring October 1, 2019), three (3) directors to have two (2) year terms (expiring October 1, 2018), and three (3) directors to have a one (1) year term (expiring October 1, 2017). After the initial terms of office all directors shall serve for three (3) years.

A director holds office until their successor is appointed and qualified.

Section 2.02 VACANCIES

In case of a vacancy on the Board, the City Council shall appoint a successor to serve the remainder of the term. Any Director or officer may at any time resign. Resignations shall be made in writing to the Executive Director or General Manager and shall take effect at the time specified in the resignation, or, if no time be specified, at the time of its receipt by the president or the secretary of the Board. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 2.03 REGULAR MEETING; PLACE OF MEETING

The Board shall meet on a regular basis, at a specified time, day, and location as approved annually by the Board. Scheduled meeting times will be properly posted for public notification for regular and special called meetings as necessary. The president of the Board may cancel the meeting if there is no business to be conducted.

Section 2.04 SPECIAL MEETINGS

Special meetings of the Board shall be held whenever called by the Board president, General Manager, or upon written request to the secretary of the Board by two Directors.

Section 2.05 NOTICE OF MEETINGS

The secretary shall cause notice of the time and place of holding each meeting of the Board to be given to each Director. The notice may be in writing, in person, or in person by telephone. Notice of each meeting shall also be given to the public in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Government Code, as amended.

Section 2.06 QUORUM

A majority of the membership of the Board including vacancies (a total of five members) shall constitute a quorum for the transaction of business. A supermajority of the membership of the Board shall be defined as a majority plus one (a total of six members).

Section 2.07 ATTENDANCE

Board members are required to attend 75% of regularly scheduled Board meetings. Excessive absenteeism will be subject to action under Council policy.

Section 2.08 AGENDA AND ORDER OF BUSINESS

Any Director or the General Manager may place an item on an agenda for future discussion. The order of business shall be determined by the president.

Section 2.09 PRESIDING OFFICER

At all meetings of the Board, the president, or in the president's absence, the vice president, or in the absence of both of these officers, a member of the Board selected by the Directors present shall preside. The secretary of the Corporation shall sit as secretary at all meetings of the Board, and in case of the secretary's absence, the presiding officer shall designate any Board member to act as secretary.

Section 2.10 MANAGEMENT

The property and business of the Corporation shall be managed by the Board which may exercise all powers of the Corporation.

Section 2.11 PURPOSE AND POWERS

The Corporation is a non-profit corporation and is an industrial development corporation organized under TEX. LOC. GOV. CODE Chapters 501, 502 and 504 (the "Code").

The Corporation is organized exclusively for the purposes of benefiting and accomplishing public purposes of the City of Del Rio, Texas, by promoting, encouraging, and enhancing the creation of jobs in Del Rio through projects which assist in retention of existing local business and industry and which attract new business and industries and aid in their development and growth in accordance with these Articles of Incorporation and the Code.

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of Texas to non-profit corporations by the Texas Non-Profit Corporation Act, Texas Business Organizations Code Chapter 22, and the additional powers as provided in the Code, including, but not limited to, the issuance of bonds. In the event of any conflict between any provision of these bylaws and the Code, then the provisions of the Code shall control.

In addition to the powers conferred by these Bylaws, the Board may exercise all powers of the Corporation and do all lawful acts and things that are not prohibited by law, or the election held on May 7, 2016, or these Bylaws including, but not limited to the following:

1. Develop policies and operating procedures that do not conflict with any City policy.
2. Undertake actions and Projects which are determined by the Board to lead to the creation or retention of primary jobs and/or provide significant capital investment and which benefit the community of Del Rio.
3. The Corporation may, in pursuing its purposes as stated in this section:
 - Acquire or lease property (land or buildings) within the City or ETJ
 - Negotiate market-discounted land agreements with developers or landowners
 - Plan, develop, improve, sell or lease land

- Build or rehabilitate buildings
 - Provide funding for or develop infrastructure
 - Make secured or unsecured loans or loan guarantees
 - Provide direct grants to businesses
 - Borrow funds and issue bonds
 - Develop and implement financial/incentive programs to attract or retain business
 - Market and promote the city and amenities consistent with the purposes and duties as set forth in the Bylaws
4. Develop long-range goals and programs for the Corporation.
 5. Appoint standing or ad hoc committees, which may include City staff and/or individuals who are not members of the Board.

ARTICLE III. OFFICERS

Section 3.01 COMPENSATION OF DIRECTORS AND OFFICERS

Directors and officers shall not receive any salary for their services but by resolution of the Board, necessary expenses incurred in the Corporation's business may be reimbursed. Only expenses allowed under the provisions of a travel policy approved by the Board will be paid.

Section 3.02 OFFICERS

The officers of the Corporation shall be a president, vice-president and secretary. The Board, at each annual meeting, which shall normally occur in the first meeting in January of each year, shall elect these officers. The Board may appoint such other officers as it deems necessary, who shall have the authority, and shall perform such duties as from time to time may be prescribed by the Board.

Section 3.03 POWERS AND DUTIES OF THE PRESIDENT

The president shall preside at all meetings of the Directors. He or she shall have the power, with City Council approval, to sign and execute all contracts and instruments of conveyance in the name of the Corporation, to sign checks, drafts, notes and orders for the payment of money, and to appoint and discharge agents and employees, subject to the approval of the Board. He or she shall have general and active management of the business of the Corporation, and shall perform all the duties usually incident to the office of president.

Section 3.04 POWERS AND DUTIES OF THE VICE-PRESIDENT

The vice-president shall have such powers and perform such duties as may be delegated to him or her by the Board. In the absence or disability of the president, the vice-president may perform the duties and exercise the powers of the president.

Section 3.05 POWERS AND DUTIES OF THE SECRETARY

The secretary shall review and finalize the official minutes of the Board prior to approval by Board action, may sign with the president, or a vice-president, in the name of the Corporation, all contracts and instruments of conveyance authorized by the Board, and shall in general perform all the duties incident to the office of secretary, subject to the control of the Board. Official records of the Corporation shall be maintained and filed in the office of the City Secretary of the City.

Section 3.06 CONFLICT OF INTEREST

In the event that a Director is aware that he or she has a conflict of interest or potential conflict of interest, as defined by State of Texas conflict of interest statutes and/or the City of Del Rio Ethics Ordinance, with regard to any particular matter or vote coming before the Board, the Director shall bring the same to the attention of the Board and shall abstain from discussion and voting thereof.

If any Director believes that any other Director may have a conflict of interest on a matter before the Board, he/she is obligated to inform the Director of that opinion. It is then the responsibility of the Director with the possible conflict to resolve the situation.

Any questions of possible ethics violations shall be subject to the state conflict of interest statutes and/or the City of Del Rio Ethics Ordinance and be processed accordingly.

Section 3.07 BOARD'S RELATIONSHIP WITH THE CITY

In accordance with state law, the Board shall be responsible for the proper discharge of its duties assigned herein. The Board shall determine its policies and directives within the limitations of the duties herein imposed by applicable laws, the Articles, the Bylaws, contracts entered into with the City, and budget and financial responsibilities. Such policies and directives are subject to approval by the City Council. Any request for services made to the departments of the City shall be made by the Board or its designee to the City Manager. The City Manager may approve such requests for assistance from the Board when he or she finds such requested services are available within the City and that the Board has agreed to reimburse the City for the cost of such services so provided, as provided in Article III, Section 3.08 of these Bylaws.

Section 3.08 CONTRACTS FOR SERVICES

The Corporation may, with approval of the City Council, contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy-making functions in discharging the duties herein set forth. An administrative services contract shall be executed between the Board and the City Council for the

services provided by the General Manager, Finance Manager, the City Attorney, and other City services/functions and compensated as provided for herein.

Section 3.09 TRAINING REQUIREMENTS

All members of the Board, the General Manager, the Finance Manager and the Director of the City's Economic Development Department shall be required, at the expense of the Corporation, to comply with all training and educational requirements as specified by state legislation, the Texas Governor's Office of Economic Development, and rulings of the Texas Attorney General and the Texas Comptroller, as amended from time to time.

If a Board member fails to comply with these requirements, the City Council shall consider the specific situation and may remove the member from the Board at its discretion.

ARTICLE IV. CORPORATION SEAL

The Board may obtain a corporate seal which shall be a star with the words Del Rio Economic Development Corporation, but these Bylaws shall not be construed to require the use of the corporate seal.

ARTICLE V. FISCAL YEAR

The fiscal year of the Corporation is October 1 through September 30.

ARTICLE VI. FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 6.01 GENERAL MANAGER

The City Manager of the City of Del Rio, Texas, shall be the General Manager of the Corporation and be in charge of the properties and affairs of the Corporation, shall administer all work orders, requisitions for payment, purchase orders, contract administration/oversight, and other instruments or activities as prescribed by the Board in the name of the Corporation.

The General Manger shall employ such full or part-time employees as are needed to carry out the programs of the Board. These employees shall be employees of the City or another city-authorized entity focused on economic development, and they shall perform those duties as are assigned to them. These employees shall be compensated as prescribed in Article III, Section 3.08 of these Bylaws. The General Manager shall have the authority, and subject to provisions of the City Charter and policies and procedures of the City, to hire, fire, direct, and control the work of such employees.

Section 6.02 FINANCE MANAGER

The Finance Manager shall be the City's Director of Finance. The Finance Manager shall have the responsibility to see to the handling, custody, and security of all funds and securities of the

Corporation. When necessary or proper, the Finance Manager, or their designee, shall endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations drawn upon such bank or banks or depositories as shall be designated by the City Council consistent with these Bylaws. The Finance Manager shall see to the entry in the books of the Corporation of full and accurate accounts of all monies received and paid out on account of the Corporation. The Finance Manager shall, at the expense of the Corporation, give such bond for the faithful discharge of the duties in such form and amount as the City Council shall require, by resolution. The Finance Manager shall also coordinate an annual audit of the Corporations Financial Statements by an independent outside audit firm approved by the City Council.

The Finance Manager shall submit a report to the Board each month, in sufficient detail, of all checks or drafts issued on behalf of the Corporation for the previous month. The Finance Manager shall provide a quarterly financial report to the City Council concerning activities of the Corporation in a format consistent with other financial reports of the City.

Section 6.03 EX-OFFICIO MEMBERS

The City Council may appoint Ex-Officio members to the Board as it deems appropriate. These representatives shall have the right to take part in any discussion in open meetings, but shall not have the power to vote in the meetings or the right to attend executive sessions, unless specifically invited to attend by the president. Ex-Officio members shall serve a term of one year.

Ex-Officio members shall be required to take an Oath of Office and abide by, and be subject to, any City Code of Ethics.

Section 6.04 PARTICIPATION IN BOARD MEETINGS

The General Manager and Finance Manger shall have the right to take part in any discussion of the Board, Board committees or subcommittees thereof, including attendance in executive sessions (when invited by the president to the executive session), but shall not have the power to vote in any meetings attended.

Section 6.05 DUTIES OF THE BOARD

The Board shall expend, in accordance with State law and subject to City Council approval, the funds received by it for allowable expenditures approved within the Bylaws Section 2.11. The Board shall make a semi-annual report to the City Council including, but not limited to the following:

- (1) A review of the accomplishments of the Board in the area of economic development; and
- (2) The activities of the Board for the budget year addressed in the annual financial report, together with any proposed change in the activity as it may relate to economic development.

The Board shall be accountable to the City Council for all activities undertaken by it or on its behalf, and shall report on all activities of the Board, whether discharged directly by the Board or by any person, firm, corporation, agency, association or other entity on behalf of the Board.

Section 6.06 ANNUAL CORPORATE BUDGET

At least thirty (30) days prior to September 1st, the Board shall prepare and adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The fiscal year of the Corporation shall be the same as the fiscal year of the City of Del Rio. The budget shall be in such form as may be prescribed from time to time by the City Council or directed by the Corporation's Board of Directors. The budget proposed for adoption shall include the projected operating expenses, administrative expenses, debt servicing, cash reserves, contingency funds, and such other budgetary information as shall be required by the City Council for its approval and adoption. The budget shall be considered adopted upon formal approval by the City Council. In establishing its budget and in responding to unanticipated Projects during the year, the Board shall fairly and equally consider Projects in the following categories:

1. Industrial development
2. Commercial development (including, but not limited to, Projects with the Downtown District and redevelopment areas designated by the City Council)

Each approved request from the Board for Project funding must be made in the form of a Resolution to formally expend and approve Projects, and accompanied by a specific determination of eligibility of the Project for Type A funding under the Act.

Section 6.07 FISCAL POLICY

The Corporation will adhere to the City's Fiscal & Budgetary Policy as amended annually to guide the overall financial condition and operations of the Corporation. In addition to these policies, the Corporation will:

1. Balance the Corporation's funding capacity between the various types of opportunities described in Section 6.06 1 & 2 above, with none of these categories receiving more than 50% of the total bonding capacity in any fiscal year of the Corporation. Exceptions to this rule may be approved by the Board by a supermajority vote of the members of the Board. Exceptions shall also be approved by the City Council.
2. The Corporation must enter into a Performance Agreement for any "Project", incentive or expenditure made on behalf of a business per Section 40 of the Act.

- The Performance Agreement must provide a schedule of additional payroll of jobs to be created or retained and/or capital investment to be made as consideration made by the Corporation under the agreement.
- The Performance Agreement, at a minimum, must specify the terms under which repayment must be made to the City if the business enterprise fails to meet the performance requirements as specified in the agreement.

Section 6.08 FINANCIAL BOOKS, RECORDS, AND AUDITS

The Finance Manager shall keep and properly maintain, in accordance with generally accepted accounting principles, complete financial books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

The City shall cause the Corporation’s financial books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent auditing and accounting firm selected by the City Council. Such audit shall be at the expense of the Corporation.

The Board shall, no later than February 1st of each year, submit to the Texas Comptroller a financial report in the form required by the Comptroller, as required by the Act. The City shall, at all times, have access to the books and records of the Corporation. The Corporation shall be subject to the Public Information Act (Chapter 552, Government Code).

Section 6.09 DEBT, DEPOSIT AND INVESTMENT OF CORPORATE FUNDS

All proceeds from the issuance of bonds, notes or other debt instruments (the “Bonds”) issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance and handled in accordance with the statute governing the Corporation, but no bonds shall be issued, including refunding bonds, by the Corporation without the approval of the City Council.

All monies of the Corporation shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City, as authorized by the City Investment Policy. The Finance Manager shall designate the accounts and depositories to be created and designed for such purposes, and methods of withdrawal of funds for use by and for the purposes of the Corporation. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City. The Corporation shall pay reasonable compensation for such services as prescribed in Article III, Section 3.08, of these Bylaws.

Section 6.10 EXPENDITURES OF CORPORATE MONEY

The monies of the Corporation, including sales and use taxes collected pursuant to the Act, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of

property, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds derived from the sale of Bonds, and other proceeds may be expended by the Corporation for any of the purposes authorized by the Act, subject to Section 6.06 of these Bylaws and the following limitations:

1. Expenditures that may be made from a fund created from the proceeds of Bonds, and expenditures of monies derived from sources other than the proceeds of Bonds may be used for the purposes of financing or otherwise providing one or more Projects, as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after the approval thereof by the City Council.
2. All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by these Bylaws or in contracts meeting the requirements of the Act.

No Bonds, including refunding bonds, shall be authorized or sold and delivered by the Corporation unless the City Council shall approve such bonds.

Section 6.11 CONTRACTS

As provided herein, the president and secretary, with approval of the City Council, shall enter into any contracts or other instruments which the Board has approved and authorized in the name and on behalf of the Corporation. Such authority may be confined to specific instances or defined in general terms. When appropriate, the Board may grant a specific or general power of attorney to carry out some action on behalf of the Board, provided, however, that no such power of attorney may be granted unless an appropriate resolution of the Board authorizes the same to be done. Once approved by the City Council, all Corporation contracts will then be signed by either the president or secretary.

ARTICLE VII. MISCELLANEOUS

Section 7.01 NOTICES AND WAIVERS

Whenever under the provisions of these Bylaws notice is required to be given to any Director or officer, unless otherwise provided, the notice may be given personally, or it may be given in writing by depositing it in the post office or letter box in a post-paid envelope or postal card addressed to the Director or officer, at the address as it appears on the books of the Corporation, and the notice shall be deemed to be given at the time when it is mailed. Whenever any notice to Director or officers is required to be given by law, or by these Bylaws, a waiver in writing signed by the person or persons entitled to the notice, whether before or after the time stated shall be deemed the equivalent of notice. This paragraph does not eliminate the requirement to comply with the Open Meetings Act.

Section 7.02 APPROVAL OF THE CITY COUNCIL

To the extent these Bylaws refer to any approval or other action to be taken by the City, that approval or action shall be evidenced by a certified copy of a resolution, ordinance, or motion duly adopted by the City Council.

Section 7.03 ORGANIZATIONAL CONTROL

The City Council at its sole discretion, and at any time, may alter or change the structure, organization or activities of the Corporation (including the termination of the Corporation), subject to any limitation on the impairment of contracts entered into by such Corporation. The foregoing notwithstanding, the City, at all times during which any indebtedness of the Corporation, the interest on which is exempt from federal income taxation, remains outstanding, will maintain a beneficial interest in the Corporation.

Section 7.04 INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES

As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

The Corporation shall indemnify each and every member of the Board, its officers and its employees, and each member of the City Council and each employee or representative of the City, to the fullest extent permitted by law against any and all liability or expense, including attorneys' fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation. This indemnity shall apply even if one or more of those to be indemnified was negligent or caused or contributed to cause any loss, claim, action or suit. Specifically, it is the intent of these Bylaws and the Corporation to require the Corporation to indemnify those named for indemnification, even for the consequences of the negligence of those to be indemnified which caused or contributed to cause any liability.

The Corporation must purchase and maintain insurance on behalf of any Director, officer, employee, or agent of the Corporation, or on behalf of any person serving at the request of the Corporation as a Board member, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against any liability asserted against that person and incurred by that person in any such capacity or arising out of any such status with regard to the Corporation, whether or not the Corporation has the power to indemnify that person against liability for any of those acts.

ARTICLE VIII. PROVISIONS REGARDING BYLAWS

These Bylaws shall become effective only upon the occurrences of the following events:

- (1) The adoption of these Bylaws by the Board; and
- (2) The approval of these Bylaws by the City Council.

These Bylaws may be amended at any time and from time to time either by majority vote of the Directors then in office with the approval of the City Council or by the City Council itself, at its sole discretion.

These Bylaws shall be liberally construed to effectuate their purposes. If any word, phrase, clause, sentence, paragraph, section or other part of these Bylaws, or the application thereof to any person or circumstances, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these Bylaws to any other person or circumstance shall not be affected thereby.

ARTICLE IX. DISSOLUTION OF CORPORATION

If the Corporation ever should be dissolved while it has, or is entitled to, any interest in any funds or property of any kind, real, personal, or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and delivered to the City after satisfaction or provision for satisfaction of debts and claims.

I hereby certify that the foregoing Bylaws are the true and correct Bylaws of the Corporation as approved and adopted by the City Council on the _____ day of _____, 2017.

THE CITY OF DEL RIO

ATTEST:

By: _____
ROBERT GARZA
Mayor

ALMA LEVRIE
City Secretary

STATE OF TEXAS §
 §
COUNTY OF VAL VERDE §

Before me, a notary public, on this day personally appeared Robert Garza, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn declared that the statements therein are true and correct.

Given under my hand and seal of office on this _____ day of _____, 2017.

Notary Public, State of Texas

My Commission Expires: _____

I hereby certify that the foregoing Bylaws are the true and correct Bylaws of the Corporation as adopted by the Corporation on the ____ day of _____, 2017.

DEL RIO ECONOMIC DEVELOPMENT CORPORATION

By: _____

President

STATE OF TEXAS §
 §
COUNTY OF VAL VERDE §

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Given under my hand and seal of office on this ____ day of _____, 2017.

Notary Public, State of Texas

My Commission Expires: _____

City Council Regular

11. c.

Meeting Date: 02/14/2017

Information

Subject

Overview of the Del Rio to Austin 2017 Austin, TX Legislative Advisory Trip - Henry Arredondo, City Manager

Attachments

84TH LEGISLATURE

84TH LEGISLATURE PRIORITIES

84th Legislature Items
City of Del Rio Initiatives

Texas Department of Transportation

Ports to Plains

- The Ports-to-Plains Trade Corridor is vital to the economic growth and stability of Del Rio, Texas. The City of Del Rio benefits from a diverse economic base and a trade market that includes Mexico, just a few miles to the south. Widening US Hwy 277 along the Trade Corridor, between Del Rio, Texas and San Angelo, Texas will dramatically increase our regional mobility and economic status along the Texas/Mexico border.
- The Trade Corridor will give Del Rio an opportunity to provide new and existing businesses a multi-modal transportation corridor that will facilitate the efficient transportation of goods and services from Mexico, through West Texas, New Mexico, Colorado, and Oklahoma, and ultimately into Canada and the Pacific Northwest.
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Coordinated Border Infrastructure Projects

- The City of Del Rio has three CBI projects, CBI projects was funding allocated to improve the safe movement of motor vehicles at or across the land border between the U.S. and Canada and the land border between the U.S. and Mexico. CBI funding was apportioned among Border States based on factors related to the movement of people and goods through the land border ports of entry within the boundaries of the State. Factors include the number of incoming commercial trucks; the number of incoming personal motor vehicles and buses; the weight of incoming cargo by commercial trucks; and the number of land border ports of entry.
- The TxDOT distributed the CBI funds to their three border districts using the same formula utilized by FHWA for distribution of funds to the state border states, but using the factors (the number of incoming commercial trucks; the number of incoming personal motor vehicles and buses; the weight of incoming cargo by commercial trucks; and the number of land border ports of entries) pertinent to each district. The City of Del Rio currently has three projects funded by CBI and administered by TxDOT; the City's Toll Booth Relocation, Qualia Relief Route and Aldrete Lane.

International Bridge 2

- The City of Del Rio is interested in constructing a second International Bridge to expand the ability of both cities (Del Rio and Ciudad Acuna) to move freight by truck into and out of Mexico. A feasibility study has been conducted and is complete to the point of having a proposed location acceptable to both nations.
- Next step for the City of Del Rio is to line up funding which may come from TxDot for the approach roadway, public/private partnerships or some other form of innovative financing. It will also require coordination with GSA for the design of the Port of Entry, coordination with

TxDot for all of the state requirements, the State Department for the Presidential Permit, several regulatory agencies for the appropriate permitting to satisfy all Federal and State regulations.

- The City of Del Rio supports a dedicated funding source for border infrastructure planning and construction projects that improve the movement of goods and people at our international border with Mexico. More specifically, Border Infrastructure Planning and Construction eligibility should include improvements to facilitate/expedite cross border motor vehicle and cargo movements.

Flood Control

- A Master Drainage Study for the City of Del Rio has been recently completed; this study allows us to identify flood/drainage hazards and to then prioritize projects based on information presented in the study. The document has all of the drainage areas outlined and identified so that intelligent decisions can be made as far as planning and building.
- Even though Del Rio does have flooding problems in FEMA identified flood plains, this study helps to identify those areas that do flood but are not in a FEMA flood plain. This is extremely important as to the availability of flood insurance for the property owners.
- Del Rio currently has twenty six roadway areas that have water overtop them in a rainfall event. This document allows for consistent planning to eliminate these problem areas. The document has a list of suggested projects, the price tag on that list as is, makes it to \$29 million
- Storm water drainage improvements will enhance public safety and quality of life, help attract new business, improve property value and more, making the investment worthwhile for residents.

Four Lane Divided Highway S Hwy 277 S Hwy 90

- Construction of this roadway will replace a highway that was constructed over fifty years ago. The existing roadway is not conducive to the mixture of trucks and passenger cars because of the rolling terrain. A new divided highway will allow for the vastly improved movement of all traffic, improving the chances of keeping a sustainable economy in Del Rio and Val Verde County. Also, a divided highway will improve safety to the existing roadway.
- Construct a 4-Lane Highway from Del Rio, Texas to Kinney/Uvalde County Line; approximately 19.3 miles from Del Rio, Texas to McKinney/Uvalde County Line.

Del Rio International Airport:

- Del Rio International Airport (DRT) is an FAA Part 139 certified airport with a 6,300 ft. runway. The runway and taxiway system at DRT meet all FAA design standards. DRT has been without commercial airline service since United Express ended service in April 2013. United Express had been offering two flights daily to Houston. In the fall of last year, the City was awarded with a Department of Transportation Small Community Air Service Development Grant. The Grant is to provide for revenue guarantee and associated marketing and start-up costs to recruit, initiate, and support air service from Del Rio International Airport (DRT) to Dallas Fort Worth International Airport (DFW).

- The City has been in negotiations with American Airlines to provide service between DRT and DFW. Last Year, the City sent a letter to the Governor on this issue and would be grateful for any help the State can provide in helping us to recruit a commercial airline to DRT. The city views the airport as a critical asset to our community and region, and are committed to furthering its economic development. Last year, the city completed the DRT 2013 Master Plan, which provides historical data with recommendations for future development at the airport focusing on creating additional employment opportunities for the community.

Texas Parks and Wildlife

Indoor and Outdoor Grants

- The Texas Parks & Wildlife Department, Recreation Grants Branch administers the Local Park Grant Programs to assist local governments with the acquisition and/or development of public recreation areas and facilities throughout the State of Texas. The Program provides 50% matching-fund, reimbursement grants to eligible local governments. In other words the TPWD can award \$1 for every dollar of eligible match provided by the sponsor, up to the program award ceiling.
- Field of Dreams: The City of Del Rio, in conjunction with Val Verde County and the Del Rio Chamber of Commerce, have been working on the development of a \$1.5 million dollar sport complex with the City owning about 12 acres of land and a private land donation of roughly 30 acres of land. This sports complex will look at addressing the sports and practice field needs of our local community for Little League, Babe Ruth, softball, soccer, football, tennis, volley ball, and other recreational opportunities to include walking tracts connecting the proposed facilities to our existing facilities. Community support for this project has been overwhelming with documented letters of support and letters of commitment for funding of the project.

San Felipe Creek Improvement Grants

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- The newly developed San Felipe Creek Master Plan provides complete, results driven projects, focusing on attainable short-term and long-term goals to improve the water quality, ecology, and habitat of San Felipe Creek.

Texas Water Development Board

Water Study

- Del Rio has never had a comprehensive study aimed at finding the limits of the aquifer pool and the various elevations of the aquifer level and the lake that affect the spring flow. As a result, the City of Del Rio/Val Verde County would like to do a cooperative project and have prepared an RFQ aimed at exploring and determining those limits with real scientific, engineering useable data for planning and setting desired future conditions. To date, there have been many partial studies in the area but none as comprehensive enough to allow the proper planning that this water study will provide for the City of Del Rio/Val Verde County.

Higher Education

Four Year University and Expansion of Community College Curriculum

- The Middle Rio Grande region is the only region in Texas that does not have a four-year university or a strong presence of a junior college. Currently, Southwest Texas Junior College (SWTJC) and Sul Ross State University are branches in our region, we need to pursue the possibility of expanding on their academic programs and work towards giving our youth a stronger chance of attaining higher education. Offerings need to also be expanded for more formal training in the trades, a school that offers a vocational curriculum.

Grow Your Own Program

- Del Rio High School has offered aircraft maintenance course since 1991. Hundreds of graduates of the program have been hired to aircraft maintenance positions at Laughlin after graduation. Since 1991, Del Rio High School has offered a hands-on aircraft technology course to prepare students for careers at Laughlin. Students begin the program as freshman level with the Principles class and ends with the Advance Technology class at the junior and senior level. Hundreds of graduates have gone on to work in aircraft maintenance at the base. In cooperation with Laughlin, the community is currently working with Southwest Texas Junior College to expand certification program to help homegrown students meet eligibility requirements for even more positions. At times Laughlin has had challenges recruiting qualified aircraft maintainers for job vacancy. Through the Grow Your Own Program and expansion of the certification program, we hope to alleviate this issue and provide local citizens with access to high quality jobs at the base.

Laughlin –Extend Regulatory Authority for Protection of Military Installations

- The August 2008 approved City of Del Rio and Laughlin Air Force Base Joint Land Use Study (JLUS) recommended as an implementation strategy that the City and County pursue legislation addressing military base encroachment. In this study it was identified that the Military Influence Area (MIA), an area formally designated where the military operations may impact local communities, and conversely, where local activities may affect the military's ability to carry out its mission, is 5 nautical miles. Currently, military communities are only able to ensure compatibility to an area of 1 ½ miles off of the center of the runway and 5 miles off of the ends of the runways. The recommendation of the JLUS is to extend this regulated area to the designated MIA which would be a total of 5 nautical miles off of the center line of the runway and 5 nautical miles off of the ends of the runway.

City of Del Rio and Val Verde County

Del Rio, located in Val Verde County on the Texas - Mexico border, is midway between Padre Island and Big Bend National Park, 150 miles West of San Antonio on U.S. Highway 90. Del Rio holds the county seat in Val Verde County; 35,718 residents (2011 Estimate) from the Val Verde County population of 48, 879 (2010 Estimate) call Del Rio home.

Del Rio and Val Verde County benefit from a diverse economic base and a trade market that includes Mexico, just a few miles to the south. The major employment areas in Del Rio are in the education, health, social services, retail trade, public administration and manufacturing fields. We are also home to the 47th Flying Training Wing, Laughlin Air Force Base. Laughlin A.F.B. conducts specialized undergraduate pilot training for the United States Air Force, Air Force Reserve, Air National Guard, and allied nation air forces utilizing the T-6, T-38, and T-1A aircraft, impaction our region with over \$250 million annually into our local economy.

84th Legislature Items

City of Del Rio Initiatives

Water

- Groundwater Conservation District

Texas Department of Transportation

- Ports to Plains
- Coordinated Border Infrastructure Projects
- International Bridge #2
- Flood Control
- Four Lane Divided Highway (US Hwy 277 & US Hwy 90)
- Del Rio International Airport:

Texas Parks and Wildlife

- Indoor and Outdoor Grants
- San Felipe Creek Improvement Grants

Education

- Four Year University and Expansion of Community College Curriculum
- Grow Your Own Program

Military Installation (Laughlin Air Force Base)

- Extend Regulatory Authority for Protection of Military Installations

WATER

Groundwater Conservation District

- Groundwater may be managed individually by landowners under the rule of capture, or collectively by landowners and by groundwater conservation districts. The City of Del Rio and Val Verde County are working jointly to establish a groundwater conservation district in the current 84th legislative session. This legislation is codified in Chapter 36 of the Texas Water Code. The water code stresses the importance and responsibility of GCDs in developing and implementing comprehensive management plans to conserve and protect groundwater resources. All groundwater conservation districts try to maintain a balance between protecting the rights of private landowners and the responsibility to protect the water resource. Most districts direct their efforts toward preventing waste, collecting data, educating people about water conservation and preventing irreparable harm to the aquifer.
- The purpose of the district is to provide for the protection, recharging, conserving, and prevention of waste of groundwater in Val Verde County; control subsidence caused by the withdrawal of water from the groundwater in Val Verde County; regulate the transport of groundwater out of the boundaries of the district; regulate pumping in the district to protect spring flow, base flow and drawdown; implement conservation plans and pumping reduction when conditions warrant action to protect spring flow, base flow and drawdown; and manage the issuance of permits, by requiring studies and groundwater availability model analysis of permit applications, that include conservation triggers that mitigate impact to spring flow, base flow and drawdown.

TEXAS DEPARTMENT OF TRANSPORTATION

Ports to Plains

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TEXAS PARKS AND WILDLIFE

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MILITARY INSTALLATION (LAUGHLIN AIR FORCE BASE)

Extend Regulatory Authority for Protection of Military Installations

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City Council Regular

11. d.

Meeting Date: 02/14/2017

Information

Subject

Discussion and Possible Action on Procedures for Documentation of City Council Travel - Diana Salgado, Councilperson-at-Large, Place A

Attachments

No file(s) attached.

Meeting Date: 02/14/2017

Information

Subject

Discussion and Possible Action on Update from Administration regarding the Possibility of a Water District in the 2017 Legislative Session - Diana Salgado, Councilperson-at-Large, Place A

Attachments

No file(s) attached.

Meeting Date: 02/14/2017

Submitted By: Manuel Chavez, Operations Director, OPERATIONS

Information

SUBJECT:

End of Probationary Period Employee Review for City Secretary Alma Levrie- Mary Canales, Human Resources Director

SUMMARY:

This action is a formality to officially establish Mrs. Levrie as a Regular Employee. Mrs. Levrie's end of probation date was December 1, 2016. All city employees per personnel policy are notified of Employee Status at the end of this probationary period. This is the mechanism for an employee to be allowed to use annual leave.

BACKGROUND:

NA

DISCUSSION:

NA

PROS:

NA

CONS:

NA

RECOMMENDATION:

NA

Fiscal Impact

FISCAL IMPACT:

NA

Attachments

No file(s) attached.

City Council Regular

12. a.

Meeting Date: 02/14/2017

Submitted For: Suzanne West, Legal Department

Submitted By: Aida Garcia, Administrative Assistant

Information

Subject

Discuss and Update from City Attorney on the Long Term Maintenance of Water Lines in the Palomino Mobile Home Park in the City of Del Rio, Texas - Suzanne West, City Attorney

Attachments

No file(s) attached.
