



# AGENDA

## City Council Work Session

**Tuesday, February 28, 2017 @ 6:30 PM**

Anna City Hall, Council Chambers  
111 N. Powell Parkway, Anna, Texas 75409

The City Council of the City of Anna will meet in Work Session at 6:30 PM, on February 28, 2017, at the Anna City Hall, Located at 111 North Powell Parkway (Hwy 5), to consider the following items.

1. Call to Order, Roll Call and Establishment of Quorum
2. Briefing/Discussion regarding appointment of a Charter Review Commission. (City Manager)
3. CLOSED SESSION (EXCEPTIONS)

*Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:*

- a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (**Tex. Gov't Code §551.071**).
- b. Discuss or deliberate the purchase, exchange, lease, or value of real property (**Tex. Gov't Code §551.072**); acquisition of right-of-way, easements, and land for parks and municipal facilities.

*The Council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.*

4. Consider/Discuss/Action on any items listed on any agenda—work session, regular meeting, or closed session—that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.
5. Adjourn.

This is to certify that I, Carrie L. Smith, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m. on February 24, 2017.

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Carrie L. Smith, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. 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 Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.



**Item No. 2.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Briefing/Discussion regarding appointment of a Charter Review Commission. (City Manager)

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**SUMMARY:**

At least once every six (6) years, the City Council must appoint a Charter Review Commission. The last Commission was appointed in 2011. The Commission must consist of at least ten (10) citizens of the City all of whom must be qualified voters in the City.

The Charter Review Commission is charged with the following responsibilities:

1. inquire into the operation of the City government under the Charter and determine whether any provisions of the City Charter require revision;
2. propose any recommendations it deems desirable to insure compliance with the Charter of the City government; and
3. report its findings and present its recommendations to the City Council.

We recommend that the Council consider the appointment of citizens with previous experience and/or knowledge of the City and its operations.

The City Council; must receive and have published in the official newspaper of the City a summary of the report presented by the Commission; must consider any recommendations made; and may order any amendments suggested to be submitted to the voters of the City. The term of office of the Commission must be for not more than six months, at the end of which time a report must be presented to the City Council. All records of proceedings of the Commission must be filed with the City Secretary and become a public record.

Attached is a draft Resolution based on the one used in 2011 when the last Charter Review Commission was appointed.

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**STAFF RECOMMENDATION:**

Staff is asking the Council to provide direction regarding the appointment of members to serve on the 2017 Commission.



# AGENDA

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**Item No. 2.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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Attached is a draft Resolution based on the one used in 2011 when the last Charter Review Commission was appointed.

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**STAFF RECOMMENDATION:**

Staff is asking the Council to provide direction regarding the appointment of members to serve on the 2017 Commission.

**ATTACHMENTS:**

Description	Upload Date	Type
Draft Resolution	2/22/2017	Backup Material



# AGENDA

## Regular City Council Meeting

**Tuesday, February 28, 2017 @ 7:30 PM**

Anna City Hall, Council Chambers  
111 N. Powell Parkway, Anna, Texas 75409

The City Council of the City of Anna will meet in Regular Session at 7:30 PM, on February 28, 2017, at the Anna City Hall, Located at 111 North Powell Parkway (Hwy 5), to consider the following items.

*Welcome to the City Council Meeting. Please sign the Sign-In-Sheet as a record of attendance. If you wish to speak on an open-session agenda item, please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.*

1. Call to Order, Roll Call and Establishment of Quorum.
2. Invocation and Pledge of Allegiance.
3. Citizen Comments.

*Citizens are allowed three minutes to speak. The Council is unable to respond to or discuss any issues that are brought up during this section that are not on the agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*

4. Receive reports from Staff or the City Council about items of community interest.

*Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

5. Consent Items.

*These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.*



- a. Approve city council minutes for:  
February 10th and 11th 2017 Workshop  
February 14, 2017 Work and Regular Session  
February 17th and 18th, 2017 workshop  
(City Secretary)
- b. Resolution authorizing the distribution of contingency appropriation. (Dana Thornhill)
6. Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a Texas Risk Reduction Program Restrictive Covenant for a 0.792 acre tract of land located on S. Powell Parkway. (City Manager)
7. Consideration/Action on appointments to the EDC and CDC. (City Secretary)
8. Consider/Discuss/Action on a Resolution instituting Annexation proceedings and setting the dates, times and places for public hearings for the annexation of a 466 acre tract of land located in the J. Chalmers Survey, Abstract No. 0233 and the S. Craft Sr. Survey No. 0165. (Maurice Schwanke)
9. Consider/Discuss/Action regarding a Resolution approving an Automatic Aid Agreement with the Westminster Volunteer Fire Department. (Chief Gothard)
10. Consider/Discuss/Action regarding a Resolution approving a Chapter 380 Economic Development Grant Agreement with Bloomfield Homes, LP and authorizing the City Manager to execute the Agreement. (Jessica Perkins)
11. Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a contract with Axis Construction, L.P. for the Water Disinfection System Upgrade Project. (Joseph Johnson)
12. Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Sanitary Sewer Inflow and Infiltration Analysis Project. (Joseph Johnson).
13. Consider/Discuss/Action regarding a Resolution approving a Facilities Use Agreement with the Anna Sports Group for 2017. (Maurice Schwanke)
14. CLOSED SESSION (EXECEPTIONS)

*Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:*

- a. Consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (**Tex. Gov't Code §551.071**).
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15. Consider/Discuss/Action on any items listed on any agenda—work session, regular meeting, or closed session—that is duly posted by the City of Anna for any City Council meeting occurring on the same date as the meeting noticed in this agenda.
16. Adjourn.

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Carrie L. Smith, City Secretary

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**Item No. 5.a.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Approve city council minutes for:  
February 10th and 11th 2017 Workshop  
February 14, 2017 Work and Regular Session  
February 17th and 18th, 2017 workshop  
(City Secretary)

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**SUMMARY:**

Presented are the proposed minutes for your consideration.

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**STAFF RECOMMENDATION:**

Approve all sets of minutes.

**ATTACHMENTS:**

Description	Upload Date	Type
Proposed 2/10 - 11th Minutes	2/24/2017	Backup Material
Proposed 2/14/2017 Minutes	2/24/2017	Backup Material
Proposed 2/17 - 18th Minutes	2/24/2017	Backup Material



**Item No. 5.b.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Resolution authorizing the distribution of contingency appropriation. (Dana Thornhill)

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**SUMMARY:**

Because of recurring difficulties with the sound system in the Council Chambers, Staff has solicited proposals to upgrade and replace as necessary, the sound system in the Council Chambers. The proposal reviewed by the City Council on February 14 will cost \$11,370. Funds from the contingency appropriation will be used to pay for these improvements.

Consistent with Section 7.08 of the Anna City Charter, the 2016-2017 fiscal year budget includes a contingency appropriation of \$180,654. Such contingent appropriation may be distributed by the City Manager only after prior approval by the City Council.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution which will transfer \$11,370 from the FY 2016-2017 General Fund Contingency Appropriation to the General Fund Administration department, maintenance and repair of buildings account 10-400-6303.

**ATTACHMENTS:**

Description	Upload Date	Type
Contingency Resolution	2/22/2017	Resolution
Audio Upgrade Proposal	2/22/2017	Backup Material



**Item No. 6.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a Texas Risk Reduction Program Restrictive Covenant for a 0.792 acre tract of land located on S. Powell Parkway. (City Manager)

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**SUMMARY:**

In connection with the purchase of the Anna Grain property last year, the City hired a firm to perform a comprehensive environmental survey of the property. On June 14 last year, our environmental engineer presented a brief summary of the findings and an outline of the proposed remediation strategy.

The study found elevated levels of arsenic in the soil in the suspected area of a former cotton gin. While the levels exceed the EPA standard for residential use, they did not exceed the standard for commercial use. Based on the recommendation of our environmental engineer, the City submitted a corrective action plan to the TCEQ that included a proposal to deed restrict the affected property for commercial uses.

On February 16, 2017 the TCEQ issued a letter approving the City's proposed corrective action plan to deed restrict the portion of the property that is affected by elevated levels of arsenic. The attached Resolution would authorize the City Manager to execute the Texas Risk Reduction Program Restrictive Covenant attached as Exhibit 1 to the Resolution. Our environmental engineer will be at the meeting to answer any questions the Council may have.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution.

**ATTACHMENTS:**

Description	Upload Date	Type
Restrictive Covenant Resolution	2/22/2017	Resolution
Exhibit 1, Restrictive Covenant	2/21/2017	Exhibit



**Item No. 7.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consideration/Action on appointments to the EDC and CDC. (City Secretary)

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**SUMMARY:**

There are two vacancies on the EDC/CDC. Applicants will be present at the meeting for interviews.

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**STAFF RECOMMENDATION:**

Staff recommends the appointment of Attorney Pam Evers and Retired Corporate and Field Marketing Administrator James Gurski as they feel these professions would be beneficial to the board.

**ATTACHMENTS:**

Description	Upload Date	Type
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**Item No. 8.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action on a Resolution instituting Annexation proceedings and setting the dates, times and places for public hearings for the annexation of a 466 acre tract of land located in the J. Chalmers Survey, Abstract No. 0233 and the S. Craft Sr. Survey No. 0165. (Maurice Schwanke)

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**SUMMARY:**

This proposed annexation involves approximately 466 acres of land within the J. Chalmers Survey, Abstract No. 0233 and the S. Craft Sr. Survey No. 0165. The area contains 26 parcels of property with 5 single family homes, 18 manufactured homes, and two commercial buildings under construction and is bounded on the south by the Sam Rayburn Memorial Hwy. and is traversed by F.M. 2862 and County Road 526. The north Boundary is County Road No.525.

The Resolution (if approved) would initiate or begin annexation proceedings of the area shown on the attached Exhibit 1. If the Resolution is adopted, the City will schedule two public hearings that will be held during the regular City Council Meetings on April 11th and April 25th. During the first public hearing, Staff will present a plan that will explain how the city will fulfill its obligation to extend full municipal services to the properties being annexed. A final vote on the annexation would be scheduled on May 23rd.

Prior to annexing properties that are appraised for property tax purposes as land for agricultural, wildlife management use, or as timber land (as defined in Subchapter C, D, or E Chapter 23, Tax Code) the City is required to offer to make a development agreement with the landowner. Such a development agreement would:

1. guarantee the continuation of the extraterritorial (outside the city limits) status of the property for a period of time; and
2. authorize the enforcement of all regulations and planning authority of the city that do not interfere with the use of the property for agriculture, wildlife management, or timber.

The City could elect to proceed with annexation of property with a qualifying tax exemption if the owner declines a development agreement offer extended by the City. The Council may elect to extend the same development agreement offer to the owners of properties that do not have a qualifying tax exemption.

The attached Resolution directs the City Manager offer the Development Agreement referenced

in the Resolution as Exhibit 2 to all the property owners within the area proposed for annexation regardless of whether their property has a qualifying tax exemption. The proposed Development Agreement (if executed by the property owner & approved by the Council) would guarantee that the property would remain outside the city limits for one (1) year. At the conclusion of the one-year period, the property owner would consent to voluntary annexation in 2018.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution authorizing notification of involved property owners of two public hearings and the potential for annexation and/or acceptance of a development agreement.

**ATTACHMENTS:**

Description	Upload Date	Type
Resolution on Annexation Proceedings	2/23/2017	Resolution
Exhibit 1	2/22/2017	Exhibit
Exhibit 2, Pre-Annexation Development Agreement	2/22/2017	Exhibit





**Item No. 9.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action regarding a Resolution approving an Automatic Aid Agreement with the Westminster Volunteer Fire Department. (Chief Gothard)

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**SUMMARY:**

In order to enhance firefighter and citizen safety in both jurisdictions, the City of Anna has negotiated an Automatic Aid Agreement with the Westminster Volunteer Fire Department. Through this Agreement, both the City of Anna and the Westminster Volunteer Fire Department agree to provide the automatic response of at least one fire engine company to all first alarm structural fires occurring in either the Jurisdictional Limit of the Westminster Volunteer Fire Department or the City of Anna, except when it is impossible for the Assisting Party to render aid because all of its available resources are required for an existing or simultaneous Emergency.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution and Automatic Aid Agreement.

**ATTACHMENTS:**

Description	Upload Date	Type
Resolution approving Automatic Aid Agreement	2/23/2017	Resolution
Exhibit 1, Automatic Aid Agreement	2/23/2017	Exhibit



**Item No. 10.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action regarding a Resolution approving a Chapter 380 Economic Development Grant Agreement with Bloomfield Homes, LP and authorizing the City Manager to execute the Agreement. (Jessica Perkins)

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**SUMMARY:**

**Background:** Staff was recently contacted by Doug Duffie, CPA, who proposed a Chapter 380 Agreement for sharing his client's (Bloomfield Homes, LP) use tax paid in connection with building materials used by Bloomfield to build new homes in Anna.

A Texas Direct Payment Permit (ie: use tax permit) allows a Texas taxpayer to self-assess and pay use taxes on materials purchased for use or consumption as opposed to paying sales taxes directly to suppliers based on suppliers' place of business (primarily in larger metropolitan cities). Bloomfield anticipates applying for a Texas Direct Payment Permit and paying use taxes each month directly to the Comptrollers Office according to the locations where materials are used at job sites.

Since Bloomfield Homes will pay 100% of the system, accounting, audit defense and other ongoing administrative costs tied to paying use taxes; and since none of the upfront or ongoing tax compliance costs will be paid by the City; Bloomfield Homes has requested a grant based of 64% of City of Anna's 1.25% General Fund City Use Tax that will be paid on materials used in the construction of new homes constructed by Bloomfield within the City of Anna. The Community Development Corporation (CDC) will collect the the full 0.75% Use Tax on those same purchases.

Based on Bloomfield's suppliers' current places of business, the City is not receiving any local sales tax revenue from Bloomfield's suppliers today. This approach will generate net new tax revenue for the City without incurring any new costs.

In order to limit administrative costs for the City, Bloomfield is required to pay use taxes monthly, but will request semi-annual grants based on payments received by the City from January – June, then again for the period from July – December during the term of the Agreement. This allows the City to verify receipt of all local use taxes received prior to payment of any grant. New local use taxes will be able to be independently verified by comparing a copy of Bloomfield's individual monthly use tax returns related to the City of Anna with amounts received from the Comptrollers Office that were attributed to Bloomfield Homes, L.P.

**The primary Agreement deal points are:**

- a. Per state law, the City may offer economic incentives through a Chapter 380 Agreement.
- b. The City will pay Bloomfield Homes 64% of the City's 1.25% General Fund use tax generated and paid by the builder for the term of the Agreement.
- c. The City may terminate the Agreement if state or federal law renders the Agreement ineffectual or illegal.
- d. The Agreement may be terminated if Bloomfield Homes suffers an Event of Bankruptcy or insolvency.

**Estimated Benefits:** Based on Bloomfield Homes' 850 undeveloped lots in Anna, the company anticipates each new home will generate roughly \$480 in net City / CDC tax revenues (net of Grants) and \$320 in net benefits for Bloomfield Homes that will be used to recover the company's costs for use tax compliance. Over the build-out period of the new homes in Anna, and presuming no inflation in the cost of building materials, Anna's net City tax revenues (after Grants payment) are anticipated to be \$153,000 for the General Fund plus \$255,000 for the CDC (total of \$408,000). If building material costs increase during the term of the Agreement or if Bloomfield purchases new undeveloped lots in Anna and builds incremental new homes in the City, the benefits could increase further.

**Financial Considerations:** The City will retain 36% of the 1.25% General City use taxes collected and remitted for materials used on 850 homes to be built in Anna plus 100% of the incremental .75% CDC Use tax.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution and Agreement.

**ATTACHMENTS:**

Description	Upload Date	Type
Resolution Approving 380 Agreement	2/23/2017	Resolution
Exhibit 1, 380 Agreement Bloomfield Homes	2/22/2017	Exhibit



**Item No. 11.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a contract with Axis Construction, L.P. for the Water Disinfection System Upgrade Project. (Joseph Johnson)

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**SUMMARY:**

Council previously granted authorization to bid the Water Disinfection System Upgrade Project. The project includes the purchase, installation and programming of equipment necessary in order to begin using chloramination for water disinfection. Chloramines are a blend of chlorine and a liquid ammonium solution. This method is approved by the Texas Commission on Environmental Quality (TCEQ) and reduces chlorine odor, results in a more stable and manageable disinfection process, and reduces disinfection byproducts.

On December 29, 2016 at 2:30 PM, bids were opened for this project. Two bids were received with Axis Construction, L.P. having the low base bid of \$593,400. Our engineering consultant has reviewed the bids received, checked references, assessed the contractor's ability to perform the project and has subsequently recommended that the City accept the base bid from Axis Construction, L.P. The City has also negotiated a deductive change order which would reduce the contract by \$73,500. The deductive change order essentially lowers the cost by using existing equipment at each of the sites. If approved, the City Manager will execute the contract and the change order simultaneously resulting in a contract amount of \$519,900.

Funding is available for the project using funds allocated for that purpose in the 2014 Certificate of Obligation.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the Resolution authorizing the City Manager to execute a contract with Axis Construction, L.P. for the Water Disinfection System Upgrade Project.

**ATTACHMENTS:**

Description	Upload Date	Type
Resolution	2/23/2017	Resolution
Contract	2/23/2017	Exhibit

Bid Tabulation	2/23/2017	Exhibit
Bid Award Recommendation Letter	2/23/2017	Exhibit
Draft Change Order	2/23/2017	Exhibit



**Item No. 12.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action regarding a Resolution authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Sanitary Sewer Inflow and Infiltration Analysis Project. (Joseph Johnson).

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**SUMMARY:**

Over the past year City staff has been working to identify and repair areas of Inflow and Infiltration (I&I) within the wastewater collection system. Inflow is storm water entering the collection system near the surface (e.g. broken cleanouts and manholes) while infiltration refers to storm water entering the collection system below ground through broken sub-surface piping. City staff has located and repaired numerous inflow issues and also found and repaired limited infiltration issues using a method referred to as "smoke-testing". While these efforts have moderately reduced I&I, a sophisticated engineering analysis would be more effective in identifying the specific areas contributing to infiltration. Additionally, the data produced by an engineering analysis could then be used to develop a Capital Improvements Plan identifying line projects that would mitigate for I&I. The data could also be used as part of an application for grant funding to support a line replacement project.

Staff has negotiated an agreement with Kimley-Horn and Associates, Inc. for engineering services related to a Sanitary Sewer Inflow and Infiltration Analysis Project. The agreement is attached hereto as Exhibit A. The amount of the engineering consulting fee covering Temporary Flow Monitoring (Task I) for the project is for the amount of \$36,250.00, the Smoke Testing Priority Areas (Task II) for the project is for the amount of \$9,750.00 and the Data Analysis, Report and CIP Map (Task III) is for the lump sum amount of \$29,000.00 for a total not to exceed amount of \$75,000.00. Funds have been allocated for the Project in the amount of \$75,000.00 in the 2017 Fiscal Year Utility Fund budget.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the Resolution authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Sanitary Sewer Inflow and Infiltration Analysis Project.

**ATTACHMENTS:**

Description

Resolution

Exhibit A

Upload Date

2/20/2017

2/20/2017

Type

Resolution

Exhibit



**Item No. 13.**

City Council Agenda  
Staff Report

Meeting Date: 2/28/2017

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**AGENDA ITEM:**

Consider/Discuss/Action regarding a Resolution approving a Facilities Use Agreement with the Anna Sports Group for 2017. (Maurice Schwanke)

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**SUMMARY:**

The Anna Sports Group is a non-profit organization that provides fundamental sports programs for children ages 5 to 18 years. The Anna Sports Group will use the ball fields and concession stand at Slayter Creek Park, and the ball fields at Sherley and Johnson Parks for spring baseball and softball programs. The 2017 agreement has been modified based on the Council discussion during the February 14, 2017 meeting.

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**STAFF RECOMMENDATION:**

Staff recommends approval of the attached Resolution and Agreement.

**ATTACHMENTS:**

Description	Upload Date	Type
Anna Sports Group Resolution	2/23/2017	Resolution
Facilities Use Agreement	2/23/2017	Exhibit