



**City of La Vernia**  
**REGULAR CITY COUNCIL MEETING**  
City Council Chambers of La Vernia City Hall  
102 E. Chihuahua Street, La Vernia, Texas 78121

November 8, 2018  
6:30 PM

**AGENDA**

**1. Call to Order**

**2. Invocation, Pledge of Allegiance, and Texas Pledge** (*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*)

**3. Citizens to be Heard**

*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion)*

**4. Consent Agenda**

*(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

- A. Minutes from the October 11, 2018 Regular City Council Meeting
- B. La Vernia Police Department – Reports, Traffic Violations & Arrests; and Number of Occurrences by Offense for the month of October 2018;
- C. Check Register and financial report for the month of October 2018

**5. Public Hearing**

- A. Public Hearing to receive public comments regarding the replat at 201 Dry Hollow Rd., La Vernia, Texas 78121.

**6. Discussion/Action**

- A. Discuss and consider action on the replat of 201 Dry Hollow Rd., La Vernia, Texas 78121.
- B. Discuss and consider action on the approval for going out to bid the Water Transmission Line and Filter Plant Expansion located on CR 342.

**7. Ordinances**

- A. Discuss and Approve an Ordinance Amending the FY2018 Budget for End of Year.

**8. Resolutions**

- A. Discuss and consider a Resolution approving Comprehensive Plan Update Fee Proposal Agreement with M&S Engineering.
- B. Discuss and consider a Resolution approving the Creation of Unified Development Code Fee Proposal Agreement with M&S Engineering.

- C. Discuss and consider a Resolution approving a contract extension with City Engineer Civil Engineering Consultants to include new fees.
- D. Discuss and consider a Resolution approving New Elevated Tower Contract with Landmark.

## 9. Items Specific to Future Line Items on the Agenda

## 10. Adjourn

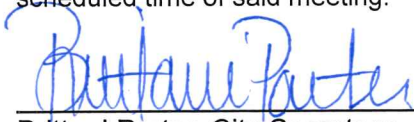
### DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.086 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia City Council meetings are available to all persons regardless of disability. This facility is wheelchair accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email [bporter@lavernia-tx.gov](mailto:bporter@lavernia-tx.gov).

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia City Council is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on November 5, 2018 at 4:30 P.M. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

  
\_\_\_\_\_  
Brittani Porter, City Secretary



**City of La Vernia**  
**REGULAR CITY COUNCIL MEETING**  
City Council Chambers of La Vernia City Hall  
102 E. Chihuahua Street, La Vernia, Texas 78121

October 11, 2018  
6:30 PM

**Minutes**

**1. Call to Order** – Mayor Gregory called the meeting to order at 6:30 PM and declared a quorum.

**2. Invocation, Pledge of Allegiance, and Texas Pledge** – *Invocation was led by Councilman Doege, all in attendance recited the Pledge of Allegiance and the Texas Pledge.*

**3. Citizens to be Heard** - None

**4. Consent Agenda**

*(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

- A. Minutes from the September 13, 2018 Regular City Council Meeting
- B. La Vernia Police Department – Reports, Traffic Violations & Arrests; and Number of Occurrences by Offense for the month of September 2018;
- C. Check Register and financial report for the month of September 2018

**Motion** – Councilman Poore made the motion to accept the consent agenda as presented, seconded by Councilman Hennette. **Motion passes: 5-0.**

**5. Discussion/Action**

- A. Discuss and consider appointing two members of City Council to the Personnel Policy Committee**

A unanimous consensus to appoint Councilman Poore and Councilwoman Recker to the Personnel Policy Committee was agreed upon all members.

- B. Discuss and consider awarding a bid for the Woodcreek 500,000 gallon elevated storage tank #2 and site work.**

Clarence Littlefield, Southwest Engineers, spoke on behalf of awarding the bid. He stated there were 4 bidders total in which all gave bids with both types of tanks, with the exception of McGuire. Landmark Structures has done several tanks within the area to include Seguin and S.S. Water. With Landmarks reputation he suggests moving forward and awarding the bid to them. Clay Wiatrek, Landmark Structures employee, was in attendance and advised this would be in the ball park of their 1600<sup>th</sup> project.

**Motion** – Councilman Poore made a motion to award the bid to Landmark & construct a composite tank, seconded by Councilwoman Recker. **Motion passes: 5-0.**

- C. Discuss and consider action on approving remaining balance of TPWD funds on being spent on shade covers in City Park**

City Administrator advised there is roughly \$13K combined in the remaining balance. After speaking to the Little League, best use for the funds would be to purchase shade covers to cover two fields and the bleachers at the splash pad.

**Motion** – Councilman Poore made a motion to approve using the remaining funds for shade covers, seconded by Councilman Cormier. **Motion passes: 5-0.**

**D. Discuss and consider action on selection of engineering firm to propose a Comprehensive Plan and Unified Development Code.**

Mayor Gregory stated there was a couple ways to go about this. CEC, Civil Engineering Consultants, has been the City Engineer for 7 years plus prior to my term plus 5-10 years before that. He stated that he was introduced to M&S Engineering a couple years back and since, they have worked on the street and drainage. Tom Turk, engineer with M&S, worked on the transportation plan and has performed similar work to surrounding cities as we are requesting. To alleviate delay, and his experience with the City, Mayor Gregory stated he was comfortable getting numbers to move forward and speed project up.

**Motion** – Councilman Poore made a motion to select M&S Engineering to propose Comprehensive Plan and Unified Development Code, seconded by Councilwoman Recker. **Motion passes: 5-0.**

**E. Discuss and consider action on proposed billing rate increase effective January 2019 with City Engineer, Civil Engineering Consultants (CEC)**

City Administrator stated she had consulted back and forth about the proposed rate increase and was able to get the cost reduced by half and then in 2020 will take on the full increase.

**Motion** – Councilman Hennette made a motion to approve rate increase effective January 2019 with CEC, seconded by Councilman Poore. **Motion passes: 5-0.**

**6. Ordinances**

**A. Discuss and consider Ord. No. 101118-01 amending Chapter 34 Article II by adding Section 34-202 prohibiting the stopping, standing or parking of vehicles in designated places.**

Councilman Poore stated that based on his recent visit to the car show and as a past tennis parent he doesn't see the need for a no parking sign along D L Vest.

**Motion** – Councilman Poore made a motion to reject the ordinance as written. Motion failed

**2<sup>nd</sup> Motion** – Councilman Poore made a motion to approve Ord. No. 101118-01 to include delete i) from Exhibit A, seconded Councilwoman Recker. **Motion passes: 5-0.**

**B. Discuss and consider Ord. No. 101118-02 approving annual garbage rate increase with Waste Connections, Inc.**

City Administrator stated there will be a 2.9% increase plus recycling, senior citizens will not be charged the additional increase.

**Motion** – Councilman Cormier made a motion to approve the annual garbage rate increase with Waste Connections, Inc., seconded by Councilwoman Recker. **Motion passes: 5-0.**

## **7. Resolutions**

### **A. Discuss and consider action on resolution approving water fee schedule increase.**

**Motion-** Councilman Hennette made a motion to approve water fee schedule increase, seconded by Councilman Poore. **Motion passes: 5-0.**

### **B. Discuss and consider action on resolution approving water rate increase amending base & steps.**

**Motion-** Councilman Hennette made a motion to approve water fee schedule increase as written, seconded by Councilwoman Recker. **Motion passes: 5-0.**

### **C. Discuss and consider action on resolution approving the amended wastewater fee schedule.**

**Motion-** Councilman Poore made a motion to approve the amended wastewater fee schedule, seconded by Councilman Hennette. **Motion passes: 5-0.**

## **8. Items Specific to Future Line Items on the Agenda**

**9. Adjourn** – Councilman Doege made a motion to adjourn the meeting, seconded by Councilman Poore. The meeting was adjourned at 8:09 PM.

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Robert Gregory, Mayor

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Brittani Porter, City Secretary

La Vernia Police Department  
Enforcement Statistics  
October 2018

**Case Type**

Criminal Complaints	21	30.00%
Incidents	53	70.00%
<hr/>		
<b>Total</b>	<b>74</b>	<b>100.00%</b>

**CRIMINAL COMPLAINT - Offense Code**

CRIMINAL MISCHIEF	1	5.0%
THEFT	5	20.0%
CRIMINAL TRESPASS	2	5.0%
FRAUD	1	5.0%
HARASSMENT	2	12.0%
DEL/POSS MARIJ	2	12.0%
DWI	1	5.0%
PUBLIC INTOXICATION	1	5.0%
ASSAULT BODILY INJURY	3	14.0%
POSS CS PG 1	2	12.0%
RECKLESS DAMAGE	1	5.0%
<hr/>		
<b>Total</b>	<b>21</b>	<b>100.00%</b>

**INCIDENT - Offense Code**

INFO	12	30%
IMPOUND VEHICLE	5	7%
ACCIDENT	11	27%
DISTURBANCE	4	5%
ALARM	4	5%
IMPOUND VEHICLE	3	4%
LOST PROPERTY	1	2%
FUNERAL ESCORT	2	3%
ASSIST OTHER AGENCY	6	10%
SUSPICIOUS PERSON	5	7%
<hr/>		
<b>Total</b>	<b>53</b>	<b>100.00%</b>

**Citations**

VIOLATIONS	113	80.00%
WARNINGS	41	30.00%
<hr/>		
<b>Total</b>	<b>154</b>	<b>100.00%</b>



Bruce Ritchey  
Chief of Police



APPLICATION FOR LAND SUBDIVISION (PLAT)

La Vernia Code Enforcement
102 E. Chihuahua Street/P.O. Box 225
La Vernia, TX 78121
(830) 253-1198 Ext. 6
codeenforcement@lavernia-tx.gov

Paul 10/16/18 #75

CHECK ONE: [ ] Master Plan [ ] Prelim./Final Plat [ ] Prelim. Plat [ ] Final Plat [x] Replat [ ] Amended [ ] Minor

1. PROPOSED SUBDIVISION NAME: \_\_\_\_\_ UNIT NO. \_\_\_\_\_

LOCATION DESCRIPTION/NEAREST INTERSECTION: Dry Hollow and Cartfield

ACREAGE: .55 NO OF LOTS: EXISTING 1 PROPOSED 3

REASON FOR PLATTING/REPLATTING Smaller lots

2. OWNER/APPLICANT\*: Waylon Koch

(\* If applicant is person other than owner, a letter of authorization must be provided from owner.\*)

ADDRESS: 1273 CR 345 La Vernia, Texas 78121

Telephone: (210) 704-7722 Fax: \_\_\_\_\_ Mobile: (210) 724-7722 Email: WaylonKoch@yahoo.com

3. LICENSED ENGINEER/SURVEYOR: Intrepid Engineering

MAILING ADDRESS: 1004 C. Street Floresville, TX 78114 Ste. \_\_\_\_\_

TELEPHONE: 830 393 8923 Fax: 830 393-5385 Mobile: \_\_\_\_\_ Email: russell.j@intrepidtx.com

LIST ANY VARIANCE REQUESTED: \_\_\_\_\_

REASON FOR REQUEST (List any hardships): \_\_\_\_\_

4. PRESENT USE OF THE PROPERTY Single Family CURRENT ZONING: C-1 Retail

5. CITY LIMITS: [x] IN [ ] OUT IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? [ ] YES [x] NO

6. Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

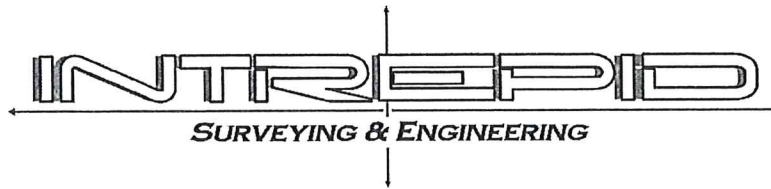
- [x] Completed application, including signature of owner/applicant and signed waiver.
[x] Copy of deed showing current ownership.
[ ] 7 copies of the plat, collated and folded so that the subdivision name is visible.
[ ] 2 copies of the preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants; sewer system; storm sewer and preliminary drainage plan.
[ ] Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
[ ] Survey showing any existing structures on the subject property.
[ ] List of street names approved by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of La Vernia. I understand that the plat will NOT be forwarded to the Planning and Zoning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning and Zoning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on \_\_\_\_\_ (date of Planning and Zoning Commission meeting). This waiver expires after \_\_\_\_\_ (date of the Planning and Zoning Commission meeting). (The waiver statement is not applicable to Minor Plats.)

Signature of Owner/Applicant: Waylon Koch Printed Name of Owner/Applicant: Waylon Koch Date: Oct 16, 2018

(If applicant is person other than owner, a letter of authorization must be provided from owner.) Signature indicates authorization for plat application and acceptance of waiver statement.



October 11, 2018

City of La Vernia  
102 E. Chihuahua  
La Vernia, Texas 78121


RE: Minor Plat - Drainage Impact Statement  
0.557 Acre-Canfield and Dry Hollow Drive

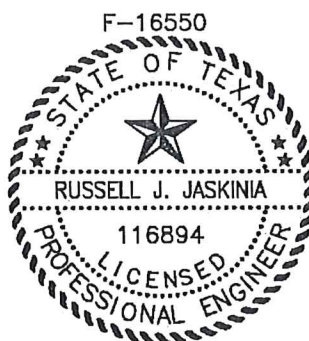
To Whom It May Concern:

Please accept this letter as documentation for the City of La Vernia required Drainage Impact Statement. The proposed minor plat will create 3 tracts out of the 0.557 acre residential property. The 3 tracts are located within the C-1 Retail zoning jurisdiction; however the property is currently being used as residential. The property is located outside of the 100 Year FEMA floodplain limits and drains towards the northeast, towards Cibolo Creek. This project is for platting purposes only and no site-plans for the tracts are available at this time. The topography shows the property receives shallow concentrated flows from the southwest along Canfield. Therefore; it is recommended to the owner and City: drainage improvements by grading of Canfield street ditches or onsite residential grading should be included when a building permit is applied for at a later date to address any shallow concentrated flows towards the property and all flows from the property should drain towards street ditches and improved capacity where necessary.

Feel free to contact our office with any questions.

Regards,  
Intrepid Surveying & Engineering  
TBPLS Firm #10193936, TBPE Firm #16550

  
10/11/18  
Russell J. Jaskinia, PE, CFM  
Civil Engineer





TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever.

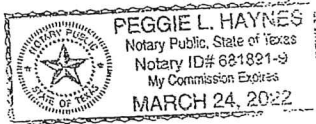
Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

DATED this the 28th day of September, 2018.

*Geraldine Ann Durbon*  
GERALDINE ANN DURBON, Independent  
Executrix of the Estate of Mildred Olene  
Hughes, deceased

STATE OF TEXAS §  
COUNTY OF WILSON §

This instrument was acknowledged before me on this the 28 day of September, 2018, by GERALDINE ANN DURBON, Independent Executrix of the Estate of Mildred Olene Hughes, deceased.



*Peggie L. Haynes*  
Notary Public, State of Texas

GRANTEE'S MAILING ADDRESS:

1273 CR 345  
La Verna, Tx 78121

9576.DEEDS  
Seguin Title Co. (PH)  
GF #31517

Return To: Seguin Title Co.  
202 W. Camp St. #710  
Seguin, Tx. 78155

## Yvonne Griffin

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**From:** Clarence Littlefield <clarence.littlefield@swengineers.com>  
**Sent:** Thursday, October 11, 2018 4:37 PM  
**To:** Yvonne Griffin - City of La Vernia (yvonne.griffin@lavernia-tx.gov)  
**Subject:** Project Costs

Yvonne,

The 10" PVC Main would cost about \$5 per foot less than the 12". The reductions in bores, valves, etc. reduces the estimate to about \$373,500. \$4,680 of the \$41,500 Engineering Fee has been paid for a total remaining estimated cost of \$368,820.

The Filter Plant estimate of \$375,000 included a \$45,500 Engineering Fee of which \$3,100 has been paid for a total remaining estimate of \$371,900.

Of the Elevated Tank Engineering Fee of \$102,740, \$61,920 has been paid or about \$40,820 remaining.

Total for the 3 projects \$2,060,540.

*Clarence L. Littlefield, P.E.*  
*Vice-President*



**Southwest Engineers, Inc**

p: 830-672-7546

a: 307 St. Lawrence Gonzales, TX 78629

w: [swengineers.com](http://swengineers.com)



TBPE No. F-1909

This electronic mail transmission may be confidential, may be privileged, and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender and delete it from your system.

**ORDINANCE NO. 110818-01**

**AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; AND OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the Budget dated September 14, 2017 for the Fiscal Year Beginning October 1, 2017 and ending September 30, 2018 has, heretofore, been adopted on September 14, 2017; and

**WHEREAS**, the City Administrator of the City of La Vernia, Texas (herein the "City") has requested budget amendment for end of year review and;

**WHEREAS**, the City Council has reviewed the amendment prepared by the City Administrator and finds it to be in the best interest of the citizens of La Vernia.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, THAT:**

**Section 1. Budget**

The City hereby approves budget amendment, attached as Exhibit A.

**Section 2. Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 3. Conflict of Ordinances**

Ordinances or parts of Ordinances in conflict herewith are hereby repealed, and are no longer of any force and effect.

**Section 4. Effective Date**

This ordinance shall take effect upon City Council approval.

**PASSED, APPROVED AND APPROVED** this 8th day of November 8, 2018.

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Robert Gregory

Mayor, City of La Vernia

**ATTEST:**

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Brittani Porter,  
City Secretary, City of La Vernia

**APPROVED AS TO FORM:**

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City Attorney's Office  
City of La Vernia

Budget Analysis  
Budget Amendment

Account Nun Description	Budget	Actual	Balance	+/-	New Budget	New Balance
Expenses						
10-500-410 LEGAL & PROFESSIONAL - ENGINI	39,450.00	14,969.53	24,480.47	(24,000.00)	15,450.00	480.47
10-510-010 WAGES - GENERAL	154,417.00	147,885.18	6,531.82	(4,580.00)	149,837.00	1,951.82
10-510-420 LEGAL & PROFESSIONAL - LEGAL	15,800.00	10,648.20	5,151.80	(5,000.00)	10,800.00	151.80
10-510-450 EMPLOYEE TRAINING	9,500.00	3,536.01	5,963.99	(5,000.00)	4,500.00	963.99
10-510-900 CONTINGENCY FUND	52,420.33	0.00	52,420.33	(52,420.00)	0.33	0.33
10-515-550 STATE COURT COSTS	45,000.00	62,419.41	(17,419.41)	18,000.00	63,000.00	580.59
10-520-600 VEHICLE PURCHASE	0.00	32,337.19	(32,337.19)	33,000.00	33,000.00	662.81
10-530-010 WAGES - PUBLIC WORKS	56,572.00	42,368.37	14,203.63	(14,000.00)	42,572.00	203.63
10-530-791 EQUIPMENT - BIG ITEMS	55,000.00	111,158.00	(56,158.00)	57,000.00	112,000.00	842.00
10-580-670 CITY PARK SUPPLIES	5,885.00	1,974.21	3,910.79	(3,000.00)	2,885.00	910.79
<b>General Fund Total</b>	<b>434,044.33</b>	<b>427,296.10</b>	<b>6,748.23</b>	<b>0.00</b>	<b>434,044.33</b>	<b>6,748.23</b>
40-540-281 DEPOSIT REFUND	5,525.00	5,676.55	(151.55)	200.00	5,725.00	48.45
41-520-115 ENGINEERING - WATER WELL #7	0.00	1,758.75	(1,758.75)	1,800.00	1,800.00	41.25
40-540-830 WATER ANALYSIS LAB	5,000.00	8,636.00	(3,636.00)	4,000.00	9,000.00	364.00
41-510-100 WATER LINE REPLACEMENT	0.00	4,170.15	(4,170.15)	4,200.00	4,200.00	29.85
40-540-840 CHEMICALS	9,000.00	15,239.09	(6,239.09)	6,300.00	15,300.00	60.91
40-540-290 UTILITIES	66,200.00	73,254.55	(7,054.55)	7,100.00	73,300.00	45.45
40-540-902 LAND LEASE	20,000.00	29,371.97	(9,371.97)	9,500.00	29,500.00	128.03
40-540-901 WELL PROJECTS	0.00	13,028.24	(13,028.24)	14,000.00	14,000.00	971.76
40-540-880 BULK WATER PURCHASE	55,000.00	82,634.42	(27,634.42)	28,000.00	83,000.00	365.58
<b>Utility Fund Total</b>	<b>160,725.00</b>	<b>233,769.72</b>	<b>(73,044.72)</b>	<b>75,100.00</b>	<b>235,825.00</b>	<b>2,055.28</b>

**RESOLUTION NO. R110818-01**

**A RESOLUTION OF THE CITY OF LA VERNIA ACCEPTING THE CONTRACT IN THE AMOUNT OF \$1,279,00.00 FROM LANDMARK STRUCTURES I, L.P FOR THE CONSTRUCTION OF A COMPOSITE ELEVATED WATER TOWER; AND AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR SAID CONSTRUCTION PROJECT.**

**WHEREAS**, the City Council, through Southwest Engineer, has advertised for and received bids for the aforementioned project; and

**WHEREAS**, the bids were publicly opened and read on October 11<sup>th</sup> at 10:00 AM, as set forth in the bid summary; and

**WHEREAS**, Landmark Structures I, L.P. has submitted the lowest bid for the project; and

**WHEREAS**, Landmark Structures I, L.P. has submitted proposed contract for construction project; and

**WHEREAS**, the City Council of La Vernia authorizes the Mayor to enter into contract with Landmark Structure I, L.P. to construct a Composite Elevated Water Tank.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:**

**SECTION 1.** City Council hereby authorizes the Mayor to execute all documents necessary to enter into a contractual agreement.

**PASSED AND APPROVED**, this 8<sup>th</sup> day of November 2018.

\_\_\_\_\_  
Robert Gregory, Mayor

**ATTEST:**

\_\_\_\_\_  
Brittani Porter, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney  
City of La Vernia

**RESOLUTION NO. R110818-02**

**A RESOLUTION OF THE CITY OF LA VERNIA ACCEPTING THE CONTRACT EXTENSION WITH CIVIL ENGINEERING CONSULTANTS (CEC) FOR CITY ENGINEERING; AND AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT.**

**WHEREAS**, the City Council has expressed interest in continuing contract for City Engineering Services with CEC (attachment 1); and

**WHEREAS**, agrees to pay the increase engineering cost (attachment 2); and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:**

**SECTION 1.** City Council hereby authorized the Mayor to execute all documents necessary to enter into a contract with Civil Engineering Consultants for city engineer services

**PASSED AND APPROVED**, this 8<sup>th</sup> day of November 2018.

\_\_\_\_\_  
Robert Gregory, Mayor

**ATTEST:**

\_\_\_\_\_  
Brittani Porter, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**Amendment To**  
**Professional Services Agreement For Engineering Services**  
**Agreement For City Engineering Services**

As of January 1, 2019, the contract entitled Professional Services Agreement For Engineering Services between the following parties:

City of La Vernia

Civil Engineering Consultants (CEC)

“Attachment “B” (Rate Schedule)” in the original contract will be deleted in its entirety and amended to read as follows:

Attachment “B” (2018 Standard Billing Rates)

These changes are the only changes to the original contract. The entire remainder of the original contract remains in full force. This Amendment shall be effective once signed by both parties and beginning January 1, 2019.

This Amendment shall be signed by the following:

Representative of City of La Vernia

\_\_\_\_\_

Date: \_\_\_\_\_

Name: Robert Gregory

Title: City of La Vernia Mayor

Representative of Civil Engineering Consultants (CEC):

\_\_\_\_\_

Date: \_\_\_\_\_

Name: John T. Mooneyham, P.E.

Title: Principal – Senior Project Manager



	City Rates	CEC Current	Discount % Rate	FY 2019	FY 2020
	since 2007	2017-2018	Difference	Increase	Increase
Principal Engineer	\$ 175.00	\$ 230.00	(55.00)	\$ 202.50	\$ 230.00
Engineer in Training II	\$ 80.00	\$ 105.00	(25.00)	\$ 92.50	\$ 105.00
Project Surveyor	\$ 119.00	\$ 140.00	(21.00)	\$ 129.50	\$ 140.00
Design Technician I	\$ 58.00	\$ 85.00	(27.00)	\$ 71.50	\$ 85.00
Surveyor In Training	\$ 95.00	\$ 100.00	(5.00)	\$ 97.50	\$ 100.00
Computer Technician	\$ 75.00	\$ 95.00	(20.00)	\$ 85.00	\$ 95.00
CADD Operator II		\$ 80.00		\$ -	\$ -
CADD Operator I	\$ 64.00	\$ 55.00	9.00	\$ 55.00	\$ 55.00
Clerical	\$ 45.00	\$ 60.00	(15.00)	\$ 52.50	\$ 60.00
Division Manager		\$ 200.00		\$ -	\$ -
Survey Helper II		\$ 55.00		\$ -	\$ -
Survey Helper I		\$ 40.00		\$ -	\$ -
2 Person Crew	\$ 110.00	\$ 143.00	(33.00)	\$ 126.50	\$ 143.00
3 Person Crew	\$ 137.00	\$ 178.00	(41.00)	\$ 157.50	\$ 178.00
4 Person Crew	\$ 161.00	\$ 200.00	(39.00)	\$ 180.50	\$ 200.00
1 Person Crew		\$ 100.00		\$ -	\$ -
Project Manager II	\$ 125.00	\$ 150.00	(25.00)	\$ 137.50	\$ 150.00
Engineer in Training I	\$ 70.00	\$ 88.00	(18.00)	\$ 79.00	\$ 88.00
Project Manager I	\$ 110.00	\$ 140.00	(30.00)	\$ 125.00	\$ 140.00
Design Technician II	\$ 75.00	\$ 100.00	(25.00)	\$ 87.50	\$ 100.00
Senior Traffic Engineer	\$ 175.00	\$ 175.00	0.00	\$ 175.00	\$ 175.00
Traffic Engineer I	\$ 125.00	\$ 130.00	(5.00)	\$ 127.50	\$ 130.00
Senior RPLS	\$ 140.00	\$ 165.00	(25.00)	\$ 152.50	\$ 165.00
UAS Pilot		\$ 180.00		\$ -	\$ -
Senior Project Manager	\$ 145.00	\$ 180.00	(35.00)	\$ 162.50	\$ 180.00
Abstractor	\$ 60.00	\$ 85.00	(25.00)	\$ 72.50	\$ 85.00
Oil & Gas Manager		\$ 135.00		\$ -	\$ -
Engineer in Training III	\$ 90.00	\$ 115.00	(25.00)	\$ 102.50	\$ 115.00
Administrative Assistant		\$ 65.00		\$ -	\$ -
Design Technician III		\$ 115.00		\$ -	\$ -
Senior Design Technician		\$ 140.00		\$ -	\$ -
Survey Coordinator / Chief	\$ 90.00	\$ 95.00	(5.00)	\$ 92.50	\$ 95.00
Survey Technician	\$ 77.00	\$ 90.00	(13.00)	\$ 83.50	\$ 90.00
Project Engineer I	\$ 90.00	\$ 120.00	(30.00)	\$ 105.00	\$ 120.00
Project Engineer II	\$ 100.00	\$ 135.00	(35.00)	\$ 117.50	\$ 135.00
Project Engineer III	\$ 110.00	\$ 150.00	(40.00)	\$ 130.00	\$ 150.00
Project Engineer - Expert Witness		\$ 230.00		#VALUE!	#VALUE!
Senior Survey Technician		\$ 110.00		#VALUE!	#VALUE!
Crew Chief		\$ 95.00		#VALUE!	#VALUE!
Senior Construction Engineer		\$ 180.00		#VALUE!	#VALUE!
Construction Engineer (Field)		\$ 125.00		#VALUE!	#VALUE!
Construction EIT (Field)		\$ 95.00		#VALUE!	#VALUE!
Senior Engineer		\$ 165.00		#VALUE!	#VALUE!
Senior Construction Auditor		\$ 110.00		#VALUE!	#VALUE!
Bookkeeper		\$ 85.00		#VALUE!	#VALUE!
Computer Scanning Technician		\$ 110.00		#VALUE!	#VALUE!
2 Person Static Scan Crew		\$ 300.00		#VALUE!	#VALUE!
2 Person Mobile Scan Crew		\$ 500.00		#VALUE!	#VALUE!
CADD Operator III		\$ 95.00		#VALUE!	#VALUE!

			Discount %		
	City Rates	CEC Current	Rate	FY 2019	FY 2020
	since 2007	2017-2018	Difference	Increase	Increase
Construction Superintendent (Field)	\$	136.00		#VALUE!	#VALUE!
Construction Inspector I (Field)	\$	64.00		#VALUE!	#VALUE!
Construction Inspector II (Field)	\$	76.00		#VALUE!	#VALUE!
Construction Inspector III (Field)	\$	95.00		#VALUE!	#VALUE!
Engineer Graduate	\$	80.00		#VALUE!	#VALUE!
Traffic Technician	\$	100.00		#VALUE!	#VALUE!
Senior Construction Inspector	\$	108.00		#VALUE!	#VALUE!

**RESOLUTION NO. R110818-03**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF LA  
VERNIA, TEXAS, AUTHORIZING THE CITY ADMINISTRATOR TO  
ENTER INTO AN AGREEMENT WITH M & S ENGINEERING FOR  
UPDATING THE COMPREHENSIVE PLAN**

**WHEREAS**, The City Council of the City of La Vernia expressed the need to update the Comprehensive Plan;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF  
LA VERNIA, TEXAS:**

Section 1. That the City Council hereby authorizes the City Administrator to enter into an agreement with M & S Engineering for development of a comprehensive plan in accordance with the terms and condition contained in the agreement attached hereto as Exhibit "A" and incorporated herein for all purposes.

**PASSED AND ADOPTED this 8th day of November, 2018.**

\_\_\_\_\_  
Robert Gregory, Mayor  
City of La Vernia

**ATTEST:**

\_\_\_\_\_  
Brittani Porter, City Secretary  
City of La Vernia

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney  
City of La Vernia



October 29, 2018

Yvonne Griffin  
City Administrator - City of La Vernia  
PO Box 225 - 102 E. Chihuahua  
La Vernia, TX 78121-0225

**Re: La Vernia Comprehensive Plan Update**

Dear Mrs. Griffin:

As requested, M&S Engineering is submitting for your consideration this fee proposal to assist the City of La Vernia in updating it's Comprehensive Plan developed in 2012.

**Scope of Services**

- Research, gather and request pertinent information to review current design guidelines for the City of La Vernia.
- Conduct a public meeting to provide an overview the 2012 Comprehensive plan and report progress on the implementation of goals. We will also solicit and receive input on existing and future goals.
- Conduct an internet based survey to solicit and receive input on existing and future goals.
- Based on input received from the City and from the public, M&S will prepare a draft of the updated Comprehensive Plan.
- Conduct a public meeting to present the Comprehensive Plan Update draft and solicit and receive input.
- M&S will attend staff coordination meeting(s) and City Council meeting(s), as necessary, to present the draft Comprehensive Plan and receive input.
- M&S will guide the updated Comprehensive Plan through the approval process and final adoption by the City Council.

**Owner's Responsibilities**

- Provide one single point of contact to administer our effort and provide direction on behalf of the City of La Vernia.
- Provide other information requested by M&S Engineering that may be considered germane to the process, provided the information is available and can be retrieved without undue effort. Such information may include maps, plans, reports, etc.
- Provide a written summary on the progress of each goal listed in the current Comprehensive Plan



**Schedule**

M&S Engineering proposes to complete the Comprehensive Plan update in accordance with the attached provided below.

Schedule						
La Vernia Comprehensive Plan Update						
Scope of Work	Month					
	1	2	3	4	5	6
NTP						
1st Public Meeting						
Internet Survey						
Preparation of draft Comprehensive Plan Update						
2nd Public Meeting						
City Council Consideration						
City Council Adoption						

**Compensation**

M&S Engineering proposes to complete the scope of work described herein on an hourly rate plus expenses basis for a fee Not to Exceed (NTE) \$20,000 without written authorization from the City of La Vernia. The NTE is a suggested budget amount and the actual cost of providing the services may vary. We are requesting reimbursement in accordance with the attached hourly rates and expense schedule attached to this fee proposal.

**Terms and Conditions**

M&S Engineering proposes to complete this work in accordance with the Terms and Conditions attached to this letter proposal.

**Exclusions**

1. This proposal identifies engineering services to be performed by M&S. Efforts have been made to include all anticipated engineering requirements; however, there may be unforeseen engineering needs. Pricing is based on the understood scope of work and proposed engineering services.
2. Any service not specifically listed in the above scope of work is excluded from this proposal.

Should you have any questions or comments concerning this fee proposal, please do not hesitate to contact me.

Sincerely,

Thomas N. Turk, P.E.  
 Sr. Project Manager

\_\_\_\_\_  
 (Authorization) Yvonne Griffin Date

Attachments

**RESOLUTION NO. R110818-04**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF LA  
VERNIA, TEXAS, AUTHORIZING THE CITY ADMINISTRATOR TO  
ENTER INTO AN AGREEMENT WITH M & S ENGINEERING FOR  
CREATING A UNIFIED DEVELOPMENT CODE**

**WHEREAS**, The City Council of the City of La Vernia expressed the need to create a Unified Development Code;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF  
LA VERNIA, TEXAS:**

Section 1. That the City Council hereby authorizes the City Administrator to enter into an agreement with M & S Engineering for the creation of a Unified Development Code in accordance with the terms and condition contained in the agreement attached hereto as Exhibit "A" and incorporated herein for all purposes.

**PASSED AND ADOPTED this 8th day of November, 2018.**

\_\_\_\_\_  
Robert Gregory, Mayor  
City of La Vernia

**ATTEST:**

\_\_\_\_\_  
Brittani Porter, City Secretary  
City of La Vernia

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney  
City of La Vernia



October 29, 2018

Yvonne Griffin  
City Administrator - City of La Vernia  
PO Box 225 - 102 E. Chihuahua  
La Vernia, TX 78121-0225

**Re: Unified Development Code Update**

Dear Mrs. Griffin:

As requested, M&S Engineering is submitting for your consideration this fee proposal to assist with the updates of Chapter 6 (Building Regulations), Chapter 28 (Street, Sidewalks and other Public Places), Chapter 30 (Subdivisions) and Chapter 38 (Zoning) of the City Code of Ordinances.

**Project Background and Description**

The City of La Vernia is requesting assistance in updating the select chapters of City Code of Ordinances to meet current development needs and coincide with the updated Comprehensive Plan. Specifically, the City would like to review infrastructure requirements and development regulations of the ordinance to confirm today's development standards and practices are acknowledged and accounted for in the ordinance.

**Scope of Services**

*Data Gathering*

- Research, gather and request pertinent information to review current design guidelines for the City of La Vernia.

*Ordinance Revisions*

- M&S will review Chapters 6, 28, 30 and 38 of the City Code of Ordinances, identify areas to be updated and develop corresponding recommendations.
- M&S will prepare draft updates for the City to review and participate in coordination meetings as necessary.
- M&S will attend a public workshop(s) and City Council meetings to present the updated ordinance proposals, as requested.
- M&S will guide the updated ordinance through the approval process and final adoption by the City Council.

**Owner's Responsibilities**

- Provide one single point of contact to administer our effort and provide direction on behalf of the City of La Vernia.
- Provide reports and other information developed by others as a basis for the ordinance updates if the City has an interest modeling it's ordinance after another jurisdiction.
- Provide other information requested by M&S Engineering that may be considered germane to the process, provided the information is available and can be retrieved without undue effort. Such information may include ordinance MSWord documents, maps, plans, reports, etc.



**Schedule**

M&S Engineering proposes to complete the draft ordinance updates within 60 days of completion of the Comprehensive Plan Update.

**Compensation**

M&S Engineering proposes to complete the scope of work described herein on an hourly rate plus expenses basis for a fee Not to Exceed (NTE) \$12,500 without written authorization from the City of La Vernia. The NTE is a suggested budget amount and the actual cost of providing the services may vary. We are requesting reimbursement in accordance with the attached hourly rates and expense schedule attached to this fee proposal.

**Terms and Conditions**

M&S Engineering proposes to complete this work in accordance with the Terms and Conditions attached to this letter proposal.

**Exclusions**

1. This proposal identifies engineering services to be performed by M&S. Efforts have been made to include all anticipated engineering requirements; however, there may be unforeseen engineering needs. Pricing is based on the understood scope of work and proposed engineering services.
2. Any service not specifically listed in the above scope of work is excluded from this proposal.

Should you have any questions or comments concerning this fee proposal, please do not hesitate to contact me.

Sincerely,

Thomas N. Turk, P.E.  
Sr. Project Manager

Attachments

Authorization

\_\_\_\_\_  
Yvonne Griffin

\_\_\_\_\_  
Date





# M & S ENGINEERING

CIVIL | ELECTRICAL | STRUCTURAL | MEP

FIRM F-1394  
6477 FM 311  
SPRING BRANCH, TX 78070  
WWW.MSENGR.COM | (830) 228-5446

## Terms of Sale

The following terms of sale shall apply except as otherwise stated in written quotations or by written acceptance of an order or contract.

**PRICE POLICY** – Quotations are valid for 30 days from date of quotation unless otherwise notes. Prices quoted are firm for all services performed within 90 days after the date of quotation. Services performed later than 90 days from the date of quotation or later than the dates established in the quotation will be invoiced at prices in effect at time of performance.

**TERMS OF PAYMENT** – Terms of payment are net 30 days from date of invoice for services completed within a 30 day period. If payment is not received within 30 days, your project will be placed on hold and a charge of 1.5% per month will be added to the account until such time the account is made current. Reimbursable costs including, but not limited to, plotting, faxes, travel, or other reasonable expenses shall be billed at cost plus 15%.

**TERMINATION** – Any order or contract may be terminated or delayed by the Purchaser only upon payment of reasonable charges based upon expenses already incurred and commitments made by M&S Engineering. If Purchaser defaults in the performance of any payment obligation under this contract and fails to correct such default within seven (7) days following receipt of written notice thereof from M&S Engineering, LLC. M&S Engineering may, without prejudice to any other rights or remedies it may have, upon twenty-four (24) hour notice to Purchaser, cease performance of the contract and suspend its Work thereunder until such failure to pay is cured. In addition, in the event of Purchaser's and/or Owner's (a) bankruptcy, reorganization, receivership, insolvency, or making an assignment for the benefit of creditors, or (b) evidencing financial or organizational instability, M&S Engineering may, upon twenty-four (24) hour notice to Purchaser, cease performance of the Subcontract and suspend its Work thereunder until M&S Engineering, LLC receives reasonable assurance that its right to payment hereunder shall not be adversely impacted thereby.

**INDEMNIFICATION AND LIMITATION OF LIABILITIES** – Purchaser shall indemnify and hold harmless M&S Engineering, LLC, its owners, officers, employees, affiliated companies, parents, agents and representatives ("M&S Engineering, LLC Indemnitees") against any and all liabilities, claims, judgments, losses, orders, awards, damages, costs, fines, penalties, costs of defense, and reasonable attorney's fees ("Liabilities") to the extent they arise from or in connection with the willful misconduct or negligence of the Purchaser, its officers, employees, agents and/or representatives. Purchaser shall not be required hereunder to indemnify M&S Engineering, LLC Indemnitees to the extent of their negligence, act or omission, nor that of their invitees, workmen, subcontractors and/or suppliers or any of them. M&S Engineering, LLC shall not indemnify Purchaser, Owner, or any other party to the extent of such party's negligence, act or omission, nor that of their respective parents, affiliates, subsidiaries, agents, their officers, directors, shareholders, employees, agents, invitees, workmen, subcontractors and/or suppliers, (except for M&S Engineering, LLC's and its subcontractors and suppliers) or any of them. Except as expressly provided for herein, NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, INDIRECT, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY LOSS OF USE, LOSS OF BUSINESS OR LOSS OF PROFIT; provided, however, there shall be no limitation on a party's liability to the other for any fines or penalties imposed on the other party by any court of competent jurisdiction or federal, state or local administrative agency resulting from the failure of the party to comply with any term or condition of this Contract or any valid and applicable law, rule or regulation; provided further, and notwithstanding anything to the contrary contained in this agreement, M&S Engineering, LLC's total liability with respect to any and all claims, losses or damages shall not exceed the value of the services performed under the terms of this agreement.



**2018 Reimbursable & Miscellaneous Pricing**

**Date:** January 2, 2018

The following reimbursable schedule is in effect for the 2018 calendar year and will be reviewed annually for appropriate changes as may be required.

**Deliverable/Printing Pricing Schedule**

DESCRIPTION	COST
Small job books (1"to 1 1/2" binder)	\$25.00
Medium job books (2" to 2 1/2 " binder)	\$45.00
Large job books (3" and above binder)	\$65.00
Plots - "C" size (18x 24) Black & White	\$1.50
Plots - "C" size (18x 24) Color	\$2.50
Plots - "D" size (22X34) Black & White	\$2.50
Plots - "D" size (22X34) Color	\$3.50

\*Any additional reimbursable items shall be billed at cost plus 15%.

- Shipping
  - All shipping of drawings, job books, and other deliverables will be invoiced based on actual cost plus 15%.

**Additional Equipment**

For site specific requirements that do not allow for access via 4x4 trucks, M&S will provide use of various all-terrain vehicles to facilitate field work. Reimbursement for usage of such equipment will be billed at the following rates:

Equipment	Rate
4 Wheeler	\$100/day
Utility Vehicle (Mule)	\$150/day

**Travel Reimbursement Rates**

- Hotel charges for overnight accommodations will be invoiced based upon actual cost plus 15%.
- Meals for traveling personnel will be invoiced based upon actual cost plus 15%.
- Air Travel
  - Air travel will be invoiced based on actual cost plus 15%.
    - Approval
      - Air travel costs in excess of \$500 per individual will require prior approval by client personnel requesting travel.
      - Air travel less than \$500 per individual will be considered pre-approved by client personnel requesting travel.
- Rental Car
  - Auto rentals (including fuel) will be invoiced based upon actual cost plus 15%.
- Mileage
  - Vehicle mileage will be invoiced based upon current IRS standard rates (plus \$0.05 per mile for 4x4 vehicles)



**2018 Engineering Rate Schedule**

The following rate schedule is in effect for the 2018 calendar year and will be reviewed annually for appropriate changes as may be required

Labor Classification	Base Rate
Principal Engineer III	210.00
Principal Engineer II	200.00
Principal Engineer I	190.00
Senior Engineer IV/RPLS IV	180.00
Senior Engineer III/RPLS III	175.00
Senior Engineer II/RPLS II	170.00
Senior Engineer I/RPLS I	165.00
Project Engineer V	160.00
Project Engineer IV	155.00
Project Engineer III	150.00
Project Engineer II	145.00
Project Engineer I	135.00
Technical Specialist IV	155.00
Technical Specialist III	145.00
Technical Specialist II	135.00
Technical Specialist I	125.00
Graduate Engineer/SIT IV	130.00
Graduate Engineer/SIT III	120.00
Graduate Engineer/SIT II	110.00
Graduate Engineer/SIT I	100.00
Project Manager IV	180.00
Project Manager III	170.00
Project Manager II	160.00
Project Manager I	150.00

Labor Classification	Base Rate
Senior Technician IV	120.00
Senior Technician III	115.00
Senior Technician II	110.00
Senior Technician I	105.00
Project Technician V	100.00
Project Technician IV	95.00
Project Technician III	90.00
Project Technician II	85.00
Project Technician I	80.00
Technician IV	75.00
Technician III	70.00
Technician II	65.00
Technician I	60.00
1 Man Survey Crew	110.00
2 Man Survey Crew	155.00
3 Man Survey Crew	175.00
Senior CAD Operator II	85.00
Senior CAD Operator I	80.00
CAD Operator II	75.00
CAD Operator I	70.00
Administrative III	80.00
Administrative II	75.00
Administrative I	65.00
Software Level II	20.00
Software Level I	10.00

<sup>1</sup>Includes AutoCAD, Microstation, L-Pile, SAG10 and other common licensed software packages.

<sup>2</sup>Includes PLS-CADD, Bentley Systems, e-tap and other premium licenses software packages.

<sup>3</sup>Rates are inclusive of all surveying equipment, including staking, marking paints, and other consumable items required. Special request items such as T-posts, 36" Laths, concrete monuments, will be billed on a cost plus 15% basis.

<sup>4</sup>Overtime Rates shall be 1.5 times the base rate.