

**RESOLUTION NO. 23-R-83**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH AG|CM, FOR OWNER'S REPRESENTATIVE SERVICES ON THE WOMAN HOLLERING CREEK WASTEWATER PROJECT, AND OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, the City staff of the City of Schertz (the "City") has determined that the City requires continued construction management and quality assurance services relating to the construction of the Woman Hollering Creek Wastewater Project; and

**WHEREAS**, AG|CM, Inc., is an approved project management firm with the City and is qualified to provide such owner's representative services for the City; and

**WHEREAS**, AG|CM has been acting acceptably as the City's Owner's Representative to this point on the project; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend its Agreement with AG|CM, Inc., to continue its services related to the project for an additional base amount of \$78,300, pursuant to the proposal attached hereto as Exhibit A ("Agreement").

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The City Council hereby authorizes an amendment to the agreement with AG|CM, Inc., in substantially the form set forth on Exhibit A and in accordance with the "Owners Rep Professional Services Agreement" in place between the City and AG|CM, Inc., for an additional amount of \$78,300 and authorizes additional expenditures as needed up to an additional amount not to exceed \$90,000.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 5<sup>th</sup> day of September, 2023.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary

(city seal)

**EXHIBIT A**

May 20, 2023

Mrs. Kathryn Woodlee  
City Engineer  
City of Schertz

SUBJECT: Woman Hollering Wastewater Project - Amendment #1

Mrs. Woodlee:

AG|CM, Inc. is pleased to provide an Amendment for Project Management Services, in relation to the Woman Hollering Wastewater Project, as follows:

- Project Management Proposal, Executed 10-5-21, will be amended as follows:
  - Previously Adopted “Not to Exceed” fee of Three Hundred and Two Thousand, Five Hundred and Fifty Dollars (\$302,550) will be increased by Seventy Eight Thousand, Three Hundred (\$78,300) for a Total Revised Not To Exceed of Three Hundred Eighty Thousand and Eight Hundred Fifty Dollars (\$380,850). This not to exceed amount will be based on assumed completion of construction in September of 2023, as shown on attached “Exhibit B – Rates and Labor Schedule Amendment #1”. Completion dates were provided to AG|CM, Inc. for assumption. AG|CM does not control the assumed schedule.

Please indicate your acceptance of this proposal by signing below. Let me know of any questions, and thank you again for the opportunity to once again work with the City of Schertz. We very much value our relationship with The City, and look forward to aiding in delivering this most important project.

Respectfully,



Ryan Rosborough, CCM  
Vice President – Central Texas  
AG|CM, Inc.

**Approved By:**

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_



Professional Project Management Firm

Attachments: Exhibit B – Rates and Labor Schedule Amendment #1

**SAN ANTONIO**  
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[www.agcm.com](http://www.agcm.com)

			<b>Woman Hollering Extension</b>									
			Labor Schedule		2023							
			Schedule	M	J	J	A	S	O	N	D	
			Construction									
2023	Total Hours	Fee	Staff Proposed									
\$ 135.00	580	\$ 78,300.00	QA Inspector	172	96	96	120	96				
	<b>580</b>	<b>\$ 78,300</b>		<b>172</b>	<b>96</b>	<b>96</b>	<b>120</b>	<b>96</b>	<b>0</b>	<b>0</b>	<b>0</b>	