

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/14/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Amendment No. 2 to Memorandum of Understanding

Exact Wording for the Agenda:

Resolution authorizing the Mayor to amend the Memorandum of Understanding with the City of Huntsville D/B/A Huntsville Utilities for the Installation of a substation at Redstone Gateway, Project No. 65-10-SP23, by Amendment No. 2

10-619 & 12-79

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

An additional Five Hundred Thousand Dollars (\$500,000.00) of the adjusted \$6,276,000.00 provided to Huntsville Utilities for construction of a substation on the Redstone Arsenal Gateway Project is being returned early because of significant cost savings. The remaining funds in the MOU are sufficient to finish the work. The \$500,000.00 released is part of the City's commitment to the Developer, L W Redstone, and will be used for other work on the project. Account No. 05-6500-0809-1003

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathy Martin

Date: 1/31-13

revised 3/12/2012

PK
LA
1-31-13
KW

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **2/14/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Amendment No. 2**

Document Name: **Hsv Util MOU Amendment 2 Project No. 65-10-SP23**

City Obligation Amount: **\$(500,000.00)**

Total Project Budget: **\$5,776,000.00**

Uncommitted Account Balance: **0**

Account Number: **05-6500-0809-1003**

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathy Manti</i>	1-30-13
2) Legal	<i>Brian Clates</i>	1/31/13
3) Finance	<i>[Signature]</i>	2/4/13
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Amendment No. 2 to the Memorandum of Understanding with the City of Huntsville D/B/A Huntsville Utilities, adopted and approved on the 12th day of August, 2010, by the City Council of the City of Huntsville, Alabama by Resolution No. 10-619, and amended on the 26th day of January, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-79, as attached hereto.

BE IT FURTHER RESOLVED that the total Memorandum of Understanding amount be and hereby is amended from SIX MILLION TWO HUNDRED SEVENTY-SIX THOUSAND AND NO/100 DOLLARS (\$6,276,000.00) to FIVE MILLION SEVEN HUNDRED SEVENTY-SIX THOUSAND AND NO/100 DOLLARS (\$5,776,000.00), including this Amendment No. 2, a decrease of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Amendment No. 2 to Memorandum of Understanding between City of Huntsville and the City of Huntsville D/B/A Huntsville Utilities for the installation of a substation at Redstone Gateway, Project No. 65-10-SP23, as adopted by Resolution No. 10-619 of August 12, 2010, and amended by Resolution No. 12-79 of January 26, 2012" consisting of a total of one (1) page, and the date of February 14, 2013 appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 14th day of February, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 14th day of February, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

AMENDMENT NO. 2 TO MEMORANDUM
OF UNDERSTANDING BETWEEN THE CITY
HUNTSVILLE AND THE CITY OF HUNTSVILLE
D/B/A HUNTSVILLE UTILITIES AS ADOPTED
AND APPROVED BY RESOLUTION NO. 10-
619 ON AUGUST 12, 2010, AND AMENDED
BY RESOLUTION NO. 12-79 ON JANUARY 26,
2012

AMENDMENT NO. 2

This Amendment is made this the 28th day of February, 2013, to the above referenced Memorandum of Understanding (MOU) between the City of Huntsville, Alabama and the City of Huntsville D/B/A Huntsville Utilities.

WITNESSETH

WHEREAS the original estimated cost of the substation relocation effort described in the MOU was estimated not to exceed \$8,276,000.00; and

WHEREAS Amendment No. 1 reduced the estimated not to exceed cost to \$6,276,000.00; and

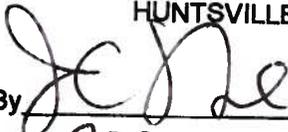
WHEREAS as the relocation work nears completion, Huntsville Utilities has advised that project costs are less than originally expected and therefore has agreed to reduce the estimated cost included in the MOU by the amount of \$500,000.00 to \$5,776,000.00.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration of the parties, the receipt and sufficiency of the which is hereby acknowledged by the parties hereto, the parties do mutually agree to reduce the funds available for the substation relocation efforts described in the above referenced MOU by the amount of \$500,000.00 thereby reducing the estimated cost in the MOU from \$6,276,000.00 to \$5,776,000.00. All other terms and conditions remain the same.

CITY OF HUNTSVILLE

By _____
Its Mayor

CITY OF HUNTSVILLE D/B/A
HUNTSVILLE UTILITIES

By 
Its COO

President of the City Council of the City
of Huntsville, Alabama
Date: February 14, 2013