

Bill Burke

From: Cary Schmoldt <cary@schmoldtconstruction.com>
Sent: Wednesday, January 08, 2014 2:47 PM
To: Bill Burke
Cc: Bill Bilyeu; Michalyn Rains; Matt Dobecka; Ann Sadler
Subject: RE: Letters from Schmoldt Regarding Irrigation and O.S.S.F.

Thanks Bill. Please remit payment, if I need to send revised pay app or invoice let me know.

Cary Schmoldt
President

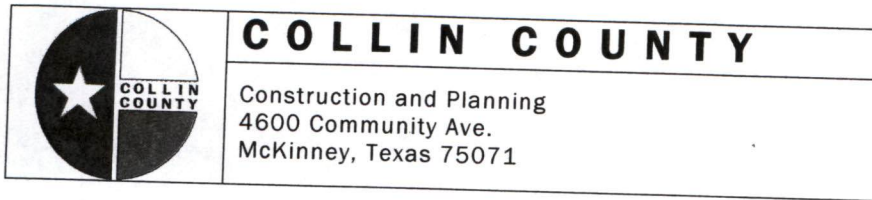
Schmoldt Construction
5797 CR 126, Suite A
Celina, Texas 75009
(972) 382-8499 Office
(972) 382-8399 Fax
www.schmoldtconstruction.com

From: Bill Burke [<mailto:bburke@co.collin.tx.us>]
Sent: Wednesday, January 8, 2014 2:14 PM
To: cary@schmoldtconstruction.com
Cc: Bill Bilyeu; Michalyn Rains; Matt Dobecka; Ann Sadler
Subject: Letters from Schmoldt Regarding Irrigation and O.S.S.F.

Cary,

Matt and I passed the letters along to the County Administrator and Purchasing Agent, attached are responses to your two letters.

Thank you,
Bill Burke



January 8, 2014

Cary P. Schmoltd
Schmoltd Construction
5797 CR 126
Suite A
Celina, TX. 75009

Re: Accumulated Water Bills for Amphitheater Project

Dear Sir,

The accumulated water bills for the water meter set for the project total \$14,806.97. These bills were for the months of March, 2013 to October, 2013. I will address the points in the letter individually. The county response is in smaller type below the contractor's point.

1. Sheet C2 "Grading Plan" has notes in five (5) different locations indicating "contractor shall coordinate installation of the irrigation system by owner with regard to timing of hydro mulch and sod". The largest note is clouded and marked as a "delta 2" right in the center of the page. This delta 2 indicates the most current set of construction documents. Typically as a general contractor that has 20 years plus experience, would recognize that this note was important and put there for a reason. When this project bid Schmoltd Construction's interpretation of these notes, were that the owner was responsible for the amphitheaters irrigation as the notes indicate.

The plans do discuss irrigation installation by the owner and coordination with the contractor. Purchasing has notes from the pre-bid meeting where I discussed temporary irrigation being needed for all areas and that the contractor would be responsible for that irrigation.

2. Sheet C4 "Erosion Control Plan" under "storm water pollution prevention plan" under general notes. Note 12 "contractor shall maintain final grading and keep seeded areas watered until fully established and accepted by owner". This appears as a generic note, it's on the erosion control plan and everywhere else mentioned within the contract documents it states "hydro mulch and sod" nowhere but this note does it indicate seeding.

In this point a distinction is being made between the words seeding and Hydromulch. The first part of the note says "All non-paved areas will be mulched and seeded with erosion protection immediately upon completion of final grading." Since seed is contained in Hydromulch the County's Design team believes it is clear that whatever is placed on the disturbed area needs to be watered until it is established to prevent erosion.

3. Sheet C4 "Erosion Control Plan" note 5 indicates that "erosion control" shall be in place prior to disturbing areas. Typically erosion control is established through means and methods to assure that criteria set for by the EPA is met and maintained. The erosion control plan doesn't or shouldn't indicate how landscaping is to be installed.

The erosion control placed prior to disturbing areas is referring to the silt fencing and other measures depicted in the plans and SWPPP filings that are required prior to grading beginning.

4. In review of the water bills, typically they were under \$600 per month from Nov. 2013 thru the end of May 2013. July, August and September the monthly water bills averaged \$3,453.23. If Schmoldt Construction had been sent these bills or notified of the extremely high water bills, we would have corrected the problem, and prevented this from happening. Schmoldt Construction has not had a full time employee/superintendent on the project since early spring 2013.

It is true that there was a lapse in water bills being sent to Schmoldt. However, the increase in usage was due to the setting of the watering schedule by the landscaper. I do not see that the County should be held responsible for the cost of something that was completely within the contractor's control. Schmoldt could be considered equally remiss since the bills weren't requested from the County, or discussions with the landscaper would have shown that the watering schedule had been increased from its original settings.

5. The construction documents call for a rye/Bermuda blend of hydro mulch to be sprayed. No one from the design team was able to provide information on this blend and requested it be shot with winter rye and sodded per the drawings. It did not take, and was shot again, as the weather warmed the winter rye died off and we were asked to shoot it again with Bermuda. Most of the Bermuda took with exceptions of a few areas. The county then asked that we provide them with 6 additional pallets of Bermuda at no cost to the county.

Note 15 on page C4 discusses a Rye/Bermuda mix, a note on page C 2 discusses Tiff 419 sod and Hydromulch to be installed. In November, RFI 15 was sent and the Architect responded that a blend of Rye and Bermuda could be used due to the time of year. I show no official direction that rye only would be the final product laid by the contractor. The rye did come up and around May the area was shot with Bermuda. This Bermuda was not watered and did not grow. Subsequently, Bermuda was shot again and did grow. In October we met at the site to discuss closing the grass coverage issue and this is where the discussion about supplying pallets of grass (to close the item) began.

The County understands that a lot of money has been spent and we also want to maintain a good relationship with Schmoldt. However, I cannot find a sufficient reason that the County should take over any portion of the water bills since we did not have control of the installation and watering. Since "means and method" are the contractor's responsibility, the area could have been watered by truck, or the irrigation attached to the well as was done during grading and hydro mulching, either of which may have yielded different costs.

To return retainage and close out the balance held in the Purchase Order I would need to deduct \$14,806.97 for water bills, \$660.00 for the landscape punchlist, and \$750.00 for the credit for the broken light bollard. Currently there is a balance to be paid of \$37,331.98. After deductions the balance would be \$21,115.01. Let me know if this is how you want to proceed and I can put a change order on court and have a check ready approximately 3 weeks after acceptance.

Thank you.
William R. Burke
Director of Construction
Collin County



CITY OF MCKINNEY
PO BOX 8000
MCKINNEY TX 75070-8000

Account Statement

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
(972) 547-7550

AUTO5-DIGIT 75070 34 PS5 78161AA29-A-1
9031 1 AV 0.360



COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517



ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 02/20/2013 to 03/19/2013
BILLING DATE: 03/29/2013
DUE DATE: 04/23/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumption
8578963	WA	816.00	755.00	61.00
8148932	WA	110.00	4.00	106.00

537.59

ACCOUNT ACTIVITY

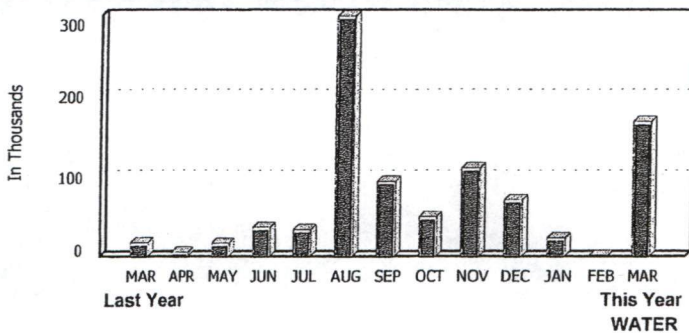
LAST BILL 30.11
TOTAL PAID SINCE LAST BILL -30.11
ADJUSTMENT .00

BALANCE FORWARD .00

NEW CHARGES

WATER 829.48
SANITATION SVC SALES TAX .00
TOTAL NEW CHARGES 829.48

YOUR MONTHLY USAGE (IN THOUSANDS)



SPECIAL MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****
Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
Customer Service/After Hours Emergency 972-547-7550
Online Account Access at <https://access.mckinneytexas.org>

Water Conservation Restrictions Still In Effect

ACCOUNT BALANCE

TOTAL AMOUNT DUE 829.48
AMOUNT DUE IF PAID AFTER 04/23/2013 912.43

13 APR - 3 PM 2:17
RECEIVED
COUNTY AUDITOR

MKA102213DA50078 - 78161AA29 A.1 9031.1.2.0.360

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

Payment Coupon

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 02/20/2013 to 03/19/2013
BILLING DATE: 03/29/2013
DUE DATE: 04/23/2013

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

AMOUNT DUE

TOTAL AMOUNT DUE 829.48
AMOUNT DUE IF PAID AFTER 04/23/2013 912.43

AMOUNT ENCLOSED

REMIT PAYMENT TO:



CITY OF MCKINNEY
PO BOX 8000
MCKINNEY, TX 75070-8000

000178267000113322000000829487



City of McKinney
 PO BOX 8000
 MCKINNEY TX 75070-8000

Account Statement

V-16034

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
 (972) 547-7550

AUTO5-DIGIT 75071 34 PS5 78725AA30-A-1
 8989 1 AV 0.360



COUNTY AUDITORS OFFICE COLLIN
 2300 BLOOMDALE RD SUITE 3100
 MCKINNEY TX 75071-8517



ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
 SERVICE ADDRESS: 7117 CR 166 FM
 CYCLE-ROUTE: 09-20
 SERVICE PERIOD: 03/19/2013 to 04/19/2013
 BILLING DATE: 04/30/2013
 DUE DATE: 05/28/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumption
270.05 8578963	WA	873.00	816.00	57.00
1283.10 8148932	WA	385.00	110.00	275.00

ACCOUNT ACTIVITY

LAST BILL 829.48
 TOTAL PAID SINCE LAST BILL .00
 ADJUSTMENT .00

BALANCE FORWARD 829.48

NEW CHARGES

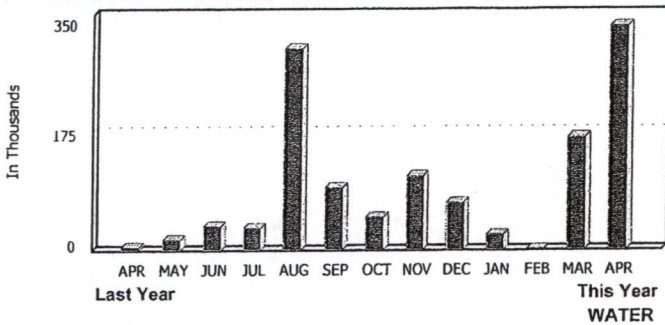
WATER 1730.38
 SANITATION SVC SALES TAX .00
 TOTAL NEW CHARGES 1730.38

RECEIVED
 COUNTY AUDITOR
 13 MAY - 2 PM 1:37

ACCOUNT BALANCE

TOTAL AMOUNT DUE 2559.86
 AMOUNT DUE IF PAID AFTER 05/28/2013 2732.90
 PAST DUE AMOUNT IS DUE NOW TO PREVENT DISRUPTION IN SERVICE

YOUR MONTHLY USAGE (IN THOUSANDS)



SPECIAL MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****
 Balance must be paid by 5 pm on the due date to avoid late charge

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Water Conservation Restrictions Still In Effect

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 MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

Payment Coupon

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
 SERVICE ADDRESS: 7117 CR 166 FM
 CYCLE-ROUTE: 09-20
 SERVICE PERIOD: 03/19/2013 to 04/19/2013
 BILLING DATE: 04/30/2013
 DUE DATE: 05/28/2013

COUNTY AUDITORS OFFICE COLLIN
 2300 BLOOMDALE RD SUITE 3100
 MCKINNEY TX 75071-8517

AMOUNT DUE

TOTAL AMOUNT DUE 2559.86
 AMOUNT DUE IF PAID AFTER 05/28/2013 2732.90

AMOUNT ENCLOSED

[Empty box for amount enclosed]

REMIT PAYMENT TO:

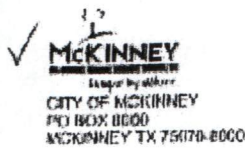


CITY OF MCKINNEY
 PO BOX 8000
 MCKINNEY, TX 75070-8000

County Paid - Schardt
 to reimburse

000178267000113322000002559862

MK41040913CB50078 - 78725AA30.A.1.8989.1.2.0.960



Account Statement

V-16034

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
(972) 547-7550

***AUTO**5-BIGIT 75071 26 P55 7A724AA31-A-1
4520 3 AV 0.340

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 04/19/2013 to 05/20/2013
BILLING DATE: 05/31/2013
DUE DATE: 06/25/2013

CURRENT METER INFORMATION

Handwritten: 26.28
537.59

Meter	Service Type	Current	Previous	Consumption
8578863	WA	904.00	873.00	31.00
8148932	WA	491.00	385.00	106.00

ACCOUNT ACTIVITY

LAST BILL: 2559.86
TOTAL PAID SINCE LAST BILL: -2559.86
ADJUSTMENT: .00
BALANCE FORWARD: .00

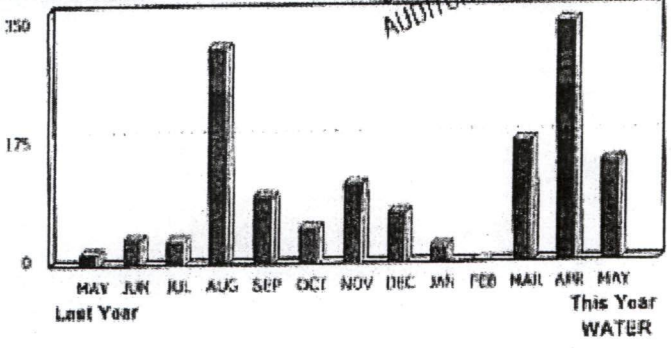
NEW CHARGES

WATER: 673.87
SANITATION SVC SALES TAX: .00
TOTAL NEW CHARGES: 673.87

ACCOUNT BALANCE

TOTAL AMOUNT DUE: 673.87
AMOUNT DUE IF PAID AFTER 06/25/2013: 741.26

MONTHLY USAGE (IN THOUSANDS)



ENTERED
JUN - 3 2013

COLLIN COUNTY
AUDITORS OFFICE

UTILITY

IMPORTANT MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****
Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
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Online Account Access at <https://access.mckinneytexas.org>

Water Conservation Restrictions Still In Effect

Handwritten: 001-4019 - 520.8001
401000 5/13

RECEIVED
COUNTY AUDITOR
13 JUN - 3 PM 12:23

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

coupon

COUNT INFORMATION

PIN #

COUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 04/19/2013 to 05/20/2013
BILLING DATE: 05/31/2013
DUE DATE: 06/25/2013

AMOUNT DUE

TOTAL AMOUNT DUE: 673.87
AMOUNT DUE IF PAID AFTER 06/25/2013: 741.26

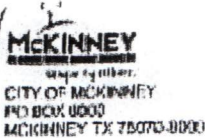
AMOUNT ENCLOSED

REMIT PAYMENT TO:

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517



CITY OF MCKINNEY
PO BOX 8000
MCKINNEY, TX 75070-8000



Account Statement

V-16034

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
(972) 547-7550

**AUTOMATED DIGIT 75071 35 PLS AD753AA26-A-3
9341 1 AY 0.360

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

ACCOUNT INFORMATION

PIN #

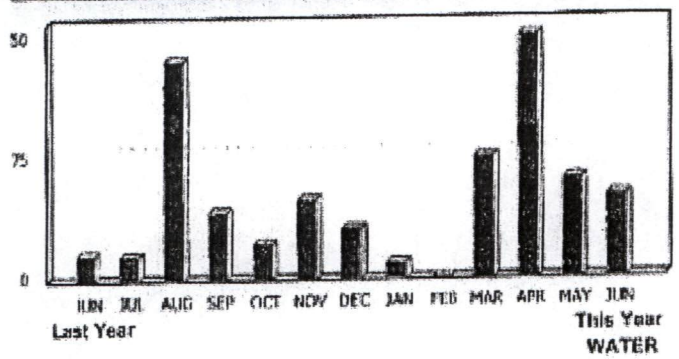
ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 05/20/2013 to 06/20/2013
BILLING DATE: 06/28/2013
DUE DATE: 07/23/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumption
594.50 8578063	WA	1018.00	904.00	114.00
-0- 8148932	WA	491.00	491.00	0.00

UTILITY

MONTHLY USAGE (IN THOUSANDS)



ACCOUNT ACTIVITY

LAST BILL: 673.87
TOTAL PAID SINCE LAST BILL: -673.87
ADJUSTMENT: .00
BALANCE FORWARD: .00
NEW CHARGES:
WATER: 594.50
SANITATION SVC SALES TAX: .00
TOTAL NEW CHARGES: 594.50

ACCOUNT BALANCE

TOTAL AMOUNT DUE: 594.50
AMOUNT DUE IF PAID AFTER 07/23/2013: 653.95

AL MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****
Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
Customer Service/After Hours Emergency 972-547-7550
Online Account Access at <https://access.mckinneytexas.org>

Water Conservation Restrictions Still In Effect

001-4019 - 500.80.01
401000 6/13

RECEIVED
COUNTY AUDITOR
13 JUL -3 PM 1:32

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

oupon

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 05/20/2013 to 06/20/2013
BILLING DATE: 06/28/2013
DUE DATE: 07/23/2013

AMOUNT DUE

TOTAL AMOUNT DUE: 594.50
AMOUNT DUE IF PAID AFTER 07/23/2013: 653.95

AMOUNT ENCLOSED

[Empty box for amount enclosed]

REMIT PAYMENT TO:

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

CITY OF MCKINNEY
PO BOX 8000
MCKINNEY TX 75070-8000

MCKINNEY

City of McKinney
CITY OF MCKINNEY
PO BOX 8000
MCKINNEY TX 75070-8000

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
(972) 547-7550

***AUTO**5-DIGIT 75071 17 P55 81463AA31-A-1
4605 1 AV 0.360

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517



Account Statement

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 06/20/2013 to 07/23/2013
BILLING DATE: 07/31/2013
DUE DATE: 08/26/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumption
8578963	WA	1176.00	1018.00	158.00
8148932	WA	1220.00	491.00	729.00

\$ 3939.17

164425

ACCOUNT ACTIVITY

LAST BILL 594.50
TOTAL PAID SINCE LAST BILL -594.50
ADJUSTMENT .00

BALANCE FORWARD .00

NEW CHARGES

WATER 4760.68
SANITATION SVC SALES TAX .00
TOTAL NEW CHARGES 4760.68

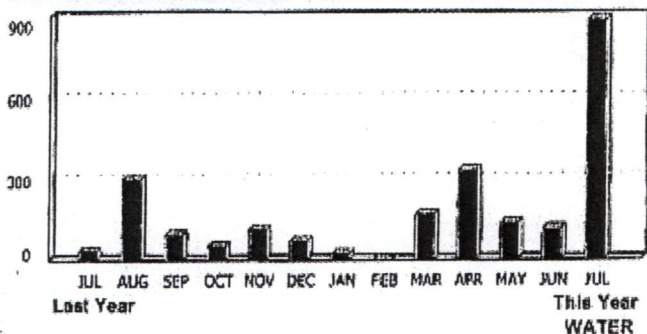
ACCOUNT BALANCE

TOTAL AMOUNT DUE 4760.68
AMOUNT DUE IF PAID AFTER 08/26/2013 5236.75

13 AUG -5 PM 2:57
RECEIVED
COUNTY AUDITOR

UTILITY

OUR MONTHLY USAGE (IN THOUSANDS)



SPECIAL MESSAGE

***** DUE DATE APPLIES TO NEW CHARGES ONLY *****

Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
Customer Service/After Hours Emergency 972-547-7550
Online Account Access at <https://access.mckinneytexas.org>

Water Conservation Restrictions Still In Effect

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

coupon

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 06/20/2013 to 07/23/2013
BILLING DATE: 07/31/2013
DUE DATE: 08/26/2013

AMOUNT DUE

TOTAL AMOUNT DUE 4760.68
AMOUNT DUE IF PAID AFTER 08/26/2013 5236.75

AMOUNT ENCLOSED

REMIT PAYMENT TO:

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

CITY OF MCKINNEY
PO BOX 8000

CITY OF MCKINNEY
 PO BOX 8000
 MCKINNEY TX 75070-0000

Statement

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
 (972) 547-7550

AUTO5-DIGIT 75071 18 P55 82205AA30-A-1
 91.97 1 AV 0-360

COUNTY AUDITORS OFFICE COLLIN
 2300 BLOOMDALE RD SUITE 3100
 MCKINNEY TX 75071-8517

Need Breakdown \$2972.75

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
 SERVICE ADDRESS: 7117 CR 166 FM
 CYCLE-ROUTE: 09-20
 SERVICE PERIOD: 07/23/2013 to 08/23/2013
 BILLING DATE: 08/30/2013

DUE DATE: 09/24/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumption
8578963	WA	1332.00	1176.00	156.00
8148932	WA	1772.00	1220.00	552.00

ACCOUNT ACTIVITY

LAST BILL 4760.68
 TOTAL PAID SINCE LAST BILL -4760.68
 ADJUSTMENT 476.07

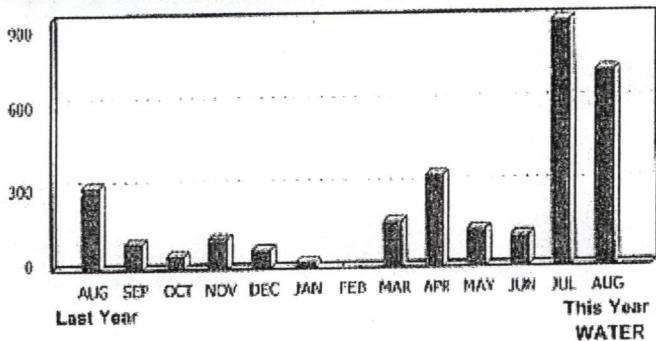
BALANCE FORWARD 476.07

NEW CHARGES

WATER 3783.34
 SANITATION SVC SALES TAX .00
 TOTAL NEW CHARGES 3783.34

Aug

MONTHLY USAGE (IN THOUSANDS)



DIAL MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****

Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
 Customer Service/After Hours Emergency 972-547-7550
 Online Account Access at <https://access.mckinneytexas.org>

Water Conservation Restrictions Still In Effect

ACCOUNT BALANCE

TOTAL AMOUNT DUE 4259.41
 AMOUNT DUE IF PAID AFTER 09/24/2013 4637.74
 PAST DUE AMOUNT IS DUE NOW TO PREVENT DISRUPTION IN SERVICE

3 SEP - 11 PM 2:11
 RECEIVED
 COUNTY AUDITOR

MCKINNEY TEXAS 75071-8517

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
 MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

ent
 coupon

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
 SERVICE ADDRESS: 7117 CR 166 FM
 CYCLE-ROUTE: 09-20
 SERVICE PERIOD: 07/23/2013 to 08/23/2013
 BILLING DATE: 08/30/2013
 DUE DATE: 09/24/2013

AMOUNT DUE

TOTAL AMOUNT DUE 4259.41
 AMOUNT DUE IF PAID AFTER 09/24/2013 4637.74

AMOUNT ENCLOSED

REMIT PAYMENT TO:

COUNTY AUDITORS OFFICE COLLIN
 BLOOMDALE RD SUITE 3100
 MCKINNEY TX 75071-8517

CITY OF MCKINNEY
 PO BOX 8000

McKINNEY

CITY OF MCKINNEY
PO BOX 8000
MCKINNEY TX 75070-8000

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
(972) 547-7550

***AUTO**5-DIGIT 75071 35 P55 62893AA30-A-1
9937 1 AV 0.360

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

Account Statement

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-1131
SERVICE ADDRESS: 7117 CR 166
CYCLE-ROUTE: 09
SERVICE PERIOD: 08/23/2013 to 09/24/2013
BILLING DATE: 09/30/2013

DUE DATE: 10/25/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumpt.
8578963	WA	1429.00	1332.00	97
8148932	WA	2411.00	1772.00	639

\$3447.77

ACCOUNT ACTIVITY

LAST BILL 4259
TOTAL PAID SINCE LAST BILL -3783
ADJUSTMENT -476

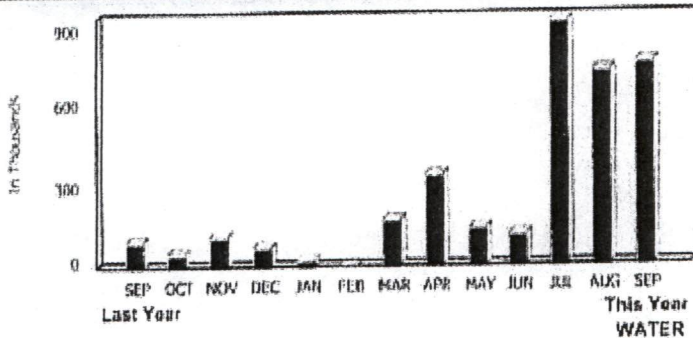
Sept

BALANCE FORWARD

NEW CHARGES

WATER 3936
SANITATION SVC SALES TAX
TOTAL NEW CHARGES 3936.

YOUR MONTHLY USAGE (IN THOUSANDS)



SPECIAL MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****
Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
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Online Account Access at <https://access.mckinneytexas.org>

Water Conservation Restrictions Still In Effect

ACCOUNT BALANCE

TOTAL AMOUNT DUE 3936.
AMOUNT DUE IF PAID AFTER 10/25/2013 0

RECEIVED
COUNTY AUDITOR
13 OCT -4 PM 2:12

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

Payment Coupon

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
SERVICE ADDRESS: 7117 CR 166 FM
CYCLE-ROUTE: 09-20
SERVICE PERIOD: 08/23/2013 to 09/24/2013
BILLING DATE: 09/30/2013
DUE DATE: 10/25/2013

COUNTY AUDITORS OFFICE COLLIN
2300 BLOOMDALE RD SUITE 3100
MCKINNEY TX 75071-8517

AMOUNT DUE

TOTAL AMOUNT DUE 3936.2
AMOUNT DUE IF PAID AFTER 10/25/2013 0.0

AMOUNT ENCLOSED

REMIT PAYMENT TO



CITY OF MCKINNEY
PO BOX 8000
MCKINNEY, TX 75070-8000

Account Statement

RETURN SERVICE REQUESTED

For Inquiries, Please Call:
 (972) 547-7550

AUT5-DIGIT 75071 18 PS5 83581AA31-A-1
 4760 1 AV 0.360



COUNTY AUDITORS OFFICE COLLIN
 2300 BLOOMDALE RD SUITE 3100
 MCKINNEY TX 75071-8517



\$ 2089.00

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
 SERVICE ADDRESS: 7117 CR 166 FM
 CYCLE-ROUTE: 09-20
 SERVICE PERIOD: 09/24/2013 to 10/22/2013
 BILLING DATE: 10/31/2013

DUE DATE: 11/25/2013

CURRENT METER INFORMATION

Meter	Service Type	Current	Previous	Consumption
8578963	WA	1521.00	1429.00	92.00
8148932	WA	2787.00	2411.00	376.00

ACCOUNT ACTIVITY

LAST BILL 3936.22
 TOTAL PAID SINCE LAST BILL -3936.22
 ADJUSTMENT .00

BALANCE FORWARD .00

NEW CHARGES

WATER 2550.15
 SANITATION SVC SALES TAX .00
TOTAL NEW CHARGES 2550.15

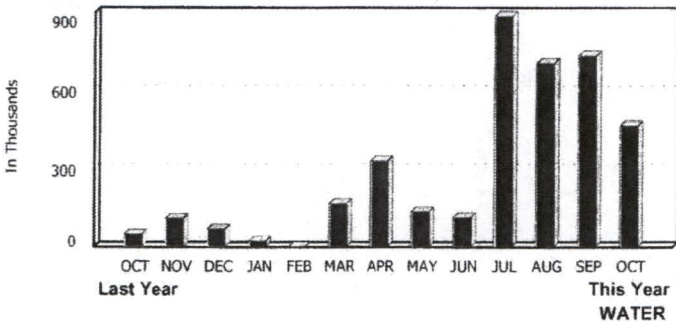
ACCOUNT BALANCE

TOTAL AMOUNT DUE 2550.15
AMOUNT DUE IF PAID AFTER 11/25/2013 0.00

RECEIVED
 COUNTY AUDITOR
 11 NOV -4, PM 5: 09

MKAN050013DA50078 - 83581AA31 A 1-47601120-360

YOUR MONTHLY USAGE (IN THOUSANDS)



SPECIAL MESSAGE

**** DUE DATE APPLIES TO NEW CHARGES ONLY ****
 Balance must be paid by 5 pm on the due date to avoid late charge

Credit Card Payments 972-547-7555
 Customer Service/After Hours Emergency 972-547-7550
 Online Account Access at www.mckinneytexas.org/waterbilling

Water Conservation Restrictions Still In Effect

**** NEW RATES EFFECTIVE OCTOBER 1, 2013 ****
 Additional information at www.mckinneytexas.org

Payment Coupon

PLEASE FOLD ON PERFORATION BEFORE TEARING - RETURN BOTTOM PORTION WITH YOUR PAYMENT
 MAKE CHECKS PAYABLE TO THE CITY OF MCKINNEY

AMOUNT DUE

TOTAL AMOUNT DUE 2550.15
AMOUNT DUE IF PAID AFTER 11/25/2013 0.00

AMOUNT ENCLOSED

REMIT PAYMENT TO:

ACCOUNT INFORMATION

PIN #

ACCOUNT: 178267-113322
 SERVICE ADDRESS: 7117 CR 166 FM
 CYCLE-ROUTE: 09-20
 SERVICE PERIOD: 09/24/2013 to 10/22/2013
 BILLING DATE: 10/31/2013
DUE DATE: 11/25/2013

COUNTY AUDITORS OFFICE COLLIN
 2300 BLOOMDALE RD SUITE 3100
 MCKINNEY TX 75071-8517



CITY OF MCKINNEY
 PO BOX 8000
 MCKINNEY, TX 75070-8000

000178267000113322000002550157

Bill Burke

From: Bill Burke
Sent: Tuesday, October 22, 2013 11:58 AM
To: 'Cary Schmoldt'
Subject: RE: M.P. Amphitheater - Water Bills

Cary,

Looking back at my sent/received emails I show the following :

1. 5-1-13 email discussing a water bill received by facilities
2. 5-9-13 email discussing a leak in the waterline
3. 5-30-13 to 6-12-13 emails discussing preparation and Hydromulch over rye.
4. 6-24-13 email that Hydromulch may not be getting enough water.
5. 7-10-13 email regarding leaks and broken sprinkler heads from Judy and that her personnel turned off the water until it could be repaired.
6. 7-15-13 email regarding repairs but that one sprinkler head was still broken.
7. 8-26-13 email discussing need to perform second Hydromulch

The June email corresponds to the zero water bill timeframe. Let me know if you have other information.

Bill

From: Cary Schmoldt [<mailto:cary@schmoldtconstruction.com>]
Sent: Monday, October 21, 2013 2:50 PM
To: Bill Burke
Cc: "Justin Gregory"; Ann Sadler; Matt Dobecka
Subject: RE: M.P. Amphitheater - Water Bills

I understand, and if we had access to the water bills we would not have let it continue. How do we verify that it wasn't tampered with. The irrigation had been damaged by us and the county.

Cary Schmoldt
President

Schmoldt Construction
5797 CR 126, Suite A
Celina, Texas 75009
(972) 382-8499 office
(972) 382-8399 fax
www.schmoldtconstruction.com

From: Bill Burke [<mailto:bburke@co.collin.tx.us>]
Sent: Monday, October 21, 2013 11:46 AM
To: 'Cary Schmoldt'
Cc: "Justin Gregory"; Ann Sadler; Matt Dobecka
Subject: RE: M.P. Amphitheater - Water Bills

Good question but it may be for your landscaper. As far I know they set all timers and schedules.

Bill

From: Cary Schmoldt [<mailto:cary@schmoldtconstruction.com>]
Sent: Monday, October 21, 2013 11:31 AM
To: Bill Burke
Cc: "Justin Gregory"; Ann Sadler; Matt Dobecka
Subject: RE: M.P. Amphitheater - Water Bills

Who was in charge of watering the grass? How did we go from \$600 per month to +/- \$3k?

Cary Schmoldt
President

Schmoldt Construction
5797 CR 126, Suite A
Celina, Texas 75009
(972) 382-8499 office
(972) 382-8399 fax
www.schmoldtconstruction.com

From: Bill Burke [<mailto:bburke@co.collin.tx.us>]
Sent: Friday, October 18, 2013 8:18 AM
To: cary@schmoldtconstruction.com
Cc: 'Justin Gregory' (justin@schmoldtconstruction.com); Ann Sadler; Matt Dobecka
Subject: FW: M.P. Amphitheater - Water Bills

Cary, attached are the bills since the meter was set. At this time they amount to more than \$12,000.00 and the October bill has not yet arrived. Justin and I checked the meter and walked the site to see if there were any leaks or illegal taps and we couldn't find anything unusual. When the grass arrives Monday I will take a meter reading and take over the watering to close the grass coverage item on the punchlist.

Thanks,
Bill

From: Lisa Bunch
Sent: Friday, October 18, 2013 8:03 AM
To: Bill Burke
Subject: M.P. Amphitheater - Water Bills

Lisa Bunch
Collin County Construction & Projects
Office: 972-547-5333
FAX: 972-547-5385



SCHMOLDT CONSTRUCTION

December 5, 2013

Purchasing Department
Jack Hatchell Administration Building
2300 Bloomdale Rd. Ste 3160
McKinney, TX 75071

Dear Bill & Matt,

I'm writing this letter in regards to the water bills that have accumulated at Myer's park since November 2012. It is my opinion that Schmoltdt Construction should not be required to pay for these water bills for numerous reasons listed below.

1. Sheet C2 "Grading Plan" has notes in five (5) different locations indicating "contractor shall coordinate installation of the irrigation system by owner with regard to timing of hydro mulch and sod". The largest note is clouded and marked as a "delta 2" right in the center of the page. This delta 2 indicates the most current set of construction documents. Typically as a general contractor that has 20 years plus experience, would recognize that this note was important and put there for a reason. When this project bid Schmoltdt Construction's interpretation of these notes, were that the owner was responsible for the amphitheaters irrigation as the notes indicate.
2. Sheet C4 "Erosion Control Plan" under "storm water pollution prevention plan" under general notes. Note 12 "contractor shall maintain final grading and keep seeded areas watered until fully established and accepted by owner". This appears as a generic note, it's on the erosion control plan and everywhere else mentioned within the contract documents it states "hydro mulch and sod" nowhere but this note does it indicate seeding.
3. Sheet C4 "Erosion Control Plan" note 5 indicates that "erosion control" shall be in place prior to disturbing areas. Typically erosion control is established through means and methods to assure that criteria set for by the EPA is met and maintained. The erosion control plan doesn't or shouldn't indicate how landscaping is to be installed.

4. In review of the water bills, typically they were under \$600 per month from Nov. 2013 thru the end of May 2013. July, August and September the monthly water bills averaged \$3,453.23. If Schmoldt Construction had been sent these bills or notified of the extremely high water bills, we would have corrected the problem, and prevented this from happening. Schmoldt Construction has not had a full time employee/superintendent on the project since early spring 2013.

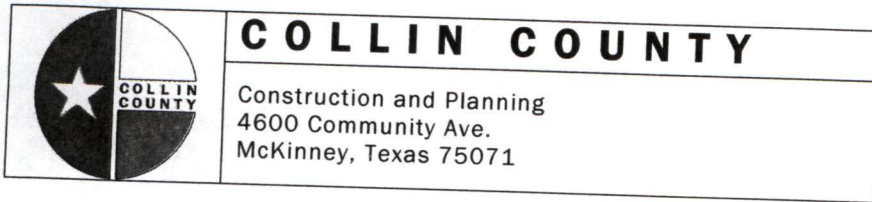
5. The construction documents call for a rye/Bermuda blend of hydro mulch to be sprayed. No one from the design team was able to provide information on this blend and requested it be shot with winter rye and sodded per the drawings. It did not take, and was shot again, as the weather warmed the winter rye died off and we were asked to shoot it again with Bermuda. Most of the Bermuda took with exceptions of a few areas. The county then asked that we provide them with 6 additional pallets of Bermuda at no cost to the county.

Schmoldt construction has spent nearly \$30,000.00 on the landscape and temporary irrigation. Please review our AIAG702 pay application continuation sheet. You will see that there was a value of \$7,000 under the landscape line item.

Schmoldt Construction feels that we have gone above and beyond our scope of work. We continue in the hopes of maintain a good relationship with Collin County now and in the future. Please assist us in paying for these water bills, and releasing retainage owed to us and our subcontractors.

Sincerely,

Cary P. Schmoldt



January 7, 2014

Cary P. Schmoldt
Schmoldt Construction
5797 CR 126
Suite A
Celina, TX. 75009

Re: Meyers Park O.S.S.F. Design

Dear Sir,

In response to your letter dated 12-9-13 I offer the following responses. Your letter does not mention the invoice for over \$4,000.00 that was presented to Collin County. However, this letter addresses its responses in relation to the invoice.

The first three paragraphs of your letter relate to location and approval of the designed septic system. The bid required the system to be designed and installed by people hired by the contractor. The design that was turned into the Collin County Development Services Department by Schmoldt, or their subcontractor, did meet the code requirements to receive a permit. I requested to view the design in Development Services file and it does show the required 10' separation between the waterline and spray area from the distribution heads. Development Services functions only as a permit and inspection authority. It is not their responsibility to coordinate the plans with the septic design. The septic design was not submitted to the Architect for review, according to the submittal records for the project, and so they were not able to review the situation prior to installation. Only after installation was it discovered that the scale on the septic design drawing was incorrect because the septic heads were placed too close to the western waterline. The septic head spray area encroached into the 10' separation with the waterline and caused the septic system to fail its inspection. The County should not be held responsible for an error in a design submitted by your subcontractor.

The final paragraph of your letter calls for the septic system to be included in the original design and that this would have produced a different outcome regarding the failed inspection and the cost to move the waterline. The new service road mentioned in the Schmoldt letter was not part of the plan until it was added by the fire department after the plans were bid and awarded to Schmoldt. At the time of the bid the County and the contractor had the exact same information available regarding the need to "coordinate the location of all system components prior to design and installation". While I understand your position that the outcome may have been different if the plans were drawn differently, I do not see that as relevant to the situation at present. The waterline was located on the bid documents and the responsibility to design and install the septic system per code was the responsibility of the contractor. The County does not see the need to reimburse Schmoldt for an error in the septic design produced and installed by Schmoldt subcontractors.

Thank you.

William R. Burke
Director of Construction
Collin County



SCHMOLDT CONSTRUCTION

December 9, 2013

Purchasing Department
Jack Hatchell Administration Building
2300 Bloomdale Rd. Ste 3160
McKinney, TX 75071

Re: Myers Park O.S.S.F. Design

Dear Bill & Matt,

I'm writing this letter in regards to the septic system installation. The contract documents indicate on sheet P1 that the contractor is to "provide and install a complete septic system" then it gives brief description and the note ends with "contractor shall coordinate the exact location of all system components with Collin County personnel prior to design and installation". Sheet C3 note indicates "contractor to install O.S.S.F. near proposed access by others".

Our interpretation of the above mentioned notes on bid day was that the O.S.S.F. system is a design build system and needed to be located in an area near the existing asphalt road, to provide needed access so the system could be serviced. Based on our reasonable interpretation of the bid documents, we felt the O.S.S.F. system would be located on the north side of the restroom building close to the "asphalt road".

During the pre-construction meeting Collin County personnel informed us of the plans for future service road and provided direction on where to locate the O.S.S.F. system. We designed the O.S.S.F. system per the contract documents and located it as directed by the Collin County personnel. The O.S.S.F. system was reviewed, approved and the permit issued by the County.

Based on the direction Collin County provided and the fact that the new service road had already been planned; it's Schmoldt Construction's position that the O.S.S.F. system location should have been included in the final project design. Had the engineer / architect made use of this information it would have been obvious that there was a conflict with the proposed 2" waterline. The drawings then could have been modified prior to installation of the system.

Sincerely,

Cary P. Schmoldt



**SCHMOLDT
CONSTRUCTION**

Invoice

September 18, 2013

Payment Request: PR-12-055-01
Job No. 12-055

Collin County
CR 166 and CR 168
McKinney, TX 75069

Re: Myers Park Amphitheater
CR 166 and CR 168
Collin County, TX 75069

CC

Description

Cost

Relocate waterline that was too close to septic sprinkler heads. Contractor was directed by county as to where they would like the septic lines and sprinkler heads. Design was submitted and approved by the county. Utility contractor installed waterline per plan

\$4,082.50

Total Amount Due:

\$4,082.50

Please make check payable to:

Schmoldt Construction
5797 CR 126, Suite A
Celina, Texas 75009

Federal I.D.# 41-2033822

Bill Burke

From: Cary Schmoldt <cary@schmoldtconstruction.com>
Sent: Monday, December 02, 2013 1:28 PM
To: Bill Burke
Cc: fred@schmoldtconstruction.com; Matt Dobecka; Laszlo Vadasz; Judy Florence; 'Jennifer Huck'
Subject: RE: Amphitheater Questions from 11-19-13 Meeting

Please proceed. Like the not to exceed.

Cary Schmoldt
President

Schmoldt Construction
5797 CR 126, Suite A
Celina, Texas 75009
(972) 382-8499 office
(972) 382-8399 fax
www.schmoldtconstruction.com

From: Bill Burke [<mailto:bburke@co.collin.tx.us>]
Sent: Monday, December 02, 2013 11:27 AM
To: 'Cary Schmoldt'
Cc: fred@schmoldtconstruction.com; Matt Dobecka; Laszlo Vadasz; Judy Florence
Subject: RE: Amphitheater Questions from 11-19-13 Meeting

Cary,

The information on the landscape punchlist work looks like this:

28 to 30 hours of work with labor rates ranging from \$20.68 to \$22.02. That would give us a not to exceed of \$660.00.

Let me know if you want us to complete the landscape punchlist for a not to exceed of \$660.00.

Thanks,
Bill Burke

From: Cary Schmoldt [<mailto:cary@schmoldtconstruction.com>]
Sent: Friday, November 22, 2013 10:28 AM
To: Bill Burke
Cc: fred@schmoldtconstruction.com; Matt Dobecka; Laszlo Vadasz; Judy Florence
Subject: RE: Amphitheater Questions from 11-19-13 Meeting

Thanks let me know \$ amount.

I'll send the information regarding septic that we found

Cary Schmoldt
President

Schmoldt Construction

5797 CR 126, Suite A
Celina, Texas 75009
(972) 382-8499 office
(972) 382-8399 fax
www.schmoldtconstruction.com

From: Bill Burke [<mailto:bburke@co.collin.tx.us>]
Sent: Thursday, November 21, 2013 1:50 PM
To: cary@schmoldtconstruction.com
Cc: fred@schmoldtconstruction.com; Matt Dobecka; Laszlo Vadasz; Judy Florence
Subject: Amphitheater Questions from 11-19-13 Meeting

Cary,

I checked with the Architect and he shows the tank cut sheets as being the only submittal for the septic system.

I checked with Facilities and they might have time for the landscape punchlist in December, Myer's Park will let me know soon if they can do it or not. Score labor won't be an option here.

As soon as I get confirmation from the other departments I'll put together a cost for them to finish the punchlist. Then you can decide if you want them to do it or not.

Thanks,
Bill

CHANGE ORDER

Schmoldt Construction, Inc.
 5797 CR 126, Suite A
 Celina, TX 75009
 (972)382-8499/Office (972)382-8399/Fax

File Reference

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER



SCHMOLDT
 CONSTRUCTION

NAME & ADDRESS OF PROJECT:

Myer's Park Amphitheater
 CR 166 @ CR 168
 Collin County, TX

CHANGE ORDER NUMBER: Sixteen (16)
 DATE: May 3, 2013
 PROJECT NO.: 12-055
 CONTRACT DATE: June 20, 2012
 CONTRACT FOR: Myer's Park

NAME AND ADDRESS OF OWNER:

Myer's Park Amphitheater
 CR 166 @ CR 168
 Collin County, TX

33004 1.) Credit - Concrete Light Bollard \$ (750.00)

OHP: \$ -

TOTAL \$ (750.00)

The original Contract Sum was.....	\$	727,000.00
Net change by previously authorized Change Orders.....	\$	19,639.20
The Contract Sum prior to this Change Order was.....	\$	746,639.20
The Contract Sum will be increased by this Change Order in the amount of.....	\$	(750.00)
The new Contract Sum including this Change Order will be.....	\$	745,889.20

The Contract Time will be changed by **(0) days**
 The date of Substantial Completion as of the date of this Change Order therefore is **Comp./Contract Plus 58 Days**

<u>Schmoldt Construction, Inc.</u>	<u>Myer's Park</u>	<u>Spurgin & Associates</u>
Contractor	Owner	Architect
<u>May 3, 2013</u>		<u>Kent Spurgin</u>
Date	Date	Date
<u>Jenny Andrews</u>	<u>Kent Spurgin</u>	<u>6/24/13</u>
(Signature)	(Signature)	(Signature)
Jenny Andrews	Kent Spurgin	Kent Spurgin
(Print Name)	(Print Name)	(Print Name)