



March 23, 2021

5:00 P.M.

CITY COUNCIL

TELECONFERENCE MEETING

AGENDA





**NOTICE OF MEETING OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, March 23, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott’s declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

The City of Harker Heights
305 Miller’s Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
Lynda Nash
Jody Nicholas

MEETING AGENDA

I. Invocation:

II. Pledge of Allegiance:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one state under God, one and indivisible.

III. Roll Call:

IV. Mayoral Proclamations and Presentations:

1. Certificate of Appreciation to recognize VFW Post 3892 for assistance provided to our citizens during the February 2021 Severe Winter Storm event.
2. Recognize Assistant City Manager Jerry Bark for receiving the Dan Whitworth Fellow Award, the highest honor the Texas Recreation and Park Society can bestow.

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on March 9, 2021, and take the appropriate action.
2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the COVID-19 Public Health Emergency Declaration through May 3, 2021, and take the appropriate action.
3. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2021-08 of the Harker Heights Code to extend the Winter Storm State of Disaster Emergency Declaration through April 30, 2021, and take the appropriate action.

4. Discuss and consider approving the Appointment of Steve Moody as Presiding Election Judge and Patricia Darnell as Alternate Judge for the May 01, 2021, Joint Harker Heights Municipal Election with Killeen Independent School District, and take the appropriate action.
5. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2010-33, Section 34.04 of the Harker Heights Code to modify the designation of the Records Management Officer within Chapter 34 of the Harker Heights Code of Ordinances, and take the appropriate action.

VI. Presentations by Citizens:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VII. Public Hearings:

VIII. Old Business:

IX. New Business:

1. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of six cents Per Capita to the Steering Committee to fund Regulatory and Legal Proceedings and activities related to Oncor Electric Delivery Company, LLC; and take the appropriate action. (Finance Director)
2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to sign the Interlocal Agreement with the City of Temple, Texas, for the use of a decommissioned Temple Fire Engine, and take the appropriate action. (Fire Chief)
3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Central Fire Station Pavement Reconstruction Project in the amount of \$139,270.00 to HCS, Inc Commercial General Contractor; authorize the City Manager to act and sign on behalf of the City; and take the appropriate action. (Public Works Director)
4. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Pinewood Drive Drainage Channel Scour Protection Project in the amount of \$179,926.00 to Myers Concrete Construction, LP; authorize the City Manager to act and sign on behalf of the City; and take the appropriate action. (Public Works Director)

X. Reports of Advisory Boards & Commissions:

XI. Items from Council:

XII. Staff Reports:

1. Receive and discuss the City Manager's Report. (City Manager)

XIII. Announcements:

XIV. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 19th day of March 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham
City Secretary

**The public may participate remotely in this meeting by dialing-in using the toll-free number:
United States (Toll Free): 1-866-899-4679 and use Access Code: 845-899-861**

**To join the meeting from your computer, tablet, or smartphone, use the following meeting link:
<https://global.gotomeeting.com/join/845899861>**

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. This agenda is also available on the City of Harker Heights website at www.harkerheights.gov

"This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, March 9, 2021, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

Roll Call:	Spencer H. Smith	Mayor
	Michael Blomquist	Mayor Pro-tem
	Jennifer McCann	Councilmember Place 1
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary

Mayoral Proclamations and Presentations:

1. Certificate of Appreciation:

a) Central Texas Council of Governments (CTCOG)

Mayor Pro Tem Blomquist presented a Certificate of Appreciation on behalf of the City to CTCOG representatives, Anna Barge and Uryan Nelson for their involvement and assistance with the CARES Act Grant for Small Businesses in the City of Harker Heights, Texas.

b) Fort Hood

Mayor Pro Tem Blomquist presented a Certificate of Appreciation on behalf of the City to representatives of the 3D Cavalry Regiment of Fort Hood, Texas, for their invaluable service and support to the citizens of Harker Heights during the February 2021 Severe Winter Storms.

Mayor Pro Tem Blomquist presented a Certificate of Appreciation on behalf of the City to representatives of the Blacksmith Troop Fort Hood, Texas, for their invaluable service and support to the citizens of Harker Heights during the February 2021 Severe Winter Storms.

Mayor Pro Tem Blomquist presented a Certificate of Appreciation on behalf of the City to representatives of the Regimental Support Squadron Fort Hood, Texas, for their invaluable service and support to the citizens of Harker Heights during the February 2021 Severe Winter Storms.

c) Arepitas

Mayor Pro Tem Blomquist presented a Certificate of Appreciation on behalf of the City to Arepitas owners, Antonio Caselle and Maria Rodriguez, for their dedication and support to the citizens of Harker Heights during the February 2021 Severe Winter Storms.

d) Bite the Bagel

Mayor Pro Tem Blomquist presented a Certificate of Appreciation on behalf of the City to Bite the Bagel owners, Jim, and Sara Januszka, for their invaluable service and support to the citizens of Harker Heights during the February 2021 Severe Winter Storms.

2. Mayor Smith presented a proclamation to Sara Gibbs, Activities Coordinator, declaring March 8 – 14, 2021, as the City of Harker Heights' Volunteer Appreciation Week.

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on February 23, 2021. McCann made the motion to approve as written. Seconded by Fountain. All in favor. Motion approved 5-0.

Presentations by Citizens:

Monica Lund, 1905 Wolverine Trail, Harker Heights, Texas 76548, presented to Council her concerns regarding the new Waste Management trash containers.

Stacey Wilson, 2401 Creek Drive, Harker Heights, Texas 76548, spoke to Council regarding adding sidewalks and more streetlights to the inner sections of neighborhoods.

Public Hearings:

1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the Zoning Designation from M-1 (Light Manufacturing District) and R-2 (Two Family Dwelling District) to PD-R (Planned Development Residential) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW PT of 4), Acres 2.980, generally located east of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Christopher Doose, applicant, was present to represent the request. Fountain made the motion to approve with attached conditions. Seconded by Blomquist. Blomquist, McCann, Fountain and Nicholas, in favor. Nash against. Motion approved 4-1.
2. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the Zoning Designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 North Roy Reynolds Drive, Harker Heights, Bell County. Kristina Ramirez, Planning and Development Director, made the presentation. Nicholas made the motion to approve. Seconded by Fountain. All in favor. Motion approved 5-0.

New Business:

1. Council discussed and considered approving a Concept Plan referred to as The Enclave at Indian Trail on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located east of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County. Kristina Ramirez, Planning and Development Director made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
2. Council discussed and considered approving a Final Plat for the subdivision referred to as Escapology Addition, on property described as 7.07-acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located North East at the Intersection of East Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Nicholas made the motion to approve. Seconded by Nash. All in favor. Motion approved 5-0.
3. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, Adopting Chapter 51 of the Solid Waste Ordinance, as amended. Mark Hyde, Public Works Director, made the presentation. McCann made the motion to approve. Seconded by Nash. All in favor. Motion approved 5-0.

4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to sign the City of Harker Heights Public Library Annual Report for Fiscal Year 2019-20; and Accreditation in State Library System Application for Local Fiscal Year 2020. Lisa Youngblood, Library Director, made the presentation. Nicholas made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
5. Council discussed and considered approving the appointment of a Councilmember to fill the vacancy for a Harker Heights Representative on the Hill Country Transit District (HCTD) Boar. David Mitchell, City Manager, made the presentation. Fountain made the motion to appoint Councilmember Nash to fill the vacancy. Seconded by Blomquist. All in favor. Motion approved 5-0.

Reports of Advisory Boards & Commissions:

Mayor Pro Tem Blomquist stated that on Monday, March 8th he attended the Bell County Health District Board Meeting. The COVID19 vaccine is going exceedingly well across Bell County. Citizens across Texas are coming to Bell County in order to get their vaccine because of how well it is being distributed. Emergency Management Officials are sending more vaccines to Bell County which is being distributed to Scott & White, Bell County Health District, Seton, Advent Health, and the possibility of providing vaccines to neighboring counties to help them out as well. Blomquist stated there is a high possibility of seeing an increase in vaccine releases above and beyond what is already being provided. Blomquist stated Mr. Jerry Bark, Assistant City Manager, was able to contact folks within the City and also Killeen Independent School District and get them over to Seton to get their first initial shots. Predominantly the Bell County Health District and Scott & White, Seton and Advent are primarily sticking with the Pfizer version, which is a two (2) series shot but, the new shot, the Johnson and Johnson one (1) shot version is now becoming available in HEB and expecting it to be seen more prevalent at CVS or Walgreens. Blomquist further stated that although the Governor lifted the mask mandate, he encourages citizens to wear a mask they do not feel safe and mentioned businesses can still require individuals to wear a mask to go into the business. Blomquist stated the virus is still out there but, as of today, over three (3) million Texans have been vaccinated, which is great news and that a lot of folks that got the virus have recovered. The focus has been on the nursing homes and most of the vulnerable population have been vaccinated at this point. The casualty rate is getting smaller based on the rate that people get COVID-19. Blomquist stated that sadly there are still people dying from COVID-19 and we are still working through these troubling times right now. Blomquist stated it is getting better and encourages everyone to continue practicing your safety methods by wearing your masks, washing your hands, and getting your vaccine.

Councilmember Nicholas stated that she attended the Central Texas Council of Governments meeting earlier this month and stated the Senior Centers will remain closed until April. The Area Agency on Aging home delivered to 720 home bound citizens more than once and had no waiting lists. Nicholas continued by stating that there is a lot of fraudulent activity aimed at Senior citizens. Nicholas ended by stating out of 100 businesses, the Work Force Development Board was awarded One of the Best Companies to Work for.

Items from Council:

Councilmember Fountain stated the following:

- On February 26th she attended the Fort Hood Phantom Honors Retiree Ceremony and welcomed Master Sergeant Toni L. Robinson to Harker Heights
- On March 4th she attended the “City Hall Essentials: Land Use Fundamentals Workshop” regarding Planning and Zoning along with eleven (11) members from the Council and Planning and Zoning Commission.

Councilmember Fountain thanked Julie Helsham, City Secretary, Ursula Paddie, Assistant City Secretary and Gary Bates, IT Director, for doing an outstanding job of putting the training session together.

Councilmember Nash stated the following:

- On Saturday, March 6th the VFW gave out 100 bags of food, 38 COVID Hygiene Bags to Harker Heights residents only, courtesy of the Harker Heights Police Department, and 200 cases of water that were donated to the VFW from the Innovation Black Chamber of Commerce.
- On Sunday, March 14th there will be a Celebration of Female Veterans at the VFW from 2:00 p.m. to 6:00 p.m.

Mayor Pro Tem Blomquist announced that they are one (1) week closer to the Harker Heights' Farmers Market re-opening for the 2021 Season.

Staff Reports:

1. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

Announcements:

Mayor Spencer H. Smith stressed the Harker Heights Harmony with what the City has been through and said Hats off to the City Staff, citizens, and City Council. He stated that it is important for Council to stay engaged as they represent all the citizens of Harker Heights.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:10 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION THROUGH MAY 3, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The State of Texas and Bell County both have issued disaster declarations that cover Harker Heights in relation to the COVID-19 pandemic. According to the Texas Municipal League (TML) guidance on receiving reimbursements in relation to COVID-19 expenditures, Mayor Smith issued a disaster declaration for the City of Harker Heights on March 20, 2020.

The City Council approved an Ordinance during a special called meeting on April 7, 2020, to extend the Public Health Emergency Declaration to April 30, 2020.

On April 28, 2020, the Council approved an extension to the Public Health Emergency Declaration until May 31, 2020.

On May 26, 2020, the Council approved an extension to the Public Health Emergency Declaration until June 30, 2020.

On June 23, 2020, the Council approved an extension to the Public Health Emergency Declaration until July 31st, 2020.

On July 28, 2020, the Council approved an extension to the Public Health Emergency Declaration until August 31, 2020.

On August 25, 2020, the Council approved an extension to the Public Health Emergency Declaration until September 30, 2020.

On September 22, 2020, the Council approved an extension to the Public Health Emergency Declaration until October 31, 2020.

On October 27, 2020, the Council approved an extension to the Public Health Emergency Declaration until January 31, 2021.

On January 26, 2021, the Council approved an extension to the Public Health Emergency Declaration until March 2, 2021.

On February 23, 2021, the Council met again and approved another extension to the Public Health Emergency Declaration until April 2, 2021.

Action is now needed again by the Council to consider extending this declaration to match recent directives from the State and Bell County out to May 3, 2021.

This declaration continues to align with the City's COVID-19 response measures to those issued by Bell County and the State. If Bell County or the State modify their orders, then the City's requirements would automatically reflect these modifications, to include the Governor's staged initiatives of "Reopening Texas".

The Council may at any time choose to end, modify, and/or extend the declaration.

STAFF RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the COVID-19 Public Health Emergency Declaration through May 3, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION THROUGH MAY 3, 2021.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to extend the Public Health Emergency Declaration; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: Ordinance 2020-06, 2, of the Code of Harker Heights is hereby appended with the following:

2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on March 20, 2020, and this declaration shall run until May 3, 2021.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: This ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on March 23, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM# V-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2021-08 OF THE HARKER HEIGHTS CODE TO EXTEND THE WINTER STORM STATE OF DISASTER EMERGENCY DECLARATION THROUGH APRIL 30, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On February 12, 2021, Texas Governor Greg Abbott certified that a severe winter storm posed an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, snow, freezing rain, and ice. Governor Abbot further declared a state of disaster for all 254 counties in the State of Texas. Bell County Judge David Blackburn declared a state of emergency in the County and announced the closure of non-essential county offices on February 15, 2021.

The City of Harker Heights, along with the entire region, has iced-over roads, and loss of electric, gas, telephone and water utility services caused by extreme winter weather and freezing conditions presenting a threat of widespread or severe damage, injury, or loss of life and property.

Under the authority granted to the Mayor of Harker Heights, Spencer H. Smith declared a state of disaster on February 16, 2021, for the City of Harker Heights. The Declaration implements the City's Emergency Management Plan in which the City can acquire all resources needed to protect life and property for the winter weather.

On February 23, 2021, the council affirmed the Mayor's State of Disaster Declaration and extended the winter storm emergency declaration until March 23, 2021.

Action is now needed again by the Council to consider extending the Winter Storm Declaration out to April 30, 2021.

RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2021-08 of the Harker Heights Code to extend the Winter Storm State of Disaster Emergency Declaration through April 30, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING
ORDINANCE 2021-08 OF THE HARKER HEIGHTS CODE TO EXTEND THE
WINTER STORM STATE OF DISASTER EMERGENCY DECLARATION
THROUGH APRIL 30, 2021.**

WHEREAS, the City Council ("***Council***") of the City of Harker Heights ("***City***") finds that it is necessary and desirable to amend the Code of Harker Heights ("***Code***") as hereinafter provided in order to extend the Winter Storm State of Disaster Emergency Declaration; and

WHEREAS, the meeting at which this ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: Ordinance 2021-08, 2, and 7, of the Code of Harker Heights is hereby appended with the following:

2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on February 16, 2021, and this declaration shall run until April 30, 2021.

7. The permitting fee waiver expires April 30, 2021.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: This ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on March 23, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # V-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING THE APPOINTMENT OF STEVE MOODY AS PRESIDING ELECTION JUDGE AND PATRICIA DARNELL AS ALTERNATE JUDGE FOR THE MAY 01, 2021, JOINT HARKER HEIGHTS MUNICIPAL ELECTION WITH KILLEEN INDEPENDENT SCHOOL DISTRICT, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

A joint election for the City of Harker Heights and the Killeen Independent School District (KISD) will be conducted on May 01, 2021. In accordance with the Texas Election Code, the Council shall appoint the election judges.

The following individuals are seeking to serve again in the following roles:

Steve Moody, Presiding Election Judge

Patricia Darnell, Alternate Judge

RECOMMENDATION:

Staff recommends approval.

ACTION BY COUNCIL:

1. Motion to Appoint Steve Moody to serve as the Presiding Election Judge and Patricia Darnell to serve as Alternate Judge for the May 01, 2021, Joint Election for the City of Harker Heights with Killeen Independent School District.
2. Any other action desired by City Council.

ATTACHMENTS:

None



CITY COUNCIL MEMORANDUM

AGENDA ITEM # V-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2010-33, SECTION 34.04 OF THE HARKER HEIGHTS CODE TO MODIFY THE DESIGNATION OF THE RECORDS MANAGEMENT OFFICER WITHIN CHAPTER 34 OF THE HARKER HEIGHTS CODE OF ORDINANCES, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On November 9, 2010, the City Council passed an ordinance updating Chapter 34 “Records Management” of the Harker Heights Code to meet the State of Texas Public Library and Archives Commission Requirements. The change in the ordinance included the description of who would be designated as the City’s Records Management Officer.

Action is needed by Council to make an administrative change of the City’s Records Management Officer designation from the Records Management Coordinator to the City Secretary.

§ 34.04 DESIGNATION OF RECORDS MANAGEMENT OFFICER

The ~~Records Management Coordinator~~ **City Secretary**, and the successive holders of said office, shall serve as Records Management Officer for the City. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

RECOMMENDATION:

Staff recommends approval.

ACTION BY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2010-33, Section 34.04 of the Harker Heights Code to modify the designation of the Records Management Officer within Chapter 34 of the Harker Heights Code of Ordinances.
2. Any other action desired by City Council.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2010-33, SECTION 34.04 OF THE HARKER HEIGHTS CODE OF ORDINANCES TO MODIFY THE DESIGNATION OF THE RECORDS MANAGEMENT OFFICER WITHIN CHAPTER 34 OF THE HARKER HEIGHTS CODE OF ORDINANCES.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to modify the designation of the Records Management Officer within §34.04; and

WHEREAS, the meeting at which this ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: Section 34.04 of the Code of Harker Heights is hereby amended to read as follows:

§ 34.04 DESIGNATION OF RECORDS MANAGEMENT OFFICER

The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: This ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on March 23, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights, Texas



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF SIX CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC; AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The City of Harker Heights is a member of a 162-member city coalition known as the Steering Committee of Cities Served by Oncor (“Steering Committee”). The Steering Committee originally formed in the late 1980s and took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters.

The Steering Committee takes on an active role in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. They also have strong representation at ERCOT. There is always a possibility that the additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities.

The attached resolution approves the assessment of a six-cent per capita fee to fund the activities undertaken by the Steering Committee. The total due from the City of Harker Heights is \$1,860 which is the 2021 per capita fee times the Harker Heights population figure found in the Texas Municipal League Directory of City Officials of 31,000.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing the payment of six cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF SIX CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the City of Harker Heights is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee of Cities Served by Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Steering Committee at its December 2020 meeting set a budget for 2021 that compels an assessment of six cents (\$0.06) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Harker Heights and protect the interests

of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of six cents (\$0.06) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "*Steering Committee of Cities Served by Oncor*" shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PRESENTED AND PASSED on this the 23rd day of March 2021, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Harker Heights, Texas.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights, Texas



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN THE INTERLOCAL AGREEMENT WITH THE CITY OF TEMPLE, TEXAS, FOR THE USE OF A DECOMMISSIONED TEMPLE FIRE ENGINE, AND TAKE THE APPROPRIATE ACTION

BACKGROUND:

During the FY 2020-21 budget, the City Council authorized the funding to have unit 201, reserve fire engine, to be refurbished.

Late in 2020, the Harker Heights Fire Department reached out to the Temple Fire Department to inquire about the temporary use of a decommissioned fire engine. Temple Fire Chief notified us earlier this year that the fire engine was available.

The Temple City Council approved the use of the apparatus during a regular called meeting on March 4, 2021.

Under this Interlocal Agreement, the City of Harker Heights will be responsible for the following:

- Maintain all necessary insurance on the loaned fire engine.
- Maintenance during the term of the loan.
- Will return the fire engine in like condition at the end of the loan period.

This agreement will terminate when the engine is no longer needed by the City of Harker Heights.

The document has been reviewed and approved by our City Attorney.

RECOMMENDATION:

Staff recommends approval

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution to authorize the City Manager to sign the Interlocal Agreement with the City of Temple, Texas, for the use of a decommissioned Temple Fire Engine
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Interlocal Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS,
AUTHORIZING THE CITY MANAGER TO SIGN THE INTERLOCAL AGREEMENT WITH
THE CITY OF TEMPLE FOR THE USE OF A DECOMMISSIONED FIRE ENGINE.**

WHEREAS, the City of Harker Heights, Texas (City) current 1996 E-One/Freightliner pumper is out of service receiving a complete refurbishment; and

WHEREAS, the refurbishment will not be complete until late June 2021 and the need for a reserve fire engine is likely to occur; and

WHEREAS, Harker Heights Fire Department Staff (HHFD) corresponded with the Temple Fire Department (TFD) regarding the use of a decommissioned fire engine; and

WHEREAS, the HHFD was notified on March 4, 2021, the City of Temple had agreed to loan The City of Harker Heights a decommissioned fire engine for use during the period of the refurbishment; and

WHEREAS, the HHFD concludes the use of this decommissioned unit will serve as a tremendous value to our fleet during the time of our reserve unit being refurbished and recommends approval.

NOW, THEREFORE, BE IT RESOLVED by the City of Harker Heights, Texas, to:

1. Authorize the City Manager to sign the Interlocal Agreement between the City of Harker Heights and the City of Temple for the use of a decommissioned fire engine.
2. Authorize and instruct the City Manager to act in the name and behalf of the City of Harker Heights to execute and deliver such Interlocal Agreement and to do and perform every other act as he may deem necessary and appropriate in his sole discretion to accomplish the purposes of this resolution.

PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THIS 23rd DAY OF MARCH, 2021, AT WHICH MEETING A QUORUM WAS PRESENT, HELD IN ACCORDANCE WITH THE PROVISIONS OF THE TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights, Texas

**INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF HARKER HEIGHTS AND THE CITY OF TEMPLE
FOR USE OF A DECOMMISSIONED TEMPLE FIRE ENGINE**

This Interlocal Agreement is between the City of Harker Heights (“Harker Heights”), and the City of Temple (“Temple”) both Texas home rule municipalities, to allow Harker Heights to utilize a decommissioned City of Temple fire engine. Harker Heights and City may hereinafter be referred to individually as the “Party” and/or collectively as the “Parties.”

WHEREAS, pursuant to Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act, Temple is proposing entering into an interlocal agreement with Harker Heights to loan a decommissioned Temple fire engine to Harker Heights to serve as a reserve engine in place of a Harker Heights fire engine that suffered a severe mechanical issue, leaving the engine in need of a major overhaul and rendering it unusable, until such time as the Harker Heights engine is repaired or replaced;

WHEREAS, the engine to be loaned is Temple asset #10112, a 1996 Spartan/Quality engine which was retired from service in November 2019—Temple will postpone the sale of the engine until it is returned from Harker Heights;

WHEREAS, the loan of this engine will not cause a shortage of apparatus for the City of Temple or affect Temple operations and will assist Harker Heights in providing necessary fire coverage until Harker Heights’s damaged engine can be repaired or replaced; and

WHEREAS, the parties to this Agreement have considered this interlocal agreement, and deem it to be in the best interest of the citizens of Harker Heights and Temple; and

NOW, THEREFORE, the Parties mutually agree to the terms of this Interlocal Agreement as set forth below.

I. GENERAL PROVISIONS

A. PURPOSE. This Agreement allows Harker Heights to utilize a decommissioned 1996 Spartan/Quality engine, asset #10112, from the City of Temple as a reserve engine while its damaged fire engine is being repaired or replaced.

B. TERMS AND CONDITIONS.

- a. Harker Heights will maintain all necessary insurance on the loaned fire engine. Harker Heights will be responsible for all damages and liability incurred during the use or possession of the engine.
- b. Harker Heights will be responsible for all maintenance of the fire engine during the loan period and will be responsible for any repairs to the fire engine beyond normal wear and tear.
- c. Harker Heights will return the engine to Temple at the end of the loan period in like condition.
- d. Temple will postpone selling the decommissioned fire engine until the engine is returned to the City.

C. TERM. The term of this Agreement shall commence upon signature of both Parties and approval by the governing bodies of the municipalities and will terminate when the engine is no longer needed by Harker Heights.

- D. **TERMINATION.** Either Party may terminate this Agreement by providing the other with thirty (30) days written notice.
- E. **COMPENSATION.** Harker Heights is not required to reimburse Temple for use of the engine; however, Harker Heights will be required to reimburse Temple for any repairs or maintenance necessary to the engine beyond normal wear and tear if the engine is not returned in like condition.
- F. **COMPLIANCE WITH LAWS.** Harker Heights is required to comply with all applicable local, state, and federal laws. Failure to comply with all laws, regulations, policies, or usage requirements shall be treated as a default.

II. MISCELLANEOUS

- A. **WAIVER.** No waiver of performance by either Party shall be construed as, or operate as, a waiver for any subsequent default of any terms, covenants, and/or conditions of this Agreement.
- B. **ASSIGNMENT.** Neither Party shall assign all or any part of its rights, privileges, or duties under this Agreement without the prior written approval of the governing bodies of the Parties.
- C. **STATUS OF GOVERNMENTAL ENTITIES.** The Parties shall in no way operate as an agent of the other Party. Each Party shall be responsible for the acts and omissions of their own officers, directors, authorized agents, servants and employees in connection with this agreement. Each Party shall at all times be and remain legally responsible for the conduct of their respective personnel. Nothing in this Agreement shall be construed as making either Party responsible for the payment of compensation and/or any benefits, including health, property, motor vehicle, or worker's compensation, disability, death, or dismemberment insurance for the other Party's employees and/or equipment.
- D. **GOVERNMENTAL IMMUNITY.** Neither Party to this Agreement waives any governmental or sovereign immunity entitled to them by law, whether statutory or at common law, by entering into this Interlocal Agreement. Both Parties expressly retain all such immunities afforded them.
- E. **VENUE.** Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this agreement, venue for said action shall be in the City of Temple, Bell County, Texas or in the United States District Court for the Western District of Texas. This Agreement shall be construed in accordance with the laws of the State of Texas.
- F. **WRITTEN INSTRUMENT IS ENTIRE AGREEMENT.** This written instrument constitutes the entire Agreement by the parties hereto concerning the work and services to be performed under this Agreement.
- G. **MODIFICATION.** No alteration, change, modification or amendment of the scope of this Agreement will be valid or effective unless made by the mutual consent of the Parties, in writing, signed and dated by both Parties and approved by appropriate action of the governing body of each Party.
- H. **PARAGRAPH HEADINGS.** The paragraph headings contained herein are for convenience and are not intended to define or limit the scope of any provision of this Agreement.
- I. **SEVERABILITY.** In any case, if one or more of the provisions contained in this Agreement, shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability, shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

III. NOTICE

NOTICE. Unless otherwise provided herein, all notices required or permitted by this Agreement shall be made to the following:

To the City of Temple:

CITY OF TEMPLE
Fire Chief Mitch Randles
210 North 3rd Street
Temple, Texas 76501

With Copy to:

CITY OF TEMPLE
City Attorney's Office
2 North Main Street, Suite 308
Temple, Texas 76501

To the City of Harker Heights:

CITY OF HARKER HEIGHTS
Fire Chief Paul Sims
401 Indian Trail
Harker Heights, Texas 76548

IV. EXECUTION

This Agreement shall be executed by the duly authorized official(s) of each Party as expressed in the approving resolution or order of the governing body of such Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first written above.

CITY OF TEMPLE, TEXAS

CITY OF HARKER HEIGHTS, TEXAS

Brynn Myers, City Manager

By: David Mitchell, City Manager

ATTEST:

ATTEST:

Jana Lewellen, City Secretary

Julie Helsham, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney's Office

City Attorney's Office



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDED A CONTRACT FOR THE CENTRAL FIRE STATION PAVEMENT RECONSTRUCTION PROJECT IN THE AMOUNT OF \$139,270.00 TO HCS, INC COMMERCIAL GENERAL CONTRACTOR; AUTHORIZE THE CITY MANAGER TO ACT AND SIGN ON BEHALF OF THE CITY; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The bidding process began with the City advertising for bids for the Central Fire Station Pavement Reconstruction Project on January 31, 2021 and February 7, 2021. A total of thirty-two (32) bid packets were distributed. Of those, eleven (11) were construction companies, ten (10) were subcontractors, one (1) was a supply company and ten (10) were plan rooms. On March 3, 2021, at 2:30 p.m. the sealed bids for the project were opened. The following bids were received and met specifications:

Bidder	Bid
HCS, Inc. Commercial General Contractor	\$139,270.00
Lone Star Grading & Materials, LLC	\$153,446.93
Quality Concrete Construction	\$172,543.25
Myers Concrete Construction, LLC	\$174,538.00

The project includes the removal of two steel underground water tanks used to test fire engine pumps and the removal/replacement of the concrete pavement.

HCS, Inc. Commercial General Contractor has successfully completed similar projects in Central Texas.

The Central Fire Station Pavement Reconstruction Project is budgeted \$110,400 in the FY2020-21 Capital Improvement Fund.

RECOMMENDATION:

The Public Works Director recommends approving a resolution awarding a contract for the Central Fire Station Pavement Reconstruction Project in the amount of \$139,270.00 to HCS, Inc. Commercial General Contractor.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution awarding a contract for the Central Fire Station Pavement Reconstruction Project in the amount of \$139,270.00 to HCS, Inc. Commercial General Contractor; And authorize the City Manager to act and sign on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Letter of recommendation from Walker Partners
3. Bid Tabulation
4. Plan Holders List
5. Location Map

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT FOR THE CENTRAL FIRE STATION PAVEMENT RECONSTRUCTION PROJECT IN THE AMOUNT OF \$139,270.00 TO HCS, INC COMMERCIAL GENERAL CONTRACTOR.

WHEREAS, the City advertised for bids on January 31, 2021 and February 7, 2021; and

WHEREAS, the City has funds budgeted in the FY 2020-21 Capital Improvement Funds; and

WHEREAS, the City notified eleven construction companies, ten subcontractors, one supply company and ten plan rooms.; and

WHEREAS, the City received four bids meeting specifications; and

WHEREAS, the City opened the sealed bids at 2:30 p.m. on March 3, 2021 and found the lowest responsible bidder to be HCS, Inc. Commercial General Contractor; and

WHEREAS, the meeting at which this resolution was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harker Heights, Texas:

1. The facts and recitations set forth above are hereby found and declared to be true and correct.
2. The contract ("**Agreement**") for the Central Fire Station Pavement Reconstruction Project is awarded to HCS, Inc. Commercial General Contractor in the amount of \$139,270.00.
3. The City Manager, David Mitchell, is hereby authorized and empowered to act in the name and on behalf of the City to execute and deliver the Agreement (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), together with any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to effectuate the said Agreement, and to accomplish the purposes of these resolutions.
4. All actions taken or performed prior to the date hereof by any person herein authorized to act in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.

5. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

PASSED AND APPROVED on March 23, 2021, by the Harker Heights City Council.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights, Texas

March 10, 2021

City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548

Attn: Mark Hyde, Director of Public Works

Re: City of Harker Heights
Central Fire Station Pavement Reconstruction
Project No.: 2-01616

Dear Mr. Hyde:

Bids for the Central Fire Station Pavement Reconstruction, **Bid# 21-560-539-01** were received by the City of Harker Heights until 2:30 p.m. on March 3, 2021. A total of four bids were received. The bids were opened and read aloud to those in attendance in the City of Harker Heights Council Chambers shortly after 2:30 p.m.

The apparent low bidder at the time of bid opening and following tabulation of the bids was HCS, Inc. Commercial General Contractor of Waco, Texas in the amount of \$139,270.00.

HCS, Inc. Commercial General Contractor has successfully completed similar projects in Central Texas for both municipalities and school districts. Walker Partners recommends that the City of Harker Heights award the contract for the Central Fire Station Pavement Reconstruction Project to HCS, Inc. Commercial General Contractor in the amount of \$139,270.00.

If you have any comments or questions concerning this recommendation, please contact me.

Sincerely,



Otto W. Wiederhold, P.E.
Senior Vice President

Attachments: Bid Tabulation
List of Plan Holders

Cc: Project File 2-01616

Walker Partners, LLC
Bid Tabulation

City of Harker Heights
Central Firestation Pavement Reconstruction
Project No.: 2-01616
March 3, 2021 / 2:30 PM

Bidders

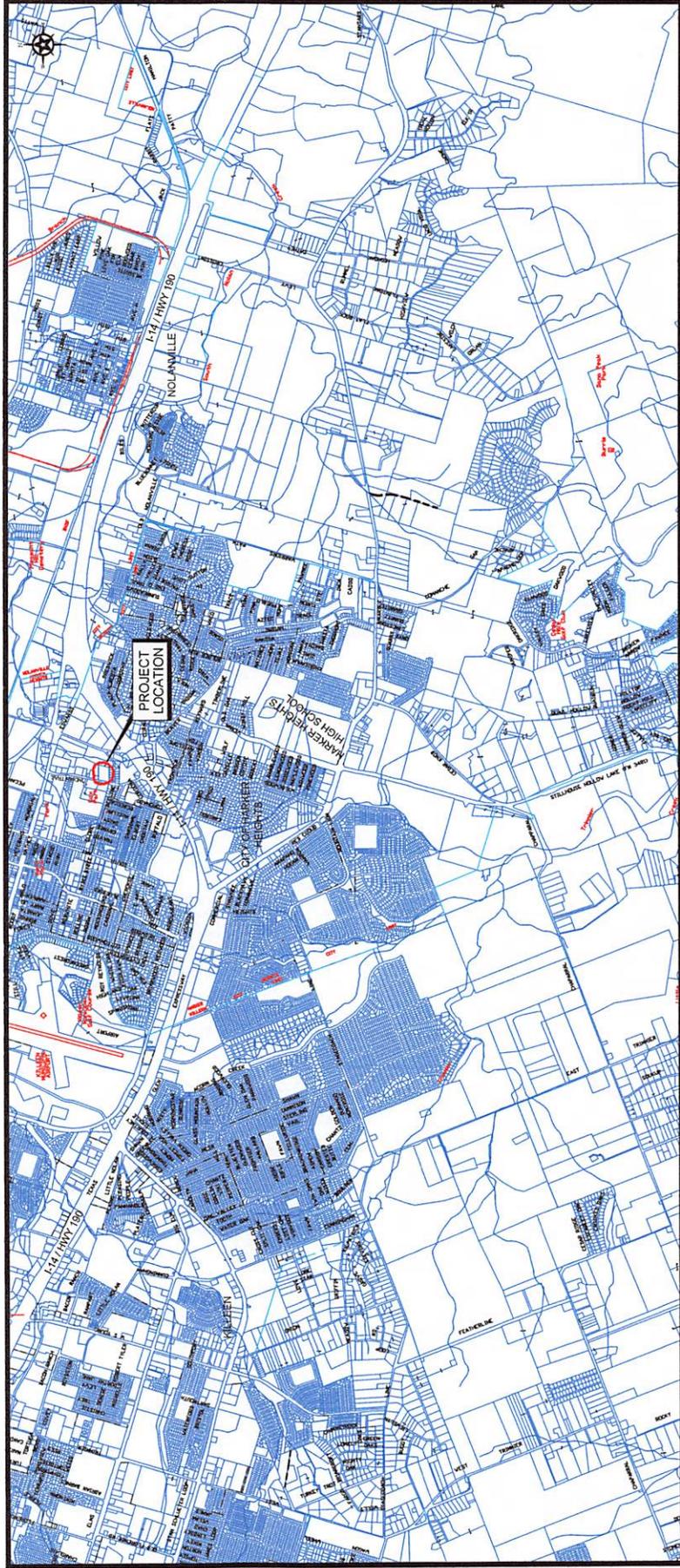
Item No.	Bid Item Description	Estimated Quantities	Measure	HCS, Inc. Commercial General Contractor		Lone Star Grading & Materials, LLC		Quality Concrete Construction		Myers Concrete Construction, LP	
				Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount
1.00	General Conditions										
1.01	Mobilization and Bonds	1	LS	7,500.00	7,500.00	7,000.00	7,000.00	6,800.00	6,800.00	5,735.00	5,735.00
1.02	Storm Water Pollution Prevention Plan	1	LS	1,000.00	1,000.00	2,300.00	2,300.00	2,100.00	2,100.00	4,214.00	4,214.00
1.03	Trench Safety Plan	1	LS	1,600.00	1,600.00	3,500.00	3,500.00	5,500.00	5,500.00	1,053.00	1,053.00
	Subtotal General Conditions				10,100.00		12,800.00		14,400.00		11,002.00
2.00	Pavement Removal & Replacement										
2.01	Demolition of Existing Reinforced Concrete Pavement, Disposal, Regrading, & Proof Rolling	995	SY	22.50	22,387.50	27.06	26,924.70	21.25	21,143.75	24.00	23,880.00
2.02	Removal of Existing Fire Engine Testing Tanks	1	LS	10,000.00	10,000.00	15,427.58	15,427.58	4,700.00	4,700.00	7,556.00	7,556.00
2.03	Fill of Excavation from Removal of Rainwater Collection	480	CY	41.75	19,205.00	42.28	19,448.80	69.00	31,740.00	68.00	31,280.00
2.04	Remove Existing Bollards and Replace with New 8" Bollards	2	EA	750.00	1,500.00	750.00	1,500.00	950.00	1,900.00	905.00	1,810.00
2.05	Flexible Base TxDOT 247 Type A Grade 1 or 2 (4" thickness)	995	SY	10.50	10,447.50	8.83	8,785.85	22.00	21,890.00	12.00	11,940.00
2.06	Reinforced Concrete Pavement	995	SY	64.00	63,680.00	68.00	67,660.00	76.10	75,719.50	86.00	85,570.00
2.07	Fire Lane Striping	300	LF	6.50	1,950.00	3.00	900.00	3.50	1,050.00	5.00	1,500.00
	Subtotal Pavement Removal & Replacement				129,170.00		140,646.93		158,143.25		163,536.00
	Total Bid				\$139,270.00		\$153,446.93		\$172,543.25		\$174,536.00

City of Harker Heights - Central Fire Station Pavement Reconstruction

Company	Company Type	Contact Name	Contact Phone	Email	Notes
BAR Constructors	General Contractor	Jacob Pieper	4697242354	jakep@barconstructors.com	Download Plans
Chiron Communication Services, LLC	SubContractor	Jeff Storm	281-441-4951	jeff@chironcomm.com	Download Plans
AMTEK Austin	Plan Room	Kaylan Wardlaw	5123230508	amtek.austin@amtekusa.com	Download Plans
TTG Utilities, LP	General Contractor	Dawna James	254-248-1151	DJames@TTGUtilities.com	Download Plans
NTCR PLANROOM	Other	Linda McBride	940-498-7855	linda@amtekusa.com	Download Plans
AGC Plan Room	Plan Room	Elaine Hobbs	254-772-5400	plans@centexagc.org	Download Plans
BidJudge.com	SubContractor	Seth A	6024562439	tx@bidjudge.com	Download Plans
Virtual Builders Exchange	Plan Room	Tawny Williams	210-564-6900	tawny@virtualbx.com	Download Plans
Prime Vendor Inc.	Plan Room	Bid Clerk Bid Clerk	800-746-9554	govtbids@prime-vendor.com	Download Plans
Texas A&M	Architect	Ashton Blackstone	5127389171	ashton.blackstone@gmail.com	Download Plans
Quality Concrete Construction	General Contractor	Peter Orr	512-567-1578	orr11@hotmail.com	Download Plans
O. Trevino Construction	General Contractor	Ed Goodreau			Download Plans, Not Bidding
Finish Elevation	SubContractor	Alfredo Lerma	8304692003	alfredo@finishelevation.com	Download Plans
ConstructConnect	Plan Room	Michael Stubbs	800-364-2059	content@constructconnect.com	Download Plans
Turner Paving & Construction	General Contractor	Scott Turner	281-897-0197	tcpave@sbcglobal.net	Download Plans
Bentina Construction	Other	Dustin King	2545356028	dustin@purserco.com	Download Plans
MHB Construction, Inc.	General Contractor	Mark Burner	817-924-6258	mark@mhbconstruction.com	Download Plans
RENFRO EXCAVATION	SubContractor	RAY RENFRO	2547707280	lynnrenfro123@aol.com	Download Plans
Melendrez Trucking, LLC	SubContractor	Vera Melendrez	512-243-3977	meltrks@melendreztrucking.com	Download Plans
Gary W Purser Construction, Ltd.	General Contractor	Cyndi Murphy	254-634-5567	cmohr@purserco.com	Download Plans
AWB Enterprises, LLC	Owner	Alexandria Bates	13618002828	AWBenterprisellc@outlook.com	Download Plans
Contractors Register, Inc.	Other	Maria Deg	800-431-2584	govbidops@thebluebook.com	Download Plans
Lamar University	Owner	Seokyon Hwang	4098807557	seokyon@gmail.com	Download Plans
Diamond X Contracting, Inc.	General Contractor	Ronnie Duenez	512-773-8997	rduenez@dxcontracting.com	Download Plans
adams materials	Other	Brett Adams	5129705411	badamsmaterials@gmail.com	Download Plans
Premier Worldwide, Inc	General Contractor	Dee Bhatti	281-752-0014	dee@premierwvi.com	Download Plans
HCS Inc	General Contractor	Mike Ballerino	254-829-3200	bids@hcs-gc.com	Download Plans
Dodge Data & Analytics	Other	Jayalakshmi L	1-877-903-1909	Jayalakshmi@construction.com	Download Plans
K4E	SubContractor	Matthew Ray	281-450-1936	mray@k4ellc.com	Download Plans
North America Procurement Council Inc., PBC	Other	Eric Johnson	302-450-1923	sourcemanagement@nappc.me	Download Plans
Construction Journal	Plan Room	Pamela Exton	8007855165	bids@constructionjournal.com	Download Plans
Gage and Cade Construction, LLC	General Contractor	Kenny Warr	2813309769	kenny@gageandcadeconstruction.com	Download Plans

DRAWINGS
for
CITY OF HARKER HEIGHTS
CENTRAL FIRE STATION PAVEMENT REPLACEMENT

PROJECT LOCATION MAP



GRAPHIC SCALE IN FEET



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MARCH 23, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDING A CONTRACT FOR THE PINWOOD DRIVE DRAINAGE CHANNEL SCOUR PROTECTION PROJECT IN THE AMOUNT OF \$179,926.00 TO MYERS CONCRETE CONSTRUCTION, LP; AUTHORIZE THE CITY MANAGER TO ACT AND SIGN ON BEHALF OF THE CITY; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The bidding process began with the City advertising for bids for the Pinewood Drive Drainage Channel Scour Protection Project on January 31, 2021 and February 7, 2021. A total of forty-three (43) bid packets were distributed. Of those, twenty-one (21) were construction companies, seven (7) were subcontractors, four (4) were supply companies and eleven (11) were plan rooms. On March 3, 2021, at 2:00 p.m. the sealed bids for the project were opened. The following bids were received and met specifications:

Bidder	Bid
Myers Concrete Construction, LLC	\$179,926.00
ERS of MS, Inc.	\$227,227.00

The project, approximately 400 feet in length, includes shaping the earthen channel and installing 18-inch diameter grouted rock rip rap in the bottom and sides of the earthen channel section to prevent erosion. Approximately 250' of privacy fencing along the limits of the project will be removed and replaced.

Myers Concrete Construction, LLC has successfully completed similar projects in Central Texas.

The Pinewood Drive Drainage Channel Scour Protection Project is budgeted at \$195,500 in the FY2020-21 Capital Improvement Fund.

RECOMMENDATION:

The Public Works Director recommends approving a resolution awarding a contract for the Pinewood Drive Drainage Channel Scour Protection Project in the amount of \$179,926.00 to Myers Concrete Construction, LLC.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution awarding a contract for the Pinewood Drive Drainage Channel Scour Protection Project in the amount of \$179,926.00 to Myers Concrete Construction, LLC, and Authorize the City Manager to act and sign on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Letter of recommendation from Walker Partners
3. Bid Tabulation
4. Plan Holders List
5. Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDING A CONTRACT FOR THE PINWOOD DRIVE DRAINAGE CHANNEL SCOUR PROTECTION PROJECT IN THE AMOUNT OF \$179,926.00 TO MYERS CONCRETE CONSTRUCTION, LP.

WHEREAS, the City advertised for bids on January 31, 2021 and February 7, 2021; and

WHEREAS, the City has funds budgeted in the FY 2020-21 Capital Improvement Funds; and

WHEREAS, the City notified twenty-one construction companies, seven subcontractors, four supply companies and eleven plan rooms.; and

WHEREAS, the City received two bids meeting specifications; and

WHEREAS, the City opened the sealed bids at 2:00 p.m. on March 3, 2021 and found the lowest responsible bidder to be Myers Concrete Construction, LLC; and

WHEREAS, the meeting at which this resolution was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harker Heights, Texas:

1. The facts and recitations set forth above are hereby found and declared to be true and correct.
2. The contract ("*Agreement*") for the Pinewood Drive Drainage Channel Scour Protection Project is awarded to Myers Concrete Construction, LLC in the amount of \$179,926.00.
3. The City Manager, David Mitchell, is hereby authorized and empowered to act in the name and on behalf of the City to execute and deliver the Agreement (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), together with any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to effectuate the said Agreement, and to accomplish the purposes of these resolutions.
4. All actions taken or performed prior to the date hereof by any person herein authorized to act in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.

5. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

PASSED AND APPROVED on March 23, 2021, by the Harker Heights City Council.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights, Texas

March 10, 2021

City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548

Attn: Mark Hyde, Director of Public Works

Re: City of Harker Heights
Pinewood Drive Drainage Channel Scour Protection
Project No.: 2-01636

Dear Mr. Hyde:

Bids for the Pinewood Drive Drainage Channel Scour Protection, **Bid# 21-560-501-01** were received by the City of Harker Heights until 2:00 p.m. on March 3, 2021. A total of two bids were received. The bids were opened and read aloud to those in attendance in the City of Harker Heights Council Chambers shortly after 2:00 p.m.

The apparent low bidder at the time of bid opening and following tabulation of the bids was Myers Concrete Construction, LP of Wimberly, Texas in the amount of \$179,926.00.

Myers Concrete Construction, LP has successfully completed similar projects in Central Texas for municipalities, school districts, and as a subcontractor for various commercial projects. Walker Partners recommends that the City of Harker Heights award the contract for the Pinewood Drive Drainage Channel Scour Protection Project to Myers Concrete Construction, LP in the amount of \$179,926.00.

If you have any comments or questions concerning this recommendation, please contact me.

Sincerely,



Otto W. Wiederhold, P.E.
Senior Vice President

Attachments: Bid Tabulation
List of Plan Holders

Cc: Project File 2-01636

Walker Partners, LLC
Bid Tabulation

City of Harker Heights
Pinewood Drive Drainage Channel Scour Protection
Project No.: 2-01636
March 3, 2021 / 2:00 PM

Bidders

Item No.	Bid Item Description	Estimated		Myers Concrete Construction, LP		ERS of MS, Inc.	
		Quantities	Measure	Unit Price	Unit Amount	Unit Price	Unit Amount
1.00	General Conditions						
1.01	Mobilization and Bonds	1	LS	5,236.00	5,236.00	25,000.00	25,000.00
1.02	Storm Water Pollution Prevention Plan	1	LS	3,423.00	3,423.00	3,000.00	3,000.00
	Subtotal General Conditions				8,659.00		28,000.00
2.00	Channel Scour Improvements						
2.01	Site Clearing and Preparation	1	LS	1,884.00	1,884.00	25,000.00	25,000.00
2.02	Unclassified Excavation & Channel Shaping	1,088	SY	36.00	39,168.00	15.00	16,320.00
2.03	Grouted Rock Rip Rap Channel Lining	818	SY	131.00	107,158.00	120.00	98,160.00
2.04	Reinforced Concrete Rip Rap	25	SY	126.00	3,150.00	190.00	4,750.00
2.05	Remove & Replace Wooden Fence	250	LF	35.00	8,750.00	60.00	15,000.00
2.06	Temporary Construction Fencing	250	LF	9.00	2,250.00	6.00	1,500.00
2.07	Relocate Shed	1	LS	1,533.00	1,533.00	8,007.00	8,007.00
2.08	Bermuda Sod - Revegetation	610	SY	9.00	5,490.00	9.00	5,490.00
2.09	Site Grading & Cleanup	1	LS	1,884.00	1,884.00	25,000.00	25,000.00
	Subtotal Channel Scour Improvements				171,267.00		199,227.00
	Total Bid				2 \$179,926.00		\$227,227.00

Myers Construction

1 Myers Amount = \$171,269.00

2 Myers Amount = \$179,928.00

City of Harker Heights - Pinewood Drive Drainage Channel Scour Protection

Company	Company Type	Contact Name	Contact Phone	Email	Notes
TTG Utilities, LP	General Contractor	Dawna James	254-248-1151	DJames@TTGUtilities.com	Download Plans
AMTEK Austin	Plan Room	Kaylan Wardlaw	5123230508	amtek.austin@amtekusa.com	Download Plans
Thaile Construction Company	General Contractor	Donita Bowden	919-730-6726	donita.bowden@thaille.com	Download Plans
Bruce Flanigan Construction, Inc.	General Contractor	Bruce Flanigan	254-773-7679	bwflanigan@gmail.com	Download Plans
A Greater Austin Development Company Inc.	General Contractor	Frankie Garcia	512-310-9300	fgarcia@gad.co	Download Plans
Fortline Waterworks	Supplier	Sheldon Anderson	2545620353	sheldon.anderson@fortline.com	Download Plans
NTCR PLANROOM	Other	Linda McBride	940-498-7855	linda@amtekusa.com	Download Plans
Er-Con Technologies	SubContractor	Danny Cantrell	7134604601	dcantrell@er-contech.com	Download Plans
AGC Plan Room	Plan Room	Elaine Hobbs	254-772-5400	plans@centexagc.org	Download Plans
BidJudge.com	SubContractor	Seth A	6024562439	tx@bidjudge.com	Download Plans
Virtual Builders Exchange	Plan Room	Tawny Williams	210-564-6900	tawny@virtualbx.com	Download Plans
PPM Company	General Contractor	Richard Pepper	903-235-7372	bopepper10@yahoo.com	Download Plans
Prime Vendor Inc.	General Contractor	Bid Clerk Bid Clerk	800-746-9554	govtbids@prime-vendor.com	Download Plans
Finish Elevation	SubContractor	Alfredo Lerma	8304692003	alfredo@finishelevation.com	Download Plans
Balcones Ridge Construction LLC	General Contractor	Gloria Hoeffle	830-445-9170	GHBalconesridge@gmail.com	Download Plans
Mcgraw-hill - Dodge Data	Plan Room	Hazel Lacamieta	413-471-9488	dodge_docs@construction.com	Download Plans
ConstructConnect	Plan Room	Michael Stubbs	800-364-2059	content@constructconnect.com	Download Plans, Interested
Eagle Eye Consulting and Construction, LLC	General Contractor	Byron Sinclair	2547749674	Byron.EagleEyeCC@gmail.com	Download Plans
Beck-Reit and Sons, Ltd	General Contractor	Russell Becker	512-472-8833	russ@beckreit.com	Download Plans
PROPEX INC	Manufacturer	Michael Johnson	4047548883	michael.johnson@propexglobal.com	Download Plans
Costa Verde Resources	General Contractor	Ronnie Spencer	512-698-5464	rspencer@cvr-llc.com	Download Plans
JERSON'S CONCRETE CONTRACTOR	General Contractor	Cystal Hernandez	8328739997 cell 2817880912	jersonsconcrete@yahoo.com	Download Plans
Bell Contractors	General Contractor	Jonathan Perez	254-939-3509	jperetz@bellcontractors.com	Interested, Download Plans
Gary W Purser Construction, Ltd.	General Contractor	Cyndi Murphy	254-634-5567	cmohr@purserco.com	Download Plans
Diamond X Contracting, Inc.	General Contractor	Ronnie Duenez	512-773-8997	rduenez@dxcontracting.com	Download Plans
Solid Bridge Construction LLC	General Contractor	Vance Bridges	936-435-0700	vance@solidbridgeconstruction.com	Download Plans
JAM Civil Construction LLC	SubContractor	Mandy Torres	8303028205	mandy@jamcc.biz	Download Plans
Contractors Register, Inc.	Other	Maria Deg	800-431-2584	govtbids@thebluebook.com	Download Plans
Green Orange Construction Professionals, LLC	SubContractor	Vanessa Sarmiento	512-839-4121	estimating@goconstructionpro.com	Download Plans
ERS, INC	General Contractor	TODD ROBERTS	601-982-7788	ersinc@earthlink.net	Download Plans
Quality Concrete Construction	General Contractor	Peter Orr	512-567-1578	orr11@hotmail.com	Download Plans
Er-Con Technologies	General Contractor	Jim Hodgson	7137036165	jhodgson@er-contech.com	Download Plans
Bentina Construction	Other	Dustin King	2545356028	dustin@purserco.com	Download Plans
Gael, Inc.	General Contractor	John Roughneen	281-734-2030	biogael@gmail.com	Download Plans
Choice Builders LLC	General Contractor	Charles O'Daniel	254-534-2423	charlie@choicebuilderstx.com	Download Plans
K4E	SubContractor	Matthew Ray	281-450-1936	mray@k4ellc.com	Download Plans
SIRJ CONSTRUCTION, LLC	General Contractor	JULIAN CERVANTES	214-682-8182	sjjcons@hotmail.com	Download Plans
Erosion Abatement	Supplier	Harry Arthur	2817572006	harthur@erosionabatement.com	Download Plans
Dodge Data & Analytics	Other	Seth Oswald	8175278238	seth.oswald@construction.com	Download Plans
Dodge Data & Analytics	Other	Jayalakshmi L	1-877-903-1909	jayalakshmi@construction.com	Download Plans
adams materials	Other	Brett Adams	5129705411	badamsmaterials@gmail.com	Download Plans
Heartland Construction Services	General Contractor	Nelson Hall	5126944886	hallnr5@gmail.com	Download Plans
Construction Journal	Plan Room	Pamela Exton	8007855165	bids@constructionjournal.com	Download Plans

Location Map

Pinewood Dr Channel



Map Date: 3/19/2021

Harker Heights
City of Harker Heights
Planning and Development
300 Main's Crossing
Harker Heights, TX 78566
www.ci.harkerheights.tx.us

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