



**April 28, 2020**

**5:00 P.M.**

**CITY COUNCIL**

**MEETING AGENDA**





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

*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  
John Reider  
Jody Nicholas

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, April 28, 2020, 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:

**I. Roll Call:**

**II. Mayoral Proclamations and Presentations:**

**III. Consent Items:**

1. Discuss and consider approving the minutes of the meeting held on April 14, 2020 and take the appropriate action.

**IV. 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.

1. Receive a presentation by Thomas Briganti regarding Food Truck regulations.
2. Receive a presentation by Tamara Lam regarding updating the City of Harker Heights City Website regarding recycling.

**V. Public Hearings:**

1. Conduct a public hearing to discuss and consider approving an ordinance amending Chapter 154 "Subdivisions", Section 154.36 (F), (3), *Fire Hydrants* of the City of Harker Heights, Texas, Code of Ordinances to correctly reference the Adopted Fire Code and take the appropriate action. (Planning and Development Director)
2. Conduct a public hearing to discuss and consider approving an ordinance amending the BYOB Businesses Regulation Ordinance 2020-10, Section 125.09, (F), of the City of Harker Heights, Texas, Code of Ordinances to correct a clerical error which will standardize the appeals processes within Chapter 125 of the Harker Heights Code of Ordinances and take the appropriate action. (Planning and Development Director)

**VI. Old Business:**

**VII. New Business:**

1. Discuss and consider approving a resolution of the City of Harker Heights, Texas, declaring certain Engineering Firms to be pre-qualified to provide certain Professional Services to the City, subject to specified conditions, and take appropriate action. (Public Works Director)
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 Public Health Emergency Declaration through May 31, 2020, and take appropriate action. (City Manager)

**VIII. Reports of Advisory Boards & Commissions:**

**IX. Items from Council:**

**X. Staff Reports:**

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

**XI. Announcements:**

**XII. Adjournment:**

At 5:00 p.m. on Friday the 24<sup>th</sup> day of April 2020, an original copy of this notice was posted at the Harker Heights Municipal Building.



Juliette Helsham  
City Secretary

**The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 568-4106 and use Access Code: 270-454-333.**

**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. Agenda packet and recording of the telephonic meeting will posted on the City of Harker Heights website at [www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us).**

*"Assistive listening devices are available upon request for those with hearing impairments. Please contact the City Secretary 48 hours prior to meeting."*

*"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, April 14, 2020 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:

<b>Roll Call:</b>	Spencer H. Smith	Mayor
	Michael Blomquist	Mayor Pro-tem
	Jennifer McCann	Councilmember Place 1
	Jackeline Soriano Fountain	Councilmember Place 3
	John Reider	Councilmember Place 4
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Juliette Helsham	City Secretary

**Mayoral Proclamations and Presentations:**

1. The Mayor presented a proclamation proclaiming April 19-25, 2020, as "National Library Week".
2. The Mayor presented a proclamation proclaiming April 24, 2020, as "Arbor Day".

**Consent Items:**

1. Council discussed and considered approving the minutes of the meeting held on March 24, 2020. Reider made the motion to approve as written. Seconded by Fountain. All in favor. Motion approved 5-0.
2. Council discussed and considered approving the minutes of the special called meeting held on April 7, 2020. Reider made the motion to approve as written. Seconded by Fountain. All in favor. Motion approved 5-0.

**Presentations by Citizens:**

Lynda Nash, 3006 Sun Dance Drive, Harker Heights, Texas 76548, thanked the City Council for addressing the Conex issue at the Food Bank. No action taken.

**Public Hearings:**

1. Council conducted a public hearing to discuss and consider approving an ordinance amending Section 155.005 of the Harker Heights Code of Ordinances to allow minor setback variances by the Building Official over all zoning districts. Joseph Molis, Planning and Development Director made the presentation. Fountain made the motion to approve. Seconded by Reider. All in favor. Motion approved 5-0.
2. Council conducted a public hearing to discuss and consider approving an ordinance of the City of Harker Heights, Texas, amending Sections 150.32, 150.33, 150.34, 150.36, and 155.050 of the Code of Ordinances of the City of Harker Heights, Texas, which pertain to fence height, materials and location. Joseph Molis, Planning and Development Director made the presentation. Blomquist made the motion to approve with the addition that front fencing material be constructed of non-opaque material. Seconded by Reider. All in favor. Motion approved 5-0.

3. Council conducted a public hearing to discuss and consider approving an ordinance of the City of Harker Heights, Texas, amending ordinance 2017-28, Section §155.0231 (G) (2) of the Code of Ordinance of the City of Harker Heights, Texas, to modify the R2-I Side Yard Setback Requirements for corner lots. Joseph Molis, Planning and Development Director made the presentation. Fountain made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
4. Council conducted a public hearing to discuss and consider approving an ordinance of the City of Harker Heights, Texas, setting forth regulations for businesses not licensed or permitted to sell or serve alcoholic beverages which allow patrons to bring alcoholic beverages onto their premises for consumption ("BYOB Businesses"), providing a penalty clause, and providing for publication and an effective date. Joseph Molis, Planning and Development Director made the presentation. Blomquist made the motion to approve based upon staff's recommendation and findings. Seconded by Nicholas. All in favor. Motion approved 5-0.

**New Business:**

1. Council discussed and considered approving an Ordinance authorizing the issuance and sale of City of Harker Heights, Texas, General Obligation Refunding Bonds, Series 2020, in an aggregate maximum principal amount not to exceed \$6,085,000; levying a tax in payment thereof; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, and an Escrow Agreement; calling certain obligations for redemption or prepayment; awarding the purchase of the Certificates; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; and enacting other provisions relating thereto. Ayesha Lealiiee, Assistant Finance Director and Garry Kimball, Managing Director Specialized Public Finance made the presentation. Reider made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.

**Staff Reports:**

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

**Announcements:**

Mayor Smith stated that as Council heard from the City Manager, cases of the COVID-19 continue to go up incrementally in Harker Heights and there are nine (9) case right now. Mayor Smith encouraged the Council and the City Staff, as they have influence in the community to have people to make good decisions and to make good choices not only for themselves, for their family, but for our community as we continue to deal with the COVID-19. It has been very difficult for many of us but, again we will see it through and will work together to overcome it.

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:42 p.m.

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Spencer H. Smith, Mayor

ATTEST:

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Juliette Helsham, City Secretary



REQUEST TO ADDRESS AN ITEM ON THE AGENDA  
AT THE CITY COUNCIL MEETING OF THE  
CITY OF HARKER HEIGHTS

DATE: 4-22-2020

AGENDA ITEM \_\_\_\_\_

Print Name: THOMAS BRIGANTI

Address: 1704 Martin Luther King Jr. Killeen  
Lot #200

Phone number:                     

Cell Phone Number: 254-226-6253

E-Mail Address TBRIGANTI.7413@gmail.com

Comments: see attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Continue comments on back*

Thomas Briganti  
Signature

*Please give this completed form to the City Secretary or Mayor (prior to the meeting, if possible). Responses will be limited to three (3) minutes.*

In the beging of March 2020 I came to Harker Heights for a food truck permit. I was given a form to fill out, and I asked for the rules and regulations on the food truck. I was told ,”there aren't any” I said “Impossible” , she said “really, call the police department they know more than we do”. I then took the aplication, went home and called the police department . I explained what my intenton was , he said “no problem” .

On March 16 2020 , I had an appointment with RANDY RAY, deputy fire marshal , he did his inspechtion . ( See fire marshal report )

So I went home did every thing on fire marshal report . On march 30 2020 I saw fire marshal RANDY RAY for the second time. He inspected my food truck again and I passed . He wrote out a bill on the computer for \$ 105. and I gave him my credit card and he gave me my Harker Heights mobile food venders lisenace .

Believeing I had my food lisenace, A week or so later I followed my dream and opened up on a the street that I told the police department about. First day the fire dept. showed up , luckely it was fire marshal RANDY RAY , he said someone complained thats why he was here . He took pictures and said ( if I come back you have a problem if not good luck ) he also said that I should expect more complaints . He left and I have not seen him since.

Two days later Code enforcement showed up and closed me down because I can not park there (there is no sign on the street and its in a commercial area ) and classafied me a trailor and not a food truck (see attached ) .

I built this food truck myself, I spent a lot of time and money, spared no expence to achieve a classy food truck. I have impressed every inspector in NJ and now in Texas. For code enforcement to classfie this as a trailor, is a slap in the face . The most troubleing part of all this is to find out that you have nothing in the books for food trucks, hence the problem .

Thomas Briganti

*Thomas Briganti*  
4-22-2020

(A) Except as provided in subsections (B), (C) and (D) of this section, it be unlawful for any person who owns or controls a boat or trailer to park or leave same standing so as to encroach upon any public street:

- (1) For more than seventy-two hours in any seven-day period; or
- (2) For any length of time more than twice in any thirty-day period.

fire marsh  
ally 254-699-2688

2

\* Spencer Smith  
254-953-5600  
\* Wanda Summerville

3045 Still House



**REQUEST TO ADDRESS AN ITEM ON THE AGENDA  
AT THE CITY COUNCIL MEETING OF THE  
CITY OF HARKER HEIGHTS**

**DATE:** 04/24/2020

**AGENDA ITEM**

Print Name: Tamara Lam

Address: 3705 Oakridge Blv. Harker Heights, 76548

Phone number:

Cell Phone Number: 254-245-5766

E-Mail Address tl1143@gmail.com

Comments:

Regarding the Harker Heights City Website for recycling

Can this page be updated to include the current list of what is accepted at the drop site?  
The last update is listed as 2011. Also, can a posting about the current closure of the  
recycling program be added to the page for the duration of the Covid 19 closure?

*Continue comments on back*

Tamara Lam

Signature

***Please give this completed form to the City Secretary or Mayor (prior to the meeting, if possible). Responses will be limited to three (3) minutes.***



## COUNCIL MEMORANDUM

### AGENDA ITEM # V-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 28, 2020

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE AMENDING CHAPTER 154 "SUBDIVISIONS", SECTION 154.36 (F), (3), FIRE HYDRANTS OF THE CITY OF HARKER HEIGHTS, TEXAS, CODE OF ORDINANCES TO CORRECTLY REFERENCE THE ADOPTED FIRE CODE AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

Staff identified a reference error in § 154.36 (F), (3), of the Subdivision Code which states:

- (3) *Fire hydrants.* Fire hydrants shall be installed at distances pursuant to § 150.02 (E), (15). At each required fire hydrant, minimum flows must meet levels pursuant to § 150.02 (E), (16), (6). In areas not served by the city, the developer must perform a fire flow test on the system with the city staff as witnesses to assure adequate fire protection is provided.

This reference is no longer accurate, as the adoption of the Fire Code has moved to § 150.02 (J), and the reference needs to be updated.

**ANALYSIS**

The proposed ordinance amendment is worded as such:

- (3) *Fire hydrants.* Fire hydrants shall be installed pursuant to the most currently amended and adopted edition of the International Fire Code. In areas not served by the city, the developer must perform a fire flow test on the system with the city staff as witnesses to assure adequate fire protection is provided.

By removing the reference to a specific section of the Code of Ordinances and referencing the adopted International Fire Code, this type of reference error can be avoided in the future.

**STAFF RECOMMENDATION:**

Staff recommends approval of an amendment to Chapter 154, § 154.36 (F), (3), *Fire Hydrants*, of the Harker Heights Code of Ordinances to correctly reference the adopted Fire Code, based upon the following findings:

1. The proposed ordinance amendment corrects a reference error in Chapter 154; and
2. The proposed ordinance will standardize the Fire Code reference in Chapter 154.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove an amendment to Chapter 154 Subdivisions, Section 154.36 (F), (3), *Fire Hydrants*, of the City of Harker Heights, Texas, Code of Ordinances to correctly reference the adopted Fire Code, based upon staff's recommendation and findings.
2. Any other action desired.

**ATTACHMENTS:**

1. Amending Ordinance

# Proposed Amendment to Fire Hydrant Reference in Chapter 154 Subdivisions

## CURRENT ORDINANCE

§ 154.36(F)(3) *Fire hydrants*. Fire hydrants shall be installed at distances pursuant to § 150.02 (E)(15). At each required fire hydrant, minimum flows must meet levels pursuant to § 150.02 (E)(16)(6)...

## HARKER HEIGHTS CODE OF ORDINANCES

§ 150.02 (E) The International Energy Conservation Code, 2015 Edition, as promulgated by the International Code Council Inc., and all subsequently published annual revisions issued, except for the following, which shall amend and change said code only to the extent referenced...

## PROPOSED ORDINANCE AMENDMENT

*Fire hydrants*. Fire hydrants shall be installed pursuant to the most currently amended and adopted edition of the International Fire Code...





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 154 "SUBDIVISIONS", SECTION 154.36 (F), (3), *FIRE HYDRANTS* OF THE CITY OF HARKER HEIGHTS, TEXAS, CODE OF ORDINANCES TO CORRECTLY REFERENCE THE ADOPTED FIRE CODE.**

**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 correct a reference error within § 154.36 (F)(3); 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 154.36 (F)(3) of the Code of Harker Heights is hereby amended to read as follows:

- (3) *Fire hydrants.* Fire hydrants shall be installed pursuant to the most currently amended and adopted edition of the International Fire Code. In areas not served by the city, the developer must perform a fire flow test on the system with the city staff as witnesses to assure adequate fire protection is provided.

**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:** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this ordinance, acting for the City of Harker Heights in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

**SECTION 5:** This ordinance shall be effective from and after its passage, and the City Clerk 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 Tuesday, April 28, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

**ATTEST:**

\_\_\_\_\_  
Juliette Helsham, City Secretary



## COUNCIL MEMORANDUM

### AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 28, 2020

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE AMENDING THE BYOB BUSINESSES REGULATION ORDINANCE 2020-10, SECTION 125.09, (F), OF THE CITY OF HARKER HEIGHTS, TEXAS, CODE OF ORDINANCES TO CORRECT A CLERICAL ERROR WHICH WILL STANDARDIZE THE APPEALS PROCESSES WITHIN CHAPTER 125 OF THE HARKER HEIGHTS CODE OF ORDINANCES AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

While creating the BYOB Business application and procedures for processing applications, staff identified a clerical error in § 125.09 (F) of the BYOB Ordinance which states:

**§ 125.09 PERMIT APPROVAL OR DENIAL.**

- (F) An applicant may appeal to the City Council a denial of a BYOB permit application in accordance with § 125.16 (Appeal).

It was the intent of the ordinance that all appeals regarding the BYOB Ordinance be brought to the Board of Adjustments as referenced in § 125.16 (Appeal)

**§ 125.16 APPEAL.**

- (A) An applicant or a permit holder may appeal to the Board of Adjustment a permit application denial, a permit suspension, or a permit revocation. To stay a suspension or revocation under this Chapter, appeal to the Board of Adjustment must be made within 10 days after the applicant/ BYOB permit holder receives written notice of the decision that it is appealing.
- (B) If the permit holder timely files a notice of appeal pursuant to § 125.16 (A), a suspension or revocation is stayed.

**ANALYSIS**

As proposed, the ordinance amendment would correctly identify the process for appealing a permit application that is denied and would bring this section into conformance with other appeals processes in Chapter 125.

**STAFF RECOMMENDATION:**

Staff recommends approval of an amendment to Ordinance 2020-10, § 125.09 (F) of the Harker Heights Code of Ordinances to correct a clerical error which will standardize the appeals processes within Chapter 125 of the Harker Heights Code of Ordinances, based upon the following findings:

1. The proposed ordinance amendment corrects a clerical error in Chapter 125; and
2. The proposed ordinance will standardize the appeals processes throughout Chapter 125.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove an amendment to the BYOB Business Regulation Ordinance 2020-10, § 125.09, (F), of the Harker Heights Code of Ordinances to correct a clerical error which will standardize the appeals processes within Chapter 125 of the Harker Heights Code of Ordinances, based upon staff's recommendation and findings.
2. Any other action desired.

**ATTACHMENTS:**

1. Amending Ordinance

# **Proposed Amendment to BYOB Ordinance**

## **CURRENT ORDINANCE**

### **§ 125.09 PERMIT APPROVAL OR DENIAL.**

(F) An applicant may appeal to the **City Council** a denial of a BYOB permit application in accordance with § 125.16 (Appeal).

### **§ 125.16 APPEAL.**

(A) An applicant or a permit holder may appeal to the **Board of Adjustment** a permit application denial, a permit suspension, or a permit revocation...

## **HARKER HEIGHTS CODE OF ORDINANCES**

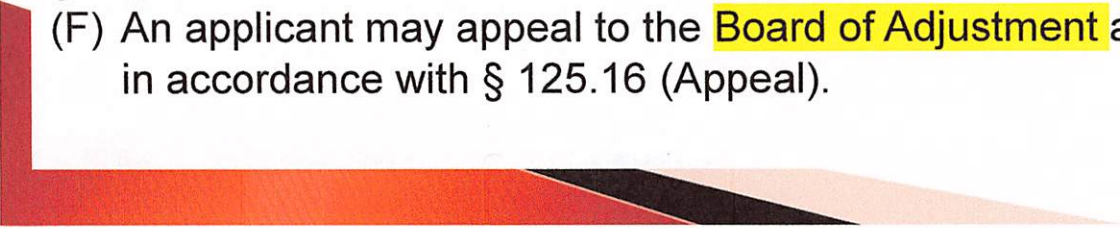
### **§ 155.221 APPEALS TO THE BOARD OF ADJUSTMENT.**

(A) A person aggrieved by a decision made by an administrative official, or any officer, department, board, or bureau of the city affected by such a decision, may appeal the decision to the **Board of Adjustment**...

## **PROPOSED ORDINANCE AMENDMENT**

### **§ 125.09 PERMIT APPROVAL OR DENIAL.**

(F) An applicant may appeal to the **Board of Adjustment** a denial of a BYOB permit application in accordance with § 125.16 (Appeal).



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE BYOB BUSINESSES REGULATION ORDINANCE 2020-10, § 125.09 (F) OF THE CITY OF HARKER HEIGHTS, TEXAS, CODE OF ORDINANCES TO CORRECT A CLERICAL ERROR WHICH WILL STANDARDIZE THE APPEALS PROCESSES WITHIN CHAPTER 125 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 correct a clerical error within § 125.09 (F); 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 125.09 (F) of the Code of Harker Heights is hereby amended to read as follows:

(F) An applicant may appeal to the Board of Adjustment a denial of a BYOB permit application in accordance with § 125.16 (Appeal).

**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:** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this ordinance, acting for the City of Harker Heights in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

**SECTION 5:** This ordinance shall be effective from and after its passage, and the City Clerk 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 Tuesday, April 28, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary





## COUNCIL MEMORANDUM

### AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 28, 2020

**DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, DECLARING CERTAIN ENGINEERING FIRMS TO BE PRE-QUALIFIED TO PROVIDE CERTAIN PROFESSIONAL SERVICES TO THE CITY, SUBJECT TO SPECIFIED CONDITIONS, AND TAKE APPROPRIATE ACTION.**

**EXPLANATION:**

The request for qualifications (RFQ) legal notice was published in the Killeen Daily Herald February 2<sup>nd</sup> and February 9<sup>th</sup>, 2020. Twenty-four packets were sent out for engineering statements of qualifications. Packets were received until 2:00 p.m. March 3, 2020. Sixteen highly qualified engineering firms responded with statements of qualifications. A five-member evaluation committee pre-qualified sixteen firms based on qualifications, experience and competence in water, wastewater, transportation and drainage projects.

**RECOMMENDATIONS:**

Public Works recommends that, for a period of two (2) years from this date, the engineering firms listed on Schedule A of the resolution be deemed to have demonstrated competence and qualifications to perform professional engineering services for water, wastewater, transportation and drainage projects, subject to the conditions in the proposed resolution.

**ACTION BY COUNCIL:**

1. Motion to Approve/Disapprove a Resolution declaring the engineering firms listed on Schedule A to be pre-qualified to provide professional services for water, wastewater, transportation, and drainage projects for the City of Harker Heights subject to specified conditions, based upon staff's recommendation and findings.
2. Any other action desired.

**ATTACHMENTS:**

1. Resolution
2. Schedule "A" List of Qualified Firms
3. Request for Qualifications
4. References of Firms

**RESOLUTION NO. 2020-12**

**A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, DECLARING CERTAIN ENGINEERING FIRMS TO BE PRE-QUALIFIED TO PROVIDE CERTAIN PROFESSIONAL SERVICES TO THE CITY, SUBJECT TO SPECIFIED CONDITIONS.**

**WHEREAS**, in order to expedite public works projects and to reduce the cost of selecting an engineering firm in connection therewith, the City of Harker Heights desires to pre-qualify engineers to provide professional engineering services as may be needed for water, wastewater, transportation and drainage projects during the next two years; and

**WHEREAS** the firms named herein have demonstrated an ability, via statements of qualifications and interviews, to provide engineering services meeting the City's requirements; and

**WHEREAS** the City reserves the right at any time to require any or all of the firms named herein to provide assurances of continued ability to provide engineering services meeting the City's requirements; and

**WHEREAS** the City reserves the right to solicit services from other engineering firms through a project specific request for proposals when, in the City's sole discretion, such solicitation is warranted by the circumstances, including without limitation the cost, complexity, size or scope of a project;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS**, that, for a period of two (2) years following the date hereof, the engineering firms listed on Schedule A attached hereto ("Qualified Firms") shall be deemed to have demonstrated competence and qualifications to perform professional engineering services, as required by the Professional Services Procurement Act, for water, wastewater, transportation and drainage projects, and to meet the City's requirements for the provision of such services.

**FURTHER RESOLVED** that if at any time the City Council or staff shall determine, in the exercise of its sole and absolute discretion, that a Qualified Firm may no longer meet the requirements of a Qualified Firm, such firm may be required to demonstrate its ability to meet such requirements and, if such firm fails to do so, it may be removed from the list of Qualified Firms.

**FURTHER RESOLVED** that the City shall retain the right to solicit services from other engineering firms through a specific request for proposals if at any time the City Council or staff shall determine, in the sole and absolute exercise of its discretion, such solicitation is warranted by the circumstances, including without limitation the cost, complexity, size or scope of a project.

**PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THIS 28th DAY OF APRIL, 2020, AT WHICH MEETING A QUORUM WAS PRESENT, HELD IN ACCORDANCE WITH THE PROVISIONS OF THE TEXAS GOVERNMENT CODE, CHAPTER 551.**

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Spencer H. Smith, Mayor  
City of Harker Heights

ATTEST:

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Juliette Helsham, City Secretary  
City of Harker Heights

## **Schedule A to Resolution #2020-12**

### **List of Qualified Firms**

1. A&S Engineering
2. Black & Veatch
3. Burgess & Niple, Inc.
4. Clark & Fuller
5. CP&Y
6. GarzaEMC, LLC
7. Gessner Engineering
8. Jones-Heroy & Associates, Inc.
9. Kasberg, Patrick & Associates, LP
10. Killeen Engineering & Surveying, LTD
11. KMEA
12. Langerman Foster
13. M&S Engineering
14. MRB Group
15. Thonhoff Consulting Engineers, Inc.
16. Walker Partners

2020 General Civil Engineering Services, RFQ 20-522-001

Schedule A to Resolution #2020-12

List of Qualified Firms. Effective April 28, 2020

1. A&S Engineering
2. Black & Veatch
3. Burgess & Niple, Inc.
4. Clark & Fuller
5. CP&Y
6. GarzaEMC, LLC
7. Gessner Engineering
8. Jones-Heroy & Associates, Inc.
9. Kasberg, Patrick & Associates, LP
10. Killeen Engineering & Surveying, LTD
11. KMEA
12. Langerman Foster
13. M&S Engineering
14. MRB Group
15. Thonhoff Consulting Engineers, Inc.
16. Walker Partners

# **Request for Qualifications**

**By Order of the City Council of the City of Harker Heights, Texas, sealed statements of qualifications will be received for:**

**General Civil Engineering Services  
RFQ No. 20-522-001**



**Sealed statements will be received until 2:00 p.m.  
on Tuesday, March 03, 2020**

Return statement to: City of Harker Heights  
Kelsey Coffman, Finance Coordinator  
305 Miller's Crossing  
Harker Heights, Texas 76548





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### INSTRUCTIONS TO PROVIDERS

1. The sealed envelope or package containing the completed statement(s) should be marked legibly on the outside with the statement number and the description of the item(s) being proposed as shown on the cover sheet of this Request for Qualifications.
2. The provider shall sign and date the statement where provided within the RFQ. The person signing the statement must have the authority to bind the provider in a contract. Statements which are not signed and dated in this manner may be rejected.
3. The provider shall submit one (1) unbound original and six (6) bound copies of statement documents unless stated otherwise in the Request for Qualifications. All statement documents shall be submitted and received at the Finance Department located at 305 Millers Crossing, Harker Heights, Texas, 76548, by the deadline shown on the cover sheet of this Request for Qualifications. Statements received after the deadline shall be considered void and unacceptable. The City of Harker Heights is not responsible for lateness or non-delivery of mail, carrier, etc. The statement will be date/time stamped in the Finance Department when received and this will be considered to be the official time of receipt.
4. Facsimile transmittals *will not* be accepted.
5. The City of Harker Heights, Texas, reserves the right to reject any or all statements as it shall deem to be in the best interests of the City of Harker Heights. Receipt of any statement shall under no circumstances obligate the City of Harker Heights to accept the provider's qualifications or award a contract. The award of each contract shall be made on the basis of a negotiated fair and reasonable price with the provider who has demonstrated the highest competence and qualifications, and whose proposal is determined to be the highest evaluated offer resulting from negotiation, taking into consideration the relative importance of the evaluation factors set forth in the Request for Qualifications.
6. Any questions concerning qualification specifics should be addressed to Mark Hyde, Director of Public Works, 305 Miller's Crossing, Harker Heights, Texas 76548 by regular mail via the United States Postal Service or by electronic mail (e-mail) to [mhyde@harkerheights.gov](mailto:mhyde@harkerheights.gov). Questions will be addressed and sent to all firms in receipt of the RFQ.



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7. Statements cannot be altered or amended after submission deadline. Any interlineation, alteration or erasure made before opening by the City must be initialed by the signer of the statement, guaranteeing authenticity.
8. The City of Harker Heights is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.
9. All statements meeting the intent of this Request for Qualifications will be considered for pre-qualification. Providers taking exception to the specifications, or offering substitutions, shall state these exceptions by attachment as part of the statement. The absence of such a list shall indicate that the provider has not taken exceptions, and shall hold the provider responsible to perform in strict accordance with the specifications in this Request for Qualifications. The City of Harker Heights reserves the right to accept any, all or none of the exception(s)/substitution(s) deemed to be in the best interest of the City.
10. Any interpretations, corrections or changes to this Request for Qualifications and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Harker Heights Director of Public Works. Addenda will be electronically mailed (e-mail) and a hard copy mailed via the United States Postal Service to all who are known to have received a copy of this Request for Qualifications. Providers shall acknowledge receipt of all addenda on the sealed envelope or package containing their statement.
11. Statements must comply with all applicable federal, state, county and local laws concerning these types of services.
12. The apparent silence of these specifications as to any detail or to the apparent omission of a detailed description concerning any point shall be regarded as meaning that only the best professional engineering practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.
13. A provider must affirmatively demonstrate provider's responsibility. A provider must meet the following requirements:





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- a. be able to comply with the required or proposed delivery schedule;
- b. have a satisfactory record of performance;
- c. have a satisfactory record of integrity and ethics;
- d. be otherwise qualified and eligible to receive an award.
- e. be able to comply with the City's insurance requirements (Exhibit G).

The City of Harker Heights may request representation and other information sufficient to determine provider's ability to meet these minimum standards.

***The City of Harker Heights is aware of the time and effort you expend in preparing and submitting statements to the City. Please let us know of any statement requirements causing you difficulty in responding to our Request for Qualifications. We want to facilitate your participation so that all responsible vendors can compete for the City's business.***

***Approvals should be made approximately two to six weeks after the statement opening date. To obtain results or if you have any questions concerning this Request for Qualifications and specifications, please contact the City of Harker Heights Finance Department at (254) 953-5633.***

### Request of Qualifications

#### I. Introduction

The City of Harker Heights desires to retain qualified engineers (licensed to do business in the State of Texas) to provide services as may be needed during the next two years. The City may conduct interviews with firms submitting statements of qualifications. Firms that demonstrate in their statement of qualifications and interviews, an ability to provide services meeting the City's requirements will be placed on a list of pre-qualified firms. When it is necessary to engage the services of a design professional, the City will select firms from the pre-qualified lists. The City may, however, solicit services through a project specific request for proposals when the complexity, size or scope of a project warrants. For purposes of this RFQ, general civil engineer shall be defined as water, wastewater, transportation and drainage projects.



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### **II. Information Requested From Providers**

Each statement of qualifications shall contain all the items listed below. Incomplete statements may be rejected in technical review by the Evaluation Committee. Additional firms may be allowed to submit statements during this two year period in order to be placed on the pre-qualified list at the discretion of the Director of Finance.

#### **A. Profile of Firm**

1. State the firm's name, business address, phone number, fax number and e-mail or website information.
2. Provide a summary of the firm's history including information on parent company if applicable.
3. Provide a listing of present office locations and state the location of the office(s) which will provide services to the City.
4. Provide a list of employees that may perform work for the City and give a summary of their qualifications and experience.
5. Provide a list of references familiar with the firm's capability to deliver services.
6. Provide financial statements to include a balance sheet and a profit (loss) at a minimum.
7. Providing a listing of projects that are representative of your firm's capabilities. Briefly describe the services provided by your firm and state whether your firm was the prime professional or played another role in the project.
8. Provide a description of your firm's Affirmative Action Program.
9. Provide insurance certification shown on Attachment 1.



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### III. Submission Information

The deadline for receiving all Statements of Qualifications shall be no later than **2:00 p.m. on March 03, 2020**. Any questions should be directed to Kelsey Coffman, Finance Coordinator, at (254) 953-5633.

One (1) unbound original and six (6) bound copies of statement documents shall be submitted in a sealed envelope or box bearing the name and address of respondent and also be identified in the lower left corner with **“Statement of Qualifications for General Civil Engineering Services, RFQ No. 20-522-001”** and be addressed as follows:

Kelsey Coffman  
Finance Coordinator  
305 Miller's Crossing  
Harker Heights, Texas 76548

The City of Harker Heights is an Affirmative Action and Equal Opportunity Employer.

### IV. Additional Information

If the firm is pre-qualified, the contract for professional services (Attachment 5) written by the City's Legal Department shall be the basis for any contract negotiation that may take place following selection for the project. The method of payment shall be a lump sum fee agreement with payments distributed throughout the life of the project based upon percentages of work completed. Any additional services contracted for shall likewise be lump sum. Exhibit G, (Attachment 5) includes the liability insurance requirements for the engineering firm also found in the Engineer-Owner Professional Services Agreement (Attachment 6). The Owner-Contractor Agreement (Attachment 7), to be used at a future date, if pre-qualified, includes the engineer's responsibilities as contract administrator.





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<b>Company Name</b>	
<b>Address</b>	
<b>City, State, Zip</b>	
<b>Phone Number</b>	
<b>Fax Number</b>	
<b>E-mail Address</b>	
<b>Tax Identification Number</b>	
<b>Signature of Authorized Agent</b>	
<b>Printed Name of Authorized Agent</b>	
<b>Title</b>	
<b>Date</b>	

**Attachment 1**

**INSURANCE CERTIFICATION**

The undersigned hereby certifies that, within 15 days of being awarded a contract, the provider will provide proof of all insurance coverages required by Paragraph 6.05 of the Agreement and Exhibit G thereto. Provider understands and agrees that, should it fail to submit the required proof of insurance within 15 days of the award, the provider shall forfeit its bond (if any), its statement will be disqualified, and the award will be withdrawn.

Firm Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name, Title

## Attachment 2

### PROPOSAL AFFIDAVIT

**Instructions:** All pages in provider's proposal containing statements, letters, etc., shall be signed by the provider or a duly authorized agent of the provider, whose signature is binding on the proposal. The period of acceptance of this proposal will be \_\_\_\_\_ calendar days from the date of the proposal opening. (Period of acceptance will be ninety (90) calendar days unless otherwise indicated by provider.)

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, a Notary Public in and for the State of \_\_\_\_\_, on this day personally appeared, who after being by me duly sworn, did depose and say:

"I, \_\_\_\_\_, am: (choose one)

\_\_\_\_\_ a duly authorized officer of/agent for the provider named below, and have been duly authorized to execute the foregoing proposal on behalf of the said provider.

\_\_\_\_\_ the only owner of the sole proprietorship named as the provider below.

"The provider offers and agrees to furnish all of the services upon which information is submitted in the accompanying proposal.

"The provider has carefully read and understands all documents relating to the work for which the proposal is submitted. Provider is not relying on any verbal interpretations or changes to the proposal packet. The provider has personally made a thorough investigation accepts full responsibility for any pre-existing conditions that would affect the proposal that were obvious and could have been ascertained by direct observation.

"I hereby certify that the foregoing proposal has not been prepared in collusion with any other offeror or other persons engaged in the same line of business prior to the official receipt of this proposal. Further, I certify that the provider is not now, nor has been in the past six (6) months, directly or indirectly concerned in any pool or agreement or combination, to control the price of services offered, or to influence any person or persons to offer or not to offer thereon.

"On behalf of the provider I waive all claims against the City of Harker Heights, its officers, agents, employers and contractors to the extent such claims arise out of or in connection with the administration, evaluation, or recommendation of any proposal; waiver of any requirements in connection therewith; acceptance or rejection of any proposals; and the award of the contract."

Name, address and phone number of provider:

\_\_\_\_\_

by: \_\_\_\_\_  
(printed name)

Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me by the above named  
\_\_\_\_\_ on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

Notary Public in and for the State of \_\_\_\_\_.

Notary signature: \_\_\_\_\_

Return this affidavit as part of the proposal.

### **Attachment 3**

#### **CREDIT CHECK AUTHORIZATION**

The City is required to determine whether a provider who may be awarded a contract is financially responsible. The City will run a credit check on the potential provider before award of the contract. Please complete the following information and submit with your proposal.

Contractor

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Tax Identification Number: \_\_\_\_\_

I hereby authorize the City of Harker Heights or credit bureau or other investigative agency employed by the City of Harker Heights to obtain credit reports, history and other information to evaluate the financial responsibility of the contractor named above. As to the City of Harker Heights, I hereby expressly waive all privileges and claims to confidentiality which the said may have with respect to such information. This authorization is irrevocable until 90 days after all proposals have been opened. Photocopies of this authorization shall be effective to the same extent as the original.

Authorized signature: \_\_\_\_\_

Title: \_\_\_\_\_

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

## Attachment 4

<b>CONFLICT OF INTEREST QUESTIONNAIRE</b> <b>For vendor doing business with local governmental entity</b>		<b>FORM CIQ</b>
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.008(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.008(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.008, Local Government Code. An offense under this section is a misdemeanor.</p>	<b>OFFICE USE ONLY</b>  <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
<div style="border: 1px solid black; padding: 2px;"> <b>1</b> Name of vendor who has a business relationship with local governmental entity.         </div>		
<div style="border: 1px solid black; padding: 2px;"> <b>2</b> <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)         </div>		
<div style="border: 1px solid black; padding: 2px;"> <b>3</b> Name of local government officer about whom the information is being disclosed.           <div style="border-bottom: 1px solid black; width: 80%; margin: 5px auto; text-align: center;">             Name of Officer           </div> </div>		
<div style="border: 1px solid black; padding: 2px;"> <b>4</b> Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.           <div style="margin-top: 20px;"> <p>A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Yes               <input type="checkbox"/> No             </div> <p>B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Yes               <input type="checkbox"/> No             </div> </div> </div>		
<div style="border: 1px solid black; padding: 2px;"> <b>5</b> Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.         </div>		
<div style="border: 1px solid black; padding: 2px;"> <b>6</b> <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).         </div>		
<div style="border: 1px solid black; padding: 2px;"> <b>7</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border-bottom: 1px solid black; width: 50%; text-align: center;">             Signature of vendor doing business with the governmental entity           </div> <div style="border-bottom: 1px solid black; width: 40%; text-align: center;">             Date           </div> </div> </div>		



## CONFLICT OF INTEREST QUESTIONNAIRE

### For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*  
(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

## Attachment 5

This is **EXHIBIT G**, consisting of 2 pages, referred to in and part of the Agreement between **OWNER** and **ENGINEER** for Professional Services dated \_\_\_\_\_, \_\_\_\_\_.

Initial:  
OWNER: \_\_\_\_\_  
ENGINEER: \_\_\_\_\_

### Insurance

Paragraph 6.05 of the Agreement is amended and supplemented to include the following agreement of the parties.

#### G6.05 Insurance

A. The limits of liability for the insurance required by paragraph 6.05.A and 6.05.B of the Agreement are as follows:

1. By ENGINEER:

- |  |                           |
|--|---------------------------|
| a. Worker's Compensation:                                  | <u>Statutory</u>          |
| b. Employer's Liability:                                   | <u>\$ 500,000.00</u>      |
| c. General Liability:                                      |                           |
| General Aggregate:   | <u>\$ 1,000,000.00</u>    |
| Each Occurrence (Bodily Injury and Property Damage)        | <u>\$ 1,000,000.00</u>    |
| d. Excess Umbrella Liability:                              |                           |
| Each Occurrence:   | <u>\$ 2,000,000.00</u>    |
| General Aggregate:   | <u>\$ 2,000,000.00</u>    |
| e. Automobile Liability:                                   |                           |
| Combined Single Limit (Bodily Injury and Property Damage): |                           |
| Each Accident  | <u>\$ 1,000,000.00</u>    |
| f. Professional Liability (Claims Made basis)              | <u>\$ 2,000,000.00</u>    |
| g. Other (specify):  | <u>\$ Value of Assets</u> |
| <u>Contractors Equipment Floater</u>                       |                           |

2. By OWNER:

- a. Worker's Compensation: Statutory
- b. Employer's Liability: \$ 500,000.00
- c. General Liability:
- General Aggregate: \$
- Each Occurrence (Bodily Injury and  
    Property Damage) \$
- d. Excess Umbrella Liability:
- Each Occurrence: \$
- General Aggregate: \$
- e. Automobile Liability:
1. Bodily Injury:
- Each Person: \$
- Each Accident: \$
- Property Damage:
- Each Accident \$
- or
1. Combined Single Limit  
    (Bodily Injury and Property Damage):
- Each Accident \$
- f. Other (specify): \$

**Contractors Equipment Floater**

**B. Additional Insureds.**

1. On all policies except Workers Compensation and Professional Liability. "City of Harker Heights is named as Additional Insured on the General Liability and Auto Liability policies." The additional insured endorsement must not exclude coverage for the contributory ordinary negligence of the city of Harker Heights. Certificated of Insurance and additional insured endorsements shall be delivered to the city of Harker within ten days of the effective date of the Agreement, and at least ten days prior to the expiration of such policies.
2. The following persons or entities are to be listed on ENGINEER's policies of insurance as additional insureds as provided in paragraph 6.05.B:

- a. ENGINEER
- b. ENGINEER'S CONSULTANT
- c. ENGINEER'S CONSULTANT

## **Attachment 6**

### **Owner/Engineer Professional Services Agreement**

## **Attachment 7**

**Owner/Contractor Agreement with Engineer as Contract Administrator**



**A&S Engineers**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Harris County MUD No. 180	All engineering work was completed on time or ahead of schedule. More importantly, our board received regular updates on any changes or variances as well as any public or private concerns that we needed to be aware of and/or take action on.	We actually hired the firm based on stellar recommendations of others. As a firm that works with government entities they are very sensitive to political and public opinion issues that may impact the project and to the elected offices that may have oversight of the entities that they work with. They are keenly aware of the needs of their customer and very talented at addressing issues, even the unpopular ones, with tact and diplomacy.	Our board has never had an issue with adequate staff. I personally feel that this is the engineering firm's area of expertise. What I know is that when a project is presented and details are discussed and timelines are given, A&S delivers exactly what we need when we need it. I also know that multiple staff members have worked with our board, the awarded contractors and numerous city, county and state agencies to get the jobs completed without any issues of concern.	I would 100% recommend A&S Engineering as a company to do business with. Our board believes in partnerships for the long-term. We believe that relationships matter and this is a group of individuals that we absolutely rely on. We do not have to follow-up or check on them. They come to us immediately when there are any discoveries, changes, or issues that arise. In all the years that we have been fortunate enough to have them as our engineering firm, I have never had to look back and check on anything. It makes our jobs much easier. The fact that they work well with our others consultants from a variety of fields is terrific. It makes life easier for everyone when "all play well together" and is just as important as their excellent technical skills in getting the work complete.	In all the projects that A&S has completed for us, I do not believe that there ever was a project that went over budget and that we did not know about. Part of the detailed communications that A&S provides is keeping our board abreast of needed changes that were discovered as a project developed. These have been rare and we have always been informed of areas of concern that A&S felt might be an issue.  As one who has professionally worked with consultants/contractors for most of my 40 year career as a safety consultant and insurance expert on contractors and construction, I can tell you that this group is one of the best I have seen and just as equally important, they are honest, hardworking and genuinely nice people to do business with.
MUD District (Wags 4 ttu)	Designs were completed per schedule within allowable	We were kept consistently appraised of projects statuses	We did not have any issues with staff support	We would recommend this company for future work. They are open, honest, knowledgeable, and always aware of our needs and requirements	projects were within budgets based on construction issues. Extra costs could occur from circumstances unforeseen during original budget estimates.
Nathan Wade	A&S Engineering design was completed on schedule.	A&S Engineering was sensitive to the needs of the city and county throughout the project.	A&S Engineering has adequate staffing throughout the project.	I would recommend A&S Engineering for future projects because they work well with all vendors and within the guidelines of the project contract (which includes budget and time lines)	The project stayed at the original budget.

## A&S Engineers

### 2020 Request for Qualifications Reference Check

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Debbie Gibson	<p>Yes. The most recent completed project was a sanitary sewer line rehabilitation completed in October 2019.</p> <p>A&amp;S is currently designing utility extensions/lift station addition and a major WWTP rehabilitation project. Design work for both projects is progressing on schedule.</p>	<p>Yes. A&amp;S was sensitive to the needs of the District. It was important to us that landscaping and trees along this line have minimal disturbance. Mission was accomplished.</p>	<p>Yes</p>	<p>Yes. A&amp;S has been the District engineer since February 2006. A&amp;S is attentive to the needs of the District in all situations requiring engineering services and demonstrates a high level of competence. I especially appreciate their no-nonsense approach to answering questions and planning projects. I feel that all situations are thoroughly investigated and the options presented to the board in a timely and professional manner, no over-kill added. In addition to basic engineering services, they also perform an annual water/sewer rate study at budget time which assists in adjusting current rates and planning for the future.</p> <p>As an auditor in the water district industry, I worked with many engineering staff from A&amp;S on mutual clients, including attending board meetings. Across the board, A&amp;S demonstrates a high level of competence, integrity, professionalism and timeliness, keeping the best interest of the client a top priority. They are also respectful of the other consultants and respond to them in a timely manner.</p>	<p>Final pay estimate was less than original contract amount.</p>

## Black & Veatch

### 2020 Request for Qualifications Reference Check

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
City of Fort Worth	Yes, they accommodated activities to fit into the City of Fort Worth fiscal year schedule	Yes, B&V was open and listened staff during discussions and visits.	Yes, they engaged experts from other states that were present in discussions and visits.	Yes. B&V has the knowledge, resources and willingness to do high quality work.	Yes, the project stay in budget and the deliverables show a lot more work efforts behind them.
Trinity River Authority	Yes	Yes	Yes	Yes, they are very good to work with, they always come prepared to meetings and will follow necessary guidelines that we have in place.	Stayed at budget
City of Austin	Yes	Yes	Yes	Yes, B&V is a great consultant to work with, they provide appropriate solutions for the challenges presentd and work well with the owner, other engineers, and contractors	At the original budget
UTRWD	Yes	Yes	Yes	Yes, they were responsive to our needs and tailored the project to meet those needs. They completed it within a timely manner and within budget, and provided technical support afterward	Stayed on budget

**Burgess & Niple**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
City of Arlington	B&N conducted sanitary sewer flow monitoring projects for us a couple years. It took us a while to get final reports but that more to do with some of the collected data requiring additional field verification.	Yes, but see #4	Yes, but see #4	No. We hired B&N based on the expertise offered by 2 of their now former project managers - Leigh Cerda and David Koberlein. Since project success or failure is primarily driven the project manager, I do not recommend consultant firms. I recommend proven successful project managers.	Completed at budget
City of Kyle	Yes	Yes.	Yes	I can't answer this either way. The project manager we worked with for most of our project has left B&N. I have not worked with the current staff long enough to make a recommendation at this time.	The project ended up being above the original budget due to requested additions by City staff, poor ground conditions and increasing contractor costs.
City of Marshall	Yes	Yes	Yes	Yes, Based on their prior experience working with them	In most cases it stayed at the original budget, as you sometimes change orders appear.
City of Kilgore	Yes	Yes	Yes	Not sure, the staff that I had a relationship with began to not feel appreciated and left the company.	Yes (Hard to say about B&N, they did a great job with my project, but the staff I was used to is no longer there and I'm not sure what I would use them for in the future.)

## CP & Y

### 2020 Request for Qualifications Reference Check

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
SouthWest Water Company	Yes	Yes, they were always looking out for our best interests and went above and beyond to ensure the project was constructed appropriately, timely and within budget.	Yes	Yes, they are very sensitive to our needs and provide high quality services.	I have used them many times and all projects have been within budget unless we have added additional items to the original budget.
WCID #1	Yes	Yes	Yes	NO. Bob Wallace was the Project Manager during my experience and directly influenced the answers above. The Project Manager is vital to the effectiveness of the engineering staff. I don't have enough direct experience with others from CP&Y to have an opinion one way or the other.	As I recall, on the 2 or 3 large projects completed with Wallace, we were very close to the estimated budget. We may have been slightly above but within the funding allocated each time.
City of Woodway	They have been working on quite a few projects for us over the past years and they do hit their design schedules accurately.	They have been sensitive to our needs when we do our reviews and bring up items that need attention from staff.	Their staffing appears adequate	I have no problems referring CP&Y for project design work.	The projects are normally within budgeted amounts.
City of Killeen	Yes	Yes	Yes	Yes, I have worked with CP&Y on several projects and found their professional services to be very good.	At



## Clark & Fuller

### 2020 Request for Qualifications Reference Check

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Cloud Construction	Yes	Yes	Yes		
RBDR Architects	I think on most all projects on which we've worked with Clark and Fuller they have been ready with their work when we've called for it.	Yes, they are sensitive to project constraints, such as budget issues.	I believe so.	Yes I would. We use them on a regular basis,	Their fees are reasonable and they work with you on cost savings where possible with their civil engineering design.
Neal Architects	Yes, very reliable	Yes, very conscious of being a team player at the City	Yes and additional if required.	Yes, we go back to them often for our projects	Always unless the project scope changes
City of Belton	Yes	Yes	Yes	Yes	On budget
North Bosque Water	Yes	Yes	Yes, they are always very accessible.	Yes we would. Monty and his group came in and took over a complicated project that had been mismanages. They were able to turn the project around with task completion dates that were met. They were onsite during critical times of the project and were always very accessible to questions that came up along the way	Slightly above but that was because of upgrades the system decided to make along the way.
Multi County Water Supply Corp.	yes. They have always been quick to respond and have completed out stuff in a timely matter.	Answer is also yes. They have done a couple of projects for us and always had our best interest in mind.	we have only dealt with Monty Clarke and Trey Simpson for everything. Between them two they were more than enough to handle us	YES!!! We have only dealt with Monty since we switched from Duff Engineering. I have over 20 years experience in the water business. Monte is the first engineer that I could felt comfortable taking to about issues or projects. My experience in the past has been that most engineers are very slow on thing, and most of the time had to talk to. Monte is down to earth and doesn't have the I have the degree attitude and you don't	I can't answer because we haven't had any projects with them yet. They do all our meter studies, redone our system maps, built our entire system into a hydraulic map, assisted in pressure concerns, and development projects. We do have one project that is in the works to make our office handicap accessible. Our board has not approved it due to the current situation with the virus.
David Poston	Yes it was	Yes he was	Yes they dd	Yes I would and have. He is very easy to work with, very professional, and his staff is always ready to help.	Below his budget

**Garza, EMC**  
**2020 Request for Qualifications Reference Check**

Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Yes. My work with GarzaEMC has been on projects for the City of Austin --- in which getting a site development permit is, due to its long time line, critical path. This puts pressure on the civil engineer to be the tip of the spear with their design effort. GarzaEMC understands this and has worked very hard to get their design done and the permit secured in my work with them, Yes	Definitely. The catch-22 for them is --- their client is the City of Austin --- and the main barrier to the project's design/approval timeline is the City of Austin development departments. So, GarzaEMC has to walk a fine line between multiple forces and does well doing so. Most Definitely	In a few instances, we have felt them be lacking capacity.... But, this can apply to a lot of firms in the past years due to general workload. But, in the end, they have always been responsive to any concern communicated by us and got the job done. They did indeed	Yes. We continue to team with them. Most definitely would	Multiple projects: from a civil engineering standpoint: Yes. At budget

PGAL  
CDM Smith  
HDR Inc. (emailed 3/24 &  
4/14) no response

**Gessner Engineering**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Brazos County	Yes	Yes we work well as a team	Yes I have 4 teams from Gessner working for me now	Yes I would. Gessner Engineering has established a very good working relationship with me and my staff and is very receptive to our needs	All of the projects we have bi that they have designed for us have come in a little below the Engineers estimates, we have a very competitive market and have been able to get 4 to 5 bidders on most projects.
City of Spring Valley	Current project is at 90% design and they are ahead of schedule.	Yes	Yes	Yes, Gessner has supplied a good product and choices.	That is to be determined due to currently 90% design. To this point, the budget looks good.
Texas A&M University	Yes	Yes	Yes	Yes, honest group	Yes

**Jones-Heroy & Assoc.**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
DCS Engineering	Yes	Yes, JHA has extremely good client service.	Yes	Yes. JHA is easy to work with, pay special attention to project details, and keeps the client well informed on existing issues and their resolution; or potential issues that could arise.	Yes
SouthWest Water Company	Yes	We are a private company, not a City, but yes, the company was sensitive to our needs.	Yes	Yes. We have retained Jones-Heroy on several projects, and they have always delivered a quality product within the scope of work budgets.	Yes
Kempner Water Supply Corp.	They have been on schedule on every project we have presented to them.	They have been very sensitive to all are needs.	They have a very friendly and adequate staff	I am recommending the firm based on the behalf of Kempner Water Supply Corp	All their proposed figures for various projects so far have been at, and many times, below. They are always exploring cost saving Avenues and cost options
Cuplin & Associates	Yes	Yes	Yes	Yes, Jones-Heroy is a truly professional company with competent capable staff.	Yes



**Kasberg, Patrick & Associates**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
City of Round Rock	Yes	Yes	Yes	YES. Provide a very good quality of plans for construction. Very familiar with City of Round Rock procedures and requirements.	Project was completed within budget.
City of Georgetown	Yes, for the past 20 years they have met schedule for design and bidding on every project, prior to this I can not say.	Yes, even needs that staff was unaware of were handle with professional acumen	Yes, see #1	Yes, and they are one of only 2 firms that I would recommend (see #1 and #2)	While not all project were completed within the original budget the outliers were projects where the City added additional work to the project scope
City of Belton	Yes	Yes	Yes	Yes	Yes
Bell County WCID #3	We have had KPA for approximately 14 years as far as I know, all projects were completed on schedule. However here the past 2 years it seems they have so much clientele that it is taking longer to get requested projects completed	They have shown sensitivity in that they either visit job site or call for updates.	Yes	I have had and still do jobs requested to be bid out that has not been completed for reasons unknown, I only assume it is that they have so much business they can't cover it all.	They are very good on estimates and staying within project costs as quoted
Matous Construction	Matous Construction has worked with KPA for many, many years. Most recently, we were the contractor for a new \$5M Wastewater Treatment Plant for the Village of Salado. From a contractor's perspective, KPA's plans and specs are clear and precise. Well done with regard to Intent, clarity and design efficiency. They would be a great fit for HH.				
City of Killeen	Yes	Yes	Yes	Yes, KPA has done a great job designing and contract administering several water line rehab projects for the City of Killeen	At

**Killeen Engineering & Surveying**  
**2020 Request for Qualifications Reference Check**

Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
On or prior	Absolutely	Yes	Yes	At or below
Yes	Yes	Yes	Yes, they have always done a good job for a reasonable price	Yes

John Fisher  
Mike Emmons

Jim Wright

# KMEA

## 2020 Request for Qualifications Reference Check

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Hugo Via (Air Force)	No. Contract asked for extension, but it did not impact our design project because we didn't have funding to build it when the design was complete	Yes	Yes	Yes, Accommodating to the customer needs	I find this company design charges a bit high for design considering we paid a lot of money and we get teleconference calls to do design reviews instead of being in person. The design of our project was high.
Tracy Kissler (Air Force)	Yes	Yes	Yes	Yes. They were very responsive to the customer's needs.	Yes
Wood PLC (no repsonse)					
Micah Schuler (Air Force) email returned undeliverable					
Michael Cox (Jacobs) emailed 4/14					
Lorenzo Davis (Los Angeles Service Center Director) emailed 4/14					

**Langerman Foster Engineering**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Walker Partners	YES	YES (I've worked with them on behalf of Public and Private clients)	YES	YES. They are the best Geotech firm in Central Texas.	YES
Winton Engineering	All design for which we contracted directly with LFE has always been completed on schedule. (Note that when we are not the prime for a project, we often don't know the schedule for preparation of the initial report, however I have never heard complaints regarding schedule.)	Yes. LFE is always helpful in evaluating options which are in the best interest of the project.	Yes	Yes. See above. LFE provides usable reports which are realistic and are always helpful in responding to any questions and in looking for options if needed.	Yes, for work we directly contracted with LFE. See note above. Geotechs often contract directly with the owner and we do not always have access to the geotechnical budget or billing. I have not heard any complaints from others regarding billings or budget.
KPA Engineering	Yes	Yes	Yes	Yes. They are attentive and produce good work. We continue to use them regularly on our projects, when appropriate	Langerman Foster Engineering stayed on budget with their work.
City of Waco	Yes	Yes	Yes	Yes. We have used Langerman Foster on numerous projects for material testing during construction and geotechnical work during the design phase and plan to continue to utilize them	Yes
CP&Y	Langerman Foster Engineering is consistently on or ahead of the schedule agreed upon in the contract.	Always, if a situation arises LFE is quick to respond and brings a solution to the table.	Yes, they manage their staff efficiently. With proper notice they can assign a significant number of people to the project.	I would recommend them wholeheartedly for future work.	They normally come in under budget.

## MRB Group

### 2020 Request for Qualifications Reference Check

Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Yes	Yes	Yes	Yes. They are really good a what they do will answer your question.	Yes
Yes	Yes	Yes	Highly recommend	Met the budget
Yes, on all projects	Very	Yes	Yes	Budget for engineering - yes. Budget for the project - no.

City of Gatesville  
 City of Rockdale  
 Brush Creek MUD  
 (emailed 4/14/2020)  
 Moffat WSC (emailed  
 4/14/2020)  
 City of Mart (emailed  
 4/14/2020)

**M&S Engineering**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
City of Jourdanton	Yes	Yes	Yes	Yes. The work they have completed for the City of Jourdanton thus far has been spot on.	Projects completed thus far have not exceeded the original budget.
City of Florsville (emailed 3/30 & 4/14)	No, there were some delay in the design, due to a change in staff.	Yes, the company was sensitive to the needs of the City.	The was assigned a lead engineer for the project. However, staff was lacking at times.	I have me reservations on recommendation	The project had change orders and went above the original budget
City of Georgetown (emailed 3/30 & 4/14)					
City of Selma 4(emailed 3/30 & 4/14)					
City of New Braunfels (emailed 3/30 & 4/14)					



**Thonhoff Consulting Engineers**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
Universal City	Yes	Yes, very	Yes, never an issues	Yes I would! They are very budget conscious and thorough on their projects.	Yes, both "At" and "Below" our budgets
City of Mathis	Yes	Yes	Yes	Yes. Thonhoff Consulting Engineers, Inc has done an excellent job for the City of Mathis and is currently under contract on 2 projects. Bob Thonhoff has given the City a personal touch in the work completed for the City which a rarity in many firms. He is well qualified and experienced in public works projects.	The one project completed was delivered within budget. Other two ongoing projects are projected to come in within budget
Karnes City	Designs have always be completed on or before deadline	Bob has always gone above & beyond to keep us informed of progress of the projects and regularly give biweekly updates to the Mayor, Council & myself.	Staffing from his side have been adequate.	Absolutely would recommend him for future work. He stays on top of the contractors and their subs to be the eyes & ears of the Council.	Bob has never brought us a contract that exceeded our budgeted amount.
City of Burnet (emailed 3/24/2020 & 4/14/2020) no response					
City of Asherton (emailed 3/24/2020 & 4/14/2020) no response					

**Walker Partners**  
**2020 Request for Qualifications Reference Check**

	Was the engineering design completed on schedule?	Was the company sensitive to the needs of your agency throughout the project?	Did the company allocate adequate staff?	Would you recommend this company for future work? Why or why not?	Did the project stay at, below or above the original budget?
			Yes. Their team has typically included a project manager, and two engineering staff (one young licensed engineer, another an engineer-in-training). They also have in-house land survey staff that can obtain field data as necessary to assist and improve accuracy of engineering design. They have subcontracted other services such as real estate and bridge design exerts.	Yes. Walker Partners is a solid and reputable civil engineering and land surveying company. I would not hesitate to hire them again. By the way, since I came to work at the County, I know of at least five contracts I have managed with this firm. They also work well with other associated professionals related to the project such as geotechnical engineers, real estate professionals, utility companies,	
McLennan County	Overall yes; however the County has not had a great track record to holding people to hard schedules.	Yes. I would say they have done a good job listening to our comments (needs vs. wants) and have made every effort to incorporate those comments into their engineering design			Yes. They have done a good job keeping the project(s) within established budgets.
City of McGregor	Yes. Always	Yes. Always	Yes. Always	Yes. Always. Best in the region	Yes. Always. Usually Below
City of Robinson (emailed 4/14/2020)					
City of Gatesville (emailed 4/14/2020)					
City of Lacy Lakeview (emailed 4/14/2020)					



## COUNCIL MEMORANDUM

### AGENDA ITEM # VII-2

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FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 28, 2020

**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 PUBLIC HEALTH EMERGENCY DECLARATION THROUGH MAY 31, 2020, AND TAKE 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. Per TML's guidance on receiving reimbursements in relation to COVID-19 expenditures, Mayor Smith issued a disaster declaration for Harker Heights on March 20, 2020. The City Council approved an Ordinance during the April 7<sup>th</sup> special called meeting to extend the Public Health Emergency Declaration to April 30, 2020.

Action is now needed by the Council to extend this declaration to match recent directives from the State and Bell County out to May 31, 2020.

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 will meet again on May 12 and 26, 2020. and may end, modify, and/or extend the declaration.

**STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove an ordinance amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through May 31, 2020.
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 PUBLIC HEALTH EMERGENCY DECLARATION THROUGH MAY 31, 2020.**

**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 31, 2020.

**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 April 28, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary