



APRIL 26, 2022

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, April 26, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

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. Proclamation declaring the month of May 2022, as "Older Americans Month".

[Proclamation](#)

V. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meetings held on April 12, 2022, and April 19, 2022, and take the appropriate action.

[April 12, 2022 - Minutes](#)

[April 19, 2022 - Minutes](#)

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:

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §150.33 of the Harker Heights Code of Ordinances to clarify visibility triangle requirements, and provide for the processing of alternate fence designs, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)

VIII. REGULAR BUSINESS:

1. Discuss and consider approving a Resolution of the City Council 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)
[Staff Report - Pdf](#)
2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for a concession agreement to Mama’s Soul Concessions LLC, for one year, with the City having two successive one-year options to renew for a maximum combined term of three years, and authorizing the city manager to enter such contract on behalf of the City, and take the appropriate action. (Parks and Recreation Director)
[Staff Report - Pdf](#)
3. Receive and discuss the City Manager's Report. (City Manager)

IX. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.
2. Updates and announcements from the Mayor.

X. 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 22nd of April, 2022, 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

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.

Note: On occasion the City Council may consider agenda items out of order.

Proclamation



Whereas, the City of Harker Heights includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

Whereas, the City of Harker Heights recognizes our need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible; and

Whereas, the City of Harker Heights can work to build an even better community for our older residents by:

- Planning programs that encourage independence.
- Ensuring activities are responsive to individual needs and preferences.
- Increasing access to services that support aging in place.

Now, therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights, Texas, do hereby proclaim May 2022 to be

“Older Americans Month”

in the City of Harker Heights and urge every resident to recognize the contributions of our older citizens, help to create an inclusive society, and join efforts to support older Americans’ choices about how they age in their communities.

In Witness Whereof, I have set my hand and have affixed the Seal of the City of Harker Heights, Texas, this 26th Day of April 2022.

Spencer H. Smith, Mayor
City of Harker Heights

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, April 12, 2022, at 5:00 p.m., in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Mayor Pro Tem Jennifer McCann
Councilmember Michael Blomquist
Councilmember Jackeline Soriano Fountain
Councilmember Lynda Nash
Councilmember Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

INVOCATION AND PLEDGE OF ALLEGIANCE:

The invocation was given by Councilmember Fountain. The Pledge of Allegiance to the U.S. Flag and to the Texas State Flag was led by Councilmember Nash.

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meetings held on March 22, 2022, and April 5, 2022.

Councilmember Blomquist made a motion to approve the minutes of the meetings held on March 22, 2022, and April 5, 2022. Councilmember Fountain seconded the motion. Carried unanimously.

REGULAR BUSINESS:

4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding the bank depository services contract to BancorpSouth Bank, a division of Cadence Bank; Authorizing the City Manager to sign the contract on behalf of the City. Ayesha Lealiiee, Finance Director, Susan Crawley, Finance Analyst, and Tom Pinon, Valley View Consulting Banking Team, made the presentation.

Mayor Pro Tem McCann made a motion to approve a Resolution awarding the bank depository services contract to BancorpSouth Bank, a division of Cadence Bank, and authorizing the City Manager to sign the contract on behalf of the City. Councilmember Nash seconded the motion. Carried unanimously.

PUBLIC HEARINGS:

1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One-Family Dwelling District) to B-3 (Local Business District) on property described as Fawn Valley, Lot One (1), Block Six (6), generally located at 1702 E. FM 2410 (E. Knight's Way), Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

The following citizens spoke on this item:

- John Reider, 2017 Caribou Trail, Harker Heights, Texas
- Kristie Dillon, 2509 Quartz Trail, Harker Heights, Texas
- Sherry Kay Morgan, 2513 Limestone Trail, Harker Heights, Texas
- Michael Nitti, 2517 Granite Trail, Harker Heights, Texas
- John Shatto, 2502 Quartz Trail, Harker Heights, Texas
- Loretta Shatto, 2502 Quartz Trail, Harker Heights, Texas
- Leon Charpentier, 1800 Quarry Trail, Harker Heights, Texas
- Debra Dugger, 2505 Limestone Trail, Harker Heights, Texas
- Jose Rivera, 2500 Quartz Trail, Harker Heights, Texas

At 6:31 p.m. Mayor Smith called for a short break due to severe storm causing loss of power.

Mayor Smith reconvened the meeting at 6:46 p.m.

- Ayesha Lealiiee, 2504 Limestone Trail, Harker Heights, Texas
- Samantha Cantu, 2573 Quartz Trail, Harker Heights, Texas
- Darryl Lynce, 2509 Granite Trail, Harker Heights, Texas

Mayor Pro Tem McCann made a motion to approve an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to B-3 (Local Business District) on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. FM 2410 (E. Knight's Way), Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember Halabi seconded the motion. Carried 4-1 (opposed: Councilmember Blomquist).

2. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change land use designation from 'Medium Density Residential' to 'Community Center' on property described as Fawn Valley, Block 006, Lot 0001, generally located at 1702 E. FM 2410 (E. Knight's Way), Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Mayor Pro Tem McCann made a motion to approve an Ordinance to change land use designation from Medium Density Residential to Community Center on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. FM 2410 (E. Knight's Way), Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember Fountain seconded the motion. Carried 4-1 (opposed: Councilmember Blomquist).

3. Council conducted a public hearing to discuss and consider approving a change in zoning designation from R1-R (Rural One-Family Dwelling District) to R-1 (One Family Dwelling District) on property described as a portion of A1049BC W H Russell, 2, Acres 3.3, generally located at 3202 Comanche Gap Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Anthony Rodriguez, Real Estate Broker, was present to represent the request.

Councilmember Blomquist made a motion to approve an Ordinance to change zoning designation from R1-R (Rural One-Family Dwelling District) to R-1 (One-Family Dwelling District) on property described as a portion of A1049BC W H Russell, 2, Acres 3.3, Property ID #424038 generally located at 3202 Comanche Gap Road, Harker Heights, Texas, as shown in the attached Exhibit 1 - Site Plan and based on staff's recommendation and findings. Councilmember Nash seconded the motion. Carried unanimously.

4. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional Use Permit (CUP) on property described as being all that certain 51.13 acre tract of land situated in the Uriah Hunt Survey, Abstract No. 401, and being all of the called 6.271 acre tract of land recorded in Volume 2840, Page 342, all of the called 2 acre tract of land recorded in Volume 3867, Page 611, all of the called 33.867 acre tract of land recorded in Volume 4132, Page 628, all of the called 1 acre tract of land recorded in Volume 5885, Page 918, all of the called 2.0 acre tract of land recorded in Instrument No. 202000014838, all of the Deed Records of Bell County, Texas and all belonging to Jordanna D. Packwood, and all of the called 5.989 acre tract of land described in deeds to Jordanna Packwood 2011 Trust, recorded in Instrument No. 201900047413, Deed Records of Bell County, Texas, generally located at 1833 Tonkawa Trail, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Mayor Pro Tem McCann made a motion to approve an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional Use Permit (CUP) on property described as being all that certain 51.13 acre tract of land situated in the Uriah Hunt Survey, Abstract No. 401, and being all of the called 6.271 acre tract of land recorded in Volume 2840, Page 342, all of the called 2 acre tract of land recorded in Volume 3867, Page 611, all of the called 33.867 acre tract of land recorded in Volume 4132, Page 628, all of the called 1 acre tract of land recorded in Volume 5885, Page 918, all of the called 2.0 acre tract of land recorded in Instrument No. 202000014838, all of the Deed Records of Bell County, Texas and all belonging to Jordanna D. Packwood, and all of the called 5.989 acre tract of land described in deeds to Jordanna Packwood 2011 Trust, recorded in Instrument No. 201900047413, Deed Records of Bell County, Texas, generally located at 1833 Tonkawa Trail, Harker Heights, Bell County, Texas with the five (5) conditions presented and based on staff's recommendation and findings.

The five (5) conditions are as follows:

- 1) The approximate 5,200 square foot existing accessory structure, located on parcel 81615, is permitted to remain.
- 2) The maximum number of accessory buildings shall be allowed to exceed one per acre on parcels 25586, 81612, and 90539 provided that the aggregate number of all existing accessory buildings plus residence structures as shown in Exhibit 1 for those parcels is not exceeded.
- 3) The maximum aggregate square footage of accessory buildings shall be allowed to exceed 1,000 square feet per acre on parcels 25586, 81612, and 90539 provided that the cumulative square footage for those three parcels does not exceed 13,000 square feet.
- 4) The maximum aggregate square footage of accessory buildings shall be allowed to exceed 10,000 square feet on parcels 25586, 81612, and 90539 provided that the cumulative square footage for those three parcels does not exceed 13,000 square feet.
- 5) Multiple residences to be allowed on the property for a temporary period as requested by the owner in Exhibit 2. The two existing residences shown in Exhibit 1 shall be demolished and removed from the property no later than 30 months from the date of approval.

Councilmember Halabi seconded the motion. Carried unanimously.

5. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0115BC I T BEAN, BLK 49 Comanche Land, Undedicated, Acres 6.58, generally located at 1608 Pima Trail, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember Nash made a motion to approve of an Ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0115BC I T BEAN, BLK 49 Comanche Land, Undedicated, Acres 6.58, generally located at 1608 Pima Trail, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember Fountain seconded the motion. Carried unanimously.

6. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember Blomquist made a motion to approve an Ordinance to change zoning designation from PD-R (Planned Development Residential District) with an underlying R-1 (One-Family Dwelling District) to B-2 (Neighborhood Retail District) on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember Nash seconded the motion. Carried unanimously.

7. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change land use designation from Low Density Residential to Community Center on property described as Cedarbrook Ridge Phase II, Lot Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember Fountain made a motion to approve an Ordinance to change land use designation from 'Low Density Residential' to 'Community Center' on property described as Cedarbrook Ridge Phase II, Tract H, Property ID 505020, generally located south of 1340 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember Halabi seconded the motion. Carried unanimously.

REGULAR BUSINESS:

1. Council discussed and considered approval of a Minor Plat referred to as Dunyasha Place on property described as 5.806 Acres, situated in the W.H. Russell Survey, Abstract 1019, Bell County, Texas, embracing all of Lot 1, Block 1, Withers Way, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Plat Year 2016, Plat #20, Plat Records of Bell County, Texas, and embracing all of a called 3.30 acre tract conveyed to Michael Withers and Dunyasha Withers in Document No. 2016-00036332, Official Public Records of Real Property, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Anthony Rodriguez, the applicant's Real Estate Broker, was present to represent the request.

Mayor Pro Tem McCann made a motion to approve a request for a minor plat referred to as Dunyasha Place on property described as 5.806 acres, situated in the W.H. Russell Survey, Abstract 1019, Bell County, Texas, embracing all of Lot 1, Block 1, Withers Way, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Plat Year 2016, Plat #20, Plat Records of Bell County, Texas, and embracing all of a called 3.30 acre tract conveyed to Michael Withers and Dunyasha Withers in Document No. 2016-00036332, Official Public Records of Real Property, Bell County, Texas. Councilmember Nash seconded the motion. Carried unanimously.

2. Council discussed and considered approval of a Final Plat referred to as Casas Addition on property described as a 0.18 Acres tract of land out of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas, and being the same tract of land conveyed to Daria Casas De Mendez and Jose Casas-Rodriguez as recorded in instrument No. 2019-00039451, Official Public Records of Real Property, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Michelle E. Lee, RPLS, Killeen Engineering & Surveying, LTD., was present to represent the request.

Councilmember Fountain made a motion to approve a request for a Final Plat referred to as Casas Addition on property described as a 0.18 acres tract of land out of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas, and being the same tract of land conveyed to Daria Casas De Mendez and Jose Casas-Rodriguez as recorded in Instrument No. 2019-00039451, Official Public Records of Real Property, Bell County, Texas. Councilmember Nash seconded the motion. Carried unanimously.

3. Council discussed and considered approving a concept plan referred to as McLaughlin Way, on property described as bring a 4.80 acre tract of land being Lot 1, Block 1 of McLaughlin Way as recorded in Cabinet C, Slide 348-B, Plat Records of Bell County, Texas, and being a tract of land conveyed to Thomas and Stacie Guice as recorded in Instrument No.2021058830, Deed Records of Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Michelle E. Lee, RPLS, Killeen Engineering & Surveying, LTD., was present to represent the request.

Councilmember Fountain made a motion to approve a request for a Concept Plan referred to as McLaughlin Way, on property described as being a 4.80 acre tract of land being Lot 1, Block 1 of McLaughlin Way as recorded in Cabinet C, Slide 348-B, Plat Records of Bell County, Texas and being a tract of land conveyed to Thomas and Stacie Guice as recorded in Instrument No. 2021058830, Deed Records of Bell County, Texas with the two (2) conditions as presented by staff and based on staff's recommendations and findings.

The two (2) conditions are as follows:

- 1) Revise the dedication language on the face of the plat per the City's Code of Ordinances and as directed by City staff.
- 2) Revise the Utility Plan to include the proposed sewer connections as per staff's comments.

Councilmember Halabi seconded the motion. Carried unanimously.

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

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

Jackeline Soriano Fountain stated that she attended the following events:

- April 1st – Harker Heights Chamber of Commerce Ribbon-Cutting Ceremony at the Kendra Scott store in Market Heights.
- April - Harker Heights Police Department Ride-along with Officer Bambi Basinger.
- April 2nd – Guest speaker at the Women 2 Women Foundation for Women History Month Event.
- April 4th – Harker Heights Chamber of Commerce 2022 Community Celebration Achieving New Heights.
- April 5th – Tour of the Cove Clinic with Executive Director Brian Hawkins and Clinic Director Liza White.
- April 9th – Kathleen Footman Tree Dedication Ceremony.
- April 9th – Harker Heights Art in the Park event at Carl Levin Park.

Michael Blomquist stated that he attended the following events:

- March 28th – Harker Heights Chamber of Commerce Vision XXI 2021 Clock Dedication Ceremony at City Hall.
- March 29th – Harker Heights Business Network Event.
- April 1st - Harker Heights Chamber of Commerce Ribbon-Cutting Ceremony at the Kendra Scott store in Market Heights.
- April 4th - Harker Heights Chamber of Commerce 2022 Community Celebration Achieving New Heights.
- April 8th – Harker Heights Library Guest Reader “Old Rock Is Not Boring” by Deb Pilutti.

Michael Blomquist invited everyone to attend the Susan Kelley Hendrick Bench Dedication and Tree Planting on April 22nd at Carl Levin Park at the top of the hill behind the pond and stated that it is only 24 days and a wake-up until the Harker Heights Farmers' Market opens on May 7th.

2. Updates and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- March 23rd – Fort Hood Community Service Council Meeting at Lone Star Conference Center.
- March 24th – Workforce Solutions Summit at Texas A & M University, Central Texas with speaker Dr. Lloyd Potter, Texas State Demographer.
- March 24th – III Corps Commanding General and Mayor’s Engagement Luncheon at the Feed Mill in Gatesville.
- March 25th – Phantom Honors Retirement Ceremony at the Lone Star Conference Center, Fort Hood.
- March 26th – Harker Heights Paws in the Park at Purser Park.
- March 28th – Harker Heights Chamber of Commerce Clock Dedication Ceremony at City Hall.
- March 28th – Shirley Hemingway Memorial Service at the Central Texas State Veterans’ Cemetery.
- March 29th – Central Texas Housing Summit 2022 at the Temple Mayborn Center.
- April 1st – Harker Heights Chamber of Commerce Ribbon-Cutting Ceremony at the Kendra Scott store in Market Heights.
- April 4th – Harker Heights Chamber of Commerce Annual Awards Banquet at the Killeen Conference and Convention Center.
- April 5th – Harker Heights City Council Special Meeting and Workshop.
- April 6th – Guest Book Reading at the Stewart C. Meyer Public Library.
- April 9th – Nolanville Monarch Fest.
- April 9th – Harker Heights Art in the Park at Carl Levin Park.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 8:17 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, April 19, 2022, at 3:00 p.m., in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Councilmember Michael Blomquist
Councilmember Jackeline Soriano Fountain
Councilmember Lynda Nash

City Manager David Mitchell
City Secretary Julie Helsham

EXCUSED: Mayor Pro Tem Jennifer McCann
Councilmember Sam Halabi

PRESENTATION BY OUTSIDE AGENCIES:

1. Council received and discussed a presentation from Killeen Independent School District (KISD) Superintendent Dr. John M. Craft for an update regarding Enrollment, Academic Programs, Projected Growth, and Current and Future KISD Facilities. David Mitchell, City Manager, introduced Killeen Independent School District (KISD) Superintendent Dr. John M. Craft. A presentation was made by Dr. Craft. No action taken.

REGULAR BUSINESS:

1. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to negotiate and sign a Contract for Emergency Medical Services Billing/Debt Collections and Fire Cost Recovery Services with Quick Med Claims, LLC (QMC). Paul Sims, Fire Chief, made the presentation.

Councilmember Fountain made a motion to approve a Resolution authorizing the City Manager to negotiate and sign a contract for EMS Billing/Debt Collection and Fire Recovery Services to Quick Med Claims, LLC of San Antonio, Texas; authorizing the City Manager to act as the executive officer and authorized representative in all matters pertaining to the contract. Councilmember Nash seconded the motion. Carried unanimously.

ADJOURNMENT:

There being no further business, the City of Harker Heights City Council Special Meeting was adjourned at 3:50 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



City Council Memorandum

FROM: The Office of the City Manager

DATE: April 26, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §150.33 OF THE HARKER HEIGHTS CODE OF ORDINANCES TO CLARIFY VISIBILITY TRIANGLE REQUIREMENTS, AND PROVIDE FOR THE PROCESSING OF ALTERNATE FENCE DESIGNS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

On May 26, 1987, the Fences and Screening ordinance was originally adopted by City Council. Since original adoption there have been four amendments to the ordinance to provide clarification and to come into compliance with changes to state laws. The last update was adopted in April 2020. Fences were historically permitted on a first come first serve basis as the homes in a subdivision were constructed. In some cases, the orientation of future adjacent development was not known at the time of permitting.

ANALYSIS

As fences are replaced staff has noted that there are some instances where replacement of the fence in the same location does not meet current code requirements. Additionally, in those same cases, the replacement of the fence in the same location would not adversely impact safety. These types of replacement permits currently must go before the Zoning Board of Adjustment for consideration. Due to the increasing number of these types of permits and based on standard engineering safety practices, staff investigated a change to the code of ordinances.

RECOMMENDATION:

As proposed, the ordinance amendment would allow for staff to use professional judgement in regard to alternative placement of a fence. In addition, the proposed amendment would clarify how visibility triangles are regulated at intersections, driveways, and access points. Staff recommends the following amendment to § 150.33 of the Harker Heights Code of Ordinances to clarify visibility triangle requirements, and provide for the processing of alternate fence designs as follows:

§ 150.33 PLACEMENT.

- ...
- (E) Fences on property that are at the intersection of two streets must not encroach within any visibility triangle. The visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points fifty (50) feet back from their intersection (such curb lines being

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extended if necessary to determine the intersection point). The visibility triangle shall also be required in the same manner at intersections of a driveway or access point with the public right-of-way. This sight distance triangle must be kept free of fences that would obstruct the motorist's views of oncoming traffic.

(F) An applicant may submit an alternative fence design for side yard fences on corner lots to the city's Planning and Development Director.

(1) The alternative fence design shall allow for a clear line of sight within the visibility triangle, be in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards and follow standard engineering practices. The city's Planning and Development Director may approve an alternate fence design.

ACTION BY THE COUNCIL:

1. Motion to Approve/Disapprove an amendment to § 150.33 of the Harker Heights Code of Ordinances to clarify visibility triangle requirements, and provide for the processing of alternate fence designs, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

[Amending Ordinance](#)

[Current Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING §150.33 OF THE CODE OF ORDINANCES; CLARIFYING LINE OF SITE PROTECTION; PROVIDING FOR DESIGN APPROVAL AND PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT.

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 provide for alternative fencing and enhance public safety; 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: SIGN REGULATIONS §150.33 of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

§ 150.33 PLACEMENT.

...

- (E) Fences on property that are at the intersection of two streets must not encroach within any visibility triangle. The visibility triangle shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points fifty (50) feet back from their intersection (such curb lines being extended if necessary to determine the intersection point). The visibility triangle shall also be required in the same manner at intersections of a driveway or access point with the public right-of-way. This sight distance triangle must be kept free of fences that would obstruct the motorist's views of oncoming traffic.
- (F) An applicant may submit an alternative fence design for side yard fences on corner lots to the city’s Planning and Development Director.
 - (1) The alternative fence design shall allow for a clear line of sight within the visibility triangle, be in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards and follow standard engineering practices. The city’s Planning and Development Director may approve an alternate fence design.

...

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 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 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: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: 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 of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on **April 26, 2022.**

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

§ 150.33 PLACEMENT.

(A) Fences shall be built on property lines to avoid conflicts between property owners. In the event that there is a dispute between property owners of the location of a property line, it shall be the responsibility of the property owners to resolve the conflict without intervention by the city.

(B) Any fence built in or across utility easements shall remain the responsibility of the property owner. In the event that the fence is constructed on an easement and the fence is subsequently damaged or destroyed through the exercise of the rights of the owner of the easement, the repair or replacement of the fence shall be the sole responsibility of the property owner.

(C) On premises five acres or larger in size, fences may not be greater than five feet in height. Otherwise, fences and gates built in the front yard within the 25-foot building setback, where permitted, shall not exceed four feet in height and must be constructed of chain link, wrought iron, or other semitransparent materials as approved by the Building Official.

(D) Fences built on a side yard shall be placed on the property line.

(1) Fences built on a side yard facing a public street may be placed on the property line. When the side yard is adjacent to the adjoining property's front yard, the side yard fences may not exceed four feet in height unless they are set back to the adjoining properties front yard setback line.

(2) Any fence in the rear yard of lots that contain a 25-foot building setback in the rear portion of the lot shall not exceed four feet in height.

(Ord. 87-20, passed 5-26-87; Am. Ord. 88-07, passed 3-8-88; Am. Ord. 94-07, passed 6-14-94; Am. Ord. 2004-27, passed 8-10-04; Am. Ord. 2020-08, passed 4-14-20) Penalty, see § 150.99



City Council Memorandum

FROM: The Office of the City Manager

DATE: April 26, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL 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)

EXPLANATION:

The request for qualifications (RFQ) legal notice was published in the Killeen Daily Herald February 13th and February 20th, 2022. Sixteen packets were sent out for engineering statements of qualifications. Packets were received until 2:00 p.m. March 15, 2022. Sixteen highly qualified engineering firms responded with statements of qualifications. A five-member evaluation committee pre-qualified fifteen firms based on qualifications, experience and competence in water, wastewater, transportation and drainage projects.

RECOMMENDATION:

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 THE 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:

[Resolution with Schedule A](#)

[Request for Qualifications](#)

[List of Firms receiving RFQ packets](#)

[RFQ References](#)

RESOLUTION NO. 2022-14

A RESOLUTION OF THE CITY COUNCIL 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 26th DAY OF APRIL, 2022, 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

2022 General Civil Engineering Services, RFQ 22-522-001-01

Schedule A to Resolution #2022-14

List of Qualified Firms. Effective April 26, 2022

1. Black & Veatch
2. Burgess & Niple, Inc.
3. Clark & Associates, PLLC
4. Freese & Nichols, Inc.
5. Garver, LLC
6. Jones-Heroy & Associates, Inc.
7. Kasberg, Patrick & Associates, LP
8. Killeen Engineering & Surveying, LTD
9. KMEA
10. Langerman Foster Engineering Company, LLC
11. Lockwood, Andrews & Newnam, Inc.
12. MRB Group, P.C.
13. Thonhoff Consulting Engineers, Inc.
14. Walker Partners, LLC
15. WGI, Inc.

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 Professional Services
RFQ No. 22-522-001-01**



**Sealed statements will be received until 2:00 p.m.
on Tuesday, March 15, 2022**

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



**RFQ No. 22-522-001-01 General Civil Engineering
Professional Services**

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. Questions will be addressed and sent to all firms in receipt of the RFQ.



RFQ No. 22-522-001-01 General Civil Engineering Professional Services

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:



RFQ No. 22-522-001-01 General Civil Engineering Professional Services

- 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 professional engineering 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.



RFQ No. 22-522-001-01 General Civil Engineering Professional Services

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.



RFQ No. 22-522-001-01 General Civil Engineering Professional Services

III. Submission Information

The deadline for receiving all Statements of Qualifications shall be no later than **2:00 p.m. on March 15, 2022**. 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 Professional Services, RFQ No. 22-522-001-01**” 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.



**RFQ No. 22-522-001-01 General Civil Engineering
Professional Services**

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

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

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<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 176.006(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 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY	
<p>1 Name of vendor who has a business relationship with local governmental entity.</p>	Date Received	
<p>2 <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.)</p>		
<p>3 Name of local government officer about whom the information is being disclosed.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p>		
<p>4 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.</p> <p style="margin-left: 40px;">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> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p style="margin-left: 40px;">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> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>		
<p>5 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.</p>		
<p>6 <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).</p>		
<p>7</p> <p style="text-align: center;"> _____ Signature of vendor doing business with the governmental entity </p> <p style="text-align: right; margin-right: 100px;"> _____ Date </p>		

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

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

**2022 General Civil Engineering Services
RFQ 22-522-001-01
Firms Invited**

No.	Firm Name	Point of Contact	Salutation	Address	Building/ Suite	City	State	Zip	Phone #1	Phone #2	Fax	Email Address
1	Black & Veatch	Andrew Kuzovkov P.E.	Mr. Kuzovkov	4009 Banister Lane	Suite 412	Austin	Tx	78704	512-782-9208	512-626-4030		kuzovkova@bv.com
2	Burgess & Niple, Inc	Kallen Hurst, PE, LEED AP	Mr. Hurst	9601 Amberglen Blvd	Suite 275	Auston	Tx	78729	512-306-9266	317-605-8784	512-306-9550	burgessniple.com
3	Clark & Associates, PLLC	Monty Clark, PE, CPESC	Mr. Clark	215 N. Main St.		Temple	Tx	76501	254-899-0899		254-899-0901	www.clark-assoc.com
4	Freese & Nichols, Inc	Jessica Vassar, PE	Ms. Vassar	10431 Morado Circle	Bldg. 5 Suite 300	Austin	Tx	78759	512-617-3100		817-7357491	jessica.vassar@freese.com
5	Garver, LLC	Wade Benton, PE	Mr. Benton	285 Southwest Inner Loop	Suite 110	Georgetown	Tx	78626	512-485-0020		512-485-0021	jwbenton@garverusa.com
6	Gessner Engineering	Jeremy Peters, P.E.	Mr. Peters	3200 E. University Ave.		Georgetown	TX	78626	512-930-5832			jgessner@gessneremg.com
7	Jones-Heroy & Associates, Inc	Travis Clark, P.E. CFM	Mr. Clark	2204 South Hwy. 281	Suite D	Lampasas	Tx	76550	512-556-2300	512-573-6975	512-556-5304	travisc@jones-heroy.com
8	Kasberg, Patrick & Associates, LP	John Simcik, PE, CFM	Mr. Simcik	19 North Main St.		Temple	Tx	76501	254-773-3731		254-773-6667	jsimcik@kpaengineers.com
9	Killeen Engineering & Surveying, LTD	Michelle Lee, PE,RPLS,CFM, CPESC	Ms. Lee	2901 E. Stan Schlueter		Killeen	Tx	76542	254-526-3981		254-526-4351	mlee@kesltd.com
10	KMEA	Spencer Patterson, P.E., ENV SP	Mr. Patterson	12500 San Pedro Ave.	Suite 140	San Antonio	Tx	78216	210-890-4600		210-890-4609	spatterson@kmea.net
	Langerman Foster Engineering Company, LLC	Scott Langerman, P.E.	Mr. Langerman	2000 South 15th Street		Waco	Tx	76706	254-235-1048		254-235-1625	slangerman@lfectx.com

**2022 General Civil Engineering Services
RFQ 22-522-001-01
Firms Invited**

No.	Firm Name	Point of Contact	Salutation	Address	Building/ Suite	City	State	Zip	Phone #1	Phone #2	Fax	Email Address
12	Lockwood, Andrews & Newman, Inc	Lee Hamm, PE	Mr. Hamm	215 Mary Ave.	Suite 305	Waco	Tx	76701	254-753-9585		254-753-9593	lbhamm@lan-inc.com
13	MRB Group, P.C.	Trey Taylor, P.E.	Mr. Taylor	303 W. Calhoun Ave.		Temple	Tx	76501	254-771-2054			info@mrbgroup.com
14	Thonhoff Consulting Engineers, Inc	Robert Thonhoff Jr, P.E.	Mr. Thonhoff	1301 Capital of Texas Hwy, South	Suite A- 3236	Austin	Tx	78746	512-328-6736		512-328-6848	bthonhoff@tcetx.com
15	Walker Partners, LLC	Otto Wiederhold P.E.	Mr. Wiederhold	2100 Trimmer Rd.	Suite 102	Killeen	Tx	76541	254-690-1478		254-699-0737	owiederhold@walkerpartners.com
16	WGI, Inc	Leigh Thomas, PE	Ms. Thomas	2021 East 5th St.	Suite 200	Austin	Tx	78702	512-669-5560			leigh.thomas@wginc.com

**Black & Veatch
2022 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 Austin	Yes	Yes	Yes/Yes	Yes	Prof. Services where on budget
City of Kyle	? No design was required. The project is for RPR services. All work associated with inspection services including multiple daily site inspections, daily reports, progress pictures, scheduling third party testing, witnessing third party testing, and documentation of all activities are kept up to date on a daily basis with back up to a share point site	The project is at 89% complete. Black & Veatch have and continues to meet all inquiries within a very short turnaround time and proactive in monitoring the client needs.	Yes	Yes I would recommend Black & Veatch for future projects. The experience with Black and Veatch has been very professional and they are proactive in sharing their expertise and offering alternative solutions to onsite challenges for consideration.	The project is projected to stay at the original budget
Trinity River Authority of Texas	Yes	Yes	Yes	Yes, diffently	Yes, on the original budget
City of San Antonio	I have worked with Black and Veatch on many projects over the last 20 plus years. I have found them always responsive to the schedule.	Black and Veatch is excellent at responding to our needs, especially regarding challenging technical issues.	Yes	Yes I would recommend them for future work. They are technically competent and responsive.	To my knowledge they have stayed on budget.
Andrea Beymer (SAWS)	It is difficult to answer this survey without a specific project. Overall I can tell you that I have had many successful projects with Black & Veatch and that we contract with them for our complex and challenging projects. They do commit the necessary resources to complete a project. I would recommend them for future work.				

Burgess & Niple, Inc
2022 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 Duncanville	Designs are generally loosely scheduled with no hard and fast deadlines	Yes, absolutely	Yes	Yes, I would recommend them for future work. They do good work and have a breadth of design experience.	Yes
City of Kyle	Yes-all of them	Yes	Yes	Yes, we still do.	Yes, but we did add scope to the project.
City of Waco	Yes	Yes	Yes	Yes, I would.	Yes, they where
City of Sherman	Yes	Yes	Yes	Yes what we have hired for in the past, they have been knowledgeable, and very professional.	With In Budget, for engineering portion there have been no big change orders.
City of Watauga	Yes	Yes	Yes	Yes, they work as a team with the City on projects. They do not attempt to charge the City for services slightly outside the scope of the work.	Our projects were within the opinion of probable cost, so below the budget number since we always budget for slightly more than the estimated cost.

Clark & Associates, PLLC
2022 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?
Central Bosque Water Supply Company	Yes	Yes	Yes	Yes. They continue to work for us and I have recommended them to other systems that I operate	At budget
City of Belton	Yes	Yes	Yes	YES---capable and conscientious engineering professional	Within Budget
All Co Surveying	Yes	Yes	Yes	Yes, we do business with them all the time	At budget
City of Killeen	Yes		Yes	Yes, they have done work in sewer and water. Good	Not able to answer
Cloud Construction Co, Inc	Yes	Yes	Yws	Yes they had a good design and worked as a team player	Yes
Langerman Foster	Our firm works as a sub-consultant to Clark Associates or we are on the same design team, i.e. we do not hire them to work for us, we are just on the same team. Therefore, I do not have any direct knowledge of whether their projects are on schedule. I have heard from others that they do complete projects in a timely manner.	Yes, from a sub-consultant point of view	Yes, from a sub-consultant point of view	Yes, from a sub-consultant point of view. We have worked for or in conjunction with Clark Associates on many projects, and I would recommend them as an excellent design team member.	In our role as a sub-consultant, I do not have any information regarding this question.
Multi-County Water Supply Corp.	Yes	Yes	Yes	Yes They are a good local firm that is large enough to handle good projects but not so large that you get lost in the amount of projects they have.	Yes
Eagle Eye	They completed several projects for us. They were always completed by the schedule agreed upon. They kept us "in the loop" with their progress	They were sensitive to our budget constraints, the timing and citizen's needs.	I feel they did and they always had staff available for questions or comments.	I would recommend them for future work. They are always available to discuss any part of a project and were well versed in finding solutions to difficult project needs as they arise.	They have never come in above their budget for the project unless we changed the scope of the work.
Dan Case- Wilson Art	Yes	Yes	Yes	Yes, we would use them again...good to work with and delivered on their commitments	Yes
Sharon Sesler- City of Temple	Yes	Yes	Yes	Yes, Clark Associates designs thorough projects with minimal adjustments needed. Construction administration and daily representation services provided met the City's needs.	Yes, projects tend to stay within budget or below, unless additional scope is added.

Freese & Nichols, Inc
2022 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 Fredericksburg	Yes	Yes	Yes	Yes, F&N has completed a couple of water design projects for the City. We're working with them on another water line replacement project.	Yes-at budget.
City of Kerrville	Yes--95% of the time, other times due to no fault of their own	Yes	Yes	Yes, They stand behind their design and will help make sure things function	At budget, sometimes higher due to City.
City of New Braunfels	Yes	Yes	Yes	Yes, they are a great firm to work with.	In most cases project costs never go down.
City of New Braunfels- Mark Short	FNI has completed dozens of projects for NBU over the last couple of years. The FNI team is very responsive to our needs and schedule. I can't recall if any of their team members missed their projected delivery schedules.	I hope you will find that, above all else, FNI truly values its consultant/client relationship. I have worked with many consultants throughout my career, and I have found FNI does an outstanding job in trying to understand our needs, the needs of the community, and the requirements to complete a successful project.	Given the growth of our community, we are often challenged just to keep up. Our relationship with FNI has allowed us to maintain pace. I consider the FNI Team a very deep bench in responding to our community needs. They appear to always have sufficient staff resources to complete their assigned projects and to assist us when we need help with that last-minute one of project.	Without question, I would recommend FNI for our future work. FNI appears to maintain a consistent culture that works very well with our mission and core values.	A good percentage of the design projects and contracts with FNI have remained on budget through project completion. However, given the recent volatility of the market and supply issues, construction contracts and construction schedules are often adjusted. This adjustment and resulting workarounds have typically resulted in the construction management services we request of FNI to be changed as well. However, these requested changes have been reasonable and justifiable

Garver, LLC
2022 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?
Canyon Lake Water Service Company	We did not have a design, but they did perform some modeling for us and it was completed timely.	Yes, they were very responsive to our specific concerns	Yes, I would recommend them and would absolutely work with them again. They managed the project, stayed on top of the work and any outstanding info requests they had of us, they provided excellent end-reports, and were really great about communicating with us and keep us up-to-date.	Yes, I would recommend them and would absolutely work with them again. They managed the project, stayed on top of the work and any outstanding info requests they had of us, they provided excellent end-reports, and were really great about communicating with us and keep us up-to-date.	It stayed right on budget. Also, they were very clear about potential additional costs and additional services, and were helpful in recommending the comprehensive package we really needed up front so we did not experience any surprise costs.
San Antonio Water Sys.	There were delays, but it was not due to Garver. SAWS took time to make decisions. Garver completed assignments on time	Yes. They were responsive, and accommodated SAWS requests	Yes. The PM was attentive and present	I definitely would. It is a good company. The staff is responsive and knowledgeable. They have good resources.	There were additional services requests that came from SAWS and we paid Garver for those services. The construction was a success with little change orders that mostly were requested by SAWS.
City of Carrollton	My answer to all of those is YES! Quinn and I go back to GSW in the 90s and I know his work ethics. He (and Jake?) will give you an excellent product. While I was at Carrollton I used him as he worked for 3 different firms and the product was always very good because he cares. I couldn't recommend anyone above him and I put him with Burgess & Niple who was originally GSW.				
City of Celina	Yes	Very Much	Yes	Yes I will recommend Garver for future work. I do enjoy working with Garver, they are knowledgeable and have good rapport. They explore options to resolve issues effectively and efficiently	Project was completed on budget
Kingsland Water Supply	Yes	Yes	Yes	Yes- just fir the ease of getting along with,	Below budget, a little bit.
City of Frisco	Yes	Yes	Yes, they had a lot of people to help out	yes, a little high	Yes they came in on budget
City of Lubbock	Yes	Yes	Yes	yes, absolutely	With in Budget

**Gessner Engineering
2022 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?
Energy Architecture	Yes, Gessner has never missed any of our deliverable deadlines	Yes, Gessner paid particular attention to client needs	Yes, we have not had a problem with them not putting adequate staff on our project.	Yes, they are a repeat for us going on 6 years. They are reliable and trustworthy.	All of our projects have come in below budget except one. That particular project was budgeted 2 years ago and it did not bid until 2022. It was a victim of the current volatile market, not due to Gessner Engineering
J.T. Vaughn Construction, LLC	Yes,	Yes	Yes	Yes, they are easy to work with.	Not able to answer
Bartlett Cocke General Contractors	Gessner has performed both civil and structural design services for us on multiple Design/Build projects. Project Managers for both disciplines have performed well and met or beat all milestone dates set in our schedules	The Gessner team is a very client oriented company that pays close attention to the client's needs and provides guidance and recommendations to accommodate those needs.	Staffing from Gessner was never a problem. They always got the job done in a timely manner	I absolutely would recommend Gessner for any future work. We have chosen them for 5 of our last 6 design/build projects and will continue to use them whenever possible.	All projects were completed within the dictated budgets
Brown, Reynolds, Watford Architects	Yes	Yes	Yes	Yes, for sure. Working with them for well over ten years.	Below, for their part of the budget.
Vaughan Construction	We have worked successfully with Gessner on multiple projects since they opened their doors 10+ years ago, so my answers to your questions below would all be positive regardless of the project. They are responsive to the needs of both the owner and the contractor, which is hard to find these days. We look forward to working with them again.				

Jones-Heroy & Associates, Inc
2022 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?
Cuplin & Associates	Yes	Yes	Yes	Yes. Jones-Heroy are extremely capable, personable folks who are sensitive to the needs of their clients. They are respectful and very professional and attentive to detail. They complete jobs on time and accurately	Yes
Stepehn Ratcliffe, American Water-Military Services Group	Yes	American water is not a District. We are the water and sewer utility provider for Fort Hood but the J-HA has been sensitive to our needs on design-build projects as well as direct projects	I am not privy to the number of staff members J-HA has but based on the service provided by them there staff allocation appear to be adequate.	Yes. J-HA provides design submittals on time and provides accurate construction plans, also providing assistance with any design changes resulting from construction issues	Projects completed for American Water were completed at the fixed price quoted by J-HA for the project.
Kempner Water Service	Yes	Yes	Yes	Yes, they are very professional in all their planning and implementation of projects.	Below
City of Copperas Cove	Yes	Yes	Yes	Yes. They are adequate, reliable, and responsive. The project was designed and overseen to satisfaction.	No Answer was given.
DCS Engineering	Yes	Yes	Yes	? JHA pays attention to the details required to make a project successful which includes anticipating client or project needs. There delivery of technical knowledge in clear and concise terms to either a technical or layperson audience is exceptional. We look for every opportunity to work with them.	Yes

Kasberg, Patrick & Associates, LP
2022 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 Waco	No, company has a tendency to fall behind schedule. Typically more than six weeks behind schedule.	Yes	Unknown	Yes , Very professional team, not always requesting adjustments in costs based on additional demands, work production value and quality exceeded other consultants approach.	Within 3% high or low of original projected costs at 30%.
City of Killeen	Yes	Yes	Yes	Yes , KPA has completed several projects, have been pleased with their service	At the original budget
City of Lorena	Yes	Yes	Yes	Yes , KPA is extremely knowledgeable and provides very professional services. They provide a flexible schedule that meets the needs of not only the contractor, but the City staff as well	Yes, Our project stayed within the budget even with change orders, however we did have a 20% contingency, because Lorena knew there would be unforeseen items that would need to be addressed.
City of Belton	Yes	Yes	Yes	Yes, they are responsive, realistic, and creative	Always on original budget.

Killeen Engineering & Surveying, LTD
2022 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?
John Fisher	Yes	Yes	Yes	Yes, I already have	Yes
Jim Wright	Yes	Yes	Yes	Yes, They do good work and their prices are resonable	Yes

KMEA
2022 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?
Air Force Civil Engineer	The Contractor completed the design on a revised schedule due to multiple changes by the Government	The Contractor was very sensitive to the needs of the end user and all stakeholders involved as this was a high visibility project	The Contractor was staffed very well and went out of their way to make sure they had the proper people in the right place as needed due to the changes by the Government	: Absolutely! Based on their ability to adjust to a “moving target” that the Government created and providing solutions in a timely manner helped this project succeed.	No it did not and it was no fault of the Contractor

Langerman Foster Engineering Company, LLC
2022 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?
Winton Engineering	Yes	Yes	Yes	Yes, Langerman Foster has always provided information and follows up with quick responses to any questions or issues which may arise during the design of any project	Yes, with respect to the Geotechnical Engineering and Testing.
Walker Partners	<i>We have worked with LFE on several projects and they routinely meet their schedule commitments unless there are extenuating circumstances. In those rare events, they make sure to communicate with the project team so that everyone is aware and can plan accordingly.</i>	<i>LFE does an outstanding job of communicating with the Owner and Design Team to ensure they understand the project needs and provide "right-size" solutions (oftentimes with multiple options).</i>	Yes	<i>Yes. They are the best geotechnical engineering firm in the area. Also, because of their local knowledge and experience, they can offer better insight than out-of-town firms</i>	<i>LFE's projects are routinely in-budget, unless there are extenuating circumstances beyond their control. In those instances, they communicate well with all parties so that the project team can make the best decision to move forward.</i>
CP&Y	Yes	Yes	Yes	Yes, they are good. I will have him work for me at any time.	at or below budget

Lockwood, Andrews & Newman, Inc
2022 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?
Mclennan Co	LAN has completed two design projects for McLennan County. The first was for a low water crossing on Rattler Hill Road in Precinct 4. LAN provided a flood study, engineering design plans, and construction monitoring in a timely fashion. Below are a few pictures to show the before (metal pipe culvert) and after (concrete box culverts). The second design project is very similar and currently in the construction stage	LAN has been sensitive to the County needs. They have listened to our requests and suggestions both from an engineering perspective, and from an administrative perspective	For our small creek crossing projects, two staff members (local office) were assigned. One engineer was the primary person for engineering design, correspondence, and field inspection. The second engineer assisted during project meetings and project oversight.	that was within their wheel house, and not too large in size. Their office located here in Waco is a small office; however, they do have the ability to draw upon expertise and manpower from their other offices through Texas if need be. For small civil engineering drainage study & design plans, to land development plans, I think the local Waco office can handle this type of engineering work. For vertical construction design plans or bridge design plans, I'm not sure the local office has this type of expertise. One engineer did get COVID and so their date to deliver plans on time was missed. However this lateness did not affect the County in a negative way as the project was not an	The first project stayed within budget and the second project currently in construction is also within budget. Do know once they get that first project (foot in the door) they will be relentless in pursuing the next project to design for your agency.
City of Copperas Cove	LAN has completed may projects for us and is under contract as the City Engineer. Most projects are completed on schedule. Projects that were delayed are lead engineer specific, which those engineers no longer work for LAN or with us.	Yes	Yes	Yes. Responsive and positive work experience	Most were within the original budget
City of Waco	some issue on both sides.	Yes	I don't know	Im not allowed to say.	Above budget,

MRB Group, P.C.
2022 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 Mart	MRB has been the City of Mart's engineer for about 15 years now. They have done several projects for us. Their designs have always been on schedule.	•MRB has been sensitive to the needs of our city. They work hand-in-hand with our team and actually listen when we tell them what we want.	MRB allocated ample staff to all of our projects	•Absolutely. MRB has worked with the City of Mart for many years. They are a top-notch company and do what they say they are going to do. Their projects are always on time. They are knowledgeable and committed to seeing the project(s) to the very end.	All of our projects have stayed at or below the original budget.
City of Gatesville	Yes	Yes	Yes	Yes, little hard to get a hold of sometimes	Ontarget
City of Moody	Yes	Yes	Yes	Yes,	Yes it stayed on budget
City of Troy	Yes. The projects that I am familiar with were completed on a timely basis.	I have found MRB's staff to be good at staying focused on the project at hand, while also keeping an understanding about what is important to our community and the city's management team	MRB has a rather diverse local staff, and I have never had a problem with getting the right discipline involved or on a task that we were working on.	I would recommend MRB, and in fact, our City Council just approved a contract with MRB to handle a major road project here. Again, we use MRB quite a bit, and we have found their work to be competent, timely, and reasonable.	The projects that have been done since I have been in this position have been very close to on budget. One project, a large water project, was slightly over budget in one category, but it was not unexpected. The other projects have been within the budgeted funds.
City of Eldorado	All designs were turned in a timely manner.	If when there was a question or concern, MRB would give their undivided attention) MRB assured to have a representative/staff member throughout the project either it be in person, email and/or phone call.	Yes, we would use MRB for future projects/work. Their work has been remarkable and always willing to go the extra for us.	Budgets vary depending on the project. If for any reason the budget was under and/or over, MRB took the time to explain and prove to you the why's
City of Bartlett	Yes, Janet and Trey are always very quick to respond and provide assistance.	es, being a small municipality, they realize our infrastructure is very old as well as our financial situation.	Yes, any project we have done through MRB has been very well staffed with very qualified specialists throughout entire project.	Yes, we have multiple projects going on with MRB inside our city right now and plan on using their services on more in the future.	Yes, even with the crazy inflation going on right now our current project is projected to come in under budget saving the City around 10 grand which will be used on another project.
City of Copperas Cove	No for the most recent roadway/sidewalk design. Yes for the last park improvement project and water improvements	Not entirely for the roadway/sidewalk project. Yes for park improvement and water improvement projects.	No for roadway/sidewalk project. Yes for other projects.	Depends on the lead engineer.	Yes for the roadway project. No for the park improvement. Water project underway.

**Thonhoff Consulting Engineers, Inc
2022 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 Kames City	We have a very special relationship with Mr. Thonhoff. He is from Karnes City and treats the projects as for his "home town". The designs have been completed on time. He has always kept his communication and work in the best interest to the City. Staffing has consistently been in the correct proportion for the project. WE would give Mr. Thonhoff an unqualified recommendation for his work. WE have never had one of his projects exceed budget.				
City of Asherton	Yes	Yes	Yes	Yes, I have been here 13 years and Mr. Thonoff Does a great job.	at original budget.
City of Mathis	Yes	Yes	Yes	Yes, they have done 2 or 3 projects with us	above, nothing due to the consultants error
Ken Taylor	Yes	Yes	Yes	Yes, They are good, I can't complain.	on or below budget.
Universal City	Yes	Yes	Yes	Yes, very professional and reliable firm	Yes

Walker Partners, LLC
2022 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 McGregor	Always	Always	Yes	Absolutely, they are a trusted professional organization and operate with our community's best interest in mind	There have been many, many projects and they have always performed on time and within budget, with very few change orders being necessary.
City of Temple	Yes	Yes, they are sensitive to the needs of the City of Temple and look out for our best interest.	Yes	Yes, they are thorough, meet expectations and address all City items appropriately.	no answer
City of Waco	Yes	Yes, they are.	Yes, if they don't have the answer they hire others to help.	Yes, they are very responsive and complete things on time.	Within Budget.
SSLGC-Schertz Seguin Local Government Corporation	Yes, engineering design was completed on schedule. Walker Partners has provided engineering design and construction services for an 18-mile 36" diameter water transmission main, 7 water wells, and a 6 MGD groundwater treatment facility and high service pump station.	Yes, Walker Partners acted in the best interest of SSLGC throughout the project.	Yes, the staff allocated to the project was adequate to cover the project size and scope.	Yes, I would. SSLGC intends to utilize Walker Partners for future work due to their industry experience, knowledge of the SSLGC water system and past project performance	The project was above the original budget however price increases have been substantial throughout the industry due to recent economic factors

WGI, Inc
2022 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?
Travis Co Road & Bridge	We review Traffic Impact Analysis prepared for private developments. The reports submitted have been submitted timely.	I meet with WGI on various projects to discuss issues. WGI was always responsive to our needs to ensure that all our comments were addressed to our satisfaction	Yes	Yes. The TIA preparation staff have been good to work with and have provided very competent staff for all traffic related issues.	Unknown as we reviewed reports prepared by WGI for private developments.
TBG Partners	Yes, WGI has consistently met design schedules in a timely manner.	Yes, WGI is very familiar and responsive to client needs. We find they are able to effectively communicate between various governmental agencies, as well as with other consultants.	Yes, WGI has provided adequate staff both for production and oversight of work.	Yes, we would definitely recommend them. Besides being very technically proficient we like working with them because they are creative, flexible and good communicators when it comes to seeing the 'big picture' of a project as well as resolution of specific design elements.	WGI worked with the entire project team to ensure that the project came in on budget. They were very accurate with cost estimating.
Alamo Heights	WGI was hired as a consultant for the city to analyze data provided by another engineer and to design a new sewer and water upgrade project for the City. The project was placed on hold last September is currently still on hold. WGI met every benchmark and requirement prior to this stoppage.	WGI was very sensitive and responsive to all of our needs and has gone above and beyond the original expectations of the city.	Yes, above and beyond expectations	Yes. We would definitely recommend WGI for future projects with the City. Their firm has expertise in several areas of municipal government projects. They stay ahead of us, are always early to any meetings, provide routine follow-up and have stayed engaged with us even though our project is currently on hold.	As stated, our project is currently on hold due to circumstances beyond our control. WGI has stayed within their project scope budgeted amounts
Williamson Co.	Although we paid some of their bills, they work for the Brushy Creek MUD. We have no opinion on the issues below.				



City Council Memorandum

FROM: The Office of the City Manager

DATE: April 26, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDED A CONTRACT FOR A CONCESSION AGREEMENT TO MAMA'S SOUL CONCESSIONS LLC, FOR ONE YEAR, WITH THE CITY HAVING TWO SUCCESSIVE ONE-YEAR OPTIONS TO RENEW FOR A MAXIMUM COMBINED TERM OF THREE YEARS, AND AUTHORIZING THE CITY MANAGER TO ENTER SUCH CONTRACT ON BEHALF OF THE CITY, AND TAKE THE APPROPRIATE ACTION. (PARKS AND RECREATION DIRECTOR)

EXPLANATION:

The City advertised for the proposals on March 6, 2022, and March 13, 2022 in the Killeen Daily Herald. A pre-proposal walk-through was scheduled for March 22, 2022, but was not held as there were no RSVPs from potential vendors. On March 29, 2022, sealed proposals for the Concessions Agreement were opened. The City received the following proposal:

Bidder	Location
Mama's Soul Concessions	Killeen, TX

This service agreement will provide concessions at the FM 2410 Community Park and Summit Soccer Complex. The intent is to provide concessions services at all City sponsored athletic events, to include tournaments.

No subcontracting or assignment will be provided without the City's consent. Mama's Soul, LLC was awarded the agreement in 2013, 2016, and 2019. The current agreement expires this month.

RECOMMENDATION:

None.

ACTION BY THE COUNCIL:

1. Motion to approve/disapprove adopting a resolution awarding a contract for a concession agreement to Mama's Soul for one year, with the City having two successive one-year options to renew for a maximum combined term of three years, and authorizing the City Manager to enter into such contract on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

[Resolution](#)
[RFP Concessions](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDING A CONTRACT FOR A CONCESSION AGREEMENT TO MAMA’S SOUL CATERING & CONCESSIONS, LLC FOR ONE YEAR, WITH THE CITY HAVING TWO SUCCESSIVE ONE-YEAR OPTIONS TO RENEW FOR A MAXIMUM COMBINED TERM OF THREE YEARS, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO SUCH CONTRACT ON BEHALF OF THE CITY.

WHEREAS, there is a need to provide concession services, and;

WHEREAS, the agreement to provide concessions can be extended for successive options up to a maximum of three years, and;

WHEREAS, currently, the City of Harker Heights conducts athletic programs and events that require professional concession services, and;

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

1. Motion to award a contract for a Concession Agreement to Mama’s Soul Catering & Concessions, LLC for one year with the City having two successive options to renew in a negotiated contract for a maximum of three years.
2. The City Manager is hereby authorized and instructed to act in the name and behalf of the City of Harker Heights to execute and deliver such contract 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 on this 26th day of April 2022, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Harker Heights, Texas at which meeting a quorum was present, held in accordance with the provisions of Texas Government Code, Chapter 551.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY OF HARKER HEIGHTS, TEXAS

**REQUEST FOR PROPOSALS
CONCESSION AGREEMENT**

RFP #22-523-047-01

Sealed proposals will be received until 2:00 p.m. on

Tuesday, March 29, 2022

Return to:

**City of Harker Heights
Attention: Kelsey Coffman
305 Miller's Crossing
Harker Heights, TX 76548**

PURPOSE

The City of Harker Heights (City) is seeking competitive proposals for a company or qualified organization that will enter into a mutually beneficial contract for operating a concession service at facilities such as the Harker Heights Community Park located at 1501 East FM 2410 and Summit Soccer Complex located at 401 North Amy Lane, Harker Heights, TX 76548. Contracts resulting from this Request For Proposal (RFP) are anticipated to commence on April 12, 2022 and run for an initial term of one (1) year with an option to renew in a negotiated contract between the City and Organization, contingent on performance, for a maximum of three (3) years.

PROPOSAL**PRE-PROPOSAL WALK THROUGH**

A pre-proposal facility walk through will take place at the Harker Heights Community Park at 1501 East FM 2410, Harker Heights, TX 76548, on Tuesday, March 22, 2022 at 2:00 p.m. and Summit Soccer Complex on, 401 North Amy Lane, Harker Heights, TX 76548 on Tuesday, March 22, 2022 at 3:00 p.m. While attendance is not mandatory, it is highly recommended that each organization have a representative tour the facility and grounds. The purpose of the walk through is to get an accurate vision of the facility and answer questions related to the RFP. All interested organizations must register for the walk through via phone or email. Please contact Nicole Loayza at (254) 953-5657 or nloayza@harkerheights.gov with registrant name, organization name and phone number to register.

INSTRUCTIONS

Sealed proposals are to be submitted in accordance with the terms, conditions, and procedures stated in the RFP. The following must be submitted to the City of Harker Heights by Tuesday, March 29, 2022, at 2:00 p.m. to:

City of Harker Heights
ATTN: Kelsey Coffman
305 Miller's Crossing
Harker Heights, TX 76548
RFP # 22-523-047-01

QUESTIONS

Any questions regarding this request for proposals should be sent in writing to Jonathan Hanson, Recreation Manager, at jhanson@harkerheights.gov **AND** Kelsey Coffman, Finance Coordinator, at kcoffman@harkerheights.gov.

REQUIREMENTS:

1. One **(1)** original copy of the proposal and three **(3)** additional single-sided copies of the proposal shall be delivered by mail, courier, or in person, with the attached proposal cover sheet by 2:00 p.m. Central Standard Time on Tuesday, March 29, 2022.
2. The sealed envelope containing the completed proposal shall be marked legibly on the outside with the full name of the proposer, name, telephone, and email of an authorized contact person as well as proposal number.
3. Each proposal must be signed by an authorized representative of the organization and include the names of individuals authorized to negotiate with the City. The signature line must indicate the title or position the individual holds in the organization.
4. Proposals received after the deadline shall be considered void and unacceptable. The City is not responsible for lateness or non-delivery of mail, carrier, etc. The proposal will be date/time stamped in the City Finance Department when received and this will be considered the official time of receipt.
5. Faxed or emailed proposals will not be accepted.
6. The City reserves the right to reject any or all proposals as it shall deem to be in the best interests of the City. Receipt of any proposals shall under no circumstances obligate the City to enter into a contract with the organization. The award of this contract shall be made to the responsible organization whose proposal best suites the evaluation presented in the Request for Proposal.
7. All required attachments must be included with the proposal. See Required Documents section for a complete list of required forms.

PROPOSAL RESPONSE EVALUATION:

Proposals will receive a written evaluation on a 100-point basis covering the following areas:

Category Maximum Points

- A. Concession Experience 30
- B. References 30
- C. Concession Menu / Prices 25
- D. Staff Qualifications 15

Total Points: 100

PROJECT OVERVIEW**FACILITIES**

Summit Soccer Complex: The building, completed in March of 2013, contains a 300 square foot concession stand that is currently located on the far south west side of the soccer fields. The structure has one entrance and a 2 drop down, garage style, windows for servicing the public.

Community Park: This complex was completed in April of 2009 and 2011. The facility has a 256 square foot concession room with amenities such as a microwave, refrigerator, drink refrigerator, crock pots, as well as some miscellaneous supplies. The building is located at the center of Quad 1 and Quad 2.

DEMOGRAPHICS

Harker Heights is a City in Bell County, Texas, United States. It is the 3rd largest city in Bell County, after Killeen and Temple and is located near Fort Hood, a United States Army base that was designated a permanent military facility in 1950. The area has continued to grow in size and diversity since then and in 1960, Harker Heights was incorporated. The City of Harker Heights is now a dynamic, actively growing community located in what ranks as the fifth fastest growing Metropolitan Statistical Area in the State of Texas (POLICOM Crop study).

Today, the Harker Heights area is home to 33,097 people, with a median household income of approximately \$74,839 (Census Bureau). As of 2007, approximately 27.9% of the population of Harker Heights was 18 years old or younger (Census Bureau). Most notable was the fact that 12.7% of families were considered below the poverty level putting Harker Heights below the State of Texas poverty rate of 16.0% (Welfare Info). It is our observation that these numbers remain representative of the population.

VISION

The City and its staff are dedicated to establishing a clean and productive concession agreement. The City is interested in proposals from organizations with a strong commitment to outstanding customer service and who will function inclusively to enhance the efforts of all City entities. The City seeks an organization who supports and promotes trust, communication, teamwork, and professionalism and who functions as a contributing member of the community team, not simply a service provider. The ideal organization will be professional, clean, and have the cities best interest in mind.

The City envisions a series of six major components as a result from a concession agreement.

1. Cleanliness
2. Competitive Pricing on Products
3. Quality of Food Products
4. Alternatives to Disposable Food Service Ware
5. Favorable Presentation and Perception of Its' Employees
6. High-Quality Overall Customer Service

SCOPE OF WORK

AWARDED ORGANIZATION RESPONSIBILITIES

1. Overview of the facility to get a good idea of what is needed for service.
2. Maintain financial responsibility for harm to third parties or to the city's equipment and facilities.
3. Provide all supplies, equipment, and labor necessary to provide the service.
4. Implement a tobacco, alcohol, and drug free workplace.

PROPOSAL RESPONSE QUESTIONNAIRE

A. Concession Experience (Maximum- 30 points)

1. Give a brief description of your company's history.
2. Explain your company's employee structure.
3. List your long-term goals for this company and any goals as it pertains to the City.

B. References (Maximum – 30 points)

1. Provide four (4) references for programs and services that were provided similar in nature and functionality. Each reference must be accompanied by:
 - Reference company name
 - Address
 - Phone number
 - Contact person
 - Nature of relationship and service performed
 - Time period of contract.

If minimum number of references cannot be provided, explain why.

C. Menu and Pricing (Maximum – 25 points)

1. Give a proposed menu listing the prices and options as it would be presented to the public.
2. Give acceptable alternatives to prohibited disposable food service ware.

D. Staff Qualifications (Maximum – 15 points)

1. Give a list of certifications or training sessions that any of your staff may have completed that would relate to food and vender services.
2. Explain employee policies and standards expected by the management of the company.
3. Describe any innovative ideas or options that would help promote business, whether it is marketing or service options.
4. Describe any citations, warnings, license suspensions, revocation, and other adverse actions taken against the company or any of its current or former principals or employees by any governmental authority with respect to food service standards.

SELECTION PROCESS

Following the March 29, 2022 deadline, City staff will review all proposals based upon the 100-point evaluation and will make a decision within a timely manner. Several organizations may be selected as finalists and may be invited to give oral presentations if the City determines necessary. The City reserves the right to video tape the presentations. Upon approval, the City will draw up a contract with the details of the agreement.

TERMS & CONDITIONS

The City may use sources of information not supplied by the organization concerning the abilities to perform this work. Such sources may include, but not be limited to, current or past customers of the organization, background checks of organization representatives, employees, and/or volunteers, on-site inspection of the organization's operation, on-site inspection of the service sites, and credit records.

The City reserves the right to reject any or all formalities or informalities, or any proposals and qualifications, with or without cause, enter one or more contracts for the services, or to act otherwise as the public interest may require. All proposals will be subject to negotiation. Negotiations will not be limited and may include any contract provisions, services, and terms acceptable to the City. All Request for Proposals will be valid for ninety (90) days from the RFP opening date.

ACCEPTANCE OF RFP TERMS; WAIVER OF CLAIMS

By submitting a Request for Proposal each bidder waives 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 bid, the waiver of any requirements in connection therewith or with the acceptance or rejection of any bids and the award of the contract.

SUBCONTRACTS

No subcontracting or assignment would be permitted without the City's consent. The provisions contained herein shall likewise apply to any subcontracts.

INSURANCE

The operator will insure, during the term of this contract, its contract, its liability in connection with the operation of the concessions, the sale or offering of such merchandise and articles for sale and the use of concession areas for such purposes, providing a general liability policy with a combined single limit of not less than \$1,000,000.00 with an aggregate of \$2,000,000.00. The operator will also carry automobile liability insurance with a combined single limit of not less than \$1,000,000.00. The City shall be named as an additional insured under the insurance policy(s). The operator shall keep the insurance in full force and effect at all times during the operation of the concession. The operator shall provide the City with suitable copies of such insurance prior to beginning the contract.

REQUIRED DOCUMENTATION

1. A copy of the organization's brochures which describe the mission, values, programs, services, etc.
2. A current certificate of insurance will be required.
3. Conflict of Interest Questionnaire (Attachment 1)

Attachment 1

FORM CIQ



CONFLICT OF INTEREST QUESTIONNAIRE

For Vendor Doing Business with Local Government Entity

This questionnaire is being filed in accordance with Chapter 176 of the Local Government Code by a vendor who has a business relationship with a local government entity. By law, this questionnaire must be filed with the records administrator of the local government not later than the seventh business day after the date the person becomes aware of facts that require the statement to be filed. An offense under this section is a Class C Misdemeanor.

A complete copy of Chapter 176 of the Local Government Code may be found at <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.176.htm>. A reference for the specific sections cited on this form can be found following the form.

****If there is no conflict of interest between the vendor and the City of Harker Heights to report, please answer ONLY question 1 and sign/date the form****

1. Name of person/vendor doing business with the City of Harker Heights:

2. Is this an update to a previously filed questionnaire? Yes No

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than September 1 of the year for which activity described in Section 176.006(a), Local Government Code, is pending and not later than the seventh business day after the date the originally file questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer about whom the information is being disclosed:

4. Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described in Section 176.003(a)(2)(A) of the Local Government Code. Also describe any family relationship with the local government officer. Answer questions 4.1 and 4.2 below for each relationship described. Attach additional pages, as necessary.

4.1. 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?

YES NO

4.2. 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 government entity?

YES NO

5. Describe each employment or business relations 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 (1%) or more.

6. Has the vendor give 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)?

YES NO

Signature of Person/Vendor Doing Business with the Governmental Entity

Date

FORM CIQ REFERENCES

(Information provided by the Texas Ethics Commission www.ethics.state.tx.us)

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 government 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.