



OCTOBER 25, 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, October 25, 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 Omer Hall III, Fawn Hanzel, and Angela Thompson as "Bright Stars of Central Texas."

[Proclamation](#)

2. Proclamation declaring November 4, 2022, as "Texas Arbor Day."

[Proclamation](#)

V. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meeting held on October 11, 2022, and take the appropriate action.

[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 Chapter 74, Schedule I(A) of the Code of Harker Heights, to change the speed limit on Cedar Knob Road from F.M. 2410 to F.M. 3481, and take the appropriate action. (Public Works Director)

[Staff Report - Pdf](#)

VIII. REGULAR BUSINESS:

1. Discuss and consider approving an appeal of the False Robbery Alarm service charge for Victor Sanchez at 105 Suzanne Lane, Harker Heights, Texas; and take the appropriate action. (City Manager)
[Staff Report - Pdf](#)
2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") application to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel; and take the appropriate action. (Finance Director)
[Staff Report - Pdf](#)
3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's participation in the Texas Parks and Wildlife Department (TPWD) Community Outdoor Outreach Program Grant in the amount of \$30,000 for the purchase of Camping, Hiking, Kayaking, and Outdoor Outreach Materials; authorizing the City Manager to sign and act on behalf of the City; and take the appropriate action. (Parks and Recreation Director)
[Staff Report - Pdf](#)
4. Discuss and consider approving an amendment to the Economic Development Incentive Agreement with Gambit Social House, Inc. ("Gambit") modifying the Construction Completion Date to March 31, 2023, for the administration of one or more Programs for making grants or loans of Public Money to promote Economic Development and stimulate business and commercial activities within the City; and authorize the City Manager to sign the Agreement on behalf of the City; and take the appropriate action. (Assistant City Manager)
[Staff Report - Pdf](#)
5. Receive and discuss a presentation on the Texas Department of Transportation 2023 Transportation Alternatives Call for Projects and the grant funding requirements for pedestrian sidewalk improvement projects in the City of Harker Heights, Texas. (Public Works Director)
[Staff Report - Pdf](#)
6. Discuss and consider appointing members to the Animal Advisory Committee; Harker Heights Arts Commission; Economic Development Corporation; Library Board; Parks & Recreation/Tree Advisory Board; and Public Safety Commission; and take the appropriate action. (City Secretary)
[Staff Report - Pdf](#)

IX. RECESS INTO EXECUTIVE SESSION:

1. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551, the Council may convene into executive session to discuss the following:

A) Pursuant to §551.074 of the Texas Government Code, to deliberate the appointment of public officers to the Planning and Zoning Commission and Building Standards Commission.

B) Pursuant to §551.074 of the Texas Government Code, to deliberate the appointment of public officers to the Zoning Board of Adjustment.

X. RECONVENE INTO OPEN SESSION:

1. Take action, if any, on matters discussed in Executive Session.

XI. **STAFF REPORTS:**

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

XII. **ITEMS FROM COUNCIL AND ANNOUNCEMENTS:**

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

XIII. **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 21st day of October, 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, on September 28, 2022, while walking home from school in Harker Heights, an innocent 9-year-old child was lured into a vehicle by a stranger; and

Whereas, this abduction was observed by Harker Heights residents Omer Hall III and Fawn Hanzel who reached out to Harker Heights resident Angela Thompson and jointly pursued the suspect's vehicle to a nearby cul-de-sac; and

Whereas, Omer Hall III, Fawn Hanzel, and Angela Thompson confronted the suspect in the vehicle and urged this young child to exit the vehicle to get to safety; and

Whereas, the courageous actions of these three residents prevented further harm to this young child; and

Whereas, the Harker Heights Police Department wants to recognize the great courage and heroism of Omer Hall III, Fawn Hanzel, and Angela Thompson.

Now Therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights declare Omer, Fawn, and Angela to be

"Bright Stars of Central Texas".

In Testimony Whereof, I have signed this Proclamation and have affixed the Seal of the City of Harker Heights this 25th day of October, 2022.

Spencer H. Smith, Mayor
Harker Heights, Texas



PROCLAMATION

Whereas, in 1872, J. Sterling Morton proposed a tree planting holiday to be called “Arbor Day” to the Nebraska State Board of Agriculture which is now observed throughout the nation and world; and

Whereas, in 1889, the citizens of Temple, Texas authored an Arbor Day Resolution, which the Texas Legislature passed into law to encourage the planting of trees in the state; and

Whereas, Texas Arbor Day celebrates planting and nurturing trees and all the ways they enrich our lives and stabilize our environment; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

Whereas, are not only a renewable resource, but also beautify our community, increase property values, and are a source of joy and spiritual renewal; and

Whereas, the City of Harker Heights has been a Tree City USA member since 2011 and earlier this year received our 11 years accreditation as such.

Now Therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights, Texas, do hereby proclaim, November 4, 2022, to be

“Texas Arbor Day”

in the City of Harker Heights and urge all citizens to join us in celebrating Texas Arbor Day as we explore why *It Takes All Kinds*.

In Witness Thereof, I have set my hand and affixed the Seal of the City of Harker Heights, Texas, this 25th day of October 2022.

Spencer H. Smith, Mayor
Harker Heights, Texas

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, October 11, 2022, at 5:00 PM, 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, Place 2 Michael Blomquist
Councilmember, Place 3 Tony Canterino
Councilmember, Place 4 Lynda Nash
Councilmember, Place 5 Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Mayor Smith presented a Proclamation declaring Tonkawa Chapter Native Plant Society of Texas as "Bright Stars of Central Texas."

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on September 27, 2022, and the special meeting held on October 4, 2022.

Councilmember, Place 2 Blomquist made a motion to approve the minutes of the meeting held on September 27, 2022, and the special meeting held on October 4, 2022. Councilmember, Place 5 Halabi 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 amend §154.37 Streets and §161.01 Section 1, Thoroughfare Plan of the Harker Heights Code of Ordinances, and portions of the Mobility 2030 Thoroughfare Plan to clarify definitions and update references. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember, Place 3 Canterino made a motion to approve an amendment to §154.37 Streets, and §161.01 Section 1, Thoroughfare Plan of the code of ordinances and Mobility 2030 Thoroughfare Definitions; clarifying definitions; updating references and providing for an effective date of the amendment, based upon staff's recommendation and findings and with the recommended format correction. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

2. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for uses associated with a B-1 (Office District) zoning on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember, Place 3 Canterino made a motion to approve an ordinance changing zoning designation from R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop, or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas with the eleven (11) conditions as discussed, based on staff's recommendation and findings, with the conditions being as follows:

1. The property may operate as a Barber Shop, Beauty Shop, or Beauty Parlor.
2. A maximum of one (1) business may occupy the building.
3. A six (6') foot masonry fence shall be constructed along the rear property boundary. Fences along neighboring properties to either side of the site must be constructed of cedar or pressure treated materials, with support posts located either feet on center, or other materials and designs as may be approved by the Director of Planning and Development. Additionally, all screening requirements must be completed prior to receiving a Certificate of Occupancy on the property.
4. The external architectural style and appearance of the structure shall maintain a residential character.
5. Parking in the rear yard shall be accessed by a driveway installed on the west side of the property and both driveway and parking area must consist of a permanent, all-weather surface. All patrons must park in the designated parking areas. Parking for patrons will not be allowed on the street or on landscaped areas.
6. Landscaping shall meet the requirements of the B-1 zoning district.
7. All exterior lighting shall be fully shielded and down-lit to prevent light trespass onto surrounding properties.
8. Signage shall consist of:
 1. One (1) wall sign, not to exceed twenty-four (24) square feet may be placed on the front façade wall parallel to the surface to which it is attached. Signage must be externally illuminated, shielded and down lit. In addition, one monument sign listed below may be permitted on site.
 - i. One (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height. Signage must be externally illuminated, shielded, and down-lit; OR
 - ii. If shared, one (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed sixty (60) square feet in area and may not be more than ten (10') feet in height. Signage must be externally illuminated, shielded, and down lit.
9. No box or channel letter type signs are permitted.
10. No outside storage will be allowed.
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances. Councilmember, Place 4 Nash seconded the motion. Carried unanimously.

3. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Zoning Designation from B-5 (General Business District) to R-1 (One Family Dwelling District), on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Iris Keen, applicant, was present to represent the request.

Mayor Pro Tem McCann made a motion to approve an ordinance to change zoning designation from B-5 (General Business District) to R-1 (One-Family Dwelling District) on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember, Place 5 Halabi 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, granting a Change in Zoning Designation from R-2 (Two-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located Northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Gene Clarkston, representative, was present to represent the applicant on the request.

Councilmember, Place 3 Canterino made a motion to approve an ordinance to change zoning designation from R-2 (Two-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember, Place 2 Blomquist 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, granting a change in zoning designation from R-1 (one-family dwelling district) to R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Eddie and Deidra Bass, applicants, were present to represent the request.

The following Citizens spoke against the item:

- Burl Lewis, Jr., 115 East Ruby Road, Harker Heights, Texas 76548
- Melvina L. Hart, 121 East Ruby Road, Harker Heights, Texas 76548

Councilmember, Place 2 Blomquist made a motion to disapprove with explanation of the proposed R2-I zoning is not compatible with the current Land Use Plan. an ordinance to change zoning from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember, Place 5 Halabi seconded the motion. Carried 4-1 (opposed: Councilmember, Place 4 Nash).

6. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in land use designation from Low Density Residential to Low Density Residential and Medium Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Mayor Pro Tem McCann made a motion to disapprove with explanation, the proposed Medium Density Residential use is not compatible with the current Land Use Plan; and the proposed Medium Density Residential use is not compatible with existing zoning in the neighborhood, an ordinance to change land use designation from Low Density Residential to Low Density Residential and Medium Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember, Place 3 Canterino seconded the motion. Carried unanimously.

REGULAR BUSINESS:

1. Council discussed and considered approving a Preliminary Plat referred to as Habitat for Humanity Northside Addition, on property described as 2.797 acres of land, situated in the V.L. Evans Survey, Abstract 288, Bell County, Texas, being all of the called 2.80 acre tract conveyed to Fort Hood Area Habitat for Humanity, of record in Document Number 2020053778, Official Public Records of Real Property, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Joseph Theriot, P.E., Republic Engineering, was present to represent the request.

Councilmember, Place 2 Blomquist made a motion to approve, a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.) based on the discussed recommendations and findings. Councilmember, Place 4 Nash seconded the motion. Carried unanimously.

Kristina Ramirez, Planning and Development Director suggested to Council that an additional motion be made to clarify the correct legal description of this property.

Councilmember, Place 2 Blomquist made a motion to approve a request for a Preliminary Plat referred to as Habitat for Humanity Northside Addition, on property described as 2.797 acres of land, situated in the V.L. Evans Survey, Abstract 288, Bell County, Texas, being all of the called 2.80 acre tract conveyed to Fort Hood Area Habitat for Humanity, of record in Document Number 2020053778, Official Public Records of Real Property, Bell County, Texas, based on staff's recommendations and findings. Councilmember, Place 4 Nash seconded the motion. Carried unanimously.

2. Council discussed and considered approving a Preliminary Plat referred to as Harker Heights Fuller Addition, on property described as being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and being part of that certain called 2.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Bob Gage, GBT Realty, was present to represent the request.

Mayor Pro Tem McCann made a motion to approve a request for a Preliminary Plat referred to as Harker Heights Fuller Addition, on property described as being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and being part of that certain called 2.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas based on staff's recommendations and findings with the following condition: Per §154.21(C)(1)(d), dedicate additional Right-of-Way width as required for a Major Collector. Councilmember, Place 4 Nash seconded the motion. Carried unanimously.

3. 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.

Councilmember Blomquist stated that he attended the following events:

- October 1st – Breakfast with Sparky at the Harker Heights Activities Center, hosted by the Harker Heights Fire Department and Harker Heights Lions Club.
- October 1st – Harker Heights Farmers' Market.
- October 3rd – Chaired the Bell County Health District Meeting in Temple, Texas.
- October 4th – III Corps Chain of Command Ceremony and Promotion of MG Sean Bernabe to Lt. General.
- October 4th – Harker Heights National Night Out with the Mayor, Council and City Staff.
- October 5th – 7th – The Texas Municipal League Annual Conference in San Antonio.
- October 8th – Harker Heights Farmers' Market.
- October 10th – The NAACP Candidate Forum in Killeen for Central Texas Political Candidates.
- October 11th – Harker Heights Fire Department Promotion for Lt. Justin Lewis and D/O Justin Elliott.
- October 11th – Harker Heights Veterans Council Meeting – Planning for the Harker Heights Veterans Ceremony at Harker Heights Activities Center on November 10th from 6:30 p.m. – 7:30 p.m.

Councilmember Canterino stated that he attended the following events:

- September 27th – Breakfast at Papa's Café with County Commissioner Bobby Whitson.
- September 30th – The Phantom Honors Retiree Ceremony on Fort Hood.
- October 1st – Harker Heights Farmers' Market.
- October 4th – Breakfast with County Commissioner Bobby Whitson.
- October 5th – 7th – The Texas Municipal League Annual Conference in San Antonio.
- October 10th - the NAACP Candidate Forum in Killeen for Central Texas Political Candidates.
- October 11th - Breakfast with County Commissioner Bobby Whitson.

2. Update and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- September 28th – Fort Hood Community Services Council Meeting at Lonestar Conference Center.
- September 28th – Meeting with City Staff at City Hall.
- September 29th – III Corps Proclamation Ceremony for Domestic Violence Awareness Month.
- September 30th – Disabled Veterans Property Tax Exemption Meeting at the Heart of Texas Defense Alliance.
- October 1st – AUSA Car Show Judge at the Killeen Special Events Center.
- October 1st – Carl Levin Park Art in the Park.
- October 4th – Harker Heights City Council Special Meeting.
- October 4th – Harker Heights City National Night Out.
- October 5th and 6th – Texas Municipal League Annual Conference and Exhibition in San Antonio.
- October 11th – Harker Heights Fire Department Promotion Ceremony.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:42 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: October 25, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING CHAPTER 74, SCHEDULE I(A) OF THE CODE OF HARKER HEIGHTS, TO CHANGE THE SPEED LIMIT ON CEDAR KNOB ROAD FROM F.M. 2410 TO F.M. 3481, AND TAKE THE APPROPRIATE ACTION. (PUBLIC WORKS DIRECTOR)

EXPLANATION:

The City of Harker Heights Traffic Unit conducted a traffic speed survey on Cedar Knob Road in August 2022. Crash records were also obtained from the TxDOT Crash Records Information System for the past three years. The results of the crash record data indicated there were not any major traffic accidents reported in the three year period with the current 50 MPH speed limit. However, the geometry of the roadway causes sight distance limitations at Torino Drive and Prospector Trail which are main entrances to the Cedarbrook Ridge subdivision from Cedar Knob Road. The report projects an additional 834 vehicles using Cedar Knob Road daily from the new residential development. Based on the growing population accessing Cedar Knob Road from the Cedarbrook Ridge subdivision and the current sight distance limitations on Cedar Knob Road, the Police Department recommends reducing the speed limit on Cedar Knob Road from 50 MPH to 40 MPH to promote roadway safety.

RECOMMENDATION:

Staff recommends approval.

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance amending Chapter 74, Schedule I(A) of the Code of Harker Heights, to change the speed limit on Cedar Knob Road from FM 2410 to FM 3481.
2. Any other action desired.

ATTACHMENTS:

[Ordinance](#)

[Harker Heights Police Department Speed Limit Reduction Review August 2022](#)

ORDINANCE NO 2022-60

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING CHAPTER 74, SCHEDULE I(A) OF THE CODE OF HARKER HEIGHTS, TO CHANGE THE SPEED LIMIT ON CEDAR KNOB ROAD FROM F.M. 2410 TO F.M. 3481.

WHEREAS, in Harker Heights, Texas, a traffic investigation has been made to determine the prima facie maximum reasonable and prudent speed of motor vehicles on a certain section of Cedar Knob Road; and

WHEREAS, it has been determined by the traffic investigation that the prima facie maximum reasonable and prudent speed for motor vehicles on said section of the herein above mentioned Cedar Knob Road in Harker Heights, Texas, should be as set out hereinafter; and

WHEREAS, the City Council has determined that for the safety of the general public of the City of Harker Heights it is necessary to amend Chapter 74, Schedule I(A) of the Code of Harker Heights to establish a lower prima facie speed limit applicable on Cedar Knob Road as hereinafter set forth; and

WHEREAS, the City Council of the City of Harker Heights finds and determines that approval of the recommended traffic control devices will benefit the public health, safety and welfare by promoting the safe and orderly flow of traffic within the City; and

WHEREAS, the City Council has authority to enact this ordinance pursuant to the broad powers as a home rule municipality, as well as by authority granted under Texas Transportation Code §545.356.

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

SECTION 1: In accordance with Harker Heights Code §71.01, when signs are erected giving notice thereof, the maximum speed limit on the portions of Cedar Knob Road hereafter described shall be 40 miles per hour from FM 2410 to FM 3481.

SECTION 2: The entry in Chapter 74, Schedule I(A) of the Code of Harker Heights reflecting a speed limit established by Ordinance 2022-30, passed May 24, 2022, relating to a 50 mph speed limit on Cedar Knob Road from FM 2410 to FM 3481, is hereby deleted, and the following entry substituted in its place:

| Location | | Speed Limit, mph | Ord No. | Date Passed |
|-----------------|-------------------------|------------------|---------|-------------|
| Cedar Knob Road | From FM 2410 to FM 3481 | 40 | 2022-60 | 10-25-22 |

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: That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required and that public notice of said meeting was given as required by law. The Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

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 the tenth day after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

SECTION 8: PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THIS 25th DAY OF OCTOBER 2022, 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



Harker Heights Police Department

402 Indian Trail Drive, Harker Heights, Texas (254)953-5400

Harker Heights Speed Limit Reduction Review

The Harker Heights Police Department was requested to provide feedback concerning the posted speed limit on Cedar Knob Road in the City of Harker Heights, Texas. There is a request to have the posted speed limit of 50 MPH reduced to protect the roadway safety. There is a concern for the roadway safety due to the increased number of vehicles traveling on the roadway due to the new established residential dwellings and the new residential dwellings currently under construction.

LOCATION: Cedar Knob Road

1. City Ordinance:

In accordance with City of Harker Heights, Texas City Ordinance Chapter 74: Traffic Schedules. Schedule I: Speed Limits. Cedar Knob Road has a posted speed limit of 50 MPH. Cedar Knob Road roadway length is estimated at 1.05 miles which consist of a horizontal spiral curve and several vertical curves.

2. Harker Heights Police Department Traffic Unit Speed Survey:

The traffic speed survey was conducted from 08/17/2022 to 08/24/2022 on Cedar Knob Road. The traffic speed survey trailer was placed on Cedar Knob Road for 8 days to monitor the vehicle traffic on the roadway. The total amount of vehicles that were tracked for this speed survey is 26,711. There was a count of 12935 vehicles that were tracked traveling away from the traffic speed survey trailer. Vehicles traveling 50MPH and below were at 88%, vehicles traveling 51-55 MPH were at 10%, vehicles traveling 56-59 MPH were at 2%, and vehicle traveling 60 MPH and above were at .8%. There was a count of 13776 vehicles that were tracked traveling toward the traffic speed survey trailer. Vehicles traveling 50MPH and below were at 80%, vehicles traveling 51-55 MPH were at 15%, vehicles traveling 56-59 MPH were at 4%, and vehicle traveling 60 MPH and above were at 1.2%.

- The peak hours for the increased vehicle traffic in the area appear to be in the morning time frame and early evening time frame. The peak hour time frames are around the time individuals in the area are traveling to/from work and coming home from school. The early morning time frame may also for increased vehicles in the area may also be created through working coming to work for the new residential dwellings that are currently under construction.

- A review of the speed traffic survey that was conducted on 10/21/2020 had a total of 25,224. There is an increase of 1,487 vehicles that traveled on Cedar Knob Road according to the current speed survey that was conducted on 08/17/2022. There appear to be more vehicles traveling south on Cedar Knob Road from E Knight's Way (FM 2410) heading toward Stillhouse Lake Road (FM 3481).

3. TxDOT CRIS Crash Query (2020,2021,2022)

A query was conducted on the TxDOT Crash Records Information System (CRIS). The query was for reported accidents that occurred during the following years: 2020, 2021, and 2022. There was one report accident on Cedar Knob Road from the Crash Records Information System query search.

4. New established residential dwellings/new residential dwellings currently under construction

- New established residential dwellings: The Stillhouse Flats Apartment Complex has Seven (7) apartment building. The neighborhood directly to the north of the Stillhouse Flats Apartment Complex has 191 Single Family Dwellings.
- New residential dwellings: There is an estimated 226 Single Family Dwellings that are currently in the process of being constructed in the area.
- The expected increased population through the expected 417 Single Family Dwellings in the Cedar Knob Road area will increase the number of vehicles that will travel on the Cedar Knob Road roadway soon.

5. TxDOT Manual on Uniformed Traffic Control Devices

Section 3B.02 No Passing Zone Pavement Markings and Warrants (03)

On two-way, two- or three-lane roadways where center line markings are installed, no-passing zones shall be established at vertical and horizontal curves and other locations where an engineering study indicates that passing must be prohibited because of inadequate sight distances or other special conditions.

(Texas Manual Uniform for Traffic Control Devices 2014 Rev. 2-Page 374)

6. Roadway Surface conditions

- The roadway markings on Cedar Knob Road need to be repainted. The roadway markings are heavily faded starting from the 2500 Block to the 2900 Block. Cedar Knob Road has surface roadway damage which can interfere with proper vehicle movement on the roadway in different areas.

Conclusion:

1. The research information obtained from the vehicle speed survey and the TxDOT Crash Records Information System (CRIS) does not warrant a change for the current posted speed limit for Cedar Knob Road. In the past three years there has not been a major traffic accident reported for Cedar Knob Road. The vehicle speed survey shows an estimated 33% of vehicle traveling above 50 MPH with an estimated 2% of vehicle traveling about 60 MPH.
2. The research information obtained concerned the increased number of residential dwellings will be a roadway safety concern. Estimating each new Single-Family Dwelling will have a minimum of 2 vehicles, there will be an estimated 834 vehicle belonging to residents traveling on Cedar Knob Road.
3. Vehicles making a left turn from Torino Street and Prospector Trail onto Cedar Knob Road are presented with a blind spot due to the curve and crest on the roadway from vehicles traveling north on Cedar Knob Road.

Recommendation:

1. Based on the growing population in the area and roadway blind spots, I would recommend for the posted speed limit of 50 MPH to be reduced to 40 MPH to protect the roadway safety.
2. The proposed posted speed limit would affect all of Cedar Knob Road which would include Cedar Knob Road from FM 2410 to FM 3481.
3. I would recommend having TxDOT conduct an engineering study to see if all of Cedar Knob Road can be changed to a No-Passing Zone roadway to protect the roadway safety.

Eugene Cuthbert
Traffic Unit Sergeant
Harker Heights Police Department
(254) 953-5458

Roxanne Harrill
Traffic Management Unit Lieutenant
Harker Heights Police Department
(254)953-5458

References:

City of Harker Heights, Texas City Ordinances

Harker Heights Police Department Traffic Unit Speed Survey

Harker Heights Police Department TxDOT CRIS Crash Query (2020,2021,2022)

TxDOT Manual on Uniformed Traffic Control Devices Revision 2, October 2014



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 25, 2022

DISCUSS AND CONSIDER APPROVING AN APPEAL OF THE FALSE ROBBERY ALARM SERVICE CHARGE FOR VICTOR SANCHEZ AT 105 SUZANNE LANE, HARKER HEIGHTS, TEXAS, AND TAKE THE APPROPRIATE ACTION. (CITY MANAGER)

EXPLANATION:

Section 99.08 of the City's Code of Ordinances grants an appeal process for false alarm charges. Appeals to false alarm charges must be made within 14 days of being given notice of a false alarm charge. By Code, the City Manager is the Alarm Administrator and issues the notice of false alarm charge and the City Council is the body that hears any appeals of the charge.

Officer Patrick Hogan with the City of Harker Heights Police Department responded to a robbery alarm at the home of Victor Sanchez, 105 Suzanne Lane, Harker Heights, Texas, on August 18, 2022, at 10:42 p.m. No evidence of robbery was found. Accordingly, per §99.06 of the Code of Harker Heights and the City's fee schedule, Victor Sanchez was assessed a false alarm service charge of \$75.00. The City mailed a letter to Victor Sanchez informing him of the fee on September 26, 2022.

On October 11, 2022, the City received an e-mail from Victor Sanchez appealing the Service Charge Assessment. On October 13, 2022, a confirmation notice was sent to Victor Sanchez notifying him of the date and time that the appeal would be heard before the City Council.

Section 99.06 of the Harker Heights Code of Ordinances provides the following provisions about false alarm charges:

(A) If, within any 12-month period occurring after the effective date of this chapter, five false burglar alarm notifications are made from an alarm site, the Alarm Administrator shall assess the alarm user at that alarm site a fee for each subsequent false burglar alarm notification made from the site during the 12-month period.

(B) The Alarm Administrator shall assess an alarm user for **each false robbery alarm notification** emitted from the alarm site.

(C) If, within any 12-month period occurring after the effective date of this chapter, two false fire alarm notifications are made from an alarm site, the Alarm Administrator shall assess the alarm user at that alarm site a fee for each subsequent false fire alarm notification emitted from the site during the 12-month period.

AGENDA ITEM #VIII.1.

(D) If, within any 12-month period occurring after the effective date of this chapter, two false emergency medical assistance alarm notifications are made from an alarm site, the Alarm Administrator shall assess the alarm user at that alarm site a fee for each subsequent false emergency medical assistance alarm notification made from the site during the 12-month period.

(E) The Alarm Administrator shall send written notice to the alarm user of any fee assessed under this chapter. The notice shall be hand delivered to the alarm user, or sent by certified mail, return receipt requested, to the alarm user at the alarm user's last known address.

(F) An alarm user shall pay any fee assessed under this chapter within 30 days after the date the fee is assessed.

(G) No fee shall be assessed pursuant to this section, if:

- (1) The alarm notification is cancelled prior to city personnel arriving at the alarm site; or
- (2) The alarm is shown by the alarm user to have been, in the Alarm Administrator's sole determination, justified, or due to a natural or man-made catastrophe or other situation specifically exempted by the Alarm Administrator.

In the last 12 month period, 105 Suzanne Lane had no prior false *robbery* alarm incidents and two (2) prior false *burglary* alarm incidents that occurred on May 21st and July 20th.

False *robbery* alarms require a fee to be charged on the first occurrence due to the severity/priority of this type of call. Victor Sanchez's e-mail to appeal the August 18, 2022, false robbery alarm is attached as EXHIBIT A.

The City's letter to citizens/businesses that have false alarms strongly encourages that the alarm system be properly adjusted, operated, inspected, and or serviced to avoid future false alarms, service charges, and possible termination of alarm response.

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE the Appeal to dismiss the False Robbery Alarm Service Charge for Victor Sanchez at 105 Suzanne Lane, Harker Heights, Texas.
2. Any other action desired.

ATTACHMENTS:

[EXHIBIT A APPEAL LETTER](#)

[FALSE ROBBERY ALARM SERVICE CHARGE LETTER](#)

[NOTICE OF APPEAL HEARING](#)

From: [VICTOR SANCHEZ](#)
To: [Contactus](#)
Subject: Alarms
Date: Tuesday, October 11, 2022 5:35:57 PM

Hi my name is Victor Sanchez, live in 105 Suzanne I request appeal on my alarms charge, We are a 81 yrs couple and live from pay day to pay day SS and that charge going to take food from my table we apologize for everything thanks

Sent from my iPhone

9/26/2022

Victor Sanchez
105 Suzanne Lane
Harker Heights, TX 76548

Dear Property Owner:

Officers with the City of Harker Heights responded to a robbery alarm at your address on the following dates:

- August 18, 2022 at 10:24PM (Officer Patrick Hogan)

No evidence of a robbery was found. Accordingly, per §99.06 of the Code of Harker Heights and the City's fee schedule you are hereby assessed a false alarm service charge of \$75.00 (\$75/per false robbery alarm activation).

Under §99.08 of the Code you have the right to appeal this service charge assessment by filing a written request for a hearing with the City Secretary within 14 days after this notice was mailed, setting forth the reasons for the appeal. The City Secretary will then set a hearing before the City Council, and you will be notified of the date and time of that hearing so you can appear in person and present your case. If you do not appeal, payment of the service charge is due within 30 days after the date of this letter.

Please note that police and fire responses to alarm notifications may be terminated if your system is determined to be unreliable, or if a false alarm service charge is not paid. Accordingly, we strongly urge you to ensure that your system is properly adjusted, operated, inspected, and serviced in order to avoid future false alarms, service charges, and possible termination of alarm response.

Sincerely,

David Mitchell
City Manager
305 Millers Crossing
Harker Heights, Texas 76548

Enclosure: False Alarm Invoice

Invoice

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

| Date | Invoice # |
|-----------|-----------|
| 8/31/2022 | 04-744 |

| Bill To |
|--|
| Victor Sanchez 105 Suzanne Lane Harker Heights, TX 76548 |

| Description | Amount |
|--------------------------------|---------|
| 08/18/2022 False Robbery Alarm | 75.00 |
| Total | \$75.00 |

STATEMENT



MAIL REMITTANCE TO:
305 Miller's Crossing
Harker Heights, Texas 76548

False Alarms

| Date |
|-----------|
| 8/31/2022 |

Victor Sanchez
105 Suzanne Lane
Harker Heights, TX 76548

| Amount Due | Amount Enc. |
|------------|-------------|
| \$75.00 | |

| Date | Transaction | Amount | Balance | Item | |
|----------------|---------------------------|----------------------------|----------------------------|------------------------------|-------------------|
| 07/31/2022 | Balance forward | | 0.00 | | |
| 08/31/2022 | INV #04-744. | 75.00 | 75.00 | | |
| CURRENT | 1-30 DAYS PAST DUE | 31-60 DAYS PAST DUE | 61-90 DAYS PAST DUE | OVER 90 DAYS PAST DUE | Amount Due |
| 75.00 | 0.00 | 0.00 | 0.00 | 0.00 | \$75.00 |

From: [Julie Helsham](#)
To: [VICTOR SANCHEZ](#)
Subject: RE: Alarms
Date: Thursday, October 13, 2022 9:03:00 AM

Good Morning Mr. Sanchez,

I received your false alarm appeal and have it set to be heard by the City Council on Tuesday, October 25, 2022, at 5:00 p.m. The false alarm appeal will be held in the Harker Heights City Hall located at 305 Miller's Crossing, Harker Heights, Texas 76548.

You will have an opportunity to speak to the City Council about the false alarm appeal charge.

Please let me know if you can be here on October 25th for your false alarm appeal.

Thank you,

Julie Helsham
City Secretary
City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548
T: 254-953-5685 | F: 254-953-5614 | jhelsham@harkerheights.gov

Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.

-----Original Message-----

From: VICTOR SANCHEZ <sancvic@yahoo.com>
Sent: Tuesday, October 11, 2022 5:36 PM
To: Contactus <contactus@harkerheights.gov>
Subject: Alarms

Hi my name is Victor Sanchez, live in 105 Suzanne I request appeal on my alarms charge, We are a 81 yrs couple and live from pay day to pay day SS and that charge going to take food from my table we apologize for everything thanks

Sent from my iPhone



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 25, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL AND TAKE THE APPROPRIATE ACTION. (FINANCE DIRECTOR)

EXPLANATION:

On May 13, 2022, Oncor Electric Delivery Company (Oncor) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by approximately \$251 million (4.5% over their present revenues). Oncor asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. This would result in an increase to the average residential customer with usage of 1,300kWh/month of about \$6.02 per month. An increase for street lighting has not been provided.

On June 14, 2022, the City Council approved a Resolution suspending Oncor's rate request from taking effect for 90 days. This allowed the Steering Committee of Cities Served by Oncor time to determine that the proposed rate increase is unreasonable.

The attached Resolution is to deny the rate change application proposed by Oncor. If denied, Oncor will have 30 days to appeal the decision to the Public Utility Commission of Texas.

RECOMMENDATION:

Staff recommends approving the resolution.

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution of the City of Harker Heights, Texas, finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") application to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.
2. Any other action desired.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC’S (“ONCOR” OR “COMPANY”) APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Harker Heights, Texas (“City”) is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor” or “Company”), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor (“Steering Committee”), a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor’s service area; and

WHEREAS, on or about May 13, 2022, Oncor filed with the City an application to increase system-wide transmission and distribution rates by \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates; and

WHEREAS, the Steering Committee is coordinating its review of Oncor’s application and working with the designated attorneys and consultants to resolve issues in the Company’s filing; and

WHEREAS, through review of the application, the Steering Committee’s consultants determined that Oncor’s proposed rates are excessive; and

WHEREAS, the Steering Committee’s members and attorneys recommend that members deny the Application; and

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

Section 1. That the rates proposed by Oncor to be recovered through its electric rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 2. That the Company shall continue to charge its existing rates to customers within the City.

Section 3. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That a copy of this Resolution shall be sent to Oncor, Care of Howard Fisher, Oncor Electric Delivery Company, LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701.

PASSED AND APPROVED this 25th day of October, 2022.

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: October 25, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD) COMMUNITY OUTDOOR OUTREACH PROGRAM GRANT IN THE AMOUNT OF \$30,000 FOR THE PURCHASE OF CAMPING, HIKING, KAYAKING, AND OUTDOOR OUTREACH MATERIALS; AUTHORIZING THE CITY MANAGER TO SIGN AND ACT ON BEHALF OF THE CITY; AND TAKE THE APPROPRIATE ACTION. (PARKS AND RECREATION DIRECTOR)

EXPLANATION:

The Texas Parks and Wildlife Department (TPWD) provides grant assistance in various forms for the purpose of increasing outdoor recreation opportunities. The Community Outdoor Outreach Program, or CO-OP, grant provides funding to tax-exempt organizations for programming that engages under-served populations in TPWD mission-oriented outdoor recreation, conservation, and environmental education activities.

The Harker Heights Parks and Recreation department will apply for a grant in the amount of \$30,000 to purchase camping, hiking, kayaking, and interpretive materials for programs designed to engage low-income families in Harker Heights and the surrounding community through the Get Outdoors (GO) Heights program.

Most current GO Heights programming requires that participants provide their own outdoor recreation equipment, which is not possible for many families that would benefit from participation. This program would allow underserved populations to participate by borrowing equipment from the Parks and Recreation department throughout the duration of the program, being shown how to use each piece of equipment along the way.

The Grant would provide a total of \$30,000.00, with no requirement for a cash or in-kind match. Once received, the City will be responsible for all maintenance and repairs.

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution authorizing the City Manager to sign and act on behalf of the City for the participation in the Texas Parks and Wildlife Department's Community Outdoor Outreach Program in receiving \$30,000 for the purchase of camping, hiking, kayaking, and outdoor outreach materials.
2. Any other action desired.

ATTACHMENTS:

[City Council Resolution - TPWD COOP Grant](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TEXAS PARKS AND WILDLIFE COMMUNITY OUTDOOR OUTREACH PROGRAM (CO-OP) IN THE AMOUNT OF \$30,000 FOR THE PURCHASE OF CAMPING, HIKING, KAYAKING, AND OUTDOOR OUTREACH MATERIALS.

WHEREAS, the Harker Heights Parks and Recreation Department has prepared an application for a Texas Parks and Wildlife Department (TPWD) Community Outdoor Outreach Program grant ("*Grant*") to equip the Get Outdoors Heights program with outdoor outreach equipment; and

WHEREAS, the City Council finds and determines: the need and importance of these materials can improve the level of service provided to underserved populations across the City; and

WHEREAS, the Grant would provide a total of \$30,000.00, with no requirement for a cash or in-kind match; and

WHEREAS, the City Council finds it is in the public interest that the City participate in the Grant according to the terms and conditions thereof, and by means hereof the Council expresses its support for such participation; and

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

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

1. The facts and recitations set forth above are hereby found and declared to be true and correct.
2. The submission of the application for the Grant is hereby approved.
3. The City Manager, David Mitchell, is hereby designated as the City's authorized official. He is authorized and empowered to act in the name and on behalf of the City to apply for, accept, reject, alter, or terminate the City's participation in the Grant, and to execute and deliver such agreements (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), and any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to accomplish the purposes of these resolutions.

4. All actions taken or performed prior to the date hereof by the City Manager in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.
5. The City Council agrees that in the event of loss or misuse of Grant funds, such funds will be returned to the Texas Office of the Governor in full.
6. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

PASSED AND APPROVED on October 25, 2022, by the Harker Heights City Council.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights, Texas



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 25, 2022

DISCUSS AND CONSIDER APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH GAMBIT SOCIAL HOUSE, INC. (“GAMBIT”) MODIFYING THE CONSTRUCTION COMPLETION DATE TO MARCH 31, 2023, FOR THE ADMINISTRATION OF ONE OR MORE PROGRAMS FOR MAKING GRANTS OR LOANS OF PUBLIC MONEY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITIES WITHIN THE CITY; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY; AND TAKE THE APPROPRIATE ACTION. (ASSISTANT CITY MANAGER)

EXPLANATION:

The Council approved a 380 Economic Development Agreement for Gambit Social House, Inc. during a regular scheduled City Council meeting on the 8th of June 2021. On May 24, 2022, the City Council further agreed to extend the completion date from June 1, 2022, to October 31, 2022. That extension was requested due to excessive rain early in the construction phase which slowed down the progress of the foundation work and material shortages.

Gambit Social House now requests an additional extension for the completion date to be changed from October 31, 2022, to March 31, 2023, due to construction delays. The amendment further modifies the agreement by replacing indoor golf with darts.

As a reminder, Chapter 380 of the Texas Local Government Code allows a City to establish and provide for the administration of one or more programs for making grants or loans of public money to promote economic development. The Agreement provides reasonable and adequate safeguards to ensure that the public receives sufficient benefits in exchange for the incentives.

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE amending the economic development incentive agreement with Gambit Social House, Inc., modifying the construction completion date to March 31, 2023, for the administration of one or more programs for making grants or loans of public money to promote economic development and stimulate business and commercial activities within the City; and authorize the City Manager to sign the agreement on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

[Economic Development Agreement Amendment Gambit](#)

ECONOMIC DEVELOPMENT GRANT AGREEMENT

This Economic Development Grant Agreement (“Agreement”) is entered into by and between the **CITY OF HARKER HEIGHTS, TEXAS** (“City”) and **GAMBIT SOCIAL HOUSE, INC.** (“Gambit”). The purpose of this Agreement is to set forth the terms under which the City will make certain economic development grants to Gambit.

The City is authorized by Chapter 380 of the Texas Local Government Code to establish and provide for the administration of one or more programs for making grants or loans of public money to promote economic development and stimulate business and commercial activities within the City. The grants described herein are made for that purpose.

The parties agree as follows:

I.
MAXIMUM GRANT LIMIT

1. The cumulative amount of grant payments to be made under this Agreement shall not exceed \$150,299.00. Once the cumulative amount of economic development grants (real property economic development grants plus sales related economic development grants) equals \$150,299.00, the City shall have no further obligation to pay grants under this Agreement and the Agreement will terminate.

II.
DESCRIPTION OF PROJECT – GAMBIT COMMITMENTS

1. Gambit agrees to construct taxable improvements as described herein on the tract of property located within the city limits of the City which is described on **Exhibit “A”** (“Premises”). The real property improvements and taxable personal property which are to be constructed, placed, and maintained on the Premises shall be referred to herein as the “Project Improvements.” These Project Improvements that Gambit agrees to construct shall include a 12,000 square foot entertainment venue which will house a beer tap room, restaurant, **nine hole miniature golf course** **darts**, eight escape rooms and a 400 square foot event space. The Project Improvements that Gambit agrees to construct shall also include 3 outside axe throwing lanes, beach volleyball facilities, and other games and seating areas on the Premises. Gambit agrees to complete construction and placement of the Project Improvements having a value as described in Paragraph 2 below on or before **October 31, 2022** **March 31, 2023**.

2. In consideration for the economic development grants provided for in this Agreement, Gambit agrees to make a minimum investment of \$2,000,000.00 in the Project Improvements, so as to add at least \$2,000,000.00 of appraised value (over the 2021 appraised value of the Premises), for ad valorem property tax purposes, as certified by the Bell County Appraisal District, to the City of Harker Heights ad valorem tax rolls beginning in the tax year **2022** **2023**. Gambit agrees to provide the City with a description of the taxable improvements constructed or placed by Gambit on the Premises and to do so by the 15th day of January 2023 **if**

the project is completed by year end of 2022. If the project completion date is in 2023, the taxable improvements will be provided to the City by the 15th day of January 2024. Gambit further agrees to maintain taxable property of a total value of at least \$2,000,000.00 on the Premises for each of the five tax years (~~2022~~ 2023 through ~~2026~~ 2027) for which the City has agreed to provide grants under this Agreement.

3. Gambit further agrees to employ a staff described as follows beginning on or before ~~October 31, 2022~~, March 31, 2023 and continuing through December 31, 2027:

- 35 servers;
- 15 bartenders;
- 6 hostesses;
- 15 cooks;
- 5 dishwashers;
- 25 event and game masters;
- 6 managers.

III. ECONOMIC DEVELOPMENT GRANTS

1. The economic development grants to be made under this Agreement are based upon investments that Gambit agrees to make that will generate economic activity within the City and the sales activity occurring after the construction of such improvements. The City agrees to make certain economic development grants to Gambit to be calculated based upon a percentage of the ad valorem property taxes assessed by the City (and paid by Gambit) upon Project Improvements (“Property Taxes”). Further, as set forth below, the City agrees to make certain economic development grants to Gambit in amounts based upon a percentage of City sales tax revenues collected by Gambit, less any refunds by Gambit or required to be made by the City (“Sales Taxes”). Subject to the performance by Gambit of its obligations hereunder, and subject to the conditions of this Agreement, the City agrees to make the following economic development grants to Gambit:

A. GRANTS RELATING TO REAL PROPERTY IMPROVEMENTS (REAL PROPERTY ECONOMIC DEVELOPMENT GRANTS):

1. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year ~~2022~~ 2023;

2. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year ~~2023~~ 2024;

3. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year ~~2024~~ 2025;

4. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year ~~2025~~ 2026;

5. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year ~~2026~~ 2027.

Grants payable hereunder shall be paid for each year of this Agreement within 45 days after Gambit has provided written notice to the City that it has made timely payment of the ad valorem property taxes assessed by the City for such year and a written request for payment of the real property economic development grant for such year. No grant payment shall be made for any year in which Gambit fails to make timely payment of property taxes and no grant shall be paid upon penalties or fees assessed because of a failure to timely pay taxes. No grant shall be paid before Gambit timely makes payment of City ad valorem property taxes.

B. GRANT CALCULATED BASED UPON SALES TAXES (SALES RELATED ECONOMIC DEVELOPMENT GRANTS):

“Gambit Net Sales Tax Revenues” as used in this Agreement shall mean City sales tax revenues collected by Gambit at its place of business in the City of Harker Heights that are remitted to and received by the City less any refunds by Gambit or refunds required to be made by the City.

1. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year ~~2022~~ 2023;

2. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year ~~2023~~ 2024;

3. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year ~~2024~~ 2025;

4. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year ~~2025~~ 2026;

5. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year ~~2026~~ 2027.

To obtain payment of a sales related economic development grant for any year of this Agreement, Gambit shall provide notice to the City of the amount of Gambit Net Sales Tax Revenue collected by Gambit from the taxable retail sales of Gambit from the Premises in the previous calendar year and a request for payment of the sales related economic development grant. Within 30 days of receiving the request and notice, the City shall review such information and confirm the Net Sales Tax Revenue information. Gambit shall cooperate with the City to determine the amount of Net Sales Tax Revenue. The City shall make the sales related grant within 60 days after receiving Gambits’ notice and request.

IV.

REQUIREMENTS AND CONDITIONS FOR ECONOMIC DEVELOPMENT GRANTS

1. The economic development grants described herein are subject to the following requirements and conditions:

A. Project improvements with an appraised value of at least \$2,000,000.00 must be fully constructed and in place prior to ~~October 31, 2022~~ **March 31, 2023**.

B. All construction of Project Improvements must be made in compliance with all City ordinances and state law.

C. Gambit must operate its retail business on the Premises for the entire term of this Agreement.

D. Gambit will maintain and repair all of the Project Improvements as necessary to keep the same in good working order for the entire term of this Agreement.

E. Gambit must pay all ad valorem and sales taxes prior to such taxes becoming delinquent. Gambit shall have the right to contest tax appraisals or taxes through the procedures provided by the Texas Tax Code. Gambit shall promptly pay, prior to their becoming delinquent all property taxes which it is not so contesting unless it is required by law to pay the contested taxes as a part of the contest procedure. Should Gambit contest tax appraisals or taxes, it shall notify the City of Harker Heights immediately of the contest and keep the City updated on status thereof. Such contest must be diligently pursued by Gambit. If Gambits' contest is unsuccessful, Gambit shall promptly pay any taxes and penalties/interest resulting therefrom.

F. Construction on the Project Improvements will be full completed and fully operational on or before the 31st day of ~~October, 2022~~ **March 31, 2023**.

G. The employment requirements described in Paragraph I (3) above shall continue to be met for the entire term of this Agreement.

H. The cumulative amount of grant payments to be made under this Agreement shall not exceed \$150,299.00. Once the cumulative amount of economic development grants (real property economic development grants plus sales related economic development grants) equals \$150,299.00, the City shall have no further obligation to pay grants under this Agreement and the Agreement will terminate.

V.

COMPLIANCE

Gambit binds itself hereby to construct Project Improvements of the value and within the time frame required by this Agreement. Gambit acknowledges and agrees that the purpose of this Agreement is to encourage economic development in the City and Gambit covenants that all uses of the Premises shall be consistent with the general purpose of encouraging development within

the City during the period that this Agreement is in effect. Gambit shall comply with any reasonable request of the City for information relating to the improvements made by Gambit or compliance by Gambit of its obligations hereunder. Gambit shall cooperate in regard to any audit or inspection by the City to assure compliance by Gambit. Gambit shall also provide the City's designated employees or consultants with access to inspect the Premises to ensure that improvements as required herein are being maintained in accordance with the provisions of this Agreement. Such inspection shall not interfere with the business operations of Gambit and shall not occur more than twice per calendar year.

VI.
TERMINATION AND RECOUPMENT OF INCENTIVE

This Agreement terminates and is cancelled at the end of the contract term unless cancelled earlier as set forth below. In the event Gambit fails to maintain taxable property of a total value of at least \$2,000,000.00 as determined by the Bell County Appraisal District on the City of Harker Heights ad valorem tax rolls for any year for which the City has otherwise agreed to provide an economic development grant under this Agreement, this Agreement will terminate and be cancelled. Further, if Gambit fails to maintain the employment level for any of the positions described in paragraph II (3) above for a period of more than 30 consecutive days during the term of this Agreement, the Agreement will terminate and be cancelled. In the event this Agreement is terminated and cancelled because of the failure of Gambit maintain property values or employment levels as required by this Agreement, Gambit shall be obligated to repay and reimburse the City an amount equal to all grants which have been made pursuant to this Agreement.

VII.
TERM

Unless terminated earlier by the provisions hereof or by the parties, this Agreement shall terminate after the City has paid all economic development grants for the year 2027 as provided herein.

VIII.
ATTORNEY'S FEES

If, on account of any breach or default by Gambit on its obligations under the provisions of this Agreement, it shall be necessary for the City to employ an attorney or attorneys to enforce or defend any of its rights or remedies hereunder, should the City prevail, the City shall be entitled to all reasonable attorney's fees, costs and expenses it incurs in connection therewith.

IX.
VENUE AND CONTROLLING LAW

Texas law shall govern interpretation of this Agreement and all disputes hereunder. This Agreement is performable, and shall be performed, in Bell County, Texas. Venue to any dispute between the parties shall be in Bell County, Texas.

X.
AMENDMENT

No amendment, modification, or alterations of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date of this Agreement and is duly executed by both parties.

XI.
SEVERABILITY

If any provision of this Agreement is held to be illegal, invalid, or unenforceable, such provision shall automatically be deleted from the Agreement and the legality, validity or enforceability of the remaining provisions shall not be affected.

XII.
PRIOR AGREEMENTS SUPERSEDED

This Agreement constitutes the sole and only agreement of the parties herein with respect to the subject matter hereof and supersedes any prior understanding or written or oral agreements between the parties respecting the subject matter hereof.

XIII.
NO WAIVER

No waiver by the City or Gambit of any event of default or breach of any covenant, condition or agreement herein contained shall be treated as a waiver of any subsequent default or breach of the same or any covenant, condition, or agreement.

XIV.
ASSIGNMENT

This Agreement may not be assigned by Gambit without prior written consent of the City of Harker Heights.



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 25, 2022

RECEIVE AND DISCUSS A PRESENTATION ON THE TEXAS DEPARTMENT OF TRANSPORTATION 2023 TRANSPORTATION ALTERNATIVES CALL FOR PROJECTS AND THE GRANT FUNDING REQUIREMENTS FOR PEDESTRIAN SIDEWALK IMPROVEMENT PROJECTS IN THE CITY OF HARKER HEIGHTS, TEXAS. (PUBLIC WORKS DIRECTOR)

EXPLANATION:

The TxDOT 2023 Transportation Alternatives call for projects (TAP) opens December 02, 2022. There are four project categories within the TAP primarily designated by population size. The City of Harker Heights is within a Transportation Management Area (TMA) which qualifies the City for the category of large scale active transportation infrastructure projects. The large scale projects include pedestrian sidewalk improvements with a minimum project funding amount of \$5,000,000, and a local match requirement of 20%. The grant funding includes preliminary engineering and construction costs. The City can submit up to three pedestrian sidewalk improvement projects to meet the minimum \$5,000,000 project funding requirement. The three pedestrian sidewalk projects will serve students and residents adjacent to Nolan Middle School, Eastern Hills Middle School and the proposed relocation of the Harker Heights Elementary School to Beeline Drive. The proposed projects are in the Harker Heights Mobility 2030 Sidewalk Network.

RECOMMENDATION:

None

ACTION BY THE COUNCIL:

None

ATTACHMENTS:

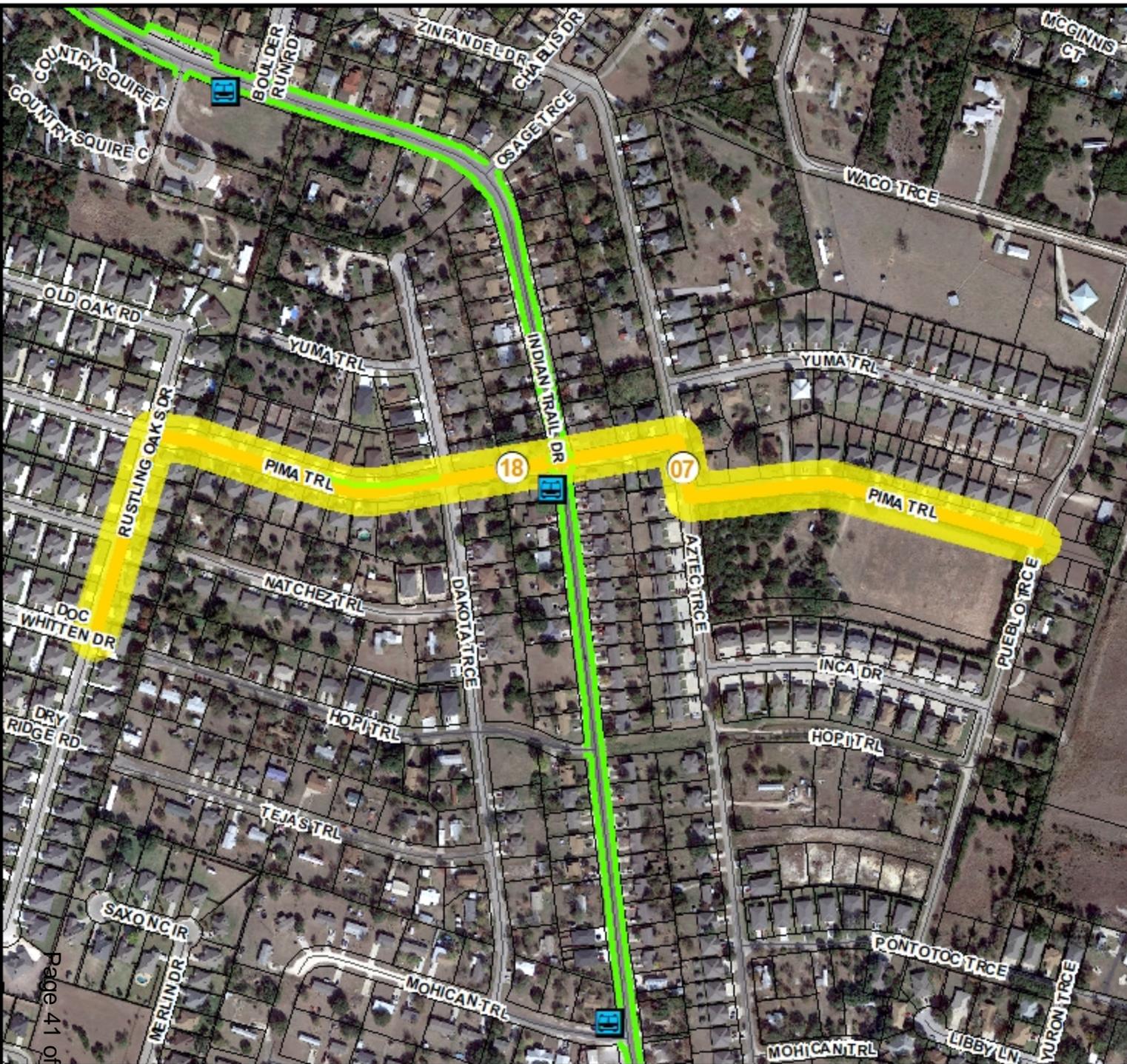
[2-01648 - CE - KTMPO Sidewalk Project - Pima Trail Pueblo to Doc Whitten Page 2 modified 10182022](#)

[2-01648 - CE - KTMPO Sidewalk Project - Indian Trail 6' East Side 8' West Side 1-14 to VMB Mod101822](#)

[2-01648 - CE - KTMPO Sidewalk Project - East Beeline Lane Indian Trail to South Ann Blvd Page 2](#)

[TAP Grant Sidewalk OPCs 10.4.2022](#)

CONNECTOR 18



STREET: Pima Trail

FROM: Pueblo Trace

TO: Cork Oak Drive

DISTANCE: 3,516.49 Ft.

WIDTH: 6' - 8'

SIDE OF STREET: Both

PEDESTRIAN TRAFFIC: Medium

USES ALONG OR NEARBY: Residential Connector, School

UNIQUE CHARACTERISTICS: No Curb/Gutter, Drainage Culverts, Grove at Whitten Place Subdivision

-  Promenade Sidewalk Project
-  Connector Sidewalk Project
-  Residential Sidewalk Project
-  HOP Stop
-  Existing Sidewalk



PROMENADE 03

STREET: Indian Trail

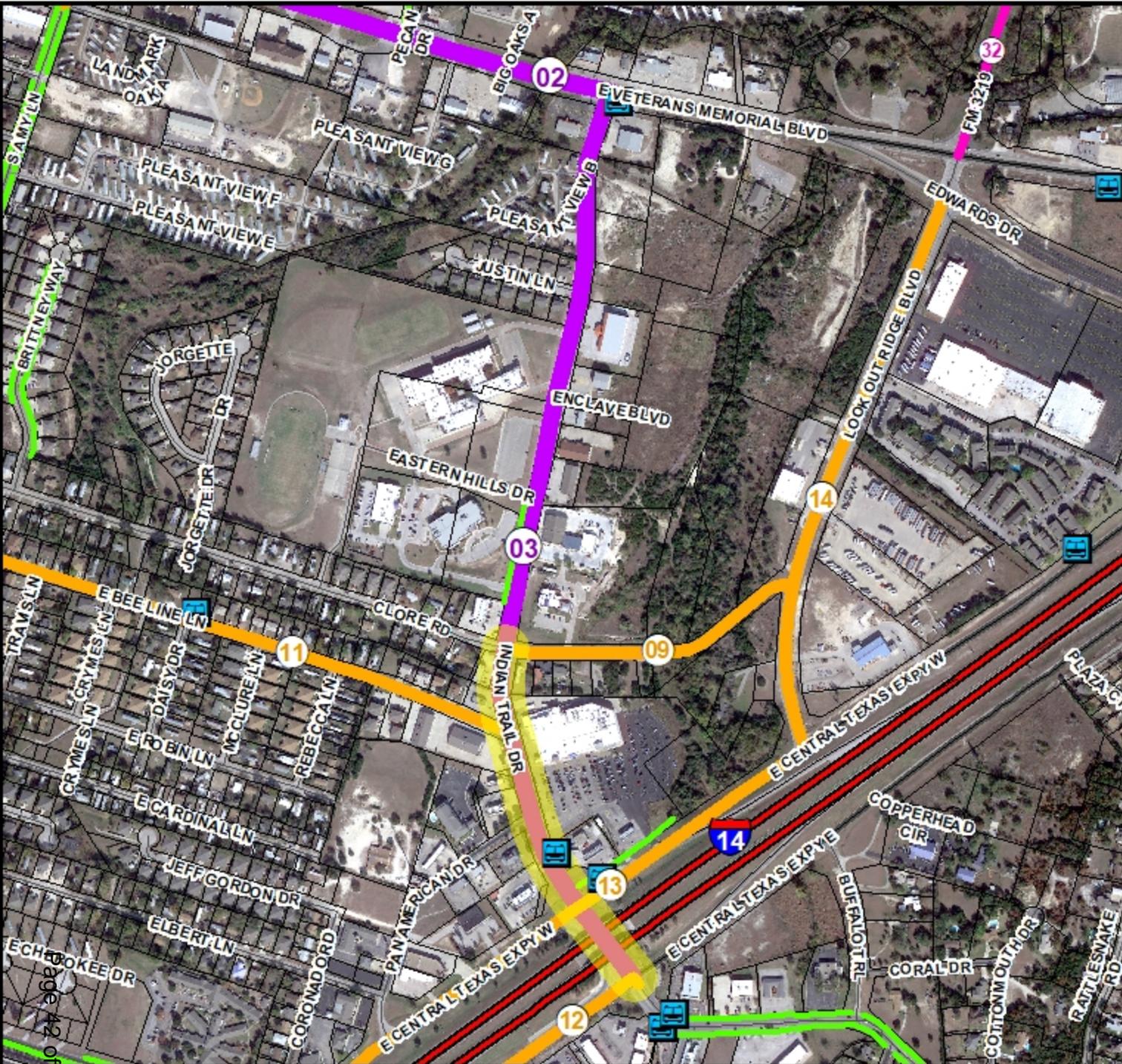
FROM: E. Central Texas Expwy E.
TO: E. Veterans Memorial Blvd.

DISTANCE: 4,162.81 Ft.
WIDTH: 6' - 10'
SIDE OF STREET: Both

PEDESTRIAN TRAFFIC: High

USES ALONG OR NEARBY: Retail,
School, Grocery Store

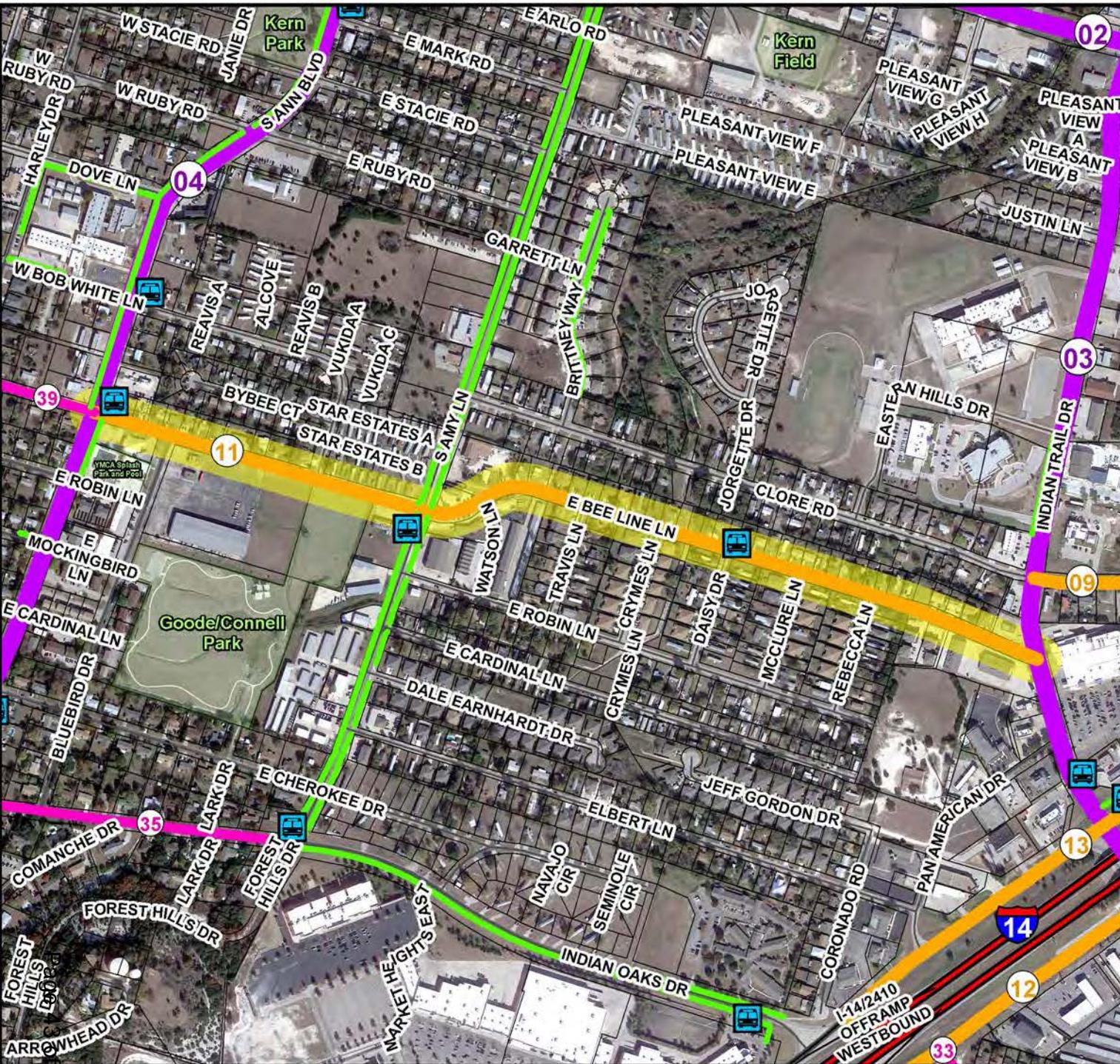
UNIQUE CHARACTERISTICS: I-14
Underpass, Drainage Culvert, ROW
Width, Existing Landscaping



- Promenade Sidewalk Project
- Connector Sidewalk Project
- Residential Sidewalk Project
- HOP Stop
- Existing Sidewalk



CONNECTOR 11



STREET: E. Beeline Lane

FROM: Indian Trail
TO: S. Ann Blvd.

DISTANCE: 4,617.32 Ft.
WIDTH: 6' - 8'
SIDE OF STREET: Both

PEDESTRIAN TRAFFIC: High

USES ALONG OR NEARBY: Residential - Connector to Retail Nodes, Nearby School, Park, and YMCA

UNIQUE CHARACTERISTICS: Proposed Reclamation of Beeline Ln. (Timeline)

-  Promenade Sidewalk Project
-  Connector Sidewalk Project
-  Residential Sidewalk Project
-  HOP Stop
-  Existing Sidewalk

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS

**KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Temple, Texas**

Client: City of Harker Heights Date: October 4, 2022
Project: E. Beeline Lane Pedestrian Improvements By: JAS
Indian Trail to Amy (East and West Sides)

| ITEM NO. | DESCRIPTION | UNIT | QUANTITY | UNIT AMOUNT | EXTENDED AMOUNT |
|--|---|------|----------|-------------|------------------------|
| A. PEDESTRIAN IMPROVEMENTS | | | | | |
| 1 | Preparation of Right-of-Way | STA | 29.7 | \$ 3,500.00 | \$ 103,950.00 |
| 2 | Mobilization Bonds & Insurance | LS | 100% | 54,300.00 | 54,300.00 |
| 3 | Prepare Traffic Safety Plan | LS | 100% | 4,000.00 | 4,000.00 |
| 4 | Implement Traffic Safety Plan | LS | 100% | 15,000.00 | 15,000.00 |
| 5 | Silt Fence (Install, Maintain, Remove) | LF | 650 | 8.00 | 5,200.00 |
| 6 | Rock Berm (Install, Maintain, Remove) | LF | 18 | 90.00 | 1,620.00 |
| 7 | Prepare SWPPP Plan and Obtain TCEQ Permit | LS | 100% | 3,000.00 | 3,000.00 |
| 8 | Administer SWPPP Plan | LS | 100% | 3,500.00 | 3,500.00 |
| 9 | Utility Grnd. Box Adjust. (Water Meter, Electrical, etc.) | LS | 100% | 20,000.00 | 20,000.00 |
| 10 | Unclassified Fill for Sidewalk | CY | 450 | 15.00 | 6,750.00 |
| 11 | Excavation for Sidewalk | CY | 750 | 20.00 | 15,000.00 |
| 12 | Sidewalk (6' Width) | SY | 2,610 | 110.00 | 287,100.00 |
| 13 | Curb Ramps | EA | 14 | 2,500.00 | 35,000.00 |
| 14 | Pedestrian Handrail (Type B) | LF | 90 | 210.00 | 18,900.00 |
| 15 | Remove and Replace Concrete Riprap | SY | 50 | 150.00 | 7,500.00 |
| 16 | 3-6'x5' RCB Extension | LF | 24 | 2,550.00 | 61,200.00 |
| 17 | Remove and Replace Headwall for 3- 6'x5' RCBs | EA | 2 | 25,000.00 | 50,000.00 |
| 18 | Asphalt Patch (Type D) | TN | 25 | 150.00 | 3,750.00 |
| 19 | Driveways (Remove and Replace) | SY | 1,580 | 150.00 | 237,000.00 |
| 20 | Block Retaining Wall w. Concrete Leveling Pad | SF | 630 | 175.00 | 110,250.00 |
| 21 | Miscellaneous Concrete Construction | CY | 25 | 500.00 | 12,500.00 |
| 22 | 4" Topsoil | SY | 1,350 | 8.50 | 11,475.00 |
| 23 | Crosswalk Striping | LF | 670 | 10.50 | 7,035.00 |
| 24 | Stop Bar Striping | LF | 120 | 10.50 | 1,260.00 |
| 25 | Seeding/Watering Areas Disturbed by Construction | SY | 1,350 | 10.00 | 13,500.00 |
| 26 | Items Requested by the Owner not on the Construction Drawings | LS | 100% | 50,000.00 | 50,000.00 |
| 27 | Furnish Project Record Drawings | LS | 100% | 750.00 | 750.00 |
| SUBTOTAL A. PEDESTRIAN IMPROVEMENTS | | | | | \$ 1,139,540.00 |
| CONTINGENCIES (25%) | | | | | \$ 284,885.00 |
| PRELIMINARY CONSTRUCTION TOTAL | | | | | \$ 1,424,425.00 |
| PRELIMINARY CONSTRUCTION TOTAL TO USE | | | | | \$ 1,430,000.00 |

[Handwritten Signature]
10/4/2022



PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS

**KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Temple, Texas**

Client: City of Harker Heights Date: October 4, 2022
Project: Pima Trail Pedestrian Improvements By: JAS
Doc Whitten/Rustling Oaks to Pueblo Trace

| ITEM NO. | DESCRIPTION | UNIT | QUANTITY | UNIT AMOUNT | EXTENDED AMOUNT |
|--|---|------|----------|-------------|------------------------|
| A. PEDESTRIAN IMPROVEMENTS | | | | | |
| 1 | Preparation of Right-of-Way | STA | 35.3 | \$ 1,200.00 | \$ 42,360.00 |
| 2 | Mobilization Bonds & Insurance | LS | 100% | 53,500.00 | 53,500.00 |
| 3 | Prepare Traffic Safety Plan | LS | 100% | 4,000.00 | 4,000.00 |
| 4 | Implement Traffic Safety Plan | LS | 100% | 8,500.00 | 8,500.00 |
| 5 | Silt Fence (Install, Maintain, Remove) | LF | 2,500 | 8.00 | 20,000.00 |
| 6 | Inlet Protection (Install, Maintain, Remove) | LF | 60 | 12.00 | 720.00 |
| 7 | Rock Berm (Install, Maintain, Remove) | LF | 26 | 90.00 | 2,340.00 |
| 8 | Prepare SWPPP Plan and Obtain TCEQ Permit | LS | 100% | 3,000.00 | 3,000.00 |
| 9 | Administer SWPPP Plan | LS | 100% | 3,500.00 | 3,500.00 |
| 10 | Utility Adjustments (Valves, Manholes, Fire Hydrants, Etc.) | LS | 100% | 20,000.00 | 20,000.00 |
| 11 | Irrigation System Adjustments | LS | 100% | 30,000.00 | 30,000.00 |
| 12 | Unclassified Fill for Sidewalk | CY | 500 | 15.00 | 7,500.00 |
| 13 | Excavation for Sidewalk | CY | 825 | 20.00 | 16,500.00 |
| 14 | Sidewalk (6' Width) | SY | 2,900 | 110.00 | 319,000.00 |
| 15 | Curb Ramps | EA | 13 | 2,500.00 | 32,500.00 |
| 16 | Pedestrian Handrail (Type B) | LF | 70 | 210.00 | 14,700.00 |
| 17 | Non-Slip Plate for Flume Crossing | SF | 156 | 25.00 | 3,900.00 |
| 18 | Curb and Gutter | LF | 1,370 | 26.00 | 35,620.00 |
| 19 | Block Curb | LF | 180 | 20.00 | 3,600.00 |
| 20 | Asphalt Patch (Type D) | TN | 25 | 150.00 | 3,750.00 |
| 21 | Driveways (Remove and Replace) | SY | 1,400 | 150.00 | 210,000.00 |
| 22 | Block Retaining Wall w. Concrete Leveling Pad | SF | 700 | 175.00 | 122,500.00 |
| 23 | Miscellaneous Concrete Construction | CY | 50 | 500.00 | 25,000.00 |
| 24 | 4" Topsoil | SY | 2,900 | 8.50 | 24,650.00 |
| 25 | Sodding/Watering Areas Disturbed by Construction | SY | 2,900 | 15.00 | 43,500.00 |
| 26 | Crosswalk Striping | LF | 900 | 10.50 | 9,450.00 |
| 27 | Pedestrian Crossing Signage Assembly | EA | 12 | 850.00 | 10,200.00 |
| 28 | Items Requested by the Owner not on the Construction Drawings | LS | 100% | 50,000.00 | 50,000.00 |
| 29 | Furnish Project Record Drawings | LS | 100% | 1,500.00 | 1,500.00 |
| SUBTOTAL A. PEDESTRIAN IMPROVEMENTS | | | | | \$ 1,121,790.00 |
| CONTINGENCIES (25%) | | | | | \$ 280,447.50 |
| PRELIMINARY CONSTRUCTION TOTAL | | | | | \$ 1,402,237.50 |
| PRELIMINARY CONSTRUCTION TOTAL TO USE | | | | | \$ 1,410,000.00 |

[Handwritten Signature]
10/4/2022



PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS

**KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Temple, Texas**

Client: City of Harker Heights Date: October 4, 2022
 Project: Indian Trail Pedestrian Improvements By: JAS
I-14 Crossing (East and West Sides) to Library (West Side Only)

| ITEM NO. | DESCRIPTION | UNIT | QUANTITY | UNIT AMOUNT | EXTENDED AMOUNT |
|-----------------------------------|--|------|----------|-------------|-----------------|
| A. PEDESTRIAN IMPROVEMENTS | | | | | |
| 1 | Preparation of Right-of-Way | STA | 13.6 | \$ 3,500.00 | \$ 47,600.00 |
| 2 | Mobilization Bonds & Insurance | LS | 100% | 83,000.00 | 83,000.00 |
| 3 | Prepare Traffic Safety Plan | LS | 100% | 4,000.00 | 4,000.00 |
| 4 | Implement Traffic Safety Plan | LS | 100% | 15,000.00 | 15,000.00 |
| 5 | Silt Fence (Install, Maintain, Remove) | LF | 650 | 8.00 | 5,200.00 |
| 6 | Rock Berm (Install, Maintain, Remove) | LF | 45 | 90.00 | 4,050.00 |
| 7 | Prepare SWPPP Plan and Obtain TCEQ Permit | LS | 100% | 3,000.00 | 3,000.00 |
| 8 | Administer SWPPP Plan | LS | 100% | 3,500.00 | 3,500.00 |
| 9 | Utility Adjustments (Gas, Electric, Fiber, etc.) | LS | 100% | 50,000.00 | 50,000.00 |
| 10 | Utility Ground Box Adjustments (Electrical) | LS | 100% | 30,000.00 | 30,000.00 |
| 11 | Concrete Weephole Extensions | LS | 100% | 3,500.00 | 3,500.00 |
| 12 | 2" Asphalt Removal | SY | 520 | 12.00 | 6,240.00 |
| 13 | Unclassified Fill for Sidewalk | CY | 200 | 15.00 | 3,000.00 |
| 14 | Excavation for Sidewalk | CY | 500 | 20.00 | 10,000.00 |
| 15 | Sidewalk (6' Width) | SY | 2,000 | 110.00 | 220,000.00 |
| 16 | Curb Ramps | EA | 39 | 2,500.00 | 97,500.00 |
| 17 | Pedestrian Handrail (Type B) | LF | 240 | 210.00 | 50,400.00 |
| 18 | 15" RCP | LF | 16 | 65.00 | 1,040.00 |
| 19 | 18" RCP | LF | 400 | 80.00 | 32,000.00 |
| 20 | 2-8'x4' RCB Extension | LF | 1 | 2,000.00 | 2,000.00 |
| 21 | 7'x3' RCB Extension | LF | 20 | 1,550.00 | 31,000.00 |
| 22 | Curb Inlet (10'x3') | EA | 1 | 5,600.00 | 5,600.00 |
| 23 | Junction Box Inlet (6'x6') | EA | 1 | 15,000.00 | 15,000.00 |
| 24 | Remove and Replace 15" SET (6:1) | EA | 1 | 1,800.00 | 1,800.00 |
| 25 | Headwall for 18" RCP | EA | 1 | 15,000.00 | 15,000.00 |
| 26 | Remove and Replace Headwall for 2- 8'x4' RCBs | EA | 1 | 25,000.00 | 25,000.00 |
| 27 | Remove and Replace Headwall for 1- 7'x3' RCB | EA | 1 | 8,500.00 | 8,500.00 |
| 28 | Asphalt Driveways (Remove and Replace) | SY | 620 | 50.00 | 31,000.00 |
| 29 | Concrete Driveways (Remove and Replace) | SY | 470 | 150.00 | 70,500.00 |
| 30 | 4" Base Material for Curb | SY | 490 | 26.00 | 12,740.00 |
| 31 | Curb and Gutter | LF | 1470 | 26.00 | 38,220.00 |
| 32 | Non-Slip Plate for Flume Crossing | SF | 80 | 25.00 | 2,000.00 |
| 33 | Concrete Flume | LF | 510 | 175.00 | 89,250.00 |

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS

**KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Temple, Texas**

Client: City of Harker Heights Date: October 4, 2022
 Project: Indian Trail Pedestrian Improvements By: JAS
I-14 Crossing (East and West Sides) to Library (West Side Only)

| ITEM NO. | DESCRIPTION | UNIT | QUANTITY | UNIT AMOUNT | EXTENDED AMOUNT |
|--|---|------|----------|-------------|------------------------|
| 34 | Block Retaining Wall w. Concrete Leveling Pad | SF | 1670 | 175.00 | 292,250.00 |
| 35 | Concrete Toe Wall/Leveling Pad (Brick Section Under I-14) | CY | 90 | 500.00 | 45,000.00 |
| 36 | Miscellaneous Concrete Construction | CY | 50 | 500.00 | 25,000.00 |
| 37 | Crosswalk Striping | LF | 1,400 | 10.50 | 14,700.00 |
| 38 | Pedestrian Crossing Signage Assembly | EA | 2 | 850.00 | 1,700.00 |
| 39 | Pedestrian Crossing Signals | LS | 100% | 200,000.00 | 200,000.00 |
| 40 | Signage Assembly Relocations | LS | 100% | 7,500.00 | 7,500.00 |
| 41 | 4" Topsoil | SY | 2,050 | 8.50 | 17,425.00 |
| 42 | Seeding/Watering Areas Disturbed by Construction | SY | 2,050 | 10.00 | 20,500.00 |
| 43 | Landscaping/Irrigation Replacement Allowance | LS | 100% | 25,000.00 | 25,000.00 |
| 44 | Items Requested by the Owner not on the Construction Drawings | LS | 100% | 75,000.00 | 75,000.00 |
| 45 | Furnish Project Record Drawings | LS | 100% | 1,500.00 | 1,500.00 |
| SUBTOTAL A. PEDESTRIAN IMPROVEMENTS | | | | | \$ 1,742,215.00 |
| CONTINGENCIES (25%) | | | | | \$ 435,553.75 |
| PRELIMINARY CONSTRUCTION TOTAL | | | | | \$ 2,177,768.75 |
| PRELIMINARY CONSTRUCTION TOTAL TO USE | | | | | \$ 2,180,000.00 |


10/4/2022





City Council Memorandum

FROM: The Office of the City Manager

DATE: October 25, 2022

DISCUSS AND CONSIDER APPOINTING MEMBERS TO THE ANIMAL ADVISORY COMMITTEE; HARKER HEIGHTS ARTS COMMISSION; ECONOMIC DEVELOPMENT CORPORATION; LIBRARY BOARD; PARKS & RECREATION/TREE ADVISORY BOARD; AND PUBLIC SAFETY COMMISSION, AND TAKE THE APPROPRIATE ACTION. (CITY SECRETARY)

EXPLANATION:

Consider appointments to the following Boards/Commissions/Committees:

- A. Animal Advisory Committee
- B. Arts Commission
- C. Economic Development Corporation
- D. Library Board
- E. Parks & Recreation/Tree Advisory Board
- F. Public Safety Commission

A. ANIMAL ADVISORY COMMITTEE:

| Position | Name of Reappointed Member or New Member | Term |
|----------------|--|---------|
| Regular Member | | 2 years |
| Alternate #1 | | 1 year |
| Alternate #2 | | 1 year |
| Alternate #3 | | 1 year |
| Alternate #4 | | 1 year |

ACTION BY THE CITY COUNCIL:

1. Motion to appoint the following members of the Animal Advisory Committee to take effect on January 1, 2023: _____.
2. Any action desired by the City Council.

B. ARTS COMMISSION:

| Position | Name of Reappointed Member or New Member | Term |
|----------------|--|---------|
| Regular Member | | 3 years |

ACTION BY THE CITY COUNCIL:

1. Motion to appoint the following member of the Arts Commission to take effect on January 1, 2023: _____.
2. Any action desired by the City Council.

C. ECONOMIC DEVELOPMENT CORPORATION:

| Position | Name of Reappointed Member or New Member | Term |
|-----------------|---|-------------|
| Director 2 | | 2 years |
| Director 4 | | 2 years |
| Director 6 | | 2 years |

ACTION BY THE CITY COUNCIL:

1. Motion to appoint the following members of the Economic Development Corporation:
_____.
2. Any action desired by the City Council.

D. LIBRARY BOARD:

| Position | Name of Reappointed Member or New Member | Term |
|-----------------|---|-------------|
| Regular Member | | 3 years |
| Regular Member | | 3 years |
| Regular Member | | 3 years |
| Alternate #1 | | 1 year |
| Alternate #2 | | 1 year |

ACTION BY THE CITY COUNCIL:

1. Motion to appoint the following members of the Library Board to take effect on January 1, 2023: _____.
2. Any action desired by the City Council.

E. PARKS & RECREATION/TREE ADVISORY BOARD:

| Position | Name of Reappointed Member or New Member | Term |
|-----------------|---|---|
| Regular Member | | Fill unexpired term for Yomi Hardison (Effective immediately) |
| Alternate #1 | | 1 year effective January 1, 2023 |
| Alternate #2 | | 1 year effective January 1, 2023 |

ACTION BY THE CITY COUNCIL:

1. Motion to appoint the following members of the Parks & Recreation/Tree Advisory Board: _____.
2. Any action desired by the City Council.

F. PUBLIC SAFETY COMMISSION:

| Position | Name of Reappointed Member or New Member | Term |
|-----------------|---|-------------|
| Regular Member | | 3 years |
| Regular Member | | 3 years |
| Alternate #1 | | 1 year |
| Alternate #2 | | 1 year |

ACTION BY THE CITY COUNCIL:

1. Motion to appoint the following members of the Public Safety Commission to take effect on January 1, 2023: _____.
2. Any action desired by the City Council.