

RESOLUTION NO. {{item.sequential\_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NUMBER TWO TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS FOR DESIGN SERVICES REQUIRED FOR NUGENT AVENUE FROM 3<sup>RD</sup> STREET TO 14<sup>TH</sup> STREET IN THE ESTIMATED AMOUNT OF \$114,930.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, this item will allow for the execution of Contract Amendment No. 2 to the professional services agreement with Kasberg, Patrick & Associates, LP (KPA) of Temple, Texas for design services related to the construction of Nugent Avenue from 3<sup>rd</sup> Street to 14<sup>th</sup> Street - these additional services are needed to design a retention/detention pond and modify the design improvements to Nugent Avenue;

**Whereas**, the Hillcrest Cemetery Master Plan proposes a detention pond near the proposed detention pond approved through the previous contract amendment - the potential combination of the two ponds into a retention/detention pond will minimize maintenance efforts;

**Whereas**, the modified Nugent Avenue design improvements include revising the sidewalk alignment, roundabout design, drainage, and landscaping design to existing roadway elevations - unused final civil design and detention pond design fees in the current contract will be deducted to offset these design revisions;

**Whereas**, on September 7, 2023, Council authorized a professional services agreement with KPA for this project in the estimated amount of \$352,000, and Contract Amendment No. 1 was approved by Staff to design a detention pond to accommodate post-construction drainage in the amount of \$44,200 - with the execution of this contract amendment, the revised value of the professional services agreement will be \$511,130;

**Whereas**, the opinion of probable construction cost for the detention/retention pond is an additional \$1,600,000, bringing the total opinion of probable construction cost for the project to \$5,300,000 - these plan modifications will require 365 additional calendar days to be added to the contract, revising the contractual end date to January 31, 2026;

**Whereas**, Staff recommends Council authorize Contract Amendment No. 2 to the professional services agreement with KPA for design services required for Nugent Avenue from 3<sup>rd</sup> Street to 14<sup>th</sup> Street in the estimated amount of \$114,930.00;

**Whereas**, funding for Contract Amendment No. 2 to this professional services agreement in the amount of \$114,930 is available in Account No. 362-3400-531-6974, Project No. 102959;

**Whereas,** funding for the additional construction costs will be planned for as part of the Places and Spaces Fiscal Year 2026 Capital Improvement Program; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**Part 2:** The City Council authorizes Contract Amendment No. 2 to the professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas for design services required for Nugent Avenue from 3<sup>rd</sup> Street to 14<sup>th</sup> Street in the estimated amount of \$114,930.00, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney’s Office, to execute any necessary documents.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **March, 2025.**

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Jana Lewellen  
City Secretary

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Kathryn H. Davis  
City Attorney