

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 AND ASSOCIATES, LP OF TEMPLE, TEXAS FOR DESIGN SERVICES RELATED TO THE AVENUE D CONNECTIONS AND ALLEYS SCHEMATIC AND FINAL DESIGN PROJECT IN THE ESTIMATED AMOUNT OF \$68,900; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, approval of this item will allow for the execution of Contract Amendment No. 2 to the professional services agreement with Kasberg, Patrick & Associates, LP (KPA) for design services related to the Avenue D Connections and Alleys Schematic and Final Design Project - these additional services are needed for additional surveying and redesign of East Avenue D as outlined in the engineer’s proposal, attached hereto as Exhibit A and incorporated herein for all purposes;

**Whereas**, on June 18, 2020, Council authorized a professional services agreement with KPA for this project and, on March 21, 2024, Council authorized Contract Amendment No. 1 in the amount of \$153,400 for metes and bounds surveys, right-of-way and easement documents, and an opinion of probable cost of acquisitions for Staff evaluation - Staff recommends a scope change to eliminate one of two proposed alley improvements to significantly reduce acquisition costs;

**Whereas**, this contract amendment addresses the elimination of the proposed alley improvements between East Avenue D and East Avenue E - with the execution of this Contract Amendment No. 2, the revised value of the professional services agreement will be \$413,900;

**Whereas**, the revised opinion of probable construction cost as a result of this additional design work is \$4,000,000 - these plan modifications will require 185 additional contractual days to make the plan modifications;

**Whereas**, Staff recommends Council authorize Contract Amendment No. 2 to the professional services agreement with KPA for design services related to the Avenue D Connections and Alleys Schematic and Final Design Project in the estimated amount of \$68,900; and

**Whereas**, funding for Contract Amendment No. 2 to the professional services agreement with KPA in the amount of \$68,900 is available in Project No. 102249, as follows:

	<u>362-3400-531-6974</u>	<u>365-3400-531-6974</u>	<u>561-5200-535-6974</u>	<u>Total</u>
Project Budget	\$ 2,000,000	\$ 1,631,000	\$ 34,000	\$ 3,665,000
Encumbered/Committed to Date	-	(819,900)	(18,800)	(838,700)
Kasberg, Patrick & Associates - CA #2	-	(68,900)	-	(68,900)
<b>Remaining Project Funds</b>	<b>\$ 2,000,000</b>	<b>\$ 742,200</b>	<b>\$ 15,200</b>	<b>\$ 2,757,400</b>

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 and Associates, LP of Temple, Texas for design services related to the Avenue D Connections and Alleys Schematic and Final Design Project in the estimated amount of \$68,900, 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 1<sup>st</sup> day of **August, 2024**.

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