



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR – CONFERENCE ROOM**

**THURSDAY, APRIL 18, 2013**

**3:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 18, 2013.
2. Discuss authorizing Economic Development Agreements related to Buc-ee's, Ltd.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

3. Receive a City Council continuing education briefing on City Boards and Commissions.

5:00 P.M.

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. (A) [Arbor Day](#) [April 26, 2013](#)
- (B) [Administrative Professionals Week](#) [April 21 – 27, 2013](#)
- (C) [Global Youth Service Day](#) [April 27, 2013](#)
- (D) [Keep Temple Beautiful E-Waste Event](#) [April 20, 2013](#)
- (E) [Recognize Christin Moeller for her quick actions that limited fire damage to West Avenue T Church of Christ.](#)

**III. PUBLIC COMMENTS**

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

**IV. CONSENT AGENDA**

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:

## **Contracts, Leases, & Bids**

- (A) [2013-6927-R](#): Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency replacement of a 6" sewer line using the pipe bursting method in the area of North 8<sup>th</sup> Street and Houston Avenue in the amount of \$55,148.
- (B) [2013-6928-R](#): Consider adopting a resolution authorizing the purchase of a replacement surface wash pump in the conventional water treatment plant from Austin Armature Works, LP of Buda in the estimated amount of \$32,283.23.
- (C) [2013-6929-R](#): Consider adopting a resolution ratifying a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses related to police patrols at Temple's Lake Park from May 11, 2013 through September 2, 2013.
- (D) [2013-6930-R](#): Consider adopting a resolution authorizing the Five Year Dedicated Access Services (Telephone and Data Service) agreement with Time Warner Cable in the amount of \$26,292 for the first year of the agreement.
- (E) [2013-6931-R](#): Consider adopting a resolution authorizing a service agreement with Siemens Industry, Inc. of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 59.3¢ per wet pound in the estimated annual amount of \$200,000.
- (F) [2013-6932-R](#): Consider adopting a resolution authorizing a Wholesale Water Supply Agreement between the City of Temple and the City of Morgan's Point Resort.
- (G) [2013-6933-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. for design and construction phase services associated with Phase 2, and design services associated with remaining Phases 3, 4, and 5 of the Bird Creek Interceptor Project in an amount not to exceed \$74,688.
- (H) [2013-6934-R](#): Consider adopting a resolution authorizing the execution of the First Amendment to the 2011 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation, and Panda Temple Power, LLC.

## **Ordinances – Second & Final Reading**

- (I) [2013-4583](#): SECOND READING: Consider adopting an ordinance updating the City of Temple's Water Conservation & Drought Contingency Plan.

## **Misc.**

- (J) [2013-6935-R](#): Consider adopting a resolution authorizing acceptance of additional grant funding in the amount of \$579,550 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction, rehabilitation and overlay of Runway 02/20, Taxiways A, B, C, D, E, F and the aircraft parking apron at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$57,955.

- (K) [2013-6936-R](#): Consider adopting a resolution ratifying the submission of an application for funding through the Railroad Commission of Texas to supplement the purchase of one compressed natural gas refuse trucks in the amount of \$62,763.
- (L) [2013-6937-R](#): Consider adopting a resolution authorizing the submission of an application for funding through the Texas Comptroller of Public Accounts, State Energy Conservation Office to supplement the purchase of four compressed natural gas refuse trucks in the amount of \$191,421.
- (M) [2013-6938-R](#): Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2013 Junior Fire Cadet Program in the amount of \$28,286.
- (N) [2013-6939-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. [2013-4584](#): FIRST READING – PUBLIC HEARING – A-FY-13-10: Consider adopting an ordinance abandoning an existing alley with a width of 20 feet and depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of East Avenue B and the north right-of-way line of East Avenue C and between South 2<sup>nd</sup> Street and South 4<sup>th</sup> Street, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.
- 6. [2013-4585](#): FIRST READING – PUBLIC HEARING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.
- 7. [2013-4586](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 12, “Fire Prevention and Protection,” Article IV, Section 12-10; Article V, Section 12-13 Private Fire Apparatus Access Road and Fire Lanes; and Article V, Section 12-14 Fire Hydrants, of the Code of Ordinance of the City of Temple, Texas

### **RESOLUTIONS**

- 8. [2013-6940-R](#): P-FY-13-17: Consider adopting a resolution approving the Final Plat of High Crest Phase II, a 36.345 ±, 57-lot, 4-block, residential subdivision, with developer requested exceptions to local regulations related to: street width, payment of park fees, slope design (roadside swales), detention and mitigation, minimum number of entrances, and the provision of no-parking signs; located on east side of Bowles Ranch Road, north of FM 439, in Temple’s western ETJ.



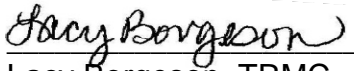
9. [2013-6941-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and Buc-ee's, Ltd.

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***The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.***

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:45 PM, on April 12, 2013.

  
Lacy Borgeson, TRMC  
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2013. \_\_\_\_\_.



## **COUNCIL AGENDA ITEM MEMORANDUM**

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04/18/13  
Item #3(A-E)  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

William A. Jones, III, Mayor

### **ITEM DESCRIPTION:** Presentation of Proclamation:

- (A) [Arbor Day](#) [April 26, 2013](#)
- (B) [Administrative Professionals Week](#) [April 21 – 27, 2013](#)
- (C) [Global Youth Service Day](#) [April 27, 2013](#)
- (D) [Keep Temple Beautiful E-Waste Event](#) [April 20, 2013](#)
- (E) [Recognize Christin Moeller for her quick actions that limited fire damage to West Avenue T Church of Christ.](#)

### **STAFF RECOMMENDATION:** Present proclamations as presented in item description.

**ITEM SUMMARY:** (A) This proclamation was requested by, and will be received by, Val Roming, Parks and Leisure Services Department. The City was also recognized by the Arbor Day Foundation as a Tree City Community for its commitment to urban forestry in 2012.

(B) This proclamation will be received by the City's administrative professionals.

(C) This proclamation was requested by Tanya Gray, Executive Director, Keep Temple Beautiful, and will be presented to Joey Cummings.

(D) This proclamation was requested by, and will be received by, Tanya Gray, Executive Director, Keep Temple Beautiful.

(E) This recognition will be presented to Christin Moeller from the Temple Fire Department.

**FISCAL IMPACT:** None

**ATTACHMENTS:** None



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(A)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director  
Thomas Brown, Utility Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency replacement of a 6" sewer line using the pipe bursting method in the area of North 8<sup>th</sup> Street and Houston Avenue in the amount of \$55,148.

**STAFF RECOMMENDATION:** Adopt a resolution as presented in item description.

**ITEM SUMMARY:** Over the past several months the Public Works Utility Services Division has had numerous wastewater issues in the North 8<sup>th</sup> Street and Houston Avenue area. Problems escalated in mid-March and an in-depth investigation subsequently revealed that the existing clay tile line in this area has deteriorated past the point of rehabilitation. Given the severe condition of the broken pipe, collapsed main and loss of collection system all-together in this location, staff has determined this issue to be a significant health, safety and environmental hazard. Accordingly, per Local Government Code 252.022, this project is exempt from the competitive bid process.

Due to the urgent nature of the project, the Public Works Utility Services Division obtained a proposal from Bell Contractors to complete the work immediately, as Bell Contractors has the necessary material and equipment on hand to respond quickly. Staff authorized this work as an emergency and a Notice to Proceed was issued on Monday, April 8, 2013. The project is expected to be totally complete to include clean up by the end of May 2013.

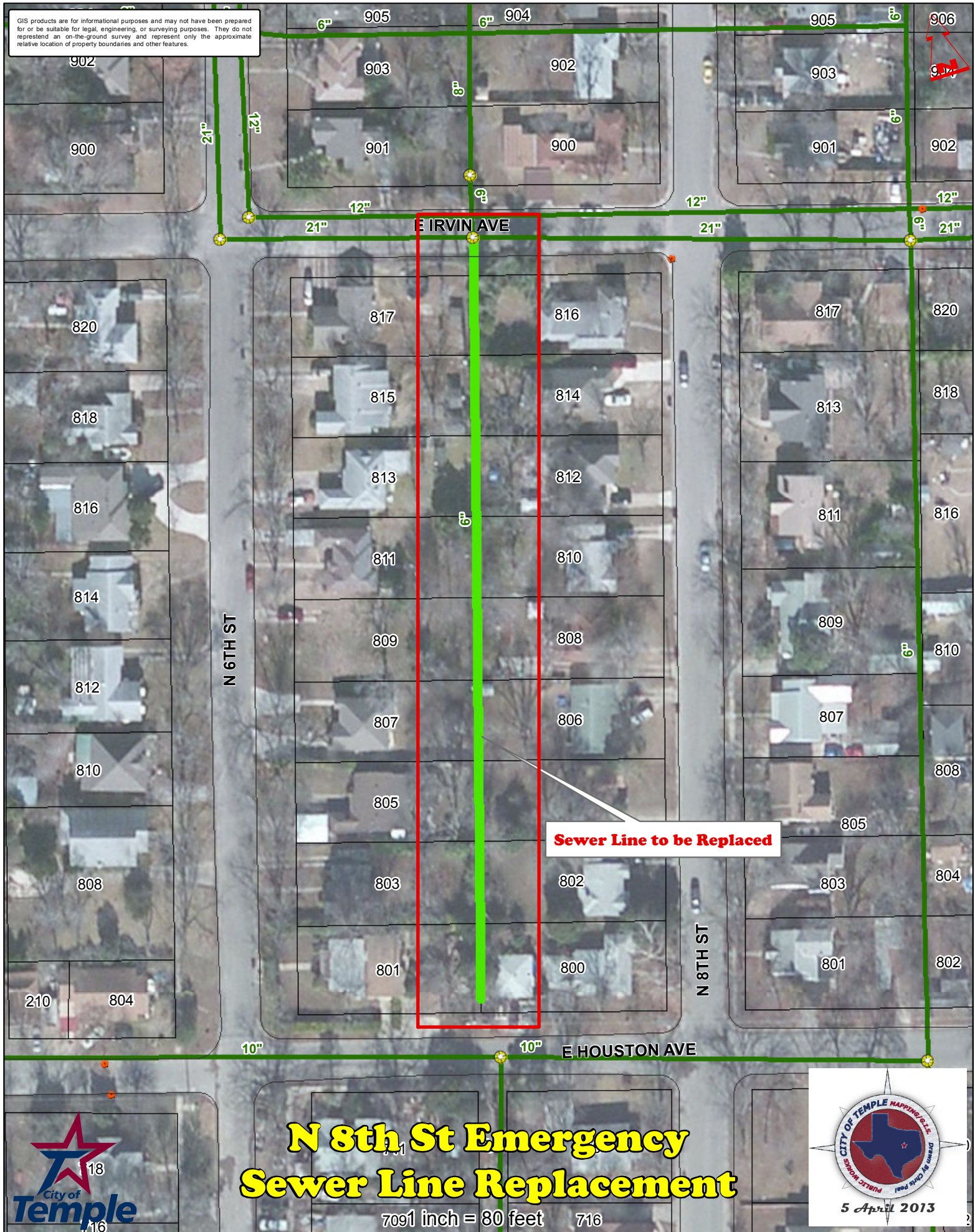
**FISCAL IMPACT:** Funding in the amount of \$55,148 is available in account 520-5400-535-6361, project #100979 to fund the emergency replacement of the 6" sewer line.

**ATTACHMENTS:**

[Project Map](#)  
[Resolution](#)



GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONTRACT WITH BELL CONTRACTORS, OF BELTON, TEXAS, FOR THE EMERGENCY REPLACEMENT OF A SIX INCH SEWER LINE USING THE PIPE BURSTING METHOD IN THE AREA OF NORTH 8<sup>TH</sup> STREET AND HOUSTON AVENUE, IN THE AMOUNT OF \$55,148; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, over the past several months, the Public Works Utility Services Division has had numerous wastewater issues in the north 8<sup>th</sup> Street and Houston Avenue area due to deterioration of the existing clay tile line;

**Whereas**, due to the severe condition of the broken pipe, collapsed main and loss of collection system, staff determined this issue to be a significant health, safety and environmental hazard;

**Whereas**, the urgent nature of this project the Public Works Utility Services Division obtained a proposal from Bell Contractors of Belton, Texas to complete the work immediately in the amount of \$55,148 – due to the urgent nature of this project, and per Local Government Code 252.022, this project is exempt from the competitive bid process;

**Whereas**, funding for this project is available in Account No. 520-5400-535-6361, Project No. 100979; 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:** The City Council authorizes the City Manager, or his designee, to ratify an emergency contract with Bell Contractors of Belton, Texas, after approval as to form by the City Attorney, for the emergency replacement of a 6” sewer line using the pipe bursting method in the area of north 8<sup>th</sup> Street and Houston Avenue, in the amount of \$55,148.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(B)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P. E., Public Works Director  
Johnnie Reisner, Director of Water Production Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a replacement surface wash pump in the conventional water treatment plant from Austin Armature Works, LP of Buda in the estimated amount of \$32,283.23.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The conventional water treatment plant consists of a series of mixed media filters, which are critical components of the surface water treatment process. Filters require regular backwashing to keep media clean, which supplies water pressure to surface water arms of the filter being backwashed. This procedure washes the surface of the anthracite coal while the backwash procedure removes dirt and debris, flushing dirty backwash water through troughs for disposal.

One of the pumps supporting backwashing operations is surface wash pump 6, installed in 1979. Now over 30 years old, this pump has been rebuilt and repaired several times since installation. Over the past 8 years, it has been rebuilt twice. The pump and motor are no longer able to be rebuilt, and now require replacement. Malfunction and inoperability of this pump would result in the inability to clean the filters, subsequently resulting in conventional plant shutdown.

The City has an annual contract with Austin Armature Works for electric motor and pump repair services. Staff is requesting that the purchase of this pump be made under this annual contract. Under the terms of the annual contract, the pump will be invoiced to the City at a 15% markup over Austin Armature Works' cost and labor will be reimbursed based on actual hours incurred at the rates as stated in the contract. Austin Armature Works' estimate for the pump replacement is \$32,283.23.

**FISCAL IMPACT:** Funding for this pump replacement in the amount of \$32,283.23 is appropriated in account 520-5122-535-63-10 project #100913 Repair, Replacement of Pumps, Drives and Motors.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A REPLACEMENT SURFACE WASH PUMP AT THE CONVENTIONAL WATER TREATMENT PLANT FROM AUSTIN ARMATURE WORKS, LP, OF BUDA, TEXAS, IN THE AMOUNT OF \$32,283.23; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the conventional water treatment plant consists of a series of mixed media filters which are critical components of the surface water treatment process – filters require regular backwashing to keep media clean and a malfunction or inoperability would result in the inability to clean the filters, subsequently resulting in the shutdown of the plant;

**Whereas**, surface wash pump 6 was installed in 1979 and has been rebuilt and repaired several times – the pump and motor are no longer able to be rebuilt and now require replacement;

**Whereas**, funds are available for this replacement in Account No: 520-5122-535-6310, Project No: 100913); 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:** The City Council authorizes the City Manager or his designee, to execute a contract with Austin Armature Works, LP, of Buda, Texas, after approval as to form by the City Attorney, for the purchase of a replacement surface wash pump at the conventional water treatment plant, in the amount of \$32,283.23.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(C)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Gary O. Smith, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses related to police patrols at Temple's Lake Park from May 11, 2013 through September 2, 2013.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The City of Temple and the US Army Corps of Engineers have identified a need for increased law enforcement services for Temple's Lake Park on Lake Belton during the late spring and summer months. This contract will provide for the city to be reimbursed for up to 360 hours of additional police patrols within the park.

Term of contract: This Contract shall commence on May 11, 2013 and end on September 2, 2013.

**FISCAL IMPACT:** The police department estimates the contract will reimburse approximately \$20,534 in police officer salaries, benefits and vehicle cost. The estimate was based on 360 patrol hours.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY 2013

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

			+	-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
110-2011-521-11-19		Salaries / Overtime	\$ 17,294		
110-2011-521-21-15		Supplies / Fuel	2,484		
110-2011-521-23-33		Repair & Maint / Auto & Equip	756		
110-0000-442-07-20		Police Revenue	20,534		
<b>TOTAL.....</b>			<b>\$ 41,068</b>	<b>\$ -</b>	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

Appropriate expenditures and revenue related to the contract between the City of Temple Police Department and the Department of the Army, Corps of Engineers. The Temple Police Department will provide increased law enforcement service for Temple Lake Park on Lake Belton during the late spring and summer months. The contract provides for the City to be reimbursed for up to 360 patrol hours. The Police Department estimates the contract will reimburse approximately \$20,534 in police officer salaries, benefits and vehicle cost.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☒

No

DATE OF COUNCIL MEETING

\_\_\_\_\_

WITH AGENDA ITEM?

☐

Yes

☒

No

Department Head/Division Director

\_\_\_\_\_

Date

☐

Approved

☐ Disapproved

Finance

\_\_\_\_\_

Date

☐

Approved

☐ Disapproved

City Manager

\_\_\_\_\_

Date

☐

Approved

☐ Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CONTRACT WITH THE DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, TO REIMBURSE THE CITY FOR SALARY AND BENEFIT EXPENSES RELATED TO POLICE PATROLS AT TEMPLE'S LAKE PARK FROM MAY 11, 2013 THROUGH SEPTEMBER 2, 2013; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple and the US Army Corps of Engineers have identified the need for increased law enforcement services at Temple's Lake Park on Lake Belton during the late spring and summer months;

**Whereas**, the US Army Corps of Engineers will reimburse the City for up to 360 hours of additional police patrols within Temple's Lake Park;

**Whereas**, the contract will begin on May 11, 2013 and end on September 2, 2013;

**Whereas**, an estimated \$20,534 will be reimbursed to the City of Temple for police officer salaries, benefits and vehicle costs; 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:** The City Council ratifies a contract with the Department of the Army, Corps of Engineers, to reimburse estimated \$20,534 to the City of Temple for police officer salaries, benefits and vehicle costs related to additional police patrols at Temple's Lake Park from May 11, 2013 through September 2, 2013.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 18<sup>th</sup> day of April, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(D)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the Five Year Dedicated Access Services (Telephone and Data Service) agreement with Time Warner Cable in the amount of \$26,292 for the first year of the agreement.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Information Technology department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services. One of these services that is provided is what are called "PRI" Circuits or Primary Rate Interfaces that provide 24 channels of voice lines. We also have data circuits that are provided through various companies. We currently use multiple vendors such as AT&T and Time Warner because we like redundancy among different city locations so that we do not lose services at all locations.

We currently have two PRI Circuits at City Hall that are currently provided through AT&T but Time Warner Cable will provide the same service at half of the cost which is \$400 per month versus the current \$850 monthly charge from AT&T. We also have a another PRI at the City Service Center that we would also like to replace which will also cost approximately \$400 per month versus the \$850 monthly charge that we currently pay.

IT would also like to add a Data Circuit to our Summit Recreation Center which will provide at installing a data circuit at the Summit Recreation Center to replace our current circuit. The Summit has turned out to be an important City asset and we would like to provide the highest level of availability that is provided at other City locations like City Hall, Police, Fire Central, EOC, Service Center, Courts and Water Business Office among others. The savings from the AT&T PRI circuits will pay for the \$784 per month charge for data services and still save the city approximately \$550 per month.

We would still use AT&T at other locations around the City to have redundancy among providers.

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1900-519-26-10 in the amount of \$26,292 for the first year and \$23,810 for years two through five.

**ATTACHMENTS:**

[Contract](#)  
[Resolution](#)

## **SECOND AMENDMENT TO DEDICATED ACCESS SERVICE AGREEMENT**

THIS SECOND AMENDMENT TO DEDICATED ACCESS SERVICE AGREEMENT (this "Amendment") is made as of \_\_\_\_\_, 2013, between the **Time Warner Entertainment-Advance/Newhouse Partnership d/b/a Time Warner Cable through its Texas Region ("TWC")** and **the City of Temple ("Customer")**;

WHEREAS, Customer and TWC have entered into that certain Dedicated Access Service Agreement dated as of January 20, 2009 as amended by that certain Amendment to Dedicated Access Service Agreement, dated as of even date therewith (the "Second Amendment") (collectively, the "Agreement");

WHEREAS, Customer and TWC desire to amend the Agreement as set forth below; and

NOW, THEREFORE, in consideration of the foregoing, of the mutual promises made by the parties hereto, and of other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree to modify the terms of the Agreement as follows:

1. TWC agrees to install the below services:

Provide a new Metro Ethernet Fiber Optic Circuit connecting 2 North Main St Temple, TX (HUB) to 620 Fryers Creek Circle Temple, TX (Spoke) (the "New Metro Ethernet Circuit"). The capacity of such circuit shall be 20Mbps Download and 20Mbps Upload. Customer agrees to pay \$784.00 per month for the New Metro Ethernet Circuit.

Provide two (2) new PRI Circuits at 2 North Main St Temple. Customer agrees to pay \$799.90 per month for the two (2) new PRI Circuits.

Provide one (1) new PRI Circuit at 3210 E Avenue H, Temple. Customer agrees to pay \$399.95 per month for the one (1) new PRI Circuit.

2. Effective as of the date of the 2013 Project Completion Notice, the Monthly Recurring Fees for the "New" Circuits shall be \$1,981.00 per month.
3. Customer agrees to pay a one-time Installation charge of \$2,520 no later than 30 days after circuits have been activated.
4. The term for these new services will be 60 months.
5. Exhibit C of the Agreement is hereby amended and restated to read as follows:

**NON-APPROPRIATION OF FUNDS.** Termination for Non-Appropriation. Customer intends to fulfill each Service Order for their respective Order Terms if funds are legally available to pay the applicable Service Charges; provided, however, that Customer may terminate a Service Order, without penalty or liability, if funds sufficient to pay Customer's obligations under such Service Order are not appropriated. At least thirty (30) days prior to the end of the then-current fiscal year, or, if non-appropriation has not

occurred by such date, immediately upon non-appropriation, Customer shall certify in writing that (i) funds have not been appropriated for the fiscal period and (ii) such non-appropriation did not result from any act or failure by Customer. Notwithstanding the foregoing, Customer agrees that if at any time prior to five (5) years following the date that Services were first delivered under such Service Order, Customer obtains funds that are legally available and sufficient to pay the applicable Service Charges under such Service Order, it will enter into a new order with TWC for the same or comparable Services delivered under such prior Service Order, upon the same terms and conditions as in this Master Agreement, which obligation shall expressly survive termination of this Master Agreement for non-appropriation under this Exhibit C.

6. Except as hereby amended, all other provisions of the Agreement (i) remain in full force and effect as originally written and (ii) are hereby confirmed and ratified by TWC and Customer. In the event of any conflict between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives as of the date first written above.

**Customer:**

**City of Temple**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**TWC:**

**Time Warner Entertainment-Advance/Newhouse  
Partnership d/b/a Time Warner Cable through  
its Texas Region**, with offices located at 750  
Canyon Dr, Coppell, TX 75019 ("TWC")

By: \_\_\_\_\_  
Name: Vince Margiotta  
Title: VP Commercial Sales, Texas  
Date: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE YEAR DEDICATED ACCESS SERVICE AGREEMENT WITH TIME WARNER CABLE FOR TELEPHONE AND DATA SERVICE, IN THE AMOUNT OF \$26,292; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Information Technology department has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services – one of these services that is provided is Primary Rate Interfaces (PRI) that provides 24 channels of voice lines;

**Whereas**, current service is provided by AT&T, however Time Warner Cable offers the same service at one-half of the cost, therefore staff recommends the authorization of a five year dedicated access service agreement with Time Warner Cable for telephone and data service in the amount of \$26,292;

**Whereas**, funds are available for this replacement in Account No: 110-1900-519-2610; 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:** The City Council authorizes the City Manager or his designee, to authorize a five year dedicated access service agreement with Time Warner Cable, after approval as to form by the City Attorney, for telephone and data service, in the amount of \$26,292.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Director of Public Works  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a service agreement with Siemens Industry, Inc. of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 59.3¢ per wet pound in the estimated annual amount of \$200,000.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Chlorine Dioxide/Sodium Chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process. Due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a supplier the requirements of maintaining a chemical feed systems for the Chlorine Dioxide/Sodium Chlorite at the conventional and membrane plants.

Proposals were solicited in August 2007 in which Siemens Industry ("Siemens") submitted the only proposal at a price of 57¢ per pound to provide the necessary feed system and sodium chlorite. Extensions were negotiated on this 2007 contract through September 30, 2013. Based on staff's research of the limited available suppliers of this chemical, and the monetary investment required should the City purchase the chemical feed system equipment, staff requested a single source proposal from Siemens to continue with the services currently being provided by Siemens. Siemens proposed a rate of 59.3¢ per wet pound, which staff believes is a good value.

Siemens' offer is for a period of five (5) years with the initial pricing being valid from October 1, 2013 through September 30, 2014. Any increases would be mutually agreed to for the remaining years and would not exceed 6% per annum.

**FISCAL IMPACT:** This agreement will be effective beginning October 1, 2013. Funding will be requested in the FY 2014 budget for chemical costs of the Water Treatment Plant.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH SIEMENS INDUSTRY, INC., OF SARASOTA, FLORIDA, FOR THE SERVICE/SUPPLIER OF CHLORINE DIOXIDE/SODIUM CHLORITE AT A COST OF 59.3¢ PER WET POUND, IN THE ESTIMATED ANNUAL AMOUNT OF \$200,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, chlorine dioxide/sodium chlorite is used as a pre-oxidant for the taste, odor, iron, manganese and trihalomethanes in the potable drinking water treatment process – due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system;

**Whereas**, on September 6, 2007, the City entered into a 3-year contract with Siemens Industry, Inc., of Sarasota, Florida for the service and supply of chlorine dioxide/sodium chlorite for the Water Treatment Plant with the option to renew the contract for 2 additional 1-year periods – that contract was extended through September 30, 2012, at the purchase price of \$.57 per pound;

**Whereas**, recent staff research revealed the limited available suppliers of this chemical and therefore staff recommends the City continue this service through Siemens Industry Inc., of Sarasota, Florida at a new proposed rate of 59.3¢ per wet pound; 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:** The City Council authorizes a services agreement with Siemens Industry, Inc., of Sarasota, Florida, after approval as to form by the City Attorney, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 59.3¢ per wet pound, in the estimated annual amount of \$200,000.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 18<sup>th</sup> day of April, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Wholesale Water Supply Agreement between the City of Temple and the City of Morgan's Point Resort.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The City of Morgan's Point Resort ("Morgan's Point") has been a City of Temple ("Temple") wholesale water customer since 1978. In May 1978, Temple and what was then known as "Morgan's Point Water Control and Improvement District" entered into a "Water Sales and Purchase Contract" in which Temple agreed to provide water to the District. The term of that agreement was 40 years and is set to expire in 2018.

Morgan's Point and Temple have negotiated a new "Wholesale Water Supply Agreement" which will extend the relationship of the parties for another 30 years. Morgan's Point will continue to purchase water from Temple and will pay the same base rate as Temple's water customers within the city limits that have the same sized meter as Morgan's Point. Morgan's Point will also agree to purchase a minimum of 100,000,000 gallons of water annually during the term of the agreement. Temple will agree to make available to Morgan's Point, on an annual basis, up to 1,935.61 acre-feet of treated water.

The agreement also states that Temple makes no commitment to sell treated water to Morgan's Point after the term of the agreement expires.

**FISCAL IMPACT:** In FY 2012, Morgan's Point purchased 151,225,400 gallons of water for a total of \$491,280. As noted above, Morgan's Points water rates are the same as customers within the City Limits.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A WHOLESALE WATER SUPPLY AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE CITY OF MORGAN'S POINT RESORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Morgan's Point Resort has been a City of Temple wholesale water customer since 1978 - the City of Temple and what was then known as 'Morgan's Point Water Control and Improvement District' entered into a 'Water Sales and Purchase Contract' in which Temple agreed to provide water to the district until 2018;

**Whereas**, the City of Temple and the City of Morgan's Point Resort have negotiated a new 'Wholesale Water Supply Agreement' which will extend the relationship of the parties for another 30 years - Morgan's Point Resort will continue to purchase water from Temple and will pay the same base rate as Temple's water customers within the city limits that have the same sized meter as Morgan's Point;

**Whereas**, the City of Morgan's Point Resort agrees to purchase a minimum of 100,000,000 gallons of water annually during the term of the agreement and the City of Temple agrees to make available to the City of Morgan's Point Resort, on an annual basis, up to 1,935.61 acre-feet of treated water;

**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:** The City Council authorizes the City Manager or his designee, to enter into a Wholesale Water Supply Agreement between the City of Temple and the City of Morgan's Point Resort, after approval as to form by the City Attorney, in which the City of Morgan's Point Resort agrees to purchase a minimum of 100,000,000 gallons of water annually during the term of the agreement and the City of Temple agrees to make available to the City of Morgan's Point Resort, on an annual basis, up to 1,935.61 acre-feet of treated water.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director  
Don Bond, P.E., CFM, Interim City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. for design and construction phase services associated with Phase 2, and design services associated with remaining Phases 3, 4, and 5 of the Bird Creek Interceptor Project in an amount not to exceed \$74,688.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** In 2007, the Temple City Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor Project. This project, targeted toward reducing sanitary sewer overflows, will rehabilitate existing deteriorated infrastructure through the heart of the City.

To date, the City has completed construction of both Phase 1 and Phase 2 of the project north of Loop 363, as shown on the attached map. Remaining Phases 3, 4, and 5 south of Loop 363 are scheduled to be completed and sequenced over the next several years in conjunction with future utility project funding.

This contract amendment addresses additional design and administration costs associated with completion of Phase 2 construction work, along with additional professional services associated with completion of plans for Phases 3, 4, and 5 (detailed on attached scope of work). Additional services for these phases include surveying associated with a reroute of services along Brooklawn Drive and additional right of way acquisition appraisals not initially included in the original scope of work, precipitated by recent changes in state law requiring these appraisals for utility projects.

Additional Engineering Services:	\$ 19,213
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Additional Sub-consultant Services:	
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Lone Star ROW Services	\$ 24,000
All-County Surveying Services	\$ 13,225
Bury & Partners Construction Observation Services	\$ 10,800
Langerman Foster Engineering Services	\$ 7,450

<b>Total</b>	<b><u>\$ 74,688</u></b>
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Construction of Phase 3 is tentatively programmed for funding in FY '14, with remaining Phase 4 and 5 in FY '16 / '17.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval reallocating funding from the South Temple Water Improvement project to account 561-5400-535-6925, project #100980 to fund this amendment for the Bird Creek Interceptor project. Funding for construction of the Bird Creek Interceptor project Phase 3 will be funded with the issuance of UR Bonds in FY 2014.

Funding for construction of the South Temple Water Improvement project will be replenished when the 2014 UR Bonds are issued.

**ATTACHMENTS:**

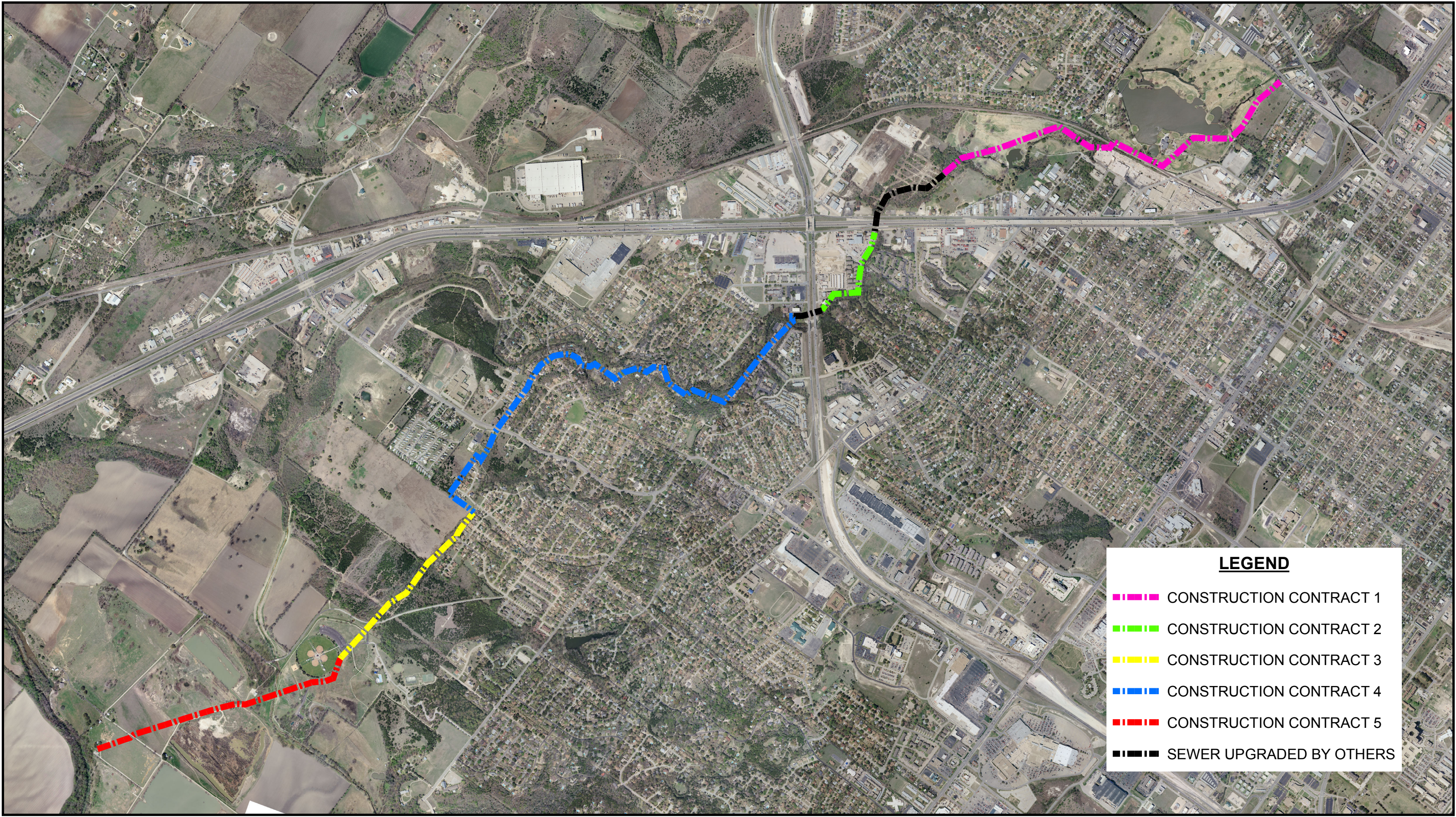
[Project Map](#)

[Scope of Work Amendment No. 6](#)

[Budget Adjustment](#)

[Resolution](#)





**LEGEND**

- CONSTRUCTION CONTRACT 1
- CONSTRUCTION CONTRACT 2
- CONSTRUCTION CONTRACT 3
- CONSTRUCTION CONTRACT 4
- CONSTRUCTION CONTRACT 5
- SEWER UPGRADED BY OTHERS



**ATTACHMENT A – SCOPE OF WORK**  
**Amendment No. 6**  
**Temple Bird Creek Interceptor Improvements**

**Project Description**

The Bird Creek Interceptor is one of the primary wastewater collection lines through the City of Temple, traversing pastureland, park areas, neighborhoods, and golf courses. This interceptor, comprised of vitrified clay pipe and brick manholes, over the years has experienced numerous overflows due to excessive infiltration/inflow (I/I), lack of capacity and poor condition. The interceptor is approximately 5.3 miles long and about 50-years old.

Construction has been completed on Phases 1 and 2A. For the purpose of this amendment Design Phase 2A is referred to as Construction Contract #2. Design Phases 2B, 3, 4A and 4B will be constructed in future years. For the purpose of this amendment, Design Phase 4A is referred to as Construction Contract #3, Design Phases 2B and 3 are referred to as Construction Contract #4, and Design Phase 4B is referred to as Construction Contract #5.

**Scope of Services**

The purpose of this Scope of Work for Amendment No. 6 is to provide the following additional services, which were not included in the original scope of work:

**1. Additional Services - Construction Contract #2**

- a. Design of re-alignment of approximately 400 LF of 30-inch interceptor due to ground conditions associated with construction adjacent to existing interceptor.
- b. Additional coordination with adjacent apartment complex property manager regarding odor issue, and design of new vent pipe extension to address the issue.
- c. Additional construction administration due to time extension associated with re-alignment.
- d. Additional construction observation services (subconsultant – Bury & Partners).

**2. Additional Services – Construction Contract #3, #4 and #5**

- a. Additional Project Management, due to extended overall project schedule.
- b. Additional preparation of Opinions of Value for 40 parcels @ \$700 / parcel, as required by recent legislation; Deleted project management and title services for 1 parcel @ \$4,000 / parcel (subconsultant – Lone Star ROW Services).
- c. Additional cost of easement legal descriptions (subconsultant – All-County Surveying). Original cost per easement was \$825. Updated cost per easement is \$950, or \$125 additional per easement. Currently 46 easements are in the scope but only 45 will be required. Net added cost is 45 easements @ \$125 per easement minus \$825 (to deduct 1 easement) = \$4,800.
- d. Additional topographic survey as required for design of Construction Contract #4 (subconsultant – All-County Surveying). 5 days budgeted @ \$1,685 per day for field crew and CAD technician = \$8,425.
- e. Additional 4 soil borings (20' depth), as required for design of Construction Contract #4 (subconsultant – Langerman Foster Engineering Company, LLC). Proposal amount = \$7,450.

**JACOBS**

FY **2013****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5400-535-69-25	100980	Bird Creek - Phase 3	\$ 74,688			
561-5200-535-69-09	100333	South Temple Water Impr			74,688	
<b>TOTAL.....</b>			<b>\$ 74,688</b>		<b>\$ 74,688</b>	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To reallocate funds to fund an amendment to the professional services agreement with Jacobs Engineering Group, Inc for design and construction phase services associated with Phase 2, and design services associated with remaining Phase 3, 4, and 5 of Bird Creek Interceptor project in an amount not to exceed \$74,688. Funding for the construction of Phase 3 of Bird Creek is part of the 2014 UR Bond Package and these funds will be used to replenish the bond funds originally appropriated for the South Temple Water Improvement project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

April 18, 2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC., FOR DESIGN AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH PHASE II, AND DESIGN SERVICES ASSOCIATED WITH THE REMAINING PHASE III, IV AND V OF THE BIRD CREEK BETWEEN INTERCEPTOR PROJECT, IN AN AMOUNT NOT TO EXCEED \$74,688; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2007, City Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor Project which is targeted toward reducing sanitary sewer overflows and rehabilitating existing deteriorated infrastructure through the heart of the city;

**Whereas**, the City has completed Phase I and II of the project north of Loop 363 and the remaining Phase III, IV and V south of Loop 363 are scheduled to be completed over the next several years in conjunction with future utility project funding;

**Whereas**, the amendment to this contract addresses additional design and administration costs associated with the completion of Phase II, along with professional services associated with the completion of plans for Phases III, IV and V – additional services for these phases include surveying associated with a reroute of services along Brooklawn Drive and additional right-of-way acquisition appraisals not initially included in the original scope of work;

**Whereas**, funds are available for this project in Account No. 561-5400-535-6925, Project No. 100980, but an amendment to the FY2012-2013 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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:** The City Council authorizes the City Manager, or his designee, to execute an amendment to a professional services agreement with Jacobs Engineering Group, Inc., after approval as to form by the City Attorney, for design and construction phase services associated with Phase II, and design services associated with the remaining Phase III, IV and V of the Bird Creek Interceptor Project, in an amount not to exceed \$74,688.

**Part 2:** The City Council approves an amendment to the FY2012-2013 budget, substantially in the form of the copy attached as Exhibit A, for this project.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the execution of the First Amendment to the 2011 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation, and Panda Temple Power, LLC.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** In 2011, the City of Temple ("City"), Temple Economic Development Corporation ("TEDC"), and Panda Temple Power, LLC ("Panda") entered into an Economic Development Agreement ("2011 Agreement") related to Panda's construction of Phase I of its natural gas power plant in Temple. Several issues were addressed and agreed to in the 2011 Agreement including the construction of Panda Drive and Lorraine Drive which are both used to reach the site of Panda's plant.

Specifically, Panda agreed to construct Lorraine Drive (approximately 2,050 linear feet) and Panda Drive (approximately 1,250 linear feet) (the "Roads") which construction would include base, curb, gutter and surface treatments. The City agreed that upon completion of the Roads, the City would place hot mix asphalt concrete on the Roads. The City agreed to be responsible for all costs associated with placing the asphalt on the Roads.

Panda has approached the City and asked that the 2011 Agreement be amended to state that Panda will now be obligated to complete the Roads by placing hot mix asphalt concrete on the Roads. As a result of the continuous traffic and the weight of that traffic on the Roads, Panda feels that the Roads need to be topped with the asphalt at this time, therefore Panda will complete the work now. After completion of Phase II of Panda's power plant and acceptance of the Roads by the City, the City will reimburse Panda for the work. The First Amendment explains that the City will accept the Roads upon satisfaction of the City that the Roads meet all applicable City specifications, including, but not limited to, the requirement that the Roads be constructed with an expected twenty (20) year life span.

**FISCAL IMPACT:** In the original agreement, the City agreed to... 'reimburse Panda in the amount of \$564,580 for Infrastructure improvements to Panda Drive and Lorraine Drive. The Reimbursement will be paid by the City one year after Phase I becomes Operational.....'. The Reinvestment Zone #1 will include the \$564,580 and the additional cost of the placing hot mix asphalt on the Roads in the Project and Financing Plans when both plans are amended for the addition of the incremental tax revenues associated with PANDA.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE 2011 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE, TEMPLE ECONOMIC DEVELOPMENT CORPORATION AND PANDA TEMPLE POWER, LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2011, the City of Temple (“City”), Temple Economic Development Corporation (“TEDC”), and Panda Temple Power, LLC (“Panda”) entered into an Economic Development Agreement (“2011 Agreement”) related to Panda’s construction of Phase I of its natural gas power plant in Temple;

**Whereas**, included in the agreement, Panda agreed to construct Lorraine Drive and Panda Drive which includes base, curb, gutter and surface treatments - the City agreed that upon completion of the road construction, the City would place hot mix asphalt concrete on the roads and the City agrees to be responsible for all costs associated with placing the asphalt on the roads;

**Whereas**, Panda has recently approached the City and asked that the 2011 Agreement be amended to state that Panda will now be obligated to complete the construction of the roads by placing hot mix asphalt concrete on the constructed roads - as a result of the continuous traffic and the weight of that traffic on the roads, Panda feels that the roads need to be topped with asphalt at this time;

**Whereas**, after completion of Phase II of Panda’s power plant and acceptance of the roads by the City, the City will reimburse Panda for the work - the First Amendment explains that the City will accept the roads upon satisfaction of the City that the roads meet all applicable City specifications, including, but not limited to, the requirement that the roads be constructed with an expected twenty (20) year life span;

**Whereas**, the City agrees to reimburse Panda in the amount of \$564,580 for infrastructure improvements to Panda Drive and Lorraine Drive one year after Phase I become operational; 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:** The City Council authorizes the City Manager, or his designee, to execute the First Amendment to the 2011 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and Panda Temple Power, LLC, after approval as to form by the City Attorney, outlining the construction of Lorraine Drive, Panda Drive and the necessity for the roads to be completed at the present time due to the continuous traffic and weight of the traffic on the roads.

**Park 2:** The City agrees to reimburse Panda in the amount of \$564,580 for infrastructure improvements to Panda Drive and Lorraine Drive one year after Phase I become operational

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Myers, Director of Administrative Services

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance updating the City of Temple's Water Conservation & Drought Contingency Plan.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading.

**ITEM SUMMARY:** Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit drought contingency plans to the Texas Commission on Environmental Quality. In March 2000, the Temple City Council adopted the City's initial Water Conservation & Drought Contingency Plan. The City's Plan provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare.

The proposed plan update recommends collapsing water conservation stages from five (5) to four (4) to more closely coordinate with the Brazos River Authority's Water Conservation & Drought Contingency Plan. The four proposed stages of the plan are based upon triggering criteria. The proposed plan update recommends adding triggering criteria based on water supply and time of year, maintaining the triggering criteria based on system usage, and eliminating the triggering criteria based on storage capacity.

Stage 1 is a voluntary conservation stage for mild water shortage conditions in which customers are simply asked to voluntarily limit their water usage. Stages 2 through 4 are gradual in nature and provide mandatory conservation measures for water customers with Stage 4 being an 'emergency water shortage' that requires only essential water usage and authorizing the city manager to implement any actions or restrictions necessary to protect the public health, safety, and welfare. The proposed plan recommends updates to the water use restrictions in each phase including updated language to clarify water restrictions and requirements.

**FISCAL IMPACT:** There is no direct fiscal impact with regard to expenditures for this ordinance.

**ATTACHMENTS:**

[Ordinance](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING AN UPDATE TO THE CITY OF TEMPLE'S WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Title 30, Texas Administrative Code, Chapter 288 requires wholesale public water suppliers and retail public water suppliers serving 3,300 connections or more to adopt and submit drought contingency plans to the Texas Commission on Environmental Quality;

**Whereas**, in March 2000, City Council adopted the City's initial Water Conservation and Drought Contingency Plan which provides a mechanism for the conservation of available water supply, protection of the integrity of water supply facilities, and protection of the public health, safety, and welfare;

**Whereas**, the proposed plan update recommends collapsing water conservation stages from five (5) to four (4) to more closely coordinate with the Brazos River Authority's Water Conservation and Drought Contingency Plan – these four proposed stages of the plan are based upon the following triggering criteria:

- Stage 1 is a voluntary conservation stage for mild water shortage conditions in which customers are simply asked to voluntarily limit their water usage;
- Stages 2 through 4 are gradual in nature and provide mandatory conservation measures for water customers with Stage 4 being an 'emergency water shortage' that requires only essential water usage and authorizing the City Manager to implement any actions or restrictions necessary to protect the public health, safety, and welfare;

**Whereas**, the proposed plan recommends updates to the water use restrictions in each phase including updated language to clarify water restrictions and requirements; and

**Whereas**, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

**Part 1:** The City Council adopts an update to the City of Temple's Water Conservation and Drought Contingency Plan which recommends collapsing water conservation stages from five (5) to four (4) to more closely coordinate with the Brazos River Authority's Water Conservation and Drought Contingency Plan – these four proposed stages of the plan are based upon the following triggering criteria:

- Stage 1 is a voluntary conservation stage for mild water shortage conditions in which customers are simply asked to voluntarily limit their water usage;

- Stages 2 through 4 are gradual in nature and provide mandatory conservation measures for water customers with Stage 4 being an ‘emergency water shortage’ that requires only essential water usage and authorizing the City Manager to implement any actions or restrictions necessary to protect the public health, safety, and welfare.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance is 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 on First Reading and Public Hearing on the **4<sup>th</sup>** day of **April, 2013**.

PASSED AND APPROVED on Second Reading on the **18<sup>th</sup>** day of **April, 2013**.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(J)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing acceptance of additional grant funding in the amount of \$579,550 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction, rehabilitation and overlay of Runway 02/20, Taxiways A, B, C, D, E, F and the aircraft parking apron at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$57,955.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** City Council approved engineering costs for the total grant project plus funding for Phase I of the project for re-construction of runway 02/20 in October 2010 in the estimated amount of \$3,549,000. Due to funding delays, Phase I and Phase II of construction were combined and the estimate was revised in 2012 to reflect \$8,105,984. As of April 2013, the project cost estimate is \$8,685,534.

The City has paid to date the engineering match of \$41,153 along with Phase I construction estimate match of \$358,000. The remaining match due TxDOT is \$469,400. The designated match available is \$411,445. Additional funding of \$57,955 is required to proceed with the project.

TxDOT Aviation is ready to bid the project upon receipt of the City's 10% match no later than April 22, 2013.

**FISCAL IMPACT:** The City's share of the estimated grant project is 10% or an estimated \$868,553. To date, the City has paid \$399,153 of the required match. The designated match available is \$411,445. A budget adjustment is presented for Council's approval designating the additional funds needed from the General Fund's Designated for Capital Projects-Unallocated 110-0000-352-13-45 for construction of Phase I & II in the estimated amount of \$57,955. This represents the additional funding needed to fund the City's 10% match requirement for the additional grant funding of \$579,550.

In addition, a budget adjustment is presented to appropriate the revenue and expenditures associated with Phase II construction to reflect TxDOT's share and the City's match for the project.

**ATTACHMENTS:**

Budget Adjustments  
Resolution

FY 2013

# BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.  
**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-352-13-45		Desg. Cap Proj-Airport Runway Rehab	\$ 57,955			
110-0000-352-13-45		Desg. Capital Proj-Unallocated			57,955	
		<i>Do not post</i>				
TOTAL.....			\$ 57,955		\$ 57,955	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To designate additional funds for the City's 10% match for the construction portion of Phase I and Phase II of the Rehabilitation and Overlay of Runway 02/20, Taxiways A, B, C, D and E and the Aircraft Parking Apron, upgrade of Taxiways A & D lighting, and related Airport Improvements and runway construction. The project estimated cost is \$8,685,534 with City match of \$868,553. To date, the City has paid \$399,153 of the required match. Currently there is \$411,445 match designated for this project. This budget adjustment designates the remaining \$57,955 of required match.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

4/18/2013

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date \_\_\_\_\_

	Approved
	Disapproved

Finance

Date \_\_\_\_\_

	Approved
	Disapproved

City Manager

Date \_\_\_\_\_

	Approved
	Disapproved

FY **2013****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
260-3600-560-65-24	100716	FAA Runway Rehabilitation	\$4,694,000		
260-0000-490-25-88		Transfer In - Airport Grant Match	469,400		
260-0000-431-01-63		Federal Grants	4,224,600		
110-9100-591-81-60		Transfer Out - Grant Fund	469,400		
110-0000-352-13-45		Desg. Cap Proj - Airport Runway Rehab		469,400	
		<b>Do not post</b>			
<b>TOTAL.....</b>			<b>\$9,857,400</b>	<b>\$ 469,400</b>	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To appropriate grant funds and the City's 10% match for Phase I and Phase II reconstruction of Runway 02/20, Council approved the original project estimate of \$3,549,000 with the City's 10% match of \$354,900 on October 7, 2010. The original estimate included costs for the design of both Phase I and II and construction for Phase I of the project. Actual cost of design were lower while construction costs were estimated to be higher. Council previously approved the receipt of additional grant funds on March 15, 2012 and October 18, 2012. Phase I and II of the project have been combined and the total project is now estimated at \$8,685,534. This budget adjustment appropriates \$4,694,000 and the required match of \$469,400.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

4/18/2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF ADDITIONAL GRANT FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, AIRPORT PROJECT PARTICIPATION GRANT FUND, IN THE AMOUNT OF \$579,550, FOR RECONSTRUCTION, REHABILITATION AND OVERLAY OF RUNWAY 02/20, TAXIWAYS A, B, C, D, E, F AND THE AIRCRAFT PARKING APRON AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, WITH THE CITY'S ESTIMATED MATCH OF TEN PERCENT (10%) OR \$57,955; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Temple requested grant funding in 2003 to overlay the secondary runway, taxiways and apron in an estimated amount of \$2.8 million – however after the TxDOT Engineering analysis was complete, it was determined the runway and taxiways needed reconstruction, increasing the grant amount to approximately \$7.6 million;

**Whereas,** in October 2010, City Council approved engineering costs for Phase I in the amount of \$3,549,000, however due to funding delays, Phase I and Phase II were combined to reflect an estimate of \$8,105,984 – as of April 2013, the project cost estimate is \$8,685,534;

**Whereas,** the City has paid the engineering grant match as well as the Phase I construction estimate match in the amount of \$358,000 – additional funding is required in the amount of \$57,955 to proceed with this project;

**Whereas,** the designated match available is \$411,445, however, an amendment to the FY2012-13 budget needs to be approved to transfer funds to the appropriate expenditure account; and

**Whereas,** the City of Temple names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

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

**Part 1:** The City Council accepts additional grant funds in the amount of \$579,550 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant for reconstruction, rehabilitation and overlay of runway 02/20, taxiways A, B, C, D, E, F and the aircraft parking apron at the Draughon-Miller Central Texas Regional Airport, and approves the City's 10% share (\$57,995) of the funds.

**Part 2:** The City Council hereby directs the City Manager to execute on behalf of the City of Temple and with the appropriate authorizations of the City of Temple, all contracts and agreements with the Texas Department of Transportation, and such other parties as shall be

necessary and appropriate for the implementation of the improvements to the Draughon-Miller Central Texas Regional Airport.

**Part 3:** The City Council approves an amendment to the FY2012-13 budget, substantially in the form of the copy attached as Exhibit A, for this project.

**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(K)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Reynolds, Director of Administrative Services  
Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the submission of an application for funding through the Railroad Commission of Texas to supplement the purchase of one compressed natural gas refuse trucks in the amount of \$62,763.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Railroad Commission of Texas (RRC) provides grants to help public fleets to purchase new, ultra-low-emission natural gas vehicles. Funding shall be used to offset some or all of the incremental costs of a natural gas fuel system on a new vehicle. Public fleets statewide are eligible to apply for these grants.

RRC applications are accepted on a first-come, first-serve basis. Notification of award is expected shortly after application submittal.

The project scope we have applied for involves the purchase of one (1) compressed natural gas refuse truck, which has already been ordered, as authorized on December 20, 2012 by Council. The City is in the process of designing the CNG fueling station to build, as authorized by Council on April 4, 2013.

The total incremental cost for purchasing this CNG fueled refuse truck is \$62,763. Under the grant program 100% of the incremental cost will be paid.

**FISCAL IMPACT:** The incremental cost of this CNG fueled refuse truck is \$62,763, 100% reimbursable by the granting agency.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
RATIFYING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE  
RAILROAD COMMISSION OF TEXAS TO SUPPLEMENT THE PURCHASE OF ONE  
COMPRESSED NATURAL GAS (CNG) REFUSE TRUCK, IN THE AMOUNT OF \$62,763;  
AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Railroad Commission of Texas provides grants to help public fleets purchase new, ultra-low-emission natural gas vehicles – this funding offsets some or all of the incremental costs of a natural gas fuel system on a new vehicle;

**Whereas**, applications through the Railroad Commission of Texas are on a first-come, first-serve basis and public fleets statewide are eligible to apply for these grant funds;

**Whereas**, the project scope involves the purchase of one compressed natural gas refuse truck – the total incremental cost for this purchase is \$62,763;

**Whereas**, under this grant program, the City can anticipate 100% of the incremental cost will be paid; 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:** The City Council authorizes the City Manager, or his designee, to ratify the submission of a grant application, after approval as to form by the City Attorney, to the Railroad Commission of Texas to supplement the purchase of one compressed natural gas (CNG) refuse truck, in the amount of \$62,763.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #4(L)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Reynolds, Director of Administrative Services  
Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the submission of an application for funding through the Texas Comptroller of Public Accounts, State Energy Conservation Office to supplement the purchase of four compressed natural gas refuse trucks in the amount of \$191,421.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Under the State Energy Program, the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) is offering competitive grant funds to assist public agencies in transitioning vehicle fleets to alternative fuels.

To be eligible for funding a project must involve the purchase of a new alternative fueled vehicle or the conversion to an alternative fueled vehicle. Eligible alternative fuels include compressed natural gas (CNG); liquefied petroleum gas; liquefied natural gas; electric vehicles, and hybrid vehicles.

SECO grant applications are due April 26, 2013. Grant award date is expected on May 10, 2013. All funding must be expended by August 31, 2013.

The project scope we are applying for involves the purchase of four (4) compressed natural gas refuse trucks, which have already been ordered, as authorized on December 20, 2012 by Council. The City is in the process of designing the CNG fueling station to build, as authorized by Council on April 4, 2013.

The total incremental cost for purchasing these four (4) CNG fueled refuse trucks is \$239,276. The grant requires a 20% match by the City, totaling \$47,855. The City will request \$191,421 (80%) in grant funds from SECO.

Staff recommends submitting a proposal to SECO to receive grant funds for the purchase of CNG fueled refuse trucks.

**FISCAL IMPACT:** The incremental cost of these four (4) CNG fueled refuse trucks is \$239,276, 80% reimbursable by the granting agency, in the amount of \$191,421. The City required match is \$47,855.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, STATE ENERGY CONSERVATION OFFICE TO SUPPLEMENT THE PURCHASE OF FOUR COMPRESSED NATURAL GAS (CNG) REFUSE TRUCKS, IN THE AMOUNT OF \$191,421; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, under the State Energy Program, the Texas Comptroller of Public Accounts, State Energy Conservation Office (SECO) is offering competitive grants to assist public agencies in transitioning vehicle fleets to alternative fuels;

**Whereas**, to be eligible for funding, a project must involve the purchase of a new alternative fueled vehicle or the conversion to an alternative fueled vehicle – State Energy Conservation Office grants applications are due April 26, 2013;

**Whereas**, the project scope involves the purchase of four compressed natural gas refuse trucks and requires a 20% (\$47,855) match by the City totaling– the City will request 80% in grant funds from SECO in the amount of \$191,421, for a total incremental cost of \$239,276; 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:** The City Council authorizes the City Manager, or his designee, to authorize the submission of a grant application, after approval as to form by the City Attorney, to the Texas Comptroller of Public Accounts, State Energy Conservation Office to supplement the purchase of four compressed natural gas (CNG) refuse trucks, in the total incremental amount of \$239,276.

**Part 2:** The grant requires a 20% match by the City, totaling \$47,855 and the City will request \$91,421 (80%) in grant funds from SECO, for a total of city funds of \$191,421.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution is 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 18<sup>th</sup> day of April, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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04/18/13  
Item #4(M)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Jr., Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2013 Junior Fire Cadet Program in the amount of \$28,286.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description

**ITEM SUMMARY:** Under the authority of the Texas Transportation Code, in 2001, the Bell County Commissioners Court imposed a \$1.50 per vehicle Child Safety registration fee to be collected by our County Tax Assessor-Collector. The City of Temple's allocation is based on population. These funds must be used for a school crossing guard program if the City operates one. Since the City does not operate a crossing guard program, the funds may be spent on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention.

I am recommending that \$28,286 of the child safety fees collected be provided to the 2013 Junior Fire Cadet Program. Firefighters serve as instructors to youngsters between the ages of 9 to 13. The cadets participate in hands-on activities such as confidence building, ladders, fire hose, and CPR/first-aid. Students learn the importance of setting goals, working as a team, ethics, and respect of self and others. The goal of the program is to give kids the opportunity to improve themselves. Guest speakers explain the importance of exercise, proper nutrition, and staying in school. The Temple Independent School District has partnered with the department and has provided a campus for the program since 2002.

The department started the program in the summer of 1999 with 31 boys and girls attending the four-week long class. We quickly learned the value of this program by seeing the young faces in the classroom and feeling the difference firefighter's role models in their lives. It is impossible to put an exact value on the benefits of this program but we do know that we enrich the lives of all the people participating in the program. Funding will be used to operate the class which will last for four weeks, and one day. The proposed dates of the class are June 7 – 28, 2013. We anticipate a class of 65 participants.



**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating \$28,286 to account 110-0000-452-0164, from the Child Safety Fees collected by the County on behalf of the City, to Temple Fire and Rescue's overtime account and associated benefit accounts, 110-2221-522-11-19, 12-20, 12-21 & 12-23, in the amount of \$22,433; food account, 110-2221-522-21-12, in the amount of \$475; office supply account, 110-2221-522-21-10, in the amount of \$275, and Contributions and Prizes, account 110-2221-522-25-10 in the amount of \$5,103.

If funding for this expenditure is approved, there will be \$68,107.47 available in Child Safety Funds for future eligible expenditures.

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY **2013****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
<b>TOTAL.....</b>			<b>\$ -</b>	<b>\$ -</b>

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐

Yes

☐

No

DATE OF COUNCIL MEETING \_\_\_\_\_

WITH AGENDA ITEM?

☐

Yes

☐

No

\_\_\_\_\_  
Department Head/Division Director\_\_\_\_\_  
Date☐  
☐

Approved

Disapproved

\_\_\_\_\_  
Finance\_\_\_\_\_  
Date☐  
☐

Approved

Disapproved

\_\_\_\_\_  
City Manager\_\_\_\_\_  
Date☐  
☐

Approved

Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING FUNDING FROM THE CHILD SAFETY FEES TO BE DESIGNATED TO THE 2013 JUNIOR FIRE CADET PROGRAM, IN THE AMOUNT OF \$28,286; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, under the authority of the Texas Transportation Code, in 2001, the Bell County Commissioners Court imposed a \$1.50 per vehicle Child Safety registration fee to be collected by our County Tax Assessor-Collector - the City of Temple's allocation is based on population;

**Whereas**, these funds must be used for a school crossing guard program if the City operates one - since the City does not operate a crossing guard program, the funds may be spent on programs designed to enhance child safety, health or nutrition, including child abuse prevention and intervention and drug and alcohol abuse prevention;

**Whereas**, the Junior Fire Cadet Program provides children between the ages of 9 and 13 the opportunity to participate in hands-on activities such as confidence building, ladders, fire hose, and CPR/first-aid;

**Whereas**, the students learn the importance of setting goals, working as a team, ethics, and respect of self and others - the goal of the program is to give kids the opportunity to improve themselves;

**Whereas**, funds will be used to operate the class which lasts for four weeks and one day – an estimated 65 participants have signed up for the class;

**Whereas**, an amendment to the FY2012-2013 needs to be approved to transfer the funds to the appropriate expenditure accounts; 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 I:** The City Council authorizes funding from the Child Safety Fees to be designated to the 2013 Junior Fire Cadet Program for the operation of the class for approximately 65 participants, in the amount of \$28,286.

**Part 2:** The City Council approves an amendment to the FY2012-2013 budget, substantially in the form of the copy attached as Exhibit "A," for this purpose.

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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04/18/13  
Item #4(N)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2012-2013 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$25,060.

**ATTACHMENTS:**

[Budget Amendments](#)  
[Resolution](#)



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**April 18, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1800-525-2311		Buildings & Grounds (Municipal Court)	\$ 310	
110-0000-452-0456		Fund Balance Reserved/Municipal Court Restricted Fees - Security		\$ 310
To appropriate funds for the purchase of electrical wiring and exit signage for the Municipal Court courtroom. This purchase will be funded from restricted court fees designated for court security.				
110-2020-521-2533		DARE CJD Expenditures (Police Dept.)	\$ 500	
110-0000-442-0723		DARE Donations		\$ 500
Check received from Booster Calendar Co. deposited on 3/27/2013 for School Resource Unit for a sign on bonus for renewing our GREAT/SRO Posters and calendars.				
110-2053-521-1119		Overtime (Police - Records)	\$ 250	
110-0000-452-0141		Traffic & Criminal Fines		\$ 250
Reimburse PD overtime for Community Service Records Technicians that worked the Warrant Round-up #1, on March 6, 2013. Funds are available from additional revenues received from the Warrant Round-up Program.				
240-4400-551-6211	100977	Instruments/Special Equipment (Mayborn Center)	\$ 24,000	
240-4400-551-6532		Contingency		\$ 24,000
The dimmer board at the Mayborn Center is in need of immediate replacement. The current unit has been temporarily fixed, but will not last much longer. A replacement unit has been found that can be installed and maintained in-house. The unit must be replaced as soon as possible in order to avoid disruption of services.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 25,060</b>	<b>\$ 25,060</b>

GENERAL FUND	
Beginning <b>Contingency</b> Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -
Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (39,359)
Net Balance of Judgments & Damages Contingency Account	\$ 40,641
Beginning <b>Compensation</b> Contingency	\$ 403,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (403,000)
Net Balance of Compensation Contingency Account	\$ -
<b>Net Balance Council Contingency</b>	<b>\$ 40,641</b>
Beginning Balance <b>Budget Sweep</b> Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**April 18, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account	\$	-
		Taken From Contingency	\$	(11,882)
		Net Balance of Contingency Account	\$	38,118
		Beginning <b>Compensation</b> Contingency	\$	142,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(97,509)
		Net Balance of Compensation Contingency Account	\$	44,491
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$</b>	<b>82,609</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	147,759
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	(45,999)
		Net Balance of Contingency Account	\$	101,760
		Beginning <b>Compensation</b> Contingency	\$	10,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(10,100)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>101,760</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	69,100
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	69,100
		Beginning <b>Compensation</b> Contingency	\$	25,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(25,100)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>69,100</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year	\$	39,839
		Added to Contingency Sweep Account	\$	114,528
		Taken From Contingency	\$	(11,413)
		Net Balance of Contingency Account	\$	142,954

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2012-2013 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on the 30<sup>th</sup> day of August, 2012, the City Council approved a budget for the 2012-2013 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2012-2013 City Budget.

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

**Part 1:** The City Council approves amending the 2012-2013 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 18<sup>th</sup> day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #5  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Beverly Zendt, Interim Director of Planning

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – A-FY-13-10: Consider adopting an ordinance abandoning an existing alley with a width of 20 feet and depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of East Avenue B and the north right-of-way line of East Avenue C and between South 2<sup>nd</sup> Street and South 4<sup>th</sup> Street, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for May 2, 2013.

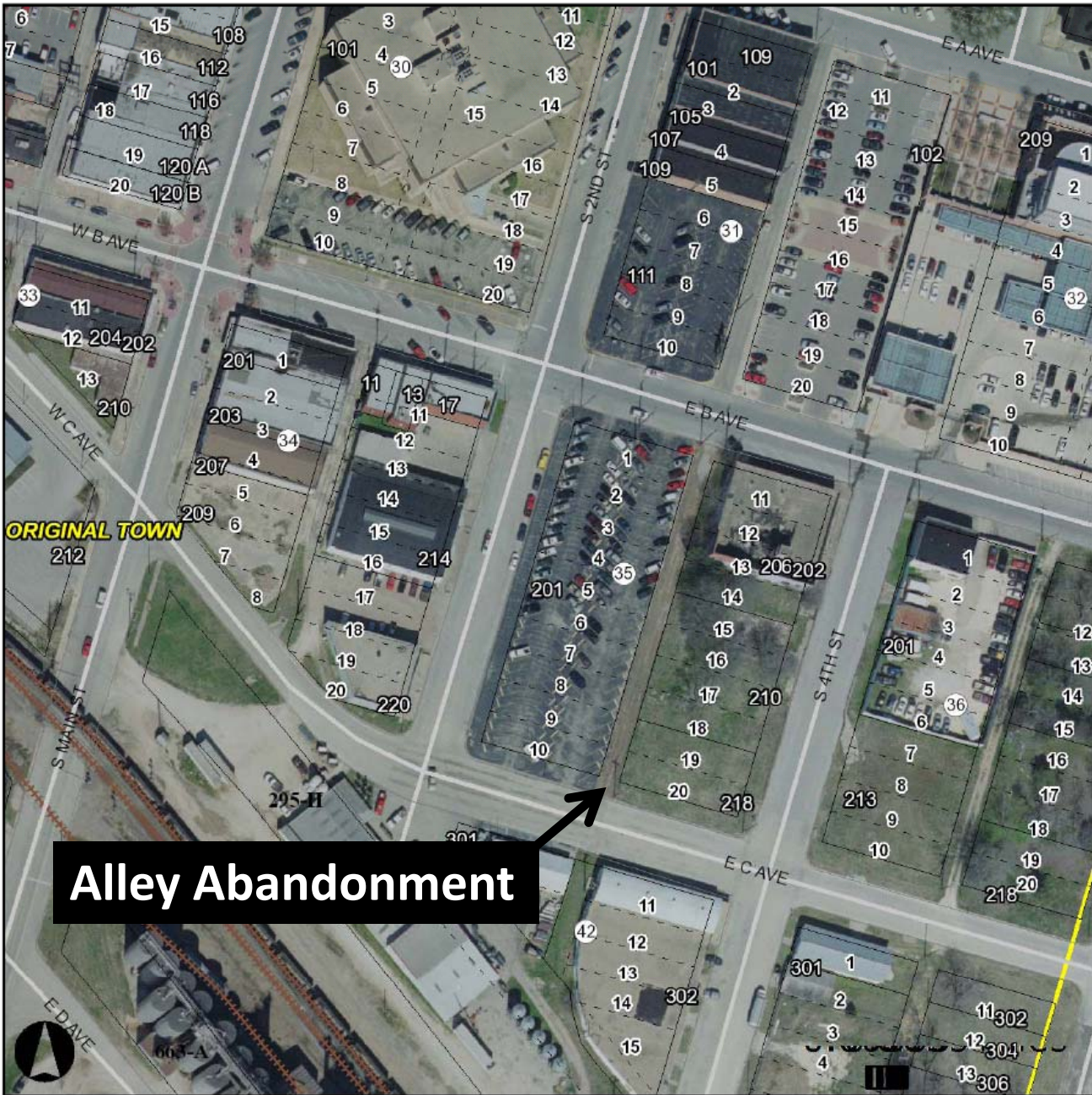
**ITEM SUMMARY:** The applicant, R.G.R. Inc, owns the property on both sides of the subject alley. If approved, the abandoned alley would be incorporated into improvements for a new joint use parking lot for the W.R. Poage Federal Office Building and the City of Temple. A portion of the area will be fenced, but access will be provided for utility providers.

Planning staff contacted all utility providers, including the Public Works Department, regarding the proposed alley abandonment. Since there are existing services in the alley, the utility providers have requested the alley be converted into a utility easement to allow full access to their service lines. There are no objections to the abandonment request as long as the requested easement is retained. Staff requests a public drainage and utility easement in the entire abandoned rights-of-way to protect existing service lines.

**FISCAL IMPACT:** If approved, the applicant will be allowed to purchase the abandoned alley rights-of-way at the fair market value of \$6,900.

### **ATTACHMENTS:**

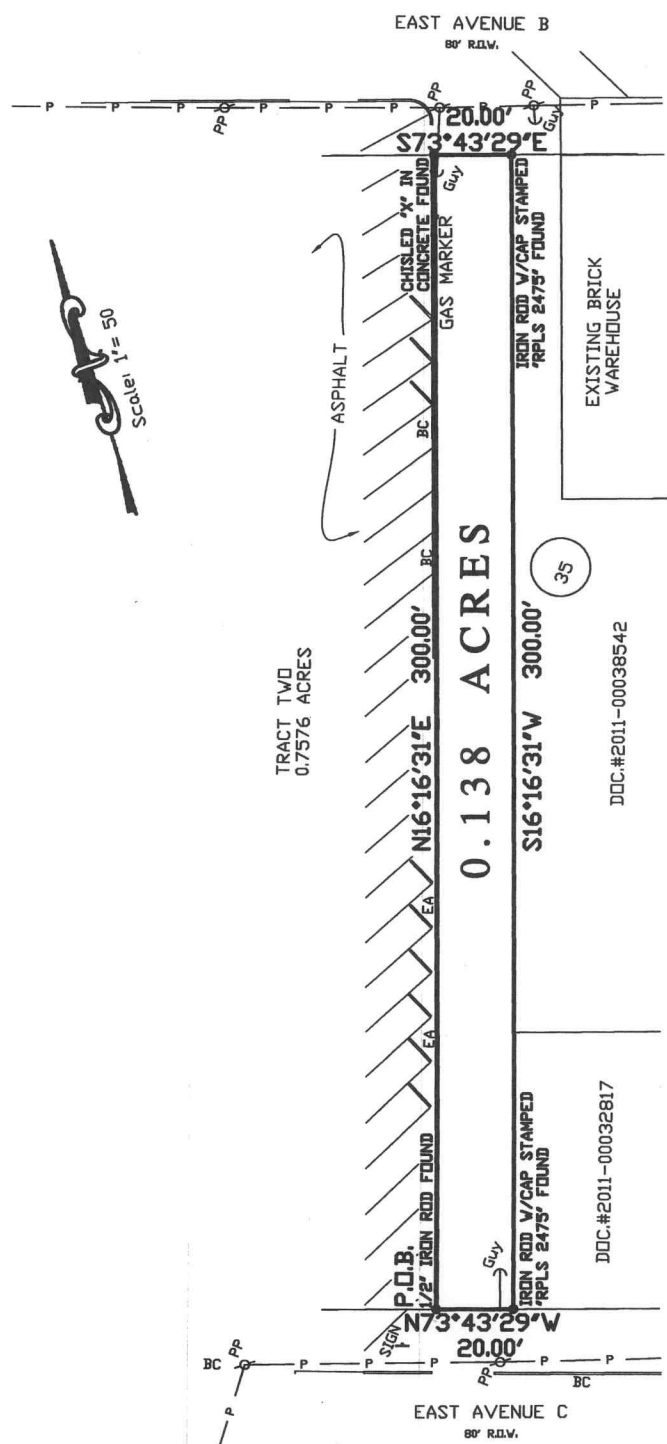
[Aerial](#)  
[Abandonment Exhibits](#)  
[Ordinance](#)



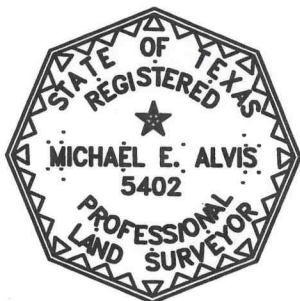
**Alley Abandonment**



0.138 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES.



BEING a 0.138 tract of land situated in the City of Temple, Bell County, Texas and being all of a called twenty feet ( 20' ) wide alley that runs through Block 35, of the Original Town of Temple according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas



STATE OF TEXAS    KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 22nd day of May, 2013.

*Michael E. Alvis*  
Michael E. Alvis, R.P.L.S., No. 5402



12-002

BEING a 0.138 tract of land situated in the City of Temple, Bell County, Texas and being all of a called twenty feet ( 20' ) wide alley that runs through Block 35, of the Original Town of Temple according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found being in the south boundary line of the said Block 35 and being at the intersection of the west boundary line of the said twenty feet ( 20' ) wide alley and the north right-of-way line of East Avenue C as monumented, fenced and further evidenced on the ground and being the southeast corner of that certain 0.7576 acre tract of land described as TRACT TWO in a Warranty Deed dated April 8, 1998 from Pentam Corporation, a Texas corporation to R.G.R., Inc., an Oklahoma corporation and being of record in Volume 3785, page 365, Official Public Records of Bell County, Texas for corner;

THENCE N. 16° 16' 31" E., 300.00 feet departing the said north right-of-way line and the said south boundary line and with the east boundary line of the said 0.7576 acre tract ( calls S. 19° 00' 00" W., 300.0 feet ) and with the west boundary line of the said twenty feet ( 20' ) wide alley and over and across the said Block 35 to a chiseled "x" in concrete found being the northeast corner of the said 0.7576 acre tract and being in the north boundary line of the said Block 35 and being at the intersection of the west boundary line of the said twenty feet ( 20' ) wide alley and the south right-of-way line of East Avenue B as monumented, fenced and further evidenced on the ground for corner;

THENCE S. 73° 43' 29" E., 20.00 feet departing the said 0.7576 acre tract and with the said north boundary line and the said south right-of-way line to a ½" iron rod with cap stamped "RPLS 2475" found being at the intersection of the east boundary line of the said twenty feet ( 20' ) wide alley and the said south right-of-way line of East Avenue B and being the northwest corner of that certain tract of land described in a Corrective Warranty Deed dated October 27, 2011 from the City of Temple, Texas to R.G.R., Inc. and being of record in Document No. 2011-00038542, Official Public Records, Bell County, Texas for corner;

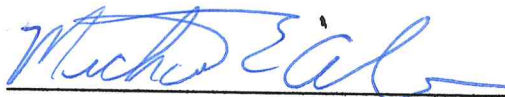
THENCE S. 16° 16' 31" W., 300.00 feet departing the said north boundary line of Block 35 and the said south right-of-way line of East Avenue B and with the east boundary line of the said twenty feet ( 20' ) wide alley and with the west boundary line of the said R.G.R., Inc. tract ( Document No. 2011-00038542 ) and continuing with the west boundary line of that certain tract of land described in a Warranty Deed dated September 19, 2011 from Weathers Family Partnership, Ltd., a Texas limited partnership to RGR Inc., an Oklahoma corporation and being of record in Document No. 2011-00032817, Official Public Records of Bell County, Texas to a ½" iron rod with cap stamped "RPLS 2475" found being the southwest corner of the said RGR, Inc. tract ( Document No. 2011-00032817 ) and being at the intersection of the east boundary line of the said twenty feet ( 20' ) wide alley and the aforementioned north right-of-way line of East Avenue C and being in the south boundary line of the said Block 35 for corner;



THENCE N. 73° 43' 29" W., 20.00 feet departing the said RGR, Inc. tract ( Document No. 2011-00032817 ) and with the said south boundary line of Block 35 and with the said north right-of-way line of East Avenue C to the Point of BEGINNING and containing 0.138 acres of land.

\*\*\*\*\*

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.



Michael E. Alvis, R.P.L.S. #5402  
March 19, 2013



Bearing Base: Texas State Plane Coordinate System, NAD 1983, Central Zone as determined by GPS observation.

See attached surveyors sketch, which accompanies this set of field notes (ref: Turley Associates Inc. drawing No. 12423-A)



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301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400



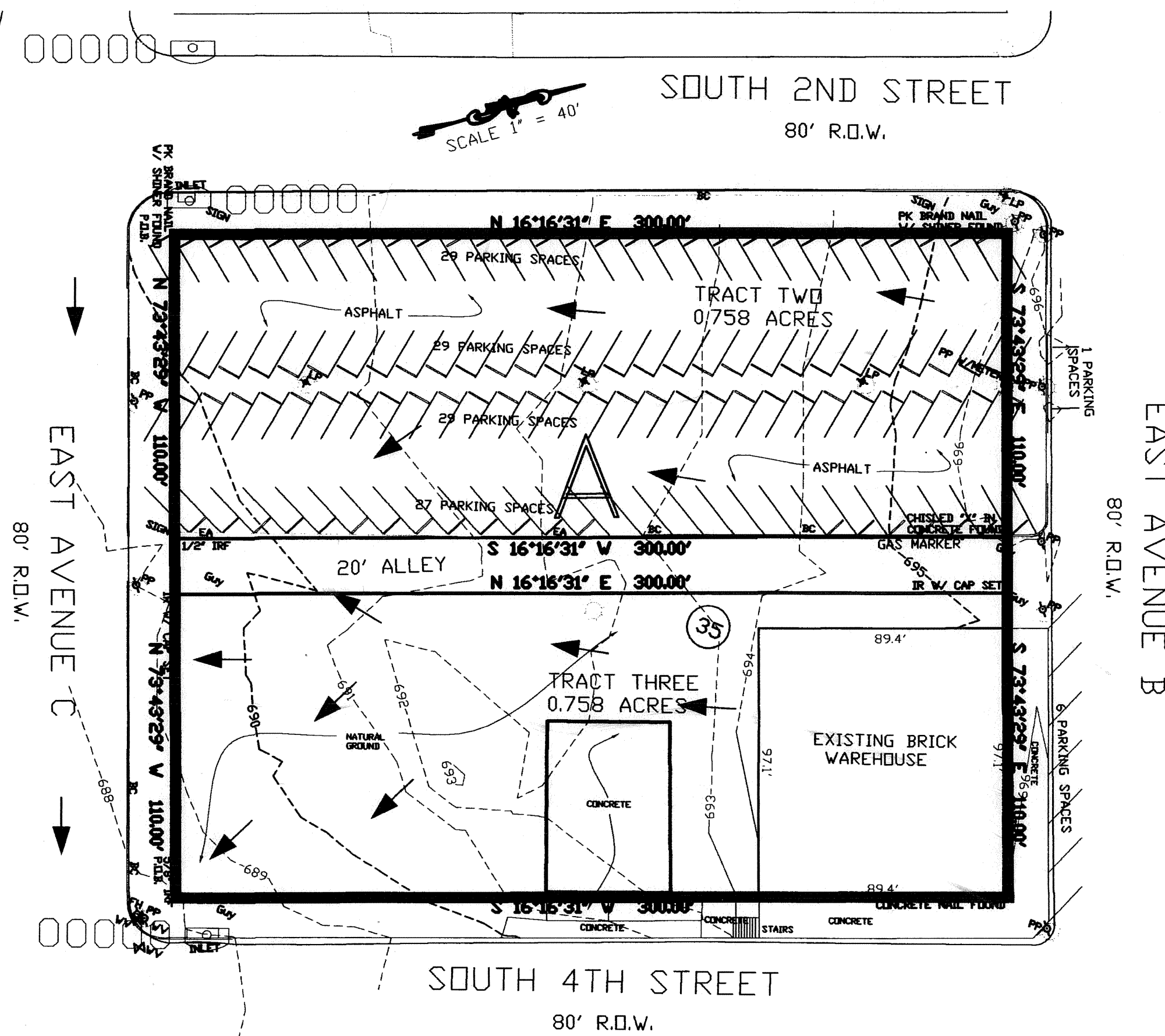
NOTES:

1. DRAINAGE CALCULATIONS WERE PERFORMED USING THE RATIONAL METHOD, THE TIME OF CONCENTRATION REFERENCING THE CITY OF TEMPLE NOMOGRAPHS, CONSTANTS, AND COEFFICIENTS.
2. AREA TOPOGRAPHY IS APPROXIMATE, TURLEY ASSOCIATES, INC. TOPOGRAPHY, 2011.
3. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVES, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS CWA 401, 402, AND/OR 404, AS APPROPRIATE FROM THE US ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORPS OF ENGINEERS.
4. DEVELOPER AND/OR CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND MAINTAINING STORM WATER POLLUTION PREVENTION PLAN AND ALL EROSION CONTROL MEASURES.

DRAINAGE LEGEND

- ← DIRECTION OF PRE & POST-DEVELOPMENT RUNOFF FLOW
- PRE-DEVELOPMENT DRAINAGE AREAS
- POST-DEVELOPMENT DRAINAGE AREAS
- 1' CONTOURS NATURAL GROUND TURLEY ASSOCIATES, INC. SURVEY 2011.
- 1' CONTOURS PROPOSED FINISHED GROUND

PRE-DEVELOPMENT

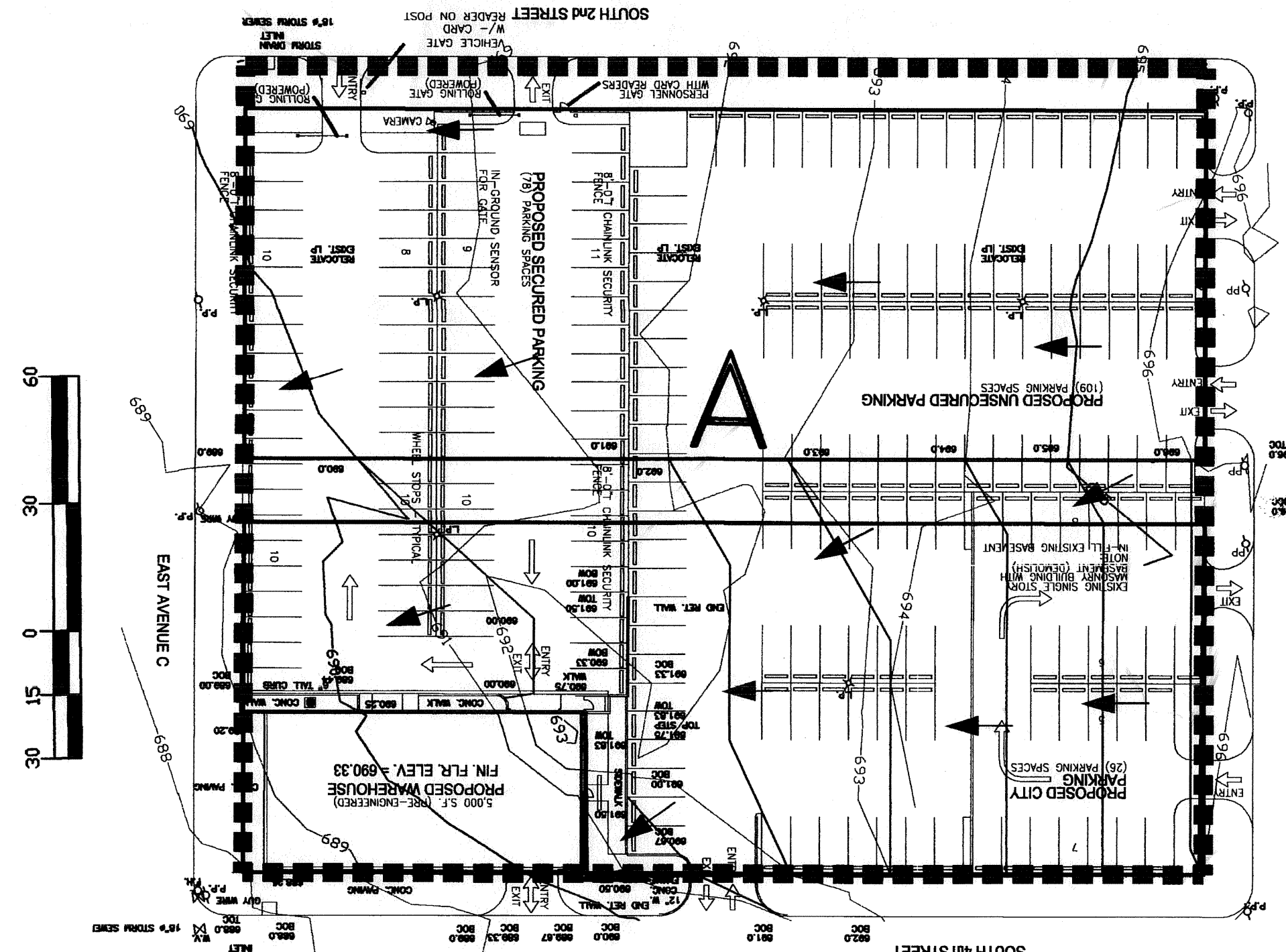


Drainage Calculations, Existing Conditions, Calculated t<sub>c</sub>

DA	AREA (acres)	T <sub>c</sub> (min.)	C <sub>100</sub>	I <sub>10</sub> (in./hr.)	Q <sub>10</sub> (cfs)	C <sub>25</sub>	I <sub>25</sub> (in./hr.)	Q <sub>25</sub> (cfs)	C <sub>100</sub>	I <sub>100</sub> (in./hr.)	Q <sub>100</sub> (cfs)
A	1.65	15.93	0.69	5.52	6.30	0.73	6.31	7.61	0.82	7.61	10.31

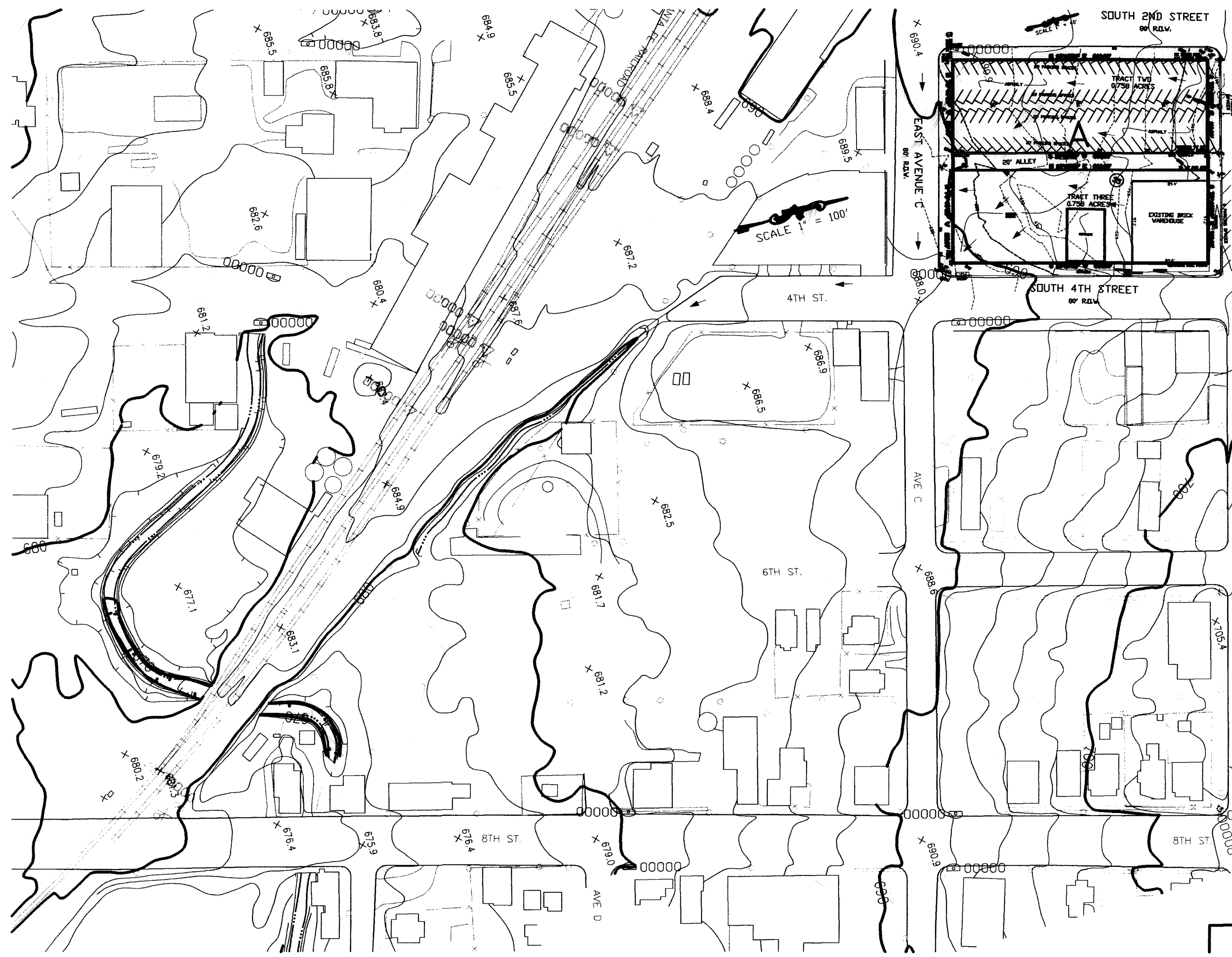


POST-DEVELOPMENT

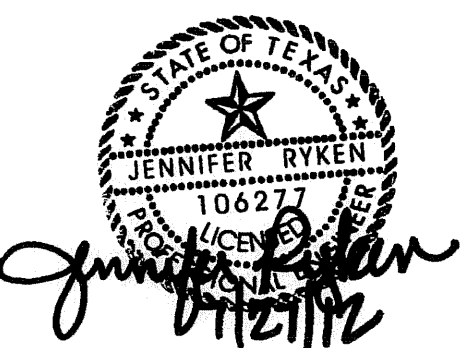


Drainage Calculations, Proposed Conditions, Calculated t<sub>c</sub>

DA	AREA (acres)	T <sub>c</sub> (min.)	C <sub>100</sub>	I <sub>10</sub> (in./hr.)	Q <sub>10</sub> (cfs)	C <sub>25</sub>	I <sub>25</sub> (in./hr.)	Q <sub>25</sub> (cfs)	C <sub>100</sub>	I <sub>100</sub> (in./hr.)	Q <sub>100</sub> (cfs)
A	1.65	10.00	0.81	6.54	8.76	0.86	7.44	10.58	0.95	8.88	13.94



OVERALL



THE ABOVE ENGINEER ATTESTS THAT THE DRAINAGE CALCULATIONS WERE PERFORMED IN ACCORDANCE WITH THE DRAINAGE CRITERIA AND DESIGN MANUAL FOR THE CITY OF TEMPLE

ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT

**TURLEY ASSOCIATES, INC.**

301 N. 3rd ST.  
E-MAIL: VDTURLEY@AOL.COM

TEMPLE, TEXAS (254) 773-2400  
(254) 773-3998

FIRM REGISTRATION NO. F-1658

PRE AND POST-DEVELOPMENT DRAINAGE FOR:  
**USDA LEASE SPACE**  
CITY OF TEMPLE  
BELL COUNTY, TEXAS

PREPARED FOR:  
**TIM A. RISLEY & ASSOCIATES**  
6101 PHOENIX AVE.  
FT. SMITH, AR 72902

REVISIONS	

DATE: 7/27/2012  
DRN. BY: JGR

LEVEL BOOK  
JOB NO.: 12-562  
SHEET 1 OF 1  
COMPUTER: 12562\_dr POAGE

**12550-D**  
DRAWING NUMBER

ORDINANCE NO. \_\_\_\_\_  
(A-FY-13-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING AN EXISTING ALLEY WITH A WIDTH OF 20 FEET AND A DEPTH OF 300 FEET, LOCATED IN BLOCK 35, ORIGINAL TOWN OF TEMPLE, BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF EAST AVENUE B AND THE NORTH RIGHT-OF-WAY LINE OF EAST AVENUE C, AND BETWEEN SOUTH 2<sup>ND</sup> STREET AND SOUTH 4<sup>TH</sup> STREET, AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENT IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has a request to abandon an existing alley with a width of 20 feet and a depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of east Avenue B and the north right-of-way line of east Avenue C and between south 2<sup>nd</sup> Street and south 4<sup>th</sup> Street;

**Whereas**, the applicant, R.G.R, Inc., owns the property on both sides of the subject alley would like the abandoned alley to be incorporated into improvements for a new joint use parking lot for the W.R. Poage Federal office Building and the City of Temple;

**Whereas**, the staff has no objections to the abandonment request but does request a public drainage and utility easement in the entire abandoned alley to protect existing water, wastewater and utility lines; and

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

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

**Part 1:** The City Council abandons an existing alley with a width of 20 feet and a depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of east Avenue B and the north right-of-way line of east Avenue C and between south 2<sup>nd</sup> Street and south 4<sup>th</sup> Street, more fully described in Exhibit A, attached hereto for all purposes.

**Part 2:** The City Council reserves a public drainage and utility easement in the entire abandoned alley to protect existing water, wastewater and utility lines, and authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, which when done, shall be and become a binding act and deed of the City of Temple. Provided, however, the actual transfer of ownership will be executed following formal site plan approval by the City Manager or the filing of a building permit for improvements within a particular phase.

**Part 3:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 4:** It is hereby officially found and determined that the meeting at which this ordinance is 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 on First Reading and Public Hearing on the **18<sup>th</sup>** day of **April**, 2013.

PASSED AND APPROVED on Second Reading the **2<sup>nd</sup>** day of **May**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

STATE OF TEXAS           §

COUNTY OF BELL           §

This instrument was acknowledged before me on the \_\_\_\_ day of April, 2013, by William A. Jones, III, Mayor of the City of Temple, Texas.

\_\_\_\_\_  
Notary Public, State of Texas



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #6  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Beverly M. Zendt AICP, Interim Director of Planning

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for May 2, 2013.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its March 18, 2013, meeting, the Planning and Zoning Commission voted 6/0 to recommend approval amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter. Commissioners Rhoads, Sears, and Magana were absent.

**ITEM SUMMARY:** On February 7, 2013, City Council held a workshop where information was presented regarding regulations pertaining to social service and community residential facilities. At that time, staff presented information related to the following:

- Classification of social service/ community residential facilities;
- Location of existing social service and community residential facilities; and
- Standards and regulations governing the location of such facilities.



City Council directed staff to prepare amendments to Articles 5 and 11 of the Unified Development Code to:

- Provide definitions for social service and community residential facilities;
- Identify appropriate districts all categories of facilities;
- Identify which uses might be better regulated with a Conditional Use Permit (CUP); and
- Update Section 5.1 Use Table of the Unified Development Code to reflect those recommendations.

Staff has prepared the following amendments to Articles 5 and 11 of the Unified Development Code:

- **Article 5: Use Standards.** Adding, amending, and determining appropriate districts and regulations for social service and community residential uses in the Section 5.1 Use Table:
  - *Correctional Facility* – amended use table to permit this use in Light Industrial and Heavy Industrial Districts only with a Conditional Use Permit;
  - *Institution for Alcoholic and Narcotic Patients* - replaced with *Substance Abuse Treatment Facility*;
  - *Substance Abuse Treatment Facility* – amended/ changed from *Institution for Alcoholic and Narcotic Patients* and permitted in most non-residential districts (O-1, O-2, GR, C, CA, LI) with a Conditional Use Permit;
  - *Institution, Religious, Charitable, Philanthropic Nature* - replaced with *Social Services Shelter*;
  - *Social Service Shelter* – amended/changed from *Institution, Religious, Charitable, and Philanthropic Nature* and permitted in all standard zoning districts with a Conditional Use Permit; and
  - *Transitional or Emergency Shelter* – Amended to permit in General Retail and Commercial Districts with a Conditional Use Permit.
- **Article 5: Transitional or Emergency Shelter.** Amending Section 5.3.12 to include Social Service Shelters and applying same standards governing:
  - Separation of Social Services Shelters from incompatible uses;
  - Supervisory staff/ resident ratios; and
  - Other provisions related to waiting areas and the provision of HVAC.
- **Article 11: Definitions.** Adding or amending definitions for the following categories of social service/community residential facilities:
  - Boarding house/rooming house,
  - Correctional facility,
  - Halfway House,
  - Social Service Facility, and
  - Substance Abuse Treatment Facility.

**PUBLIC NOTICE:** The newspaper printed notice of the Planning and Zoning Commission public hearing on March 10, 2013 in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Attachment 1: Article 5- Use Table

Attachment 2: Article 5 – Transitional Shelter or Emergency Shelter

Attachment 3: Article 11- Defined Terms

PZ Excerpts

Ordinance

**Article 5: Use Standards**

Sec. 5.1 Use Table

**Section 5.1 Use Table**

P= Permitted by Right    L = Permitted by Right Subject to Limitations  
[blank cell] = Prohibited    C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
<b>RESIDENTIAL USES</b>																						
Boarding/Rooming House												P	P		P		P	P	P	P		
Family or Group Home	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		5.3.1
<b>EDUCATION AND INSTITUTIONAL USES</b>																						
Art gallery or museum														P	P	P	P	P	P	P	P	
Cemetery, crematorium or mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Child care: family home	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			5.3.9
Child care: group day care home	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	5.3.9
Child care: day care center	C	C													L	L	L	L	L	L	L	5.3.10
College, university or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P		
Community center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>Correctional facility</b>	C																	C		C	C	
Fairgrounds or exhibition area	C	C									C	C	C	P	P		P	P	P	P		
<b>Emergency Shelter</b>																	C	C		C		5.3.12
Fraternal organization lodge or union hall	C	C										C	C	P	P		P	P	P	P	P	
<b>Halfway house</b>											C	C	C	C	C	C	C	C	C	C		
Hospital	C														P		P	P	P	P		
<i>Institution for alcoholic or narcotic patients</i>	C	C												C	P		C	P	P	P		
<i>Institution, religious-charitable philanthropic nature</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	
Military reserve, national guard center																		P		P	P	
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Pre-school	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	L	L	5.3.11
School, business														P	P	P	P	P	P	P	P	
School, commercial trade																		P	P	P	P	
School, elementary or secondary (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
<b>Social Service Shelter</b>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	5.3.12
<b>Substance Abuse Treatment Facility</b>														C	C		C	C	C	C		
<b>Transitional Shelter</b>																	C	C		C		5.3.12

**Temple, Texas Unified Development Code**

Effective 12/16/10    •    Last Amended 07/19/12

### 5.3.12 Transitional, ~~or Emergency~~ or Social Service Shelter

A ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter must be a minimum of 1,000 feet from the following uses:
  - 1. Alcoholic beverage sales (on-premise or off-premise consumption);
  - 2. All residential uses or zoning districts as specified in the zoning district table in Section 4.1.1 and in the use table in Section 5.1.3 (this standard may be amended with the Conditional Use Permit for Social Service Shelters);
  - 3. Child care uses;
  - 4. Elementary or secondary schools (public or private); and
  - 5. Other ~~transitional or emergency shelter facilities~~ transitional, emergency, or social service shelter
- B. The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter and in a direct line across intersections.
- C. Space must be provided inside the ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way.
- D. The ~~transitional or emergency shelter~~ transitional, emergency, or social service shelter must be equipped with a functioning central heating, ventilation and air conditioning system.
- E. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements.
- F. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional or emergency shelter. A minimum of one shelter staff member must be present at the shelter at all times.
- G. Emergency shelters are facilities designed and operated in a manner that clients are provided temporary housing for stays of up to thirty (30) consecutive days.
- H. Transitional shelters are facilities designed and operated in a manner that clients are provided temporary housing for periods up to one year.
- I. Occasional, unplanned short term stays that exceed the thirty day or one year normal stay by clients of emergency and transitional shelters shall not constitute a violation of this ordinance.

[Ord. 2012-4505]

## Sec. 11.2. Defined Terms

As used in this UDC, unless the context otherwise indicates, the words below are defined as follows. Words not expressly defined in this Section are to be construed in accordance with their ordinary meaning or in accordance with their customary usage in municipal planning and engineering practices.

**Boarding House /Rooming House.** A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided.

**Correctional Facility.** A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

**Emergency Shelter.** A facility providing temporary shelter, over a period of less than 30 days, for persons who are indigent, needy, homeless or transient. [Ord. 2012-4505]

**Family or Group Home.** A dwelling unit used as a single housekeeping unit where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation provided by not more than two persons. "Family Home" means a community-based residential home operated in accordance with the Community Homes for Disabled Persons Location Act and its amendments.

**Halfway House.** ~~A dwelling unit used as a single housekeeping unit for not more than six persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons.~~ A residential facility for the housing, rehabilitation, and training of persons who are subject to community supervision, parole, or mandatory supervision under state or federal law.

**Social Service Shelter (Short Term Only) –** A facility providing shelter, over a period of 30 days or less, for no more than 10 persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.

**Substance Abuse Treatment Facility.** An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

**Transitional Shelter.** A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse. [Ord. 2012-4505]

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 18, 2013**

**ACTION ITEMS**

**Item 4: Z-FY-13-14** – Hold a public hearing to discuss and recommend action on an amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.

Ms. Zendt stated this was a text amendment to the Unified Development Code (UDC) related to Social Services. This item would go forward to City Council for first reading on April 18th and second reading May 2nd.

A workshop was presented to City Council on February 7, 2013 where many of these shelters and social services were reviewed, the existing conditions of where they were in the community, and what types of facilities were in place. At that time, Staff was asked by City Council to provide and update all the definitions where none existed or were called for, identify appropriate districts for new uses, identify uses to be regulated with Conditional Use Permits (CUP), and to update the use table to reflect all recommendations.

Several new definitions came about:

**Correctional facility:** A penal facility including buildings and structures that are inhabited by 6 or more persons who are under restraint or security and are generally incapable of self-preservation due to security measures not under the occupants' control. This definition includes, but is not limited to prisons, jails, reformatories, detention centers, correction centers, and prerelease centers.

Previously these facilities were allowed in Agriculture (AG) and Commercial (C) zoning districts and now are only allowed with a CUP in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts.

**Social Service Shelter (Short Term Only):** – A facility providing shelter, over a period of 30 days or less, for no more than 10 persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing; or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.

Proposed Social Service Shelters will be allowed in all districts, with a CUP, subject to specific use standards defined in Section 5.3.12 of the UDC.

**Substance Abuse Treatment Facility.** An outpatient or residential facility that offers treatment for persons with chemical dependency and operates such facility under a state license or registration of a faith-based (non-medical) exempt program.

These facilities would be allowed in Office-One (O-1), Office-Two (O-2), General Retail (GR), Commercial (C), Central Area (CA), and Light Industrial (LI) with a CUP.

**Halfway House:** A residential facility for the housing, rehabilitation, and training of persons who are subject to community supervision, parole, or mandatory supervision under state or federal law.

This term has been updated and coincides with the state definition.

These facilities would be allowed in most non-residential districts with a CUP.

**Boarding House /Rooming House:** A building other than a hotel, where lodging and meals for four or more persons are served for compensation and no rehabilitation services are provided

These facilities would be allowed by right in Multi-Family-Two (MF-2), Multi-Family-Three (MF-3), O-2, GR, C, CA, and LI.

Replaced Terms:

Institution for alcoholic or narcotic patients is now **Substance Abuse Treatment Facility.**

Institution, religious-charitable philanthropic nature is now **Social Service Shelter.**

Amended Definitions in Use Table only: Transitional, Emergency or Social Service Shelter. These are now allowed with a CUP also in GR and C districts.

Amended Section 5.3.12 in the UDC adds:

Social Service to sections providing specific use standards for transitional and emergency shelters;

Separation of Social Services Shelters from incompatible uses;

Supervisory staff/ resident ratios; and

Other provisions related to waiting areas and the provision of HVAC.

Staff recommends approval of amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.



Commissioner Johnson made a motion to approve Item 4, **Z-FY-13-14**, as presented, and Commissioner Harrell made a second.

*Motion passed: (6:0)*

Commissioners Rhoads, Magaña, and Vice-Chair Sears absent

[Z-FY-13-14]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ORDINANCE NO. 2010-4413, THE "UNIFIED DEVELOPMENT CODE (UDC)," ARTICLE 5 AND ARTICLE 11, RELATED TO LAND USES; TO PROVIDE CORRECTION AND CLARIFICATION TO CERTAIN SECTIONS OF THE UDC; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the "Unified Development Code," which is a consolidated set of land development regulations related to zoning, platting and site design;

**Whereas**, at its March 18, 2013 meeting, the Planning and Zoning Commission voted to amend Articles 5 and 11, to recommend approval of certain amendments to the Unified Development Code to provide correction and clarification to certain sections of the Unified Development Code (UDC) in order to facilitate the responsiveness, effectiveness and accuracy of the development review process and address repeated use concerns - the recommended changes are as follows:

- **ARTICLE 5: USE STANDARDS:** Adding, amending, and determining appropriate districts and regulations for social service and community residential uses in the Section 5.1 Use Table:
  - *Correctional Facility* – amended use table to permit this use in Light Industrial and Heavy Industrial Districts only with a Conditional Use Permit;
  - *Institution for Alcoholic and Narcotic Patients* - replaced with *Substance Abuse Treatment Facility*;
  - *Substance Abuse Treatment Facility* – amended/changed from *Institution for Alcoholic and Narcotic Patients* and permitted in most non-residential districts (O-1, O-2, GR, C, CA, LI) with a Conditional Use Permit;
  - *Institution, Religious, Charitable, Philanthropic Nature* - replaced with *Social Services Shelter*;
  - *Social Service Shelter* – amended/changed from *Institution, Religious, Charitable, and Philanthropic Nature* and permitted in all standard zoning districts with a Conditional Use Permit; and
  - *Transitional or Emergency Shelter* – Amended to permit in General Retail and Commercial Districts with a Conditional Use Permit.
- **ARTICLE 5: TRANSITIONAL OR EMERGENCY SHELTER.** Amending Section 5.3.12 to include Social Service Shelters and applying same standards governing:
  - Separation of Social Services Shelters from incompatible uses;
  - Supervisory staff/ resident ratios; and
  - Other provisions related to waiting areas and the provision of HVAC.

- ARTICLE 11: DEFINITIONS. Adding or amending definitions for the following categories of social service/community residential facilities:
  - Boarding house/rooming house,
  - Correctional facility,
  - Halfway House,
  - Social Service Facility, and
  - Substance Abuse Facility.

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

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

**Part 1:** The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Articles 5 and 11, to recommend approval of certain amendments to the Unified Development Code to provide correction and clarification to certain sections of the Unified Development Code (UDC) in order to facilitate the responsiveness, effectiveness and accuracy of the development review process and address repeated use concerns - the recommended changes are as follows:

- ARTICLE 5: USE STANDARDS: Adding, amending, and determining appropriate districts and regulations for social service and community residential uses in the Section 5.1 Use Table:
  - *Correctional Facility* – amended use table to permit this use in Light Industrial and Heavy Industrial Districts only with a Conditional Use Permit;
  - *Institution for Alcoholic and Narcotic Patients* - replaced with *Substance Abuse Treatment Facility*;
  - *Substance Abuse Treatment Facility* – amended/changed from *Institution for Alcoholic and Narcotic Patients* and permitted in most non-residential districts (O-1, O-2, GR, C, CA, LI) with a Conditional Use Permit;
  - *Institution, Religious, Charitable, Philanthropic Nature* - replaced with *Social Services Shelter*;
  - *Social Service Shelter* – amended/changed from *Institution, Religious, Charitable, and Philanthropic Nature* and permitted in all standard zoning districts with a Conditional Use Permit; and
  - *Transitional or Emergency Shelter* – Amended to permit in General Retail and Commercial Districts with a Conditional Use Permit.
- ARTICLE 5: TRANSITIONAL OR EMERGENCY SHELTER. Amending Section 5.3.12 to include Social Service Shelters and applying same standards governing:
  - Separation of Social Services Shelters from incompatible uses;
  - Supervisory staff/ resident ratios; and
  - Other provisions related to waiting areas and the provision of HVAC.
- ARTICLE 11: DEFINITIONS. Adding or amending definitions for the following categories of social service/community residential facilities:

- Boarding house/rooming house,
- Correctional facility,
- Halfway House,
- Social Service Facility, and
- Substance Abuse Facility.

said amendments being more fully described in Exhibits A, B and C, attached hereto for all purposes.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance is 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 on First Reading and Public Hearing on the **18<sup>th</sup>** day of **April**, 2013.

PASSED AND APPROVED on Second Reading on the **2<sup>nd</sup>** day of **May**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #7  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending Chapter 12, “Fire Prevention and Protection,” Article IV, Section 12-10; Article V, Section 12-13 Private Fire Apparatus Access Road and Fire Lanes; and Article V, Section 12-14 Fire Hydrants, of the Code of Ordinance of the City of Temple, Texas.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for May 2, 2013.

**ITEM SUMMARY:** We have identified several omissions in the current code and some conflicts with current practices that we have addressed in order to provide a more applicable and comprehensive code, while insuring the ability of emergency services the access needed when responding to assist the citizens of Temple.

Section 12-10 Adjustment to Appendix D, “Fire Apparatus Access Roads.”

Subsection D103.5, “Fire apparatus road gates,” – Adjusted fire access road gates widths to allow for two 16 foot gates to be used in the place of one 20 foot gate.

Subsection D103.5, “Fire apparatus road gates,” – Requires all electric gates to be fitted with an approved opener allowing Emergency responders access through the gate by using an emergency radio frequency to open the gate. Amendment requires compliance within one year of adoption.

Section D103.6 “Signs” – Corrects some wording to mirror other parts of the code. Removes the requirement of fire lane signage on one side of roads less than 32 feet and on both sides of roads less than 26 feet and replaces them with the single requirement of posting fire lane signage on both sides of roads less than 28 feet wide. Establishes a minimum width of 18 feet on a roadway on each side of an obstruction such as an island, with the obstruction marked with fire lane signage.

Section 12-13 “Private Fire Apparatus Access Road and Fire Lanes”

*F) Posting of Signage and Markings for Fire Lanes-* Text clean up to the wording of fire lane signage so that it is consistent with other parts of Chapter 12 and the adopted fire code.

Sec. 12-14. "Fire Hydrants"

This addition will allow for spacing on both sides of larger roadways where it is impractical to lay a hose line over the roadway, blocking a major thoroughfare. The addition of hydrants on both sides allows for the spacing to be doubled between hydrants on each side of the roadway.

**FISCAL IMPACT:** Occupancies with electric gates across a fire access road will have one year to purchase an additional controller for emergency access. The cost for each controller is approximately \$900. All other changes will have no cost impact.

**ATTACHMENTS:**

[Ordinance](#)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 12, "FIRE PREVENTION AND PROTECTION," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends amending Chapter 12, "Fire Prevention and Protection," of the Code of Ordinances to correct omissions and conflicts to have a more comprehensive code, while insuring the ability of emergency services and access needed when responding to assist the citizens of Temple;

**Whereas**, the revisions include amending fire apparatus road gate widths, amending no parking signs in 'Fire Lane' and spacing of fire hydrants along roadways; and

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

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

**Part 1:** Chapter 12, "Fire Prevention and Protection," of the Code of Ordinances of the City of Temple, Texas, is amended to read as follows:

**Chapter 12**

**FIRE PREVENTION AND PROTECTION**

**ARTICLE IV. REVISIONS OF INTERNATIONAL FIRE CODE 2009**

**Section 12-10 Adjustment to Appendix D, "Fire Apparatus Access Roads."**

- Subsection D103.5, "Fire apparatus road gates," – Adjusted fire access road gates widths to allow for two 16 foot gates to be used in the place of one 20 foot gate.
- Subsection D103.5, "Fire apparatus road gates," – Requires all electric gates to be fitted with an approved opener allowing Emergency responders access through the gate by using an emergency radio frequency to open the gate. Amendment requires compliance within one year of adoption.
- Section D103.6 Signs – Corrects some wording to mirror other parts of the code. Removes the requirement of fire lane signage on one side of roads less than 32 feet and on both sides of roads less than 26 feet and replaces them with the single requirement of posting fire lane signage on both sides of roads less than 28 feet wide. Establishes a



minimum width of 18 feet on a roadway on each side of an obstruction such as an island, with the obstruction marked with fire lane signage.

## **Chapter 12**

### **FIRE PREVENTION AND PROTECTION**

#### **ARTICLE V. ADDITIONS TO INTERNATIONAL FIRE CODE**

##### **Section 12-13 Private Fire Apparatus Access Road and Fire Lanes**

- *F) Posting of Signage and Markings for Fire Lanes*- Text cleanup to the wording of fire lane signage so that it is consistent with other parts of Chapter 12 and the adopted fire code.

##### **Sec. 12-14. Fire Hydrants**

- This addition will allow for spacing on both sides of larger roadways where it is impractical to lay a hose line over the roadway, blocking a major thoroughfare. The addition of hydrants on both sides allows for the spacing to be doubled between hydrants on each side of the roadway.

**Part 2:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance is 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 on First Reading and Public Hearing on the 18<sup>th</sup> day of April, 2013.

PASSED AND APPROVED on Second Reading on the **2<sup>nd</sup>** day of **May**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #8  
Regular Agenda  
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### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Beverly M. Zendt – Interim Planning Director

**ITEM DESCRIPTION:** P-FY-13-17: Consider adopting a resolution approving the Final Plat of High Crest Phase II, a 36.345 ±, 57-lot, 4-block, residential subdivision, with developer requested exceptions to local regulations related to: street width, payment of park fees, slope design (roadside swales), detention and mitigation, minimum number of entrances, and the provision of no-parking signs; located on east side of Bowles Ranch Road, north of FM 439, in Temple's western ETJ.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its March 18, 2013, meeting, the Planning and Zoning Commission voted 6/0 to recommend approval of the Final Plat of High Crest Phase II with all developer requested exceptions to local regulations related to: street width, payment of park fees, slope design (roadside swales), minimum number of entrances, and the provision of no-parking signs. The developer requested exception related to detention and mitigation requirements was not considered by the Planning and Zoning Commission. Commissioners Rhoads, Sears, and Magana were absent.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

Staff recommends approval of the Final Plat of High Crest Phase II with exceptions to the following local regulations:

- UDC Sec. 8.2 Design and Development Standards Manual – Typical Street Sections: requiring the provision of a 22' rural local street width and 26" wide rural collector street width (outer edge of asphalt to outer edge of asphalt). Developer proposes 20' and 24' respectively.
- Design and Development Standards Manual: requiring the provision of a minimum 4:1 slope for roadside swales. Developer proposes 3:1 side slopes consistent with Phase I.
- IFC 2009 - requirement that any roadway with less than 26' of pavement width has "no parking" signs on either side of the road and any roadway with less than 32' of pavement width has "no parking" signs on one side of the roadway. Developer proposes no signs.
- Drainage Criteria and Design Manual- detention and mitigation requirements. Developer proposes extension of drainage design of High Crest Phase I.

Staff recommends disapproval of the following exceptions:

- UDC Sec. 8.3.2- requiring the payment of park fees in the sum of \$225 per dwelling unit. Developer proposes no fees.

No recommendation for the following exception:

- Design and Development Standards Manual – Residential Subdivision Entrance/Access Design; and Section 12-4 - City Code of Ordinances/ IFC 2009- requiring the provision of two entrances for 75-150 lots. Developer proposes one entrance.

**ITEM SUMMARY:** The Development Review Committee reviewed the Final Plat of High Crest II on February 18, and February 20, 2013. High Crest II is the second phase of the High Crest subdivision located at the general intersection of High Crest Dr. and FM 439 in the City's extraterritorial jurisdiction. High Crest I, a 68 lot residential subdivision, was constructed in 2007 before the 2011 annexation brought this general area into the city's extraterritorial jurisdiction. An existing 14' waterline is available on Bowles Ranch Road and will be extended to serve this subdivision. Water is provided by the 439 Water Supply Corporation who has indicated that a 50,000 elevated storage tank will be provided on Lot 27 and will provide adequate pressure to meet fire suppression needs for proposed fire hydrants. The applicant is proposing on-site sewage facilities for all lots in the subdivision. Per Bell County Public Health District, a note has been added to the plat indicating that approval by the Bell County Health Department is required for the use of individual septic systems.

The following represents a list of the exceptions being requested by the applicant and the corresponding staff recommendations.

#	Required/City Standard	Applicant Exception/Proposal	Staff Recommendation
1	22' rural local and 26' rural collector street width (outer edge of asphalt to outer edge of asphalt) <a href="#">UDC Sec. 8.2 &amp; Design and Development Standards Manual – Typical Street Sections</a>	20' wide & 24' wide (respectively)-outer edge of asphalt to outer edge of asphalt with a 1' concrete ribbon on each side	Staff recommends <b>approval</b>
2	\$225 per dwelling unit total of \$12,825 <a href="#">UDC Sec. 8.3.2</a>	No Park Fees	Staff recommends <b>disapproval</b>
3	Minimum of 4:1 slope for roadside swales <a href="#">Design and Development Standards Manual</a>	3:1 side slopes consistent with Phase I	Staff recommends <b>approval</b>
4	Two entrances required for 75-150 lots <a href="#">Design and Development Standards Manual – Residential Subdivision Entrance/Access Design; Section 12-4 City Code of Ordinances/IFC 2009</a>	125 lots will be served by one entrance – High Crest Drive	No recommendation
5	"No Parking" signs required on streets with less than 26' pavement width <a href="#">Section 12-4 City Code of Ordinances IFC 2009</a>	Developer proposes placing "No Parking" restrictions in HOA covenants; no signs	Staff recommends <b>approval</b>
6	Detention and Mitigation requirements <a href="#">Drainage Criteria and Design Manual</a>	Developer proposes extending the same drainage design as Phase I	Staff recommends <b>approval</b>

1. The Design and Development Standards Manual requires a 22' rural local street and a 26' rural collector street measured from the outer edge of asphalt to the outer edge of asphalt. The applicant has proposed a 20' rural local street width and a 24' rural collector street width measured from the outer edge of concrete ribbon curb to the outer edge of concrete ribbon curb. This standard continues the street layout pattern provided in Phase I and is acceptable to Bell County; subsequently **staff recommends approval of this exception.**
2. Section 8.3.1C of the UDC calls for park fees be waived in the ETJ if all of the following criteria can be met:
  - a. The area proposed for development is more than one mile from the existing city limits;
  - b. The proposed subdivision will create fewer than nine lots; and
  - c. The City has not set forth plans to annex the area proposed for development in the City's Municipal Annexation Plan.

Items a and item c are both satisfied with this project. Item b is not. As this project creates an additional 57 lots, **staff recommends that Park Fees be paid in accordance with the City's park fee schedule.**

3. The Design and Development Standards Manual requires a 4:1 slope for roadside swales. The Developer is proposing a 3:1 slope. This standard continues the drainage pattern provided in Phase I and is acceptable to Bell County; subsequently **staff recommends approval of this exception.**
4. A single entrance for High Crest I and High Crest II is provided off of High Crest Drive. High Crest I has 68 residential lots. The developer is proposing an additional 57 lots for High Crest II. The Design and Development Standards Manual states that subdivisions with 75-150 lots must provide a minimum of two entrances. The developer may provide an alternative to this design in the form of a "Temporary Emergency Vehicle Access" entrance across a public lot or easement if the access is constructed in accordance with the Design and Development Standards Manual. High Crest Phase I is served with the single entrance and has been constructed in a manner that eliminates the opportunity to provide a second entrance for the subject tract. At this time, the applicant does not own the adjacent tract to the east. The applicant has extended Mountain Rose Road in anticipation of acquiring the adjacent tract and extending this street to create a second entrance when the tract to the east has been acquired. The applicant has provided a letter from the Sparta Fire Department which states that the department is satisfied that emergency services can be provided to the property. **Staff does not recommend either approval or disapproval.**
5. Proposed streets within and surrounding the proposed subdivision will have street widths varying from 22' – 26' (edge of curb to edge of curb). The IFC 2009 requires that any roadway with less than 26' of pavement width have "No Parking" signs on either side of the road and any roadway with less than 32' of pavement width have "No Parking" signs on one side of the roadway. The applicant has indicated that required parking restrictions will be placed in the Home Owners' Association covenants. Additionally, the Bell County Engineers' Office has indicated that the county will not support this standard as the posting of regulatory traffic signs is strictly regulated and can only be approved by the Commissioner's Court. **Staff recommends approval of this exception.**

6. The applicant is asking for an exception to detention and mitigation requirements identified in the city's Drainage Criteria and Design Manual. The applicant is proposing the same drainage design established with High Crest Phase I – specifically the use of road side swales for the conveyance of runoff. The applicant is not dedicating any drainage easements to the city nor will the city will have any maintenance responsibility in this subdivision. **Staff recommends approval of this exception.**

**FISCAL IMPACT:** Park fees in the sum of \$12,825 will be required for the creation this subdivision.

**ATTACHMENTS:**

Plat  
Topo/Utility Layout  
Letter Requesting Exceptions  
PZ Excerpts  
Resolution



CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	81.50	700.00	S 9°25'59" W 81.45'
C2	201.29	700.00	N 69°18'35" E 200.59'
C3	200.20	500.00	S 72°32'33" E 198.86'
C4	158.40	700.00	S 19°15'31" E 158.06'
C5	110.12	700.00	S 61°13'37" E 110.01'
C6	339.84	1000.00	N 70°48'28" W 338.21'
C7	200.20	500.00	S 72°32'33" E 198.86'
C8	2.33	700.00	N 16°37'29" E 2.33'
C9	285.92	950.00	N 69°41'39" W 284.84'
C10	139.38	500.00	S 69°3'29" E 138.93'
C11	42.51	1000.00	S 77°44'31" W 42.51'
C12	53.45	672.50	S 68°32'28" W 53.43'
C13	84.70	727.50	S 69°25'59" W 84.65'
C14	101.74	675.00	N 73°13'47" W 101.64'
C15	68.83	725.00	N 74°49'39" W 68.81'
C16	105.76	725.00	N 67°55'43" W 105.67'
C17	92.36	675.00	N 64°59'31" W 92.29'
C18	33.88	725.00	N 62°24'38" W 33.87'
C19	27.82	525.00	S 62°38'25" E 27.82'
C20	78.09	475.00	S 65°46'54" E 78.00'
C21	103.05	525.00	S 69°43'54" E 102.88'
C22	112.10	475.00	S 77°15'08" E 111.84'
C23	79.33	525.00	S 79°41'22" E 79.26'
C24	127.02	672.50	S 80°19'23" W 126.83'
C25	126.49	727.50	S 19°32'18" W 126.33'
C26	15.42	727.50	S 85°07'36" W 15.42'
C27	95.29	672.50	N 21°38'42" E 95.30'
C28	92.70	727.50	N 22°05'00" E 92.64'
C29	9.81	672.50	N 17°08'17" E 9.81'
C30	2.24	672.50	N 16°37'29" E 2.24'
C31	20.51	975.00	N 79°56'27" W 20.51'
C32	42.70	1025.00	N 79°21'11" W 42.69'
C33	110.66	1025.00	S 75°14'50" W 110.60'
C34	140.15	975.00	N 75°13'13" W 140.03'
C35	136.75	975.00	N 67°5'3" W 136.65'
C36	110.21	1025.00	N 68°53'28" W 110.16'
C37	84.77	1025.00	N 63°26'29" W 84.75'
C38	33.93	975.00	N 62°4'8" W 33.93'
C39	129.67	475.00	S 68°53'34" E 129.27'
C40	34.56	525.00	S 62°37'39" E 34.56'
C41	108.15	525.00	S 70°44'45" E 107.96'
C42	60.52	475.00	S 80°21'47" E 60.47'
C43	67.49	525.00	S 80°19'48" E 67.44'
C44	101.07	925.00	N 75°11'10" W 101.02'
C45	104.46	975.00	N 75°14'50" W 104.41'
C46	137.32	925.00	N 67°48'11" W 137.20'
C47	118.07	975.00	N 68°47'49" W 118.00'
C48	73.32	975.00	N 63°14'38" W 73.30'
C49	40.01	925.00	N 62°18'40" W 40.01'
C50	29.08	525.00	S 62°39'31" E 29.07'
C51	132.42	475.00	S 69°3'29" E 131.99'
C52	117.28	525.00	S 70°38'41" E 117.03'
C53	117.81	75.00	N 50°59'14" E 106.07'
C54	117.81	75.00	N 39°00'46" W 106.07'
C55	12.80	100.00	S 87°40'48" E 12.79'
C56	88.15	100.00	N 63°24'00" E 85.32'
C57	43.68	1027.50	S 17°44'51" W 43.68'
C58	28.86	972.50	S 18°06'54" W 28.86'
C59	22.71	727.50	S 13°39'46" W 22.71'
C60	56.13	100.00	N 22°04'01" E 55.40'
C61	78.54	50.00	N 50°59'14" E 70.71'
C62	78.54	50.00	N 39°00'46" W 70.71'
C63	43.04	100.00	N 06°20'40" W 42.71'
C64	87.86	100.00	N 43°50'47" W 85.06'
C65	26.17	100.00	N 76°30'54" W 26.10'
C66	58.18	50.00	S 50°22'34" E 54.95'
C67	46.54	50.00	N 69°37'26" E 44.88'
C68	44.61	50.00	N 42°36'18" W 43.15'
C69	60.11	50.00	S 77°23'42" W 56.55'

LINE TABLE		
LINE	LENGTH	BEARING
L1	54.30	S 73°09'10" W
L2	21.74	S 84°00'46" E
L3	36.95	S 84°00'46" E
L4	23.61	S 94°00'46" E
L5	32.43	S 05°59'12" W
L6	49.62	S 61°41'9" E
L7	14.95	N 16°31'46" E
L8	62.95	N 25°44'02" E
L9	82.66	N 25°44'02" E
L10	49.62	S 61°41'9" E
L11	36.17	N 61°41'9" W
L12	13.45	N 61°41'9" W
L13	21.74	S 84°00'46" E
L14	22.62	N 63°28'7" W
L15	32.76	S 78°18'59" E
L16	6.68	N 78°18'59" E
L17	53.46	S 61°41'9" E
L18	47.70	N 61°41'9" W
L19	5.76	N 61°41'9" W
L20	21.74	S 84°00'46" E
L21	14.12	S 72°10'04" E
L22	2.74	S 77°02'39" E
L23	68.48	S 77°02'39" E
L24	14.95	N 16°31'46" E
L25	40.85	N 18°57'55" E
L26	69.06	S 77°02'39" E

- NOTES:
1. ALL LOTS IN THE HIGH CREST PHASE II ARE SUBJECT TO RESTRICTIVE COVENANTS.
  2. 25' MINIMUM FRONT YARD SETBACK  
15' MINIMUM SIDE YARD SETBACK  
10' MINIMUM REAR YARD SETBACK  
15' MINIMUM CORNER SIDE YARD SETBACK
  3. HIGH CREST PHASE II IS NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP No. 48027C0325E DATED SEPTEMBER 26, 2008
  4. WATER SUPPLIED BY THE 439 WATER SUPPLY CORPORATION PROPERTY
  5. DRAINAGE WAYS SHALL REMAIN CLEAR AND NOT TO BE ALTERED OR IMPEDED IN ANY WAY.

TRACT A - 0.376 ACRES DEDICATED TO 439 WATER SUPPLY CORPORATION

BOWLES RANCH ROAD 1382 L.F. 1.744 AC  
ARCHSTONE LOOP 2087 L.F. 2.337 AC  
MOUNTAIN ROSE ROAD 1028 L.F. 1.221 AC

LOTS 1, 18, 19 BLOCK 2, LOTS 1 AND 13 BLOCK 3, LOT 1 BLOCK 4, SHALL HAVE NO ACCESS TO BOWLES RANCH ROAD.

DRIVEWAY CULVERTS REQUIRED:

BLOCK 2  
LOTS 9-18 18" DRIVEWAY CULVERT  
LOTS 21-26 18" DRIVEWAY CULVERT

BLOCK 3  
LOTS 1-7 18" DRIVEWAY CULVERT

BLOCK 4  
LOTS 1-2 18" DRIVEWAY CULVERT

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 2013

CITY SECRETARY

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.  
DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 2013.

SECRETARY TO PLANNING & ZONING COMMISSION:

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_, 2013

CHAIRPERSON:

"IN APPROVING THIS PLAT BY THE COMMISSIONER'S COURT OF BELL COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES AND ANY BRIDGES OR CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IS THE RESPONSIBILITY OF THE OWNERS OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONER'S COURT OF BELL COUNTY, TEXAS. SAID COMMISSIONER'S COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR OF CONSTRUCTING ANY OF THE BRIDGES OR DRAINAGE IMPROVEMENTS IN CONNECTION THEREWITH. THE COUNTY WILL ASSUME NO RESPONSIBILITY FOR DRAINAGE WAYS OF EASEMENTS IN THE SUBDIVISION, OTHER THAN THOSE DRAINING OR PROTECTING THE ROAD SYSTEM AND STREETS. THE COUNTY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF REPRESENTATION BY OTHER PARTIES IN THIS PLAT. FLOOD PLAN DATA, IN PARTICULAR, MAY CHANGE DEPENDING ON SUBSEQUENT DEVELOPMENT."

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_

2013 A.D., IN CABINET \_\_\_\_, SLIDE \_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS.

COUNTY CLERK

STATE OF TEXAS

COUNTY OF BELL

I, the undersigned, Owner of the land shown on this plat and designated herein as HIGH CREST, PHASE II, an addition to the City of Temple ETJ, and Bell County, Texas, and whose name is subscribed hereto, hereby dedicate to the use of public forever, all streets, parks, water courses, drains, easements, and public places as shown hereon.

THE OWNER ACKNOWLEDGES THAT IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS RELATING TO THE ENVIRONMENT, INCLUDING (BUT NOT LIMITED TO) THE ENDANGERED SPECIES ACT, STATE AQUIFER REGULATIONS, AND MUNICIPAL WATERSHED ORDINANCES.

ALL PUBLIC ROADWAYS AND EASEMENTS AS SHOWN ON THIS PLAT ARE FREE OF LIENS.

ANSLEY CORPORATION

V.W. (Bill) Barge III, President

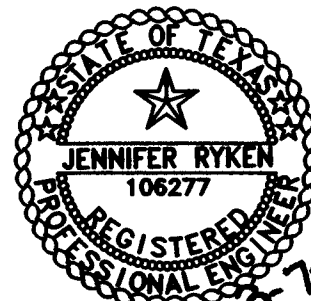
STATE OF TEXAS

COUNTY OF BELL

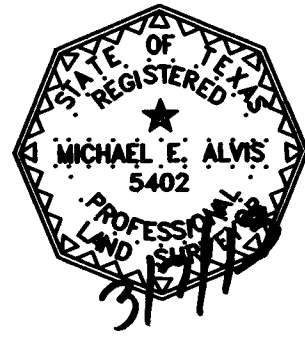
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_ DAY OF \_\_\_\_, 2013 BY V.W. BARGE III, President, Ansley Corporation.

NOTARY PUBLIC, STATE OF TEXAS

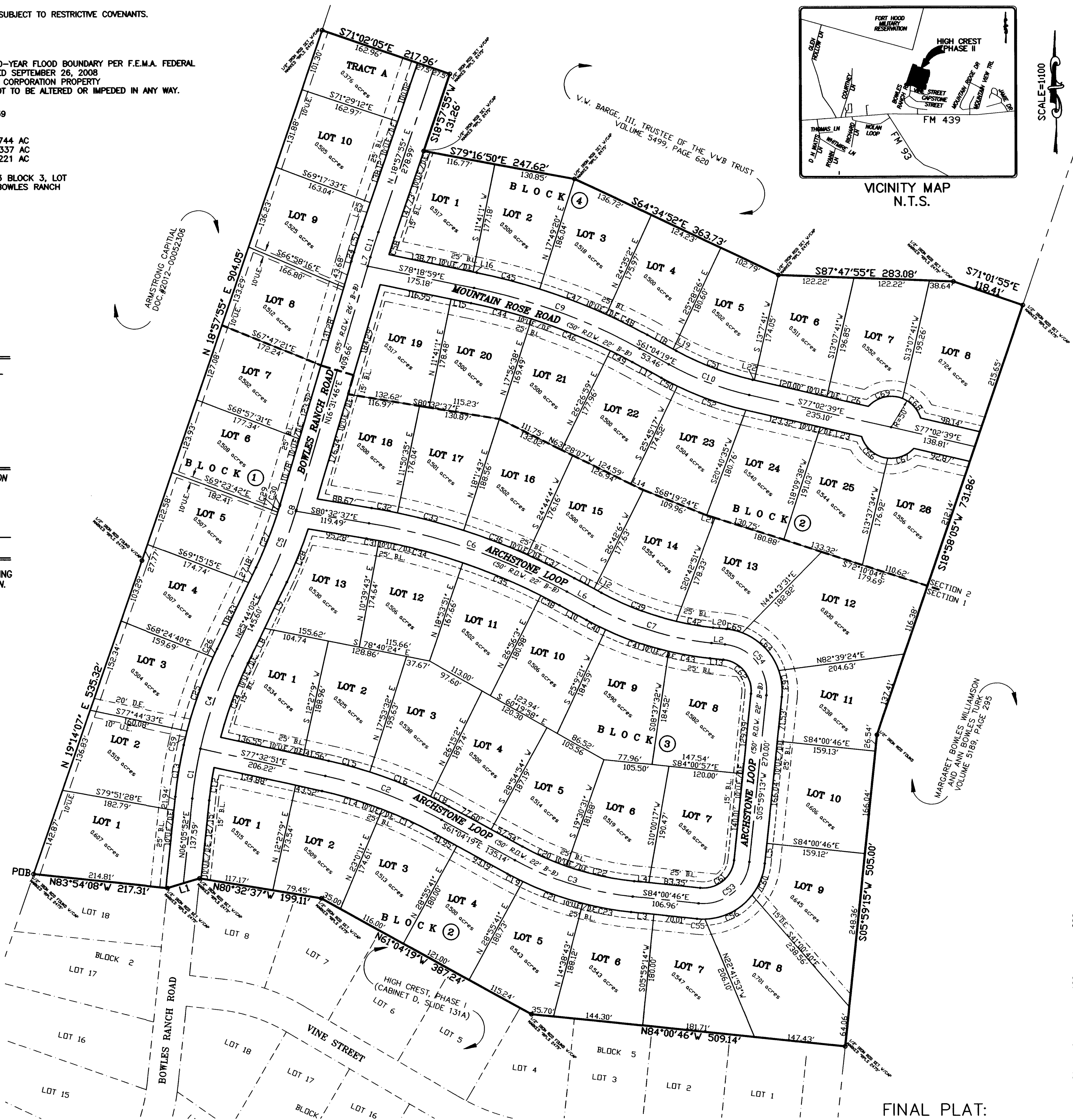
MY COMMISSION EXPIRES: \_\_\_\_



Jennifer Ryken  
NO. 1106277



Michael E. Alvis, R.P.L.S., No. 5402



FINAL PLAT:  
HIGH CREST PHASE II  
36.345 ACRES  
57 LOTS, 4 BLOCKS, 1 TRACTS  
10 LOTS, BLOCK 1  
26 LOTS, BLOCK 2  
13 LOTS, BLOCK 3  
8 LOTS, BLOCK 4  
TRACT A

JOHN M. PORTER SURVEY, ABSTRACT No: 648, IN THE ETJ OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

FINAL PLAT for:  
HIGH CREST, PHASE II  
36.345 ACRES

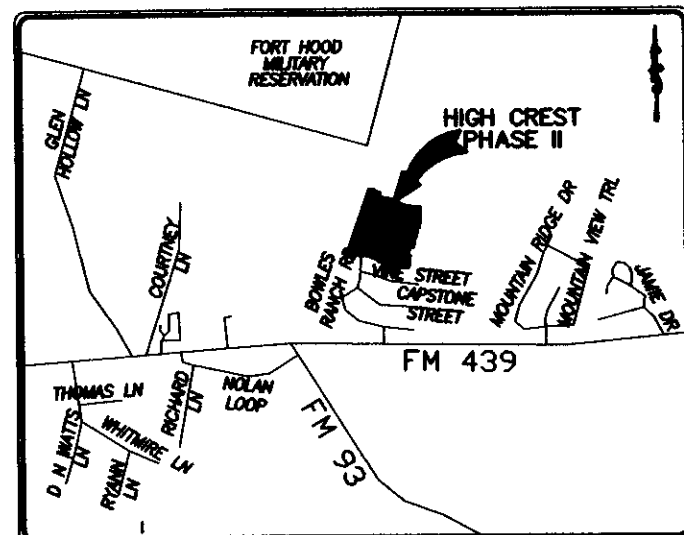
JOHN M. PORTER SURVEY, ABSTRACT No: 648, IN THE ETJ OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:  
BILL BARGE  
3802 S.W. H.K. DODSON LOOP  
TEMPLE, TEXAS

REVISIONS		
JFB	COMMENTS	5/5/13

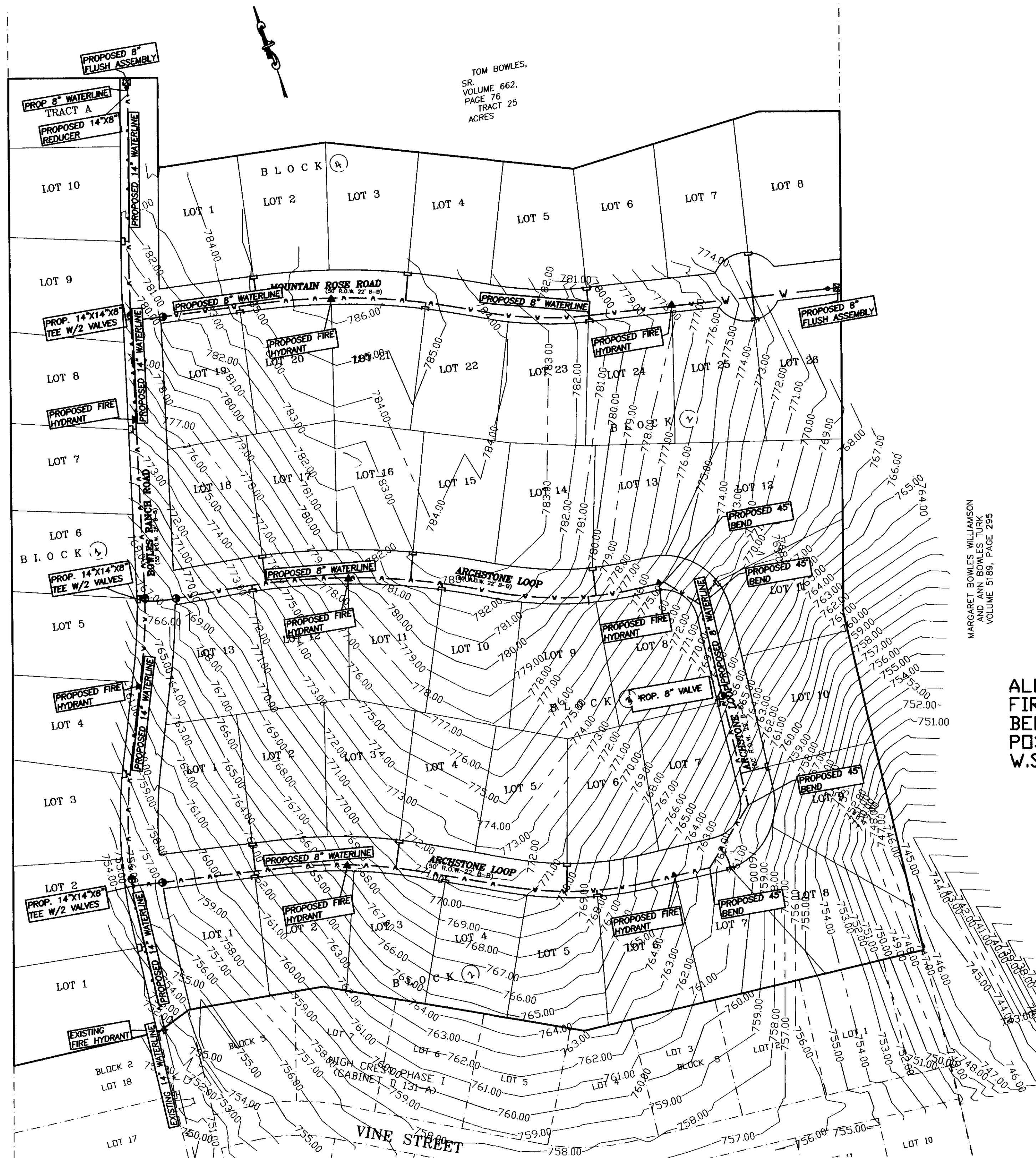
Date: 11/13/12  
Drawn By: JFB  
Reference: 11298-D  
FB/LB:  
Job Number: 12-626  
Sheet of  
Computer: 12-626PLAT  
11831-D  
DRAWING NUMBER





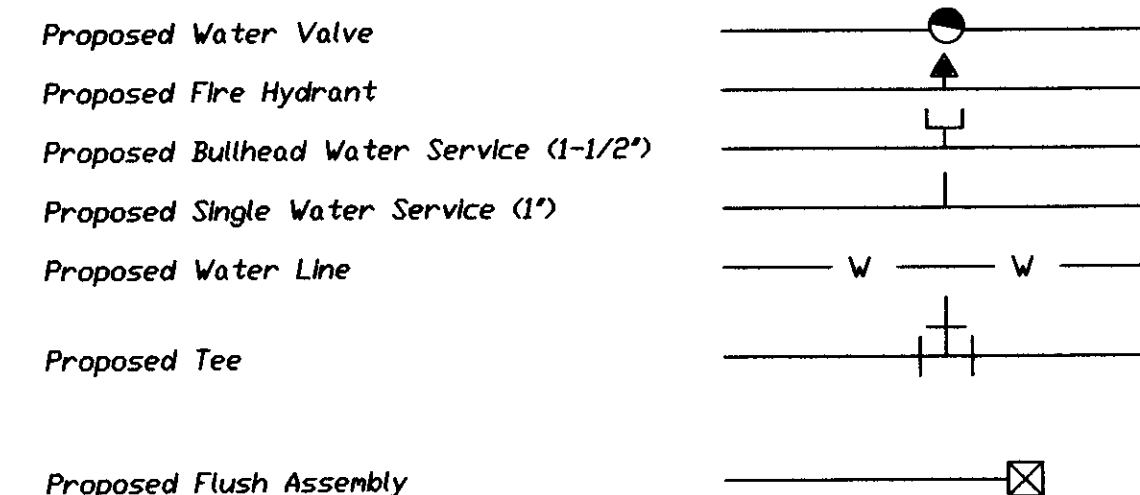
VICINITY MAP  
N.T.S.

ARMSTRONG CAPITAL  
DOC #2012-0052306



MARGARET BOWLES WILLIAMSON  
AND ANY BOWLES SURVING  
VOLUME 503, PAGE 235

## LEGEND



### NOTE

ALL WATER UTILITIES TO BE INSTALLED  
PER 439 WATER SUPPLY CORPORATION  
SPECIFICATIONS.

### NOTE:

ALL FIRE HYDRANTS WILL USE THE LATERAL  
FIRE HYDRANT ASSEMBLY. AFTER THE 6" 90°  
BEND IT WILL REDUCE TO A 2", AND A 2"  
POST HYDRANT WILL BE INSTALLED. SEE 439  
W.S.C DETAIL SHEET #15.

### GENERAL NOTES:

ALL CONSTRUCTION TO COMPLY WITH 439 WATER SUPPLY  
CORPORATION DETAIL SHEETS AND SPECIFICATIONS.

CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND  
MAINTAINING A STORM WATER POLLUTION PREVENTION  
PLAN, INCLUDING ALL EROSION CONTROL MEASURES.

SITE TO BE LEFT IN CONDITION EQUAL TO TO BETTER  
THAN PRE-CONSTRUCTION CONDITION.

ALL DISTURBED AREAS TO BE SEEDED AND IRRIGATED  
UNTIL GRASS IS ESTABLISHED.

CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE  
LOCATION AND DEPTH OF ANY EXISTING UTILITIES.

UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH  
TCEQ REGULATIONS.

NO PUBLIC SANITARY SEWER SYSTEM IS AVAILABLE TO  
SERVE THIS SUBDIVISION. APPROVAL BY THE BELL  
COUNTY HEALTH DEPARTMENT IS REQUIRED FOR THE USE  
OF INDIVIDUAL SEPTIC SYSTEMS.

CONTRACTOR RESPONSIBLE FOR PROVIDING BELL COUNTY  
AND CITY OF TEMPLE WITH SWPPP, NDI, AND NDI.



UTILITY LAYOUT FOR:  
**HIGH CREST, PHASE II**  
BELL COUNTY, TEXAS

DEVELOPED BY:  
**BILL BARGE**  
3602 S.W. H.K. DODGEN LOOP  
TEMPLE, TEXAS

### REVISIONS

DATE: DECEMBER 12, 2012

DRN. BY: JFB

REF.: 11298-D

LEVEL BOOK

JOB NO.: 12-626

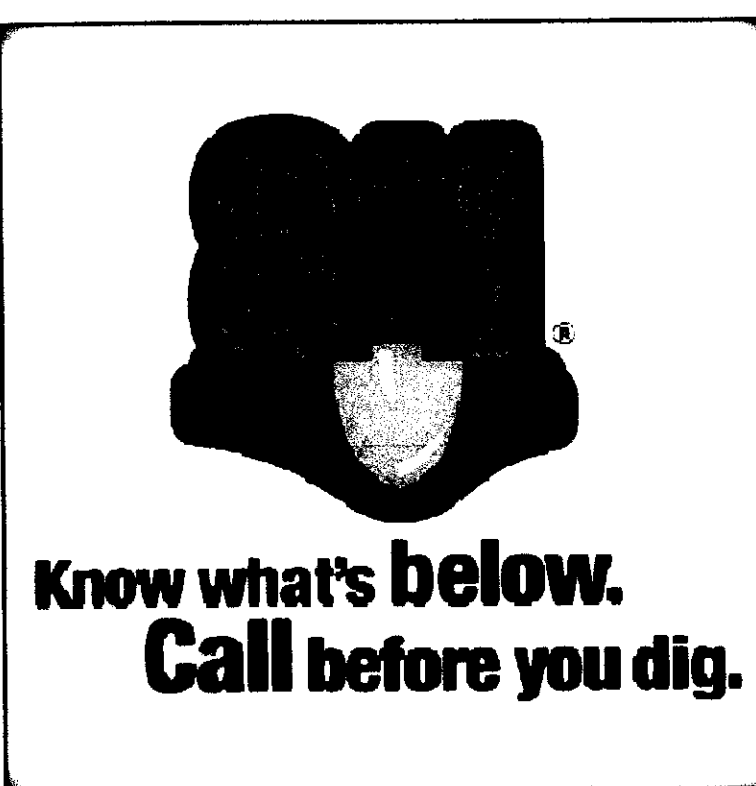
SHEET 2 OF 16

COMPUTER  
DWG. NO. UTILITY LAYOUT

**11831-D**

DRAWING NUMBER

CONTRACTOR SHALL COMPLY WITH ALL CURRENT O.S.H.A.  
REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.





## **TURLEY ASSOCIATES, INC.**

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

March 7, 2013

City of Temple  
Attn: Autumn Spears  
Planning Director  
2 North Main Street  
Temple, TX 76501

RE: High Crest Phase IV

Dear Autumn:

On behalf of our client, Turley Associates, Inc. would like to formally request exceptions from the *Unified Development Code* and the *Drainage Criteria and Design Manual* for the above referenced project.

The first exception that is requested regards the street widths within the project. The required street width for a rural local street in Temple ETJ is 22' outer edge of asphalt to outer edge of asphalt. The local streets in High Crest Phase II are designed to be 20' wide outer edge of asphalt to outer edge of asphalt with a 1' concrete edge ribbon on each side, thus making the total driving surface width 22' back to back. This is consistent with the first phase of High Crest and meets Bell County street standards. We ask that the City grant an exception to the rural local street standard and approve the street width as designed.

The second exception also regards street widths. The required width for a rural collector street in Temple ETJ is 26' measured from the outer edge of asphalt to outer edge of asphalt. The collector within this development is designed to be 24' wide from outer edge of asphalt to outer edge of asphalt with a 1' concrete edge ribbon on each side. This makes the total driving surface 26' wide. This design is 2' wider than the collector in the previous phase and meets Bell County street standards. We ask that the City grant an exception to this requirement.

We would also like to request that the City grant an exception to the park fee requirement. This development is more than a mile outside of the City Limits (approximately 2.25 miles) and annexation of the property is not anticipated any time soon. This meets two of the three requirements set forth by the parks department to waive fees within the ETJ.

The *Drainage Criteria and Design Manual* calls for roadside swales to have a minimum side slope of 4:1. This project is designed with 3:1 side slopes which is consistent with the first phase of the subdivision and meets Bell County



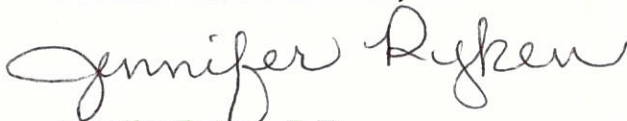
Subdivision Standards. We ask that the City grant an exception to this requirement. We would also like to request an exception to the *Drainage Criteria and Design Manual* requirement of detention and mitigation of increased runoff flow.

The City of Temple requires that developments with more than 75 lots have two entrances into the development. High Crest does not have two entrances. Phase I of High Crest was developed fronting FM 439 when this area was not within the ETJ of the City of Temple and was approved by Bell County with one entrance. The County only required that we provide through streets to the east for future connectivity. The entrance to the development was also approved by TxDOT. Phase II of High Crest abuts the northern boundary line of Phase I and has only one connection to Phase I. Phase II also provides a through street to the east for future connectivity. Seeing as Phase I was built approximately 5 years ago and met all standards at the time of platting it creates an undue hardship on the property owner to require a second entrance off of FM 439 when there is no frontage left within his property boundary. For these reasons we ask that the City of Temple grant an exception to the *Unified Development Code* requirements of a second entrance.

We appreciate your consideration on these matters and are available at your convenience to discuss these items or answer any questions.

Sincerely,

**TURLEY ASSOCIATES, INC.**

A handwritten signature in cursive script that reads "Jennifer Ryken". The signature is written in dark ink and is positioned above the printed name and title.

Jennifer Ryken, P.E.  
Project Engineer

## Beverly Zendt

---

**From:** Jennifer Ryken [jryken@turley-inc.com]  
**Sent:** Tuesday, March 12, 2013 9:40 AM  
**To:** Beverly Zendt  
**Subject:** High Crest Phase II

Beverly,

Turley Associates, Inc., on behalf of our client, would like to request an exception to the Fire Department's requirement of posting "No Parking" signs due to the width of the road for the fact the County is against this request. Thank you for your consideration in this matter.

Sincerely,

Jennifer Ryken, P.E.  
Project Engineer

Turley Associates, Inc.  
301 N. 3rd Street  
Temple, Tx 76501  
(254)773-2400 x 209

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via website or social links.



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**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MARCH 18, 2013**

**ACTION ITEMS**

**Item 3: P-FY-13-17** – Consider and make a recommendation on the Final Plat of High Crest Phase II, a 36.345 ±, 57-lot, 4-block, residential subdivision, with developer's exceptions to local regulations related to: street width, payment of park fees, slope design (roadside swales), minimum number of entrances, and the provision of no-parking signs; located on east side of Bowles Ranch Road, north of FM 439, in Temple's western ETJ (Turley Associates for V W Barge III).

Ms. Beverly Zendt, Interim Director of Planning, stated the developer/applicant has requested exceptions on this final plat and will go forward to City Council for first reading on April 18, 2013 and May for second reading.

The subject property is located off of FM 439 very close to Nolanville in the ETJ and was brought into the City's extraterritorial jurisdiction in 2011 with the annexation. Phase I, a 68 lot residential subdivision, was not in the City's ETJ when it was platted in accordance with County rules. It was built in 2007.

DRC deemed this plat administratively complete on February 20, 2013.

Water will be provided by an existing 14-inch water line on Bowles Ranch Road, 439 Water Supply Corporation will be serving the subdivision, and on-site sewage facilities are proposed. A 50,000 gallon elevated storage tank would be located on Lot 27 and all individual sewer facilities must be approved by Bell County Health District.

The developer/applicant has requested several exceptions:

An exception to street width standards. City requires a 22 foot local street and 26 foot rural street measured from outer edge of asphalt to outer edge of asphalt. Developer/Applicant proposes a 20 foot wide and 24 foot wide streets (respectively) with a one foot concrete ribbon on each side. Staff recommends approval of this request since the one foot ribbon curb is being included and Bell County is satisfied with the proposed width.

No park fees: \$225 per dwelling unit is usually required and Staff is recommending disapproval of this exception. A text amendment was brought to P&Z Commission which recommended approval for waiving fees when an ETJ plat satisfied the following three requirements:

If the plat is more than one mile in the ETJ;

If the plat will create fewer than nine lots; and

If the City has no plans in their municipal annexation plan to annex the area.

Two of the items have been satisfied; but the subject plat will create more than nine lots.

Minimum of 4:1 slope for roadside swales is required and developer/applicant is proposing 3:1 side slopes consistent with Phase I. Staff recommends approval of this and Bell County is satisfied with the proposal.

Two entrances are required for subdivisions with 75-150 lots in accordance with the Design and Development Standards Manual and also the City Fire Code. This 125 lot subdivision will be served by one entrance, High Crest Drive. The Fire Marshall does not recommend disapproval but was not entirely comfortable with recommending approval of the plat the way it is. The Sparta Fire Department has expressed satisfaction with the configuration. The County is satisfied with the proposed future extension of Mountain Rose Road.

No parking signs are required on streets with less than 26' pavement width per Section 12-4 City Code of Ordinances and 2009 International Fire Code. The developer/applicant proposes placing no signs. Staff recommends approval of this request since the developer has proposed placing restrictions in the Homeowners Covenants and Bell County strictly regulates traffic signs and Staff has been advised by the County that they would not support this if Staff required the signs be put up. These types of signs are only allowed by the Commissioners Court.

Staff recommends approval of the plat; recommends approval of UDC Section 8.2 related to street width; recommends approval of the exception to the Design & Development Standards Manual related to roadside swales; recommends approval of the exception to 12-4 City Code of Ordinances and IFC 2009 requiring no parking signs; recommends disapproval of the exception to UDC Section 8.3 related to park fees; and points to consider were given regarding the exception to residential subdivision entrances.

Clarification regarding Lot 27 (Tract A).

Commissioner Talley asked if the developer was going to have a park in the subdivision for the residents.

Ms. Zendt stated there was no proposed park in the plat reviewed, but would defer to the applicant/developer.

Chair Staats asked for public comments.

Mr. Victor Turley, 301 N. 3rd Street, Temple, Texas, stated he was the engineer for the owner/developer, Mr. Bill Barge. Mr. Turley stated this was the beginning portion of approximately 300 to 400 lots. The Master Plan shows another entrance onto TxDOT Highway over to the east. The property abuts Fort Hood further back. When you leave Northcliffe (edge of city limits) the subject property is located 3.6 miles to the entrance of the project.

Mr. Turley explained in 1963 it was enacted for the ETJ to be established so if developers/builders wanted to build a subdivision outside of the city limits, they would build a substandard development which would not meet City's standards in any way. Eventually as the City moved out they would take over the property and be responsible for it. Application for the ETJ requirements is for that purpose.

Mr. Turley stated 439 Water Supply would do an elevated tank which would serve the area along with a 14 inch water line through the development. The area has good fire protection.

Mr. Turley stated this development is being designed and meant to be expanded and have a second entrance.

Mr. Bill Barge, 3908 N. Main Street, Belton, Texas, responded to the park question from Commissioner Talley and stated the residents have been given an option through the Homeowners Association regarding two lots located at the front that could have a swimming pool installed along with a park area, if the homeowners could provide the funding. It may take three or four phases to justify the financial standpoint. Mr. Barge stated that many homeowners did not want a park area in the neighborhood because Belton Lake Outdoor Recreation Area (BLORA) is within two miles and also Lake Belton with its various parks. The residents felt there were so many parks nearby they do not want a park facility within the subdivision. It would be up to the Homeowners Association to decide. Mr. Barge was willing to place property for this reason, but not unless it was an active park area.

Discussion about the undeveloped portion of the subdivision.

Ms. Zendt stated Mr. Val Roming from the Parks Department was in attendance in case there were any questions about the park fees.

Commissioner Talley made a motion to approve Item 3, P-FY-13-17, as presented with the exception of the park fees and Commissioner Martin made a second.

Ms. Zendt asked the Commission to address the issue of entrances.

Commissioner Talley withdrew his motion.

Commissioner Martin made a motion to approve Item 3, P-FY-13-17, as presented including the one entrance, and with the exception of the park fees. Commissioner Jones made a second.

*Motion passed: (6:0)*

Commissioners Rhoads, Magaña, and Vice-Chair Sears absent



RESOLUTION NO. \_\_\_\_\_

(PLANNING NO. P-FY-13-17)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF HIGH CREST PHASE II, AN APPROXIMATELY 36.345 ACRE, 57-LOT, 4-BLOCK, RESIDENTIAL SUBDIVISION, WITH DEVELOPER'S REQUESTED EXCEPTION TO LOCAL REGULATIONS RELATED TO STREET WIDTH, PAYMENT OF PARK FEES, SLOPE DESIGN, DETENTION AND MITIGATION, MINIMUM NUMBER OF ENTRANCES, AND THE PROVISION OF NO PARKING SIGNS LOCATED ON THE EAST SIDE OF BOWLES RANCH ROAD, NORTH OF FM 439, IN THE CITY OF TEMPLE'S WESTERN ETJ; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on March 18, 2013, the Planning and Zoning Commission approved the final plat for High Crest Phase II, an approximately 36.345 acre, 57-lot, 4 block, Residential Subdivision, with the developer's requested exceptions to local regulations;

**Whereas**, the developer is requesting an exceptions to local regulations related to:

- street width;
- payment of park fees;
- slope design (roadside swales);
- detention and mitigation requirements;
- minimum number of entrances; and
- the provision of no-parking signs.

The developer requested exception related to detention and mitigation requirements was not considered by the Planning and Zoning Commission;

**Whereas**, the Staff recommends approval of the final plat for High Crest Phase II with the developer's requested exceptions; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the final plat of High Crest Phase II..

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

**Part 1:** The City Council approves the final plat for High Crest Phase II, an approximately 36.345 acre, 57-lot, 4 block, Residential Subdivision, with the developer's requested exceptions to local regulations related to:

- street width;
- payment of park fees;
- slope design (roadside swales);
- detention and mitigation requirements;
- minimum number of entrances; and
- the provision of no-parking signs.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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04/18/13  
Item #9  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and Buc-ee's, Ltd.

*Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.*

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Buc-ee's, Ltd. ("Buc-ee's") recently approached the City and TEDC regarding the possible construction of a Buc-ee's Travel Center to be located at the southeast corner of north Loop 363 and I-35. City staff believes that the construction of Buc-ee's Travel Center will benefit Temple's economy by boosting sales tax revenue and creating a number of new jobs. Staff seeks approval of a Chapter 380 Economic Development Agreement between the City, TEDC, and Buc-ee's which includes the following material terms:

- **Term: 10 years**
- **Buc-ee's Obligations:**
  - Develop the above mentioned property into a 60,000 square foot Travel Center;
  - Use its best efforts to construct property improvements with an appraised value of at least \$16,000,000; and
  - Employ at least 150 full or part time employees at the Travel Center.
- **City's Obligations:**
  - Provide an incentive to Buc-ee's in an amount not to exceed 75% of the sales tax earned by Buc-ee's during each calendar year of the agreement and as set forth more specifically in the Agreement; and
  - Construct public utility improvements in order to provide water and sewer service to the Travel Center.

- Enter into a separate Tax Abatement Agreement with Buc-ee's which will provide 50% tax abatement on the increased value of real property improvements over the next 10 years.
- **TEDC's Obligations:**
  - Provide Buc-ee's with a one-time grant of \$500,000 to be tendered to Buc-ee's by TEDC upon receipt by TEDC of a temporary or permanent Certificate of Occupancy.

**FISCAL IMPACT:** The agreement was developed based on the City's estimate of an annual estimated taxable sales of \$20,000,000. The City's share of additional annual sales tax will be \$75,000 during the term of the agreement and \$300,000 annually thereafter.

The real property improvements before the abatement as applied equate to \$93,824 in additional property tax revenues annually.

The public utility improvements to provide water and sewer service to the area will be incorporated into the Water & Sewer CIP program.

**ATTACHMENTS:**  
[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE, TEMPLE ECONOMIC DEVELOPMENT CORPORATION, AND BUC-EE'S, LTD.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Buc-ee's Ltd. ("Buc-ee's") recently approached the City and TEDC with regard to possible construction of a Buc-ee's Travel Center to be located at the southeast corner of north Loop 363 and I-35 - staff believes the construction of Buc-ee's Travel Center will benefit Temple's economy by boosting sales tax revenue and creating a number of new jobs;

**Whereas**, staff recommends entering into a Chapter 380 Development Agreement between the City of Temple, TEDC, and Buc-ee's for a term of ten (10) years;

**Whereas**, Buc-ee's obligations in the agreement include the property be developed into a 60,000 square foot travel center, construct property improvements with an appraised value of at least \$16,000,000 and employ at least 150 full or part time employees;

**Whereas**, the City's obligations in the agreement include to provide an incentive to Buc-ee's in an amount not to exceed 75% of the sales tax earned by Buc-ee's during each calendar year of the agreement and construct public utility improvements in order to provide water and sewer service to the Travel Center;

**Whereas**, TEDC's obligations in the agreement include providing Buc-ee's with a one-time grant of \$500,000 to be tendered to Buc-ee's by TEDC upon receipt by TEDC of a temporary or permanent Certificate of Occupancy; 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:** The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 Economic Development Agreement between the City of Temple, TEDC, and Buc-ee's, Ltd, after approval as to form by the City Attorney, for a term of ten (10) years and which includes the following terms:

- Buc-ee's Obligations:
  - Develop the above mentioned property into a 60,000 square foot Travel Center;
  - Use its best efforts to construct property improvements with an appraised value of at least \$16,000,000; and
  - Employ at least 150 full or part time employees at the Travel Center.

- City's Obligations:
  - Provide an incentive to Buc-ee's in an amount not to exceed 75% of the sales tax earned by Buc-ee's during each calendar year of the agreement. The payment of this incentive will be performance based as set forth more specifically in the Agreement; and
  - Construct public utility improvements in order to provide water and sewer service to the Travel Center.
- TEDC's Obligations:
  - Provide Buc-ee's with a one-time grant of \$500,000 to be tendered to Buc-ee's by TEDC upon receipt by TEDC of a temporary or permanent Certificate of Occupancy.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is 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 **18<sup>th</sup>** day of **April**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney