



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, DECEMBER 5, 2013**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 5, 2013.
2. The City Council will meet in executive session to discuss the impact on the duties of Mayor Pro Tem Judy Morales of an investigation by Bell County related to the use of county funds and resources for her campaign for public office. No final action will be taken.

**Executive Session: Pursuant to Chapter 551, Texas Government Code, §551.074 – Personnel Matter** – The City Council will meet in executive session to discuss the duties of a public official, the Mayor Pro Tem.

**Executive Session: Pursuant to Chapter 551, Texas Government Code, § 551.071 – Consultation with Attorney**, the City Council will meet in executive session with the City Attorney on the matter described above, the public discussion of which could conflict the duties of an attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (providing confidential advice to a client).

**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. 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.

**III. 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.

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

**Minutes**

- (A) [November 21, 2013 Special Called Meeting](#)
- (B) [November 21, 2013 Special Called and Regular Meeting](#)

**Contracts, Leases, & Bids**

- (C) [2013-7172-R](#): Consider adopting a resolution authorizing a three year software support agreement and IBM equipment maintenance agreement with Wellington-Royce Corporation from Atlanta, Georgia, for the business aviation software engine system and wireless aviation fuel inventory system for the Draughon-Miller Central Texas Regional Airport in the amount of \$29,196.

- (D) [2013-7173-R](#): Consider adopting a resolution authorizing a single-source FY 2014 annual purchase agreement with Dailey-Wells Communications of San Antonio for the purchase and repair of public safety radios in the estimated annual amount of \$40,000.
- (E) [2013-7174-R](#): Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2014 through GPS Insight, LLC, of Scottsdale, Arizona, utilizing GSA Contract, in the approximate annual amount of \$30,000.
- (F) [2013-7175-R](#): Consider adopting a resolution authorizing a single-source FY 2014 purchase agreement for Toro service and repair parts from Professional Turf Products, LP of Euless in the estimated annual amount of \$40,000.
- (G) [2013-7176-R](#): 1. Consider adopting a resolution authorizing the purchase of two Solid Waste Collection compressed natural gas powered trucks from various vendors at a total cost not to exceed \$470,572.
  - (a) One 2014 Autocar CNG powered Front Loader refuse truck with McNeilus body from Chastang Ford of Houston, utilizing a BuyBoard contract, in the amount of \$271,783.
  - (b) One Roll-Off refuse truck:
    - i. One 2014 Freightliner M2112 cab-chassis from Houston Freightliner of Houston, utilizing a H-GAC cooperative contract, in the amount of \$148,789, and
    - ii. One refuse body from a vendor yet to be defined, utilizing a cooperative contract, in an amount not to exceed \$50,000.
- 2. Consider adopting a resolution authorizing the City Manager to execute necessary documents associated with the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program, upon solicitation of the grant and award.
- (H) [2013-7177-R](#): Consider adopting a resolution authorizing a FY 2014 contract in the amount of \$46,200 and a payment for a prior period adjustment in the amount of \$81,307.55 with Centrovision, Inc., of Temple for high-speed data services to four City Facilities.
- (I) [2013-7178-R](#): Consider adopting a resolution ratifying an emergency contract with Matous Construction of Belton for the emergency repair of the influent screw pumps at Doshier Farm Wastewater Treatment Plant in the amount of \$70,998.
- (J) [2013-7179-R](#): Consider adopting a resolution authorizing a five-year fuel management contract commencing February 1, 2014, with Texas Fleet Fuel, Ltd of Austin, utilizing a Texas Cooperative Purchasing Network Contract #R5127, in the estimated annual amount of \$1,320,000.

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

- (K) [2013-4621](#): SECOND READING: Consider adopting an ordinance amending Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas to incorporate residential curbside recycling.
- (L) [2013-4622](#): SECOND READING: Consider adopting an ordinance closing and vacating the 1<sup>st</sup> Street railroad crossing (DOT no. 022966C) to vehicular traffic.

#### **Misc.**

- (M) [2013-7180-R](#): A-FY-13-17: Consider adopting a resolution authorizing the release of an existing 10-foot wide public utility easement being approximately 0.061 acres (volume 1654, page 299), located on property proposed for the Final Plat of Ramcon Subdivision, at the southeast corner of South 39<sup>th</sup> Street and Ramcon Drive.
- (N) [2013-7181-R](#): Consider adopting a resolution authorizing an offer letter to:
1. Sabre27, LLC for acquisition of a utility easement for the North Loop 363 and IH-35 utility extension.
  2. Frank Mayborn Enterprises, Inc. for acquisition of a utility easement for the North Loop 363 and IH-35 utility extension.
- (O) [2013-7182-R](#): Consider adopting a resolution authorizing the submission of a grant application for the FY 2013 Assistance to Firefighters Grant Program, through the U.S. Department of Homeland Security, for the purchase of training props in the total amount of \$652,175, with a \$293,825 match.
- (P) [2013-7183-R](#): Consider adopting a resolution amending the City of Temple Civil Service-Fire and Civil Service-Police Pay Schedules, to be effective March 14, 2014.
- (Q) [2013-7184-R](#): Consider adopting a resolution authorizing the cancellation of the January 2, 2014, City Council meeting.
- (R) [2013-7185-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

### **IV. REGULAR AGENDA**

#### **ORDINANCES**

4. [2013-4623](#): FIRST READING - PUBLIC HEARING - Z-FY-13-33: Consider adopting an ordinance authorizing a zone change from Light Industrial (LI) to Heavy Industrial (HI) with a Conditional Use Permit to operate a heat kiln and wood chipper on 19.68 ± acres of the Nancy Ferguson Survey, Abstract No. 322, in Bell County Texas, located at 1407 Industrial Boulevard.
5. [2013-4624](#): FIRST READING – PUBLIC HEARING - Z-FY-14-02: Consider adopting an ordinance authorizing a zone change from a combination of Light Industrial (LI) and Commercial District (C) to Multiple Family Dwelling One (MF-1) District to Lots 3 and 4, Block 12, Northwest Hills, 1<sup>st</sup> Extension Replat of Blocks 11 & 12, addressed as 2201 and 2205 Valley Forge Avenue.



6. [2013-4625](#): FIRST READING – PUBLIC HEARING - Z-FY-14-03: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 50% and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, on Lot 15, Block 21, Temple Original Town, located at 12 South Main Street.
7. [2013-4626](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance reestablishing a comprehensive economic development policy for the City of Temple which includes the City's criteria and guidelines for tax abatement, tax increment financing, enterprise zones, and strategic investment zones.

## **RESOLUTIONS**

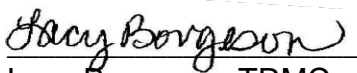
8. [2013-7186-R](#): P-FY-13-38: Consider adopting a resolution approving the Preliminary Plat of Carriage House Trails, a 60.31 ± acres, 195 lot, residential subdivision, with a developer requested exception to the Design Criteria – Residential Subdivision Entrances, related to temporary emergency vehicle access and a developer requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees located along the east side of Carriage House Drive, east of Oak Hills Drive & Trailridge Drive.

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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 3:40 PM, on December 2, 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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12/05/13  
Item #3(A-B)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

### **ITEM DESCRIPTION: Approve Minutes:**

- (A) November 21, 2013 Special Called Meeting
- (B) November 21, 2013 Special Called and Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

**ITEM SUMMARY:** Copies of minutes are enclosed for Council review.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

November 21, 2013 Special Called Meeting  
November 21, 2013 Special Called and Regular Meeting

## **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**NOVEMBER 21, 2013**

**Present:**

Councilmember Perry Cloud  
Councilmember Timothy Davis  
Councilmember Russell Schneider  
Mayor Pro Tem Judy Morales  
Mayor Daniel A. Dunn

- 1. The City Council will meet in executive session to discuss the impact on the duties of Mayor Pro Tem Judy Morales of an investigation by Bell County related to the use of county funds and resources for her campaign for public office. No final action will be taken.**

**Executive Session: Pursuant to Chapter 551, Texas Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the duties of a public official, the Mayor Pro Tem.**

**Executive Session: Pursuant to Chapter 551, Texas Government Code, § 551.071 - Consultation with Attorney, the City Council will meet in executive session with the City Attorney on the matter described above, the public discussion of which could conflict the duties of an attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (providing confidential advice to a client).**

Mayor Dunn announced that at this time approximately 1:05 pm, the Temple City Council would enter into executive session with no final action.

At approximately 3:05 pm, Mayor Dunn announced the Temple City Council would be adjourned with no final action.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

## TEMPLE CITY COUNCIL

**NOVEMBER 21, 2013**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, November 21, 2013 at 2:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud  
Councilmember Timothy Davis  
Councilmember Russell Schneider  
Mayor Daniel A. Dunn

Absent:

Mayor Pro Tem Judy Morales

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 21, 2013.**

Councilmember Schneider noted that he would abstain from item #5(d) on the Consent Agenda related to the construction contract as well as abstain from any discussion from item #5 on during Worksession Agenda related to the Greenfield Initiative.

Mr. Blackburn noted item #7 on the Regular Agenda, related to the closing of the 1st Street Railroad Crossing. He stated this is the next 'formal' step in the process.

2. **Discuss purchase of a 15 acre tract of land near the City of Temple's landfill.**

***Executive Session - Pursuant to Chapter 551, Government Code § 551.072 - Real Property - The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.***

Mayor Dunn stated this item would be discussed during the Regular Session at 5:00 p.m.

3. **Discuss the fourth quarter financial results to include the FY13 Fund Balance.**

Traci Barnard, Director of Finance presented the Fourth Quarter Financial

results to the Council. She began with an overview of the General Fund revenues and expenditures; explaining those revenues that came in greater or less than what was budgeted. Ms. Barnard also provided the sales tax revenue for the year of 2013; as well as the Water & Wastewater Fund Revenues. Also discussed the self supporting divisions, which are the Summit and the Golf Course. This is the 3rd consecutive year to balance the budget for the Summit, but there are challenges. One of which is to provide state of the art equipment; and class space and equipment during the peak time. Next, she discussed the Golf Course, noting there's been an increase in cost recovery rate (92% in FY12; and 95% in FY13). Ms. Barnard stated we need to focus on improving course conditions.

Mr. Blackburn noted these two divisions (Golf Course and the Summit) will be an area of focus at the Council's retreat in 2014. He stated goals for the next 5-10 years needs to be addressed.

Next Ms. Barnard reviewed the fund balance for FY 2013. She noted the fund balance assigned for Capital Projects (unallocated 09/30/13) to be \$1,111,138; FY 2013 Addition \$858,816 for a Balance as of 10/01/13 to be \$1,969,954. At this time it is Staff's recommendation to wait until early in the fiscal year to consider how to allocate the funds.

Council agreed.

**4. Receive presentation on Solid Waste Routes and Chapter 15 amendments.**

Ms. Torralva, Director of Public Works gave a brief presentation to the Council. She noted over the past several years, growth in the community has resulted in increased residential solid waste customers (20% over the past decade); but the routes have remained relatively constant, with most growth absorbed into existing routes. Route 9 was added in October 2003 and Route 10 in October 2010. By absorbing the growth, the routes have become unbalanced in some places and overcrowding in others. Ms. Torralva stated that prior to adding routes through the budget process, a consultant (SAIC) was engaged in May 2012. They conducted a Solid Waste Operational Review; results suggested that modifications be made within the existing system and implemented before moving forward with increasing the total number of routes. Findings also included: existing customers could be services by 10.26 routes; purchase larger 30cyd garbage trucks; and route changes to re-balance customers.

Ms. Torralva stated that approximately 1,000 homes have been identified for collection day changes from Tuesday/ Friday to Monday/ Thursday; primarily in the Western Hills, bounded by West Adams to the north, Loop 363 to the south, and IH-35 to the east, meets this criteria. Staff will implement Monday/ Thursday collections to the Western Hills area in December 2013, shortly before the curbside recycling collections begin

which will be City Wide the week of January 6, 2014.

Ms. Torralva then gave a brief update on the Residential Curbside Recycling Program. The City has contracted with Balcones and clean recyclable are essential to a successful program.

She then reviewed the General Updates to Chapter 15, which include the implementation of enhanced once a week residential garbage and once a week residential recycling collections.

**5. Discuss the East Temple Redevelopment Plan, and Greenfield Initiative.**

Mr. Blackburn gave a brief overview of this item to the Council. He noted the East Temple Redevelopment Plan was adopted in October 2013. This has 6 main focus areas, existing residential redevelopment; new residential, commercial, and mixed use infill development; workforce development/ career training/ business training; existing commercial/ industrial redevelopment; greenfield residential development; and streetscape/ public realm/ parks. The plan also consists of 17 goals and 48 objectives.

This evening we will discuss the Greenfield Initiative, as its goal is to recruit and incentivize a residential development demonstration project. He stated that the FY14 Budget allocates funding for several East Temple Redevelopment Plan initiatives, to include Greenfield. Staff is currently working on developing the content of a potential RFQ for issuance that would invite any interested developer to submit a response. Mr. Blackburn stated, however, he has received a request for a 'greenfield' cost participation for a specific project. This project is for a 122 residential lot subdivision; \$110,000 to \$150,000 price range; and falls within the area defined as East Temple. Mr. Blackburn noted the project developer has asked for a cost participation from the City for road, utility, and drainage improvements associated with the development.

He then asked Council if this is the type of 'greenfield' development that they envisioned with the East Temple Redevelopment Plan; and was it their desire to have Staff negotiate with this developer before issuing any RFQ?

Councilmember Cloud asked if the RFQ will have specifics as to what type of development; and how much is the developer asking for?

Mr. Blackburn stated the vision could be different, but not sure if it would be specified in an RFQ; and \$200,000 in cost participation. He noted this project is currently making its way through the Planning Department; but we've not made any commitments to the developer.

Councilmember Cloud stated he thought this was good to have the interest

for development in this area.

Councilmember Davis stated he wanted to make sure we had both infield and greenfield for this area; but we need to move forward with this developer.

Mayor Dunn stated yes, we have to have both to be successful.

**6. Discuss Future Land Use Plan and West Temple.**

Kim Foutz, Assistant City Manager presented this to the Council. She noted the Choices 08 Comprehension Plan serves as a guide for land use recommendations and decisions; and the Future Land Use Plan identifies certain outlier areas with limited utilities as Agricultural/ Rural. Recently the City received two rezoning requests within an AG designated area (1) SF-2; and (2) SF-3. Both are located within an AG/ Rural triangle bounded by SH 317, Airport Road and Prairie View Road; and bisected by North Pea Ridge Road. Staff is seeking guidance from the Council regarding future land use policy for this area.

Ms. Foutz stated the first request (SF-2) is for 128 acres; minimum lot size of 5,000 sf; and possible yield approximately 700 lots. The second request (SF-3) is for 54 acres; minimum lot size 4,000 sf; and possible yield approximately 300 lots. She also noted some considerations such as, the road capacity is sufficient except North Pea Ridge (SF-2 site will need a 2nd access for 700 lots); sewer extension via Westfield serves SF-3 site but not the SF-2 site; land use decisions with anticipated Airport overlay in the area; is there a desire for Urban Estates (22,500 minimum lot size) in West Temple; and is there a desire for SF-1 (7,500 minimum lot size) in West Temple. She also asked the Council what the desired density was for this area.

Councilmember Schneider stated he thought there needed to be a buffer along the major corridors, such as Airport and SH 317.

Mayor Dunn stated this continues to add density in this 'pocket'; and with these two developments and Lake Pointe there will be almost 1,700 homes.

Mr. Blackburn stated the current Future Land Use Map isn't accurate, and we need to know what Council's desire is for the density in this area?

Mayor Dunn noted he too would like a buffer along the major corridors, along the lines of suburban commercial.

Councilmember Schneider stated he would like to know what the buffer distance is from Lake Pointe and 317? He thinks SF-1 is a good density for this area.

At this time approximatley 4:45 pm, Mayor Dunn recessed the workshop of the Temple City Council and convened the City of Temple Employee Benefits Trust Meeting.

**7. 2013-7155-R: Conduct a meeting of the City of Temple Employee Benefits Trust to purchase substitute Medicare supplement insurance for City of Temple over 65 retirees from the Scott & White Health Plan for calendar year 2014.**

Ms. Hainley, Benefits Specialist reveiwed this item with the Trust. This will be to award the 2nd year of a 3 year contract with Scott and White.

Ms. Schneider made the motion to approve the purchase; and Mr. Cloud seconded.

Ms. Morales was absent; all others presented voted in favor.

At this time approximatley 4:50 pm, Mayor Dunn adjourned the City of Temple Employee Benefits Trust Meeting and reconvened the workshop of the Temple City Council.

Mayor Dunn stated if there was no further business of the City Council, the meeting was adjourned.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 21, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Councilmember Timothy Davis  
Councilmember Russell Schneider  
Mayor Daniel A. Dunn

**Absent:**

Mayor Pro Tem Judy Morales

**I. CALL TO ORDER**

**1. Invocation**

Reverend Shelton Rhodes with Greater Zion Church of God in Christ voiced the Invocation.

**2. Pledge of Allegiance**



Bell County Commissioner Bill Schumann and Tax Assessor/Collector Sharon Long led the Pledge of Allegiance.

## **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$78,260.10**

Bill Schumann, Bell County Commissioner Precinct 3, and Sharon Long, Bell County Tax Assessor/Collector presented a check for the Child Safety Funds collected in the amount of \$78,260.10.

### **4. Presentation of the 2013 Corporate Challenge Game Awards.**

Ken Cicora, Director of Parks and Leisure Services, presented the 2013 Corporate Challenge Game awards.

## **III. PUBLIC COMMENTS**

Rosa Hernandez, 3509 Gila Trail, Temple voiced her support for Mayor Pro Tem Morales; didn't appreciate the article in the news paper. Yes, we need to hold people accountable, but for the right reasons. There are protocols to follow.

Mr. Jessie Jeffcoat, 2606 Redwing Drive addressed the Council regarding city staff that cleaned out drain pipe on his property. This pipe was broken in the process; but the city has not come back out to fix. He would like this to be looked into.

Mr. Carolyn Jimenez, 1216 South 23rd Street, voiced her support for Mayor Pro Tem Morales and wishes for her to remain on the Council. She has dedicated so much time to the City.

Roney Castor, 508 North 7th, voiced his support for Mayor Pro Tem Morales; and aske that her reputation be considered. He stated she is a good person and good example to all.

Ron Jeffcoat, 2606 Redwing Drive, addressed the City Council in regards to the pit bull next door; and he'd like something done about this. He stated the City needs to have regulations related to pit bulls.

Manuel Alaniz, 620 South 26th, voiced his support for Mayor Pro Tem Morales. He stated she has done a lot for this community. He also thanked the City for the efforts in East Temple; and it feels good to live in East Temple.

Lydia Alaniz, 620 South 26th Street, voiced her support for Mayor Pro Tem

Morales.

Rev. Roscoe Harrison, 5222 JI Bruce Drive, voiced his support for Mayor Pro Tem Morales; and stated she has dedicated herself to community service.

Superintendent Rhodes, 4210 Hemlock Blvd, voiced his support for Mayor Pro Tem Morales and thanked her for her dedication for time on the East Side.

Dr. Sue Hamby, 4110 Cripple Creek voiced her support of Mayor Pro Tem Morales. She stated Judy has a passion to make a difference in the community for others.

#### **IV. CONSENT AGENDA**

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

**(A) November 7, 2013 Special Called and Regular Meeting**

**(B) 2013-7156-R: Consider adopting a resolution ratifying the purchase of a Data Backup System from Dell Marketing, LP of Round Rock utilizing a State of Texas Department of Information Resources contract, in the amount of \$38,006.37.**

**(C) 2013-7157-R: Consider adopting a resolution authorizing a purchase agreement with Iteris Inc. of Santa Ana, CA for the purchase of video detection equipment for the traffic signal projects for W Adams Avenue & Westfield Boulevard (\$13,845) and South 5th Street & FM 93 (\$17,360) utilizing a State of Texas contract, in the amount of \$31,205.**

**(D) 2013-7158-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, Ltd., of Belton for construction services required for extension of Westfield Boulevard from Stone Hollow to Prairie View, to include extension of a wastewater line and related appurtenances, in the amount of \$ 1,586,277.47, as well as, declare an official intent to reimburse the expenditure related to the utility portion of this project with the issuance of 2014 Utility Revenue Bonds.**

**(E) 2013-7159-R: Consider adopting a resolution authorizing a contract with the Department of Veterans Affairs, Veterans Industries/Compensated Work Therapy for the provision of temporary workers for the Parks and Leisure Services**

Department in an estimated amount of \$ 73,500.

(F) 2013-7160-R: Consider adopting a resolution committing to sharing the costs of constructing a gateway to the Temple Medical Education District along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road, with the sharing at 50%/50% with TXDOT in an estimated amount of \$4,820,000.

(G) 2013-7161-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with Turley Associates, Inc. for Inspection Services related to the construction of the Westfield Boulevard roadway and wastewater main extension project in an amount not to exceed \$44,420.

(H) 2013-7162-R: Consider adopting a resolution authorizing a Services Agreement with GSMS - 2005 GG4 Temple Retail, LLC to provide Temple police officers for patrol work in and around the Temple Mall.

(I) 2013-7163-R: Consider adopting a resolution authorizing a lease agreement with Marvin Brenek for lease of approximately 91 acres of City-owned land located at the intersection of Panda Drive and Lorraine Drive.

(J) 2013-7164-R: Consider adopting a resolution authorizing a lease agreement with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

(K) 2013-4619: SECOND READING - Z-FY-13-34: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.

(L) 2013-4620: SECOND READING - Z-FY-13-35: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.

**(M) 2013-7165-R: Consider adopting a resolution authorizing the Police Department to apply for and accept funding for the G.R.E.A.T. Foundation, Inc. Training Travel Grant available through funds provided by Motorola Solutions, Inc.**

**(N) 2013-7166-R: Consider adopting a resolution authorizing payment for the FY 12-13 medical/prescription insurance Administration Run-Off period with BlueCross Blue Shield of Texas in the amount of \$29,960.64.**

**(O) 2013-7167-R: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2013.**

**(P) 2013-7168-R: Consider adopting a resolution authorizing the carry forward of FY 2012-2013 funds to the FY 2013-2014 budget and consider adopting a resolution authorizing budget adjustments for FY 2012-2013.**

**(Q) 2013-7169-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.**

Motion by Councilmember Perry Cloud adopt Resolution approving Consent Agenda with exception of item 5(D). seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**(D) 2013-7158-R: Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, Ltd., of Belton for construction services required for extension of Westfield Boulevard from Stone Hollow to Prairie View, to include extension of a wastewater line and related appurtenances, in the amount of \$ 1,586,277.47, as well as, declare an official intent to reimburse the expenditure related to the utility portion of this project with the issuance of 2014 Utility Revenue Bonds.**

Motion by Councilmember Timothy Davis adopt resolution seconded by Councilmember Perry Cloud.

Councilmember Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

## **V. REGULAR AGENDA**

## ORDINANCES

6. **2013-4621: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas to incorporate residential curbside recycling.**

Nicole Torralva, Director of Public Works, presented this item to Council. She noted this is in preparation of implementing the Residential Curbside Recycling Program; which is to begin the week of January 6, 2014. This will enhance the solid waste services; once a week garbage collection and once a week curbside recycling pick up. These amendments will include implementation of the program; listing acceptable items; establishing a process for encouraging participation; as well as a process for addressing situations in which the service is not being used properly. Ms. Torralva noted the administrative cost associated with the program are still under review such as cost recovery and participation.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Russell Schneider adopt Ordinance as presented, with second and final reading set for December 5, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

7. **2013-4622: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance closing and vacating the 1st Street railroad crossing (DOT no. 022966C) to vehicular traffic.**

Kayla Landeros, Deputy City Attorney, presented this item to Council. She noted this is the next step in the process to formally close the rail crossing to vehicular traffic. In accordance with BNSF procedures, the City will place appropriate end-of-road treatments on both of the roadway approaches at a minimum distance of 25 feet from the centerline of the north track and 35 feet from the centerline of the south track.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 7 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance as presented, with second and final reading set for December 5, 2013. seconded by Councilmember Timothy Davis.

Mayor Daniel A. Dunn voted nay. The other Councilmembers voted aye. The motion passed.

## RESOLUTIONS

8. **2013-7170-R: Consider adopting a resolution authorizing the purchase of a 15 acre tract of land near the City of Temple's landfill.**

***Executive Session - Pursuant to Chapter 551, Government Code § 551.072 - Real Property - The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.***

Kayla Landeros, Deputy City Attorney, presented this item to Council. She stated this is the last tract needed in order to move forward with the permitting process for the landfill.

Motion by Councilmember Perry Cloud adopt Resolution authorizing to purchase 15-acre tract of land located at 860 Bob White Road for \$360,000 with estimated closing costs of \$7,500. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

9. **2013-7171-R: Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple over 65 retirees and the City's contribution thereto for calendar year 2014.**

Denny Hainley, Benefits Specialist, presented this item to Council. She stated this is the final year of the contract with Scott and White; and rates are the same as 2012 and 2013.

Motion by Councilmember Timothy Davis adopt Resolution. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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

Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a three year software support agreement and IBM equipment maintenance agreement with Wellington-Royce Corporation from Atlanta, Georgia, for the business aviation software engine system and wireless aviation fuel inventory system for the Draughon-Miller Central Texas Regional Airport in the amount of \$29,196.

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

**ITEM SUMMARY:** In January 2009, City Council approved the purchase of the Wellington-Royce digital aviation inventory system and aviation business software package (BASE). The accounting system has worked well for the Airport and integrates with the City's financial system.

Wellington-Royce is the only company that provides a total business aviation package and is the sole owner of the BASE software system. The current software and equipment support agreement expires January 31, 2014.

Recommend a three year software and equipment support agreement through January 31, 2017 with Wellington-Royce as follows:

-IBM Software/Hardware Maintenance for 3 years	\$10,455
-BASE System Software Support for 3 years	<u>\$18,741</u>
	<u><b>\$29,196</b></u>

**FISCAL IMPACT:** Funds in the amount of \$29,197 are appropriated in the Airport's FY14 operating budget in account 110-3622-560-2338.

### **ATTACHMENTS:**

[Resolution](#)



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE YEAR SOFTWARE SUPPORT AGREEMENT AND IBM EQUIPMENT MAINTENANCE AGREEMENT WITH WELLINGTON-ROYCE CORPORATION OF ATLANTA, GEORGIA, FOR THE BUSINESS AVIATION SOFTWARE ENGINE (BASE) SYSTEM AND WIRELESS AVIATION FUEL INVENTORY SYSTEM FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN THE AMOUNT OF \$29,196; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** in January 2009, City Council authorized the purchase of a Wellington-Royce digital aviation inventory system and aviation business software package (BASE) for the Draughon-Miller Central Texas Regional Airport – the accounting system has worked well for the Airport and integrates with the City’s financial system;

**Whereas,** Wellington-Royce is the only company that provides a total business aviation package and is the sole owner of the BASE software system – the current software system and equipment support agreement expires on January 31, 2014;

**Whereas,** staff is pleased with the services provided and recommends entering into a three year software support agreement and IBM equipment maintenance agreement with Wellington-Royce Corporation of Atlanta, Georgia, in the amount of \$29,196;

**Whereas,** funds are available for this purchase in Account No. 110-3622-560-2338; 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 three year software support agreement and an IBM equipment maintenance agreement, after approval as to form by the City Attorney, with Wellington-Royce Corporation of Atlanta, Georgia, for the business aviation software engine (BASE) system and wireless aviation fuel inventory system for the Draughon-Miller Central Texas Regional Airport, in the amount of \$29,196.

**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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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:**

Belinda Mattke, Director of Purchasing  
Gary O. Smith, Chief of Police  
Ron Snider, Interim Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a single-source FY 2014 annual purchase agreement with Dailey-Wells Communications of San Antonio for the purchase and repair of public safety radios in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** The Police Department and Fire Department utilize 284 and 80 radios, respectively, to communicate with Bell County Communications. Bell County has purchased and installed a digital access communications system manufactured by Harris Corporation. In order for the agencies throughout Bell County to communicate with Bell County Communications, each entity must utilize radios that are compatible with Bell County's system, which are currently only available through Dailey-Wells Communication, Harris Corporation's only authorized sales and service support in our area.

The City has done business with Dailey-Wells Communications for several years and finds them to be a responsible vendor.

**FISCAL IMPACT:** The cost of maintaining the public radio fleet is included in the Police and Fire Departments' adopted FY 2014 operating budgets. Estimated annual expenditures based on FY 2013 expenditures are in the amount of \$40,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SINGLE SOURCE ANNUAL PURCHASE AGREEMENT FOR FISCAL YEAR 2014, WITH DAILEY-WELLS COMMUNICATIONS OF SAN ANTONIO, TEXAS, FOR THE PURCHASE AND REPAIR OF PUBLIC SAFETY RADIOS, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Police and Fire Department utilize 284 and 80 radios to communicate with Bell County Communications;

**Whereas**, Bell County has purchased and installed a digital access communications system manufactured by Harris Corporation and in order for the agencies throughout Bell County to communicate with Bell County Communications, each entity must utilize radios that are compatible with Bell County's system – these radios are only available through Dailey-Wells Communications;

**Whereas**, these radios are only available through Dailey-Wells Communications, Harris Corporation's only authorized sales and service support in our area – which authorizes this purchase as a single source purchase as defined by the Local Government Code §252.022;

**Whereas**, the City has done business with Dailey-Wells Communications for several years and finds them to be a responsible vendor;

**Whereas**, the cost of maintaining the public radio fleet is included in the Police and Fire Departments' adopted fiscal year 2014 operating budgets; 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 single-source annual purchase agreement, for fiscal year 2014, with Dailey-Wells Communication of San Antonio, Texas, for the purchase and repair of public safety radios in the estimated annual amount of \$40,000.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute any documents which may be necessary for this purchase, after approval as to form by the City Attorney.

**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 **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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:**

Brandon Harris, Director of Information Technology  
Brynn Myers, Director of Administrative Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2014 through GPS Insight, LLC, of Scottsdale, Arizona, utilizing GSA Contract, in the approximate annual amount of \$30,000.

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

**ITEM SUMMARY:** On April 19, 2012, Council authorized the purchase of fleet tracking hardware and monitoring services for a pilot group of 82 City vehicles through GPS Insight, LLC. The installation and implementation of the service on these vehicles has been completed on 81 of the 82 vehicles. The pilot group of vehicles consists of the following:

- 36 - Solid Waste heavy duty vehicles
- 5 - Solid Waste light duty vehicles
- 2 - Street Sweepers
- 4 - Animal Control light duty pickups
- 5 - Code Enforcement light duty pickups
- 4 - Building Inspection light duty pickups
- 4 - Engineering light duty vehicles
- 10 - Metering light duty pickups
- 2 - Parks & Leisure Services light duty vehicles
- 4 - Facility Services light duty vehicles
- 1 - Fire Truck
- 2 - Fire light duty vehicles
- 2 - Police light duty vehicles

Some of the goals of the program is to help raise employee awareness of important issues such as speeding, idle-time, excessive acceleration/deceleration, and general vehicle usage. Additional goals are to assist in the optimization of routes, reduce travel times, provide real-time fleet tracking, balance workload among vehicles, reduce fuel and maintenance costs, and contribute to the overall efficiency, accountability and safety of the City fleet.

The initial hardware cost was \$27,392. The ongoing monthly service is approximately \$2,500 per month (\$30.95 per month for each heavy duty vehicle and \$28.95 per month for each light duty vehicle), which covers the cost of wireless data plans, GPS Tracking, and maintenance.

This procurement is being recommended utilizing a U.S. General Services Administration (GSA) contract. Other governmental entities are allowed to utilize contracts that have gone through the GSA competitive procurement process.

**FISCAL IMPACT:** Funding for the fleet tracking service is budgeted in account 110-1972-519-2610.

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FLEET TRACKING MONITORING SERVICE FOR FISCAL YEAR 2014, THROUGH GPS INSIGHT, LLC, OF SCOTTSDALE, ARIZONA, UTILIZING A GSA CONTRACT, IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on April 19, 2012, Council authorized the purchase of fleet tracking hardware and monitoring services for a pilot group of 82 City vehicles through GPS Insight, LLC – the installation and implementation of the service on these vehicles has been completed on 81 of 82 vehicles;

**Whereas**, goals of this monitoring service are to help raise employee awareness of issues such as speeding, idle-time, excessive acceleration/deceleration, and general vehicle usage – additional goals are to assist in the optimization of routes, reduce travel times, provide real-time fleet tracking, balance workload among vehicles, reduce fuel and maintenance costs, and contribute to the overall efficiency, accountability and safety of City fleet;

**Whereas**, the Staff recommends the purchase of an ongoing monthly service for the fleet tracking monitoring service in the approximate amount of \$2,500 per month, which covers the cost of wireless data plans, GPS tracking and maintenance;

**Whereas**, funds for these services are available in Account No. 110-1972-519-2610; 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 purchase of fleet tracking monitoring service through GPS Insight, LLC, of Scottsdale, Arizona, utilizing a GSA Contract in the estimated annual amount of \$30,000.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.



**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 **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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:**

Belinda Mattke, Director of Purchasing  
Sam Weed, Superintendent of Fleet Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a single-source FY 2014 purchase agreement for Toro service and repair parts from Professional Turf Products, LP of Euless in the estimated annual amount of \$40,000.

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

**ITEM SUMMARY:** The City owns and maintains many pieces of Toro mowing and turf equipment. Toro has designated Professional Turf Products, LP as the authorized service and parts supplier for our geographical area.

Based on historical expenditures, it is estimated that staff will need to procure approximately \$40,000 of parts and service for Toro equipment during FY 2014. Based on the volume of parts and service procured, Temple currently obtains 'high performance pricing' from Professional Turf Products.

Toro only distributes its parts through full service dealers, and as such, the procurement of Toro parts and service is a single-source purchase as defined within the Local Government Code §252.022.

**FISCAL IMPACT:** Repair parts and service for Toro equipment are purchased on an as needed basis by the Fleet Services, on behalf of several departments, and Sammons Golf Links. Each respective department has budgeted for repairs in their adopted FY 2014 operating budgets. Estimated Toro repairs and services for FY 2014 based on historical purchases are \$40,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SINGLE SOURCE PURCHASE AGREEMENT, FOR FISCAL YEAR 2014, FOR TORO SERVICE AND REPAIR PARTS FROM PROFESSIONAL TURF PRODUCTS, LP., OF EULESS, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City owns and maintains many pieces of Toro mowing and turf equipment and Toro has designated Professional Turf Products, LP. as the authorized service and parts supplier for this geographical area;

**Whereas**, Toro only distributes its parts through full service dealers, and as such, the procurement of Toro parts and service is a single source purchase as defined within the Local Government Code §252.022;

**Whereas**, repair parts and service for Toro equipment is purchased on an 'as needed' basis and each respective department has budgeted for repairs in their fiscal year 2014 adopted budgets; 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 single source purchase agreement for fiscal year 2014, for Toro service and repair parts from Professional Turf Products LP., of Euless, Texas, in the estimated annual amount of \$40,000.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

**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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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  
Sam Weed, Director of Fleet Services

**ITEM DESCRIPTION:** 1. Consider adopting a resolution authorizing the purchase of two Solid Waste Collection compressed natural gas powered trucks from various vendors at a total cost not to exceed \$470,572.

(a) One 2014 Autocar CNG powered Front Loader refuse truck with McNeilus body from Chastang Ford of Houston, utilizing a BuyBoard contract, in the amount of \$271,783.

(b) One Roll-Off refuse truck:

- i. One 2014 Freightliner M2112 cab-chassis from Houston Freightliner of Houston, utilizing a H-GAC cooperative contract, in the amount of \$148,789, and
- ii. One refuse body from a vendor yet to be defined, utilizing a cooperative contract, in an amount not to exceed \$50,000.

2. Consider adopting a resolution authorizing the City Manager to execute necessary documents associated with the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program, upon solicitation of the grant and award.

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

**ITEM SUMMARY:** Currently the Public Works Solid Waste Services Division has two (2) trucks that have been identified for routine replacement by Director of Fleet Services in the annual vehicle replacement review. These trucks are used daily in the Solid Waste commercial routes.

City staff has been informed about a grant opportunity, to be released December 2013, from the Texas Commission on Environmental Quality (TCEQ), Texas Natural Gas Vehicle Grant Program. The grant application will be on a first-come, first-serve basis. A condition of the grant is that the purchase of the vehicles must be approved by the City Council and the vehicles must be ordered prior to application submission. The company the City orders the trucks from must be approved by TCEQ and submits the grant application on behalf of the City, to ensure the appropriate vehicles are purchased and accurate funding for incremental costs (between diesel and CNG powered vehicles) is assessed appropriately. The City previously received funds through this grant process and if an application for these two vehicles is submitted in a timely manner after solicitation release, the City anticipates receiving funds to cover the incremental costs of upgrading vehicles to run on CNG.

All purchases through the Buy Board and HGAC meet the Texas governmental competitive bid requirements.

Staff is still working on refining the quote for the body of the roll-off refuse truck. Staff anticipates having the proposed purchase information clearly defined prior to the Council meeting on December 5, 2013.

**SUSTAINABILITY IMPACT:** Each vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that will meet the needs of the department is being purchased. The evaluation for these vehicles focused on fuel type. The incremental cost of purchasing a CNG powered vehicle as opposed to diesel for the front loader and roll-off is \$17,000 and \$40,000 respectively. If current operations continue, the anticipated payback period is between four to five years for the front loader and six to seven years for the roll-off, well within their expected operational life.

**FISCAL IMPACT:** Funding in the amount of \$470,572 for two (2) commercial trucks was approved in the FY 2013 budget and was included as a 'carry forward' to the FY 2014 budget. Funding for the commercial trucks was from the 2013 Limited Tax notes of \$430,572 and \$40,000 from grant funding to offset the incremental cost increase to purchase the CNG powered trucks. The City will be seeking grant funding through TCEQ to cover the incremental cost of purchasing a CNG vehicle as opposed to a diesel vehicle. If awarded the grant it is estimated that the City will receive at least \$40,000 to cover the incremental costs.

Detail of the funding allocation for the purchase of the two (2) trucks is shown below:

Description	Account #	Project #	Amount
Autocar CNG powered Front Loader refuse truck	351-2300-540-6222	101093	\$271,783
Freightliner CNG powered Roll-Off refuse truck	351-2300-540-6222	101094	\$198,789
<b>Total</b>			<b>\$470,572</b>

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO (2) SOLID WASTE COLLECTION COMPRESSED NATURAL GAS (CNG) POWERED TRUCKS FROM VARIOUS VENDORS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE AND THE HOUSTON-GALVESTON AREA COOPERATIVE CONTRACT, IN AN AMOUNT NOT TO EXCEED \$470,572, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS ASSOCIATED WITH THE GRANT, UPON SOLICITATION OF THE GRANT AND AWARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Public Works Solid Waste Services Division currently has two (2) trucks that have been identified for routine replacement in the annual vehicle replacement review - these trucks are used daily in the Solid Waste commercial routes;

**Whereas**, the City of Temple desires to purchase the following CNG powered trucks, in an amount not to exceed \$470,572:

- a) one (1) Autocar CNG powered Front Loader refuse truck with McNeilus body from Chastang Ford of Houston, Texas, utilizing a BuyBoard contract, in the amount of \$271,783;
- b) one roll-off refuse truck:
  - (i) one (1) Freightliner M2112 cab-chassis from Houston Freightliner of Houston, Texas, utilizing a Houston-Galveston Area Cooperative contract, in the amount of \$148,789;
  - (ii) one (1) refuse body from a vendor yet to be defined, utilizing a cooperative contract, in an amount not to exceed \$50,000;

**Whereas**, staff has been informed about a grant opportunity, to be released December 2013, from the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program – the grant application will be on a first-come, first-serve basis and a condition of the grant is that the purchase of the vehicles must be approved by the City Council and the vehicles must be ordered prior to application submission;

**Whereas**, all purchases through the BuyBoard Local Government Online Purchasing Cooperative and the Houston-Galveston Area Cooperative Contracts meet the Texas governmental competitive bid requirements;

**Whereas**, each vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that will meet the needs of the department for which it is being purchased;

**Whereas**, funding for this purchase was approved in the fiscal year 2013 budget in Account No: 351-2300-540-6222, Project No: 101093 and Account No: 351-2300-540-6222, Project No: 101094; 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 purchase of two (2) Solid Waste Collection compressed natural gas (CNG) powered trucks from the following vendors, in an amount not to exceed \$470,572:

- a) one (1) Autocar CNG powered Front Loader refuse truck with McNeilus body from Chastang Ford of Houston, Texas, utilizing a BuyBoard contract, in the amount of \$271,783;
- b) one roll-off refuse truck:
  - (i) one (1) Freightliner M2112 cab-chassis from Houston Freightliner of Houston, Texas, utilizing a Houston-Galveston Area Cooperative contract, in the amount of \$148,789;
  - (ii) one (1) refuse body from a vendor yet to be defined, utilizing a cooperative contract, in an amount not to exceed \$50,000;

**Part 2:** The City Council accepts any funds that may be received for this grant, and authorizes the City Manager to execute any documents which may be necessary for this grant.

**Part 3:** The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

**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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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:**

Brandon Harris, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a FY 2014 contract in the amount of \$46,200 and a payment for a prior period adjustment in the amount of \$81,307.55 with Centrovision, Inc., of Temple for high-speed data services to four City Facilities.

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

**ITEM SUMMARY:** Centrovision currently provides the City with high-speed Gigabit services to multiple City departments, including the Municipal Court, Utility Business Office, Fire Station 8/EOC, Public Works, Fleet Services, Purchasing, and Airport. They have provided us with a service at these facilities where no one else could provide service, or less expensive than other carriers.

The City currently uses services through Centrovision, Time Warner and AT&T for redundancy purposes and in an effort to avoid a catastrophic outage at all City facilities. We also use this plan successfully by having internet service provided several diverse carriers due to the critical nature of providing access to Police, Fire, email services and other critical city applications. As part of our plan to diversify services, we recommend to continue this contract with Centrovision as they already have the equipment and services at these locations.

Staff is requesting that Council authorize a contract with Centrovision for FY 2014 to provide high speed data services to the departments listed above in the amount of \$46,200. In addition, staff is requesting that Council authorize a prior period adjustment for unbilled services obtained in FY 2010 through FY 2013 in the amount of \$81,307.55.

**FISCAL IMPACT:** Funding for the FY 2014 yearly contract in the amount of \$46,200 is shown below:

<b>FY 2014</b>	
<b>Account</b>	<b>Amount</b>
110-1932-519-2610	\$39,000
520-5800-535-2610	\$ 7,200
<b>Total</b>	<b>\$46,200</b>



Funding for the payment of prior periods which will be charged to FY 2013 is shown below:

<b>FY 2013 {Prior Periods}</b>	
<b>Account</b>	<b>Amount</b>
110-1900-519-2610	\$81,307.55

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT WITH CENTROVISION, INC., OF TEMPLE, TEXAS, FOR HIGH-SPEED DATA SERVICES TO SIX CITY FACILITIES, IN THE ANNUAL AMOUNT OF \$44,850; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Centrovision currently provides multiple City departments with high-speed gigabit services, including the Municipal Court, Utility Business Office, Fire Station 8/EOC, Public Works, Fleet Services, Purchasing and the Airport;

**Whereas**, in an effort to avoid a catastrophic outage at all facilities by utilizing the services of only one company, the City currently uses services through Centrovision, Time Warner and AT&T – these three companies also provide the City with backup internet services due to the critical nature of providing internet access to Police, Fire, email services and other critical city applications;

**Whereas**, Staff recommends the City authorize a renewal to the annual contract with Centrovision, Inc. for high-speed data services, in the annual amount of \$44,850;

**Whereas**, funds are available in Account Nos. 520-5800-535-26-10, 110-1800-525-26-10, and 110-1900-519-26-10 for this annual contract; 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 annual contract with Centrovision, Inc., of Temple, Texas, after approval as to form by the City Attorney, for high-speed data services to six city facilities which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Public Works, Fleet Services, Purchasing and the Airport, in the annual amount of \$44,850.

**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 17<sup>th</sup> day of **January**, 2013.

THE CITY OF TEMPLE, TEXAS

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WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

ATTEST:

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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, PE, Public Works Director  
Thomas Brown, Utility Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an emergency contract with Matous Construction of Belton for the emergency repair of the influent screw pumps at Doshier Farm Wastewater Treatment Plant in the amount of \$70,998.

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

**ITEM SUMMARY:** Doshier Farm Wastewater Treatment Plant has three (3) influent screw pumps at the head of the plant. These pumps lift the incoming wastewater to allow the treatment process (beginning with the fine screen) to proceed through the treatment plant via gravity flow. In order for the plant to operate efficiently especially during increased flow, two of the pumps must be in-service at all times.

For the past several months, one of the three pumps has been out of service pending contractor repair resolution from capital work completed in 2010. Over the past month, the remaining two pumps failed due to mechanical issues. In late October, Kasberg, Patrick & Associates (KPA) was consulted to assist in evaluation and assessment of the pumps. After evaluation, an immediate repair of the pumps was undertaken and deemed an emergency to stay in compliance with state and federal regulations. Accordingly, and per local Government code 252.022, this project is exempt from the competitive bid process.

Matous Construction was contacted to assist with the emergency repairs as they had the proper equipment and knowledge to start repairs immediately. Staff authorized Matous Construction to begin work October 29, 2013. On October 30, 2013, due to high flow and only one pump operational the plant, a major overflow was experienced. The contractor is continuing to work on repairing all three pumps correctly, and is expected to complete the project by the end of January 2014.

**FISCAL IMPACT:** A budget adjustment is being presented to Council appropriating funds in the amount of \$79,226 from Water & Sewer Retained Earnings, account 520-0000-373-0412, to Capital Building & Grounds, account 520-5521-535-6310, project 101115 to fund the emergency contract with Matous Construction in the amount of \$70,998 as well as the estimated professional services for \$8,228.

**ATTACHMENTS:**

Consultant Letter of Recommendation  
Budget Adjustment  
Resolution



**KASBERG, PATRICK & ASSOCIATES, LP**

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple

One South Main Street  
Temple, Texas 76501  
(254) 773-3731

Georgetown

1008 South Main Street  
Georgetown, Texas 78626  
(512) 819-9478

November 15, 2013

Mr. Thomas Brown  
Utility Services Director  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Emergency Repair of Doshier Farm Influent Screw Pumps

Dear Mr. Brown:

Enclosed please find Matous Construction's proposal for emergency repairs to the influent screw pumps at Doshier Farm Wastewater Treatment Plant. The work consists of the following scope items:

1. Pump No. 1
  - a. Remove and replace upper bearing shaft with hub for bearing assembly
  - b. Remove and replace upper flex coupling
  - c. Alignment of motor and drive
  - d. Dewater lower bearing assembly and reinstall lower bearing assembly
2. Pump No. 2
  - a. Remove and replace upper bearing shaft with hub for bearing assembly (completed)
  - b. Remove and replace upper flex coupling (completed)
  - c. Alignment of motor and drive (completed)
  - d. Dewater lower bearing assembly and check lower bearing assembly
3. Pump No. 3
  - a. Remove and replace upper bearing shaft with hub for bearing assembly
  - b. Remove and replace upper flex coupling
  - c. Alignment of motor and drive
  - d. Dewater lower bearing assembly and reinstall lower bearing assembly
4. Other Items
  - a. Small tools and expendables included in proposal.
  - b. 30 ton Hydraulic rough terrain crane including mobilization in and out.
  - c. Factory startup – Allowance of \$4,000 for manufacturer personnel.
  - d. Project management
  - e. Estimated freight for materials

Mr. Thomas Brown  
November 15, 2013  
Page 2

Matous' total proposed cost for this scope of work is \$70,998.00. This total consists of \$63,498.00 for the remaining work (all items above except for 2a, 2b and 2c which were completed the week of October 28, 2013) and \$7,500.00 for labor and materials expended during the initial emergency repair period. The referenced proposal is attached to this letter and includes an itemized summary of the work to be completed. We have met with the City, OMI and Matous in the field to observe the existing condition of the screw pumps and agree with the scope of work provided. We have reviewed the fee proposal and believe that it is reasonable for the work and schedule associated with this project. As such, we recommend that the City proceed with the work and authorize Matous Construction to begin procurement of the referenced bearing assemblies which have a 3-4 week lead time.

We are available to meet with you at your convenience to discuss this proposal.

Sincerely,



Thomas D. Valle, P.E.  
TDV/

xc: Mr. Bruce Matous, Matous Construction  
2013-149-11



## MATOUS CONSTRUCTION GENERAL CONTRACTORS

8602 N. Hwy. 317 • Belton, Texas 76513 • Office: 254.780.1400 • Fax: 254.780.2599

November 13, 2013

Thomas D. Valle  
Kasberg, Patrick & Associates, LP  
One South Main  
Temple, Texas 76501

RE: Screw Pump Repairs  
Doshier Farm WWTP

Dear Tommy:

As per your request, we have prepared an estimated cost for repairs for the above referenced project. We have attached a spread sheet that details the cost estimate. Work includes the following:

Pump No. 1

- Remove and replace upper bearing shaft with hub for bearing assembly
- Remove and replace upper flex coupling
- Alignment of motor and drive
- Dewater Lower bearing assembly to reinstall lower bearing assembly

Pump No. 3

- Remove and replace upper bearing shaft with hub for bearing assembly
- Remove and replace upper flex coupling
- Alignment of motor and drive
- Dewater Lower bearing assembly to check lower bearing assembly

Pump No. 2

- Remove and replace upper bearing shaft with hub for bearing assembly
- Remove and replace upper flex coupling
- Alignment of motor and drive
- Dewater Lower bearing assembly to check lower bearing assembly

Misc Other

- Small tools and expendables
- 30 TON Hydraulic Rough Terrain Crane including mobilization in and out
- Factory start up – Allowance of \$4,000 is included.
- Project Management
- Estimated freight for materials

For the Lump Sum of.....\$63,498.00

*Clean Water for a Better Tomorrow*

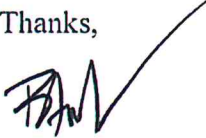


Estimated Delivery Time is 3 – 4 weeks.

Estimated Cost for work previously completed is \$7,500.00

Should you have any questions, please feel free to call. Please advise if we are to move forward on the procurement of materials.

Thanks,

A handwritten signature in black ink, appearing to be 'B. Matous', followed by a long, sweeping checkmark.

Bruce A. Matous



**Screw Pump Repairs**  
**Doshier Farms WWTP**  
**November 13, 2013**

Description	Qty	SC	Material	Equip	Labor	Total
<u>Pump No. 1</u>						
Upper Bearing, Shaft Assembly	Siemens	\$	\$ 7,475.00	\$ 100.00	\$ 3,000.00	\$ 10,575.00
Flex Coupling	Siemens	\$	\$ 3,450.00	-	In Above	\$ 3,450.00
Alignment of Motor and Drive		\$	\$ 100.00	\$ 100.00	\$ 500.00	\$ 700.00
Dewater Lower Bearing Assembly		\$	\$ -	\$ 100.00	\$ 500.00	\$ 600.00
Install Lower Bearing Assembly		\$	\$ -	\$ 100.00	\$ 1,500.00	\$ 1,600.00
<u>Pump No. 3</u>						
Upper Bearing, Shaft Assembly	Siemens	\$	\$ 7,475.00	\$ 100.00	\$ 3,000.00	\$ 10,575.00
Flex Coupling	Siemens	\$	\$ 3,450.00	-	In Above	\$ 3,450.00
Alignment of Motor and Drive		\$	\$ 100.00	\$ 100.00	\$ 500.00	\$ 700.00
Dewater Lower Bearing Assembly		\$	\$ -	\$ 100.00	\$ 500.00	\$ 600.00
Check Lower Bearing Assembly		\$	\$ -	\$ 100.00	\$ 150.00	\$ 250.00
<u>Pump No. 2</u>						
Dewater Lower Bearing Assembly		\$	\$ -	\$ 100.00	\$ 500.00	\$ 600.00
Check Lower Bearing Assembly		\$	\$ -	\$ 100.00	\$ 150.00	\$ 250.00
<u>Misc Other</u>						
Small Tools and Expendibles		\$	\$ -	\$ 500.00	\$ -	\$ 500.00
Mobilization of Crane In / Out		\$	\$ -	\$ 750.00	\$ 500.00	\$ 1,250.00
Crane Rental		\$	\$ -	\$ 4,000.00	\$ -	\$ 4,000.00
Factory Start Up	Estimated	\$ 4,000.00	\$ -	\$ -	\$ -	\$ 4,000.00
Lubricants		\$	by Owner	\$ -	\$ -	\$ -
Project Management		\$	\$ -	\$ -	\$ 800.00	\$ 800.00
Estimated Freight		\$	\$ 500.00	\$ -	\$ -	\$ 500.00
<b>Sub Totals</b>		\$	\$ 22,550.00	\$ 6,250.00	\$ 11,600.00	\$ 44,400.00

Labor Tax and Insur	\$	3,596.00
GC/Overhead	\$	7,199.40
Contractor Fee	\$	7,199.40
Liability/BR Insurance	\$	1,103.91
Bond @ 0%	N/R	
Total	\$	63,498.71



Siemens Water Technologies LLC  
1828 Metcalf Avenue  
Thomasville, GA 31793

### Sales Quote

Quote # 12107

Date: 11/07/2013

To: Brian Phenegar/ Environmental Improvements, Inc

Phone: 512-295-3733 or 512-731-5048

Fax: 512-295-4028

From: Fergus Robinson

email:

Validity: 30 days

Freight PPD & Add

Returns: There is a 25% restocking fee  
on all returned parts.

Replacement parts for Siemens

Siemens Water Technologies LLC is pleased to offer the following quotation for your consideration

Item #	Quantity	Part #	Part Description	Unit Price	UM	Total Price	Lead Time
1	2		Upper Bearing Shaft with Hub for DB-450-240 Bearing Assembly complete	\$ 7,475.00	EA	\$14,950.00	3 Weeks
2	2	W2T503465	Flex Coupling Dodge #DGF4	\$3,450.00	EA	\$6,900.00	
			Estimated Freight			\$500.00	
			Total Sale Price			\$22,350.00	

Please Direct Questions or Comments to:

Siemens Water Tech LLC. Aftermarket Sales: Fergus Robinson  
Phone: (229) 227-8705  
Fax: (229) 228-0312  
Email: [Fergus.Robinson@siemens.com](mailto:Fergus.Robinson@siemens.com)

We now accept Visa, Mastercard, & American Express for your convenience

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FY **2014****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	
520-5521-535-63-10	101115	Influent Screw Pumps - Doshier WWTP	\$ 79,226			
520-0000-373-04-12		W&S Unreserved Retained Earnings			\$ 79,226	
		<b>DO NOT POST</b>				
<b>TOTAL.....</b>			<b>\$ 79,226</b>		<b>\$ 79,226</b>	

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

To appropriate funds for the emergency repair of the influent screw pumps at Doshier Farm Wastewater Treatment Plant. Construction services with Matous Construction are in the amount of \$70,998 and professional services costs are estimated in the amount of \$8,228 for a total of \$79,226.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/5/2013

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, RATIFYING AN EMERGENCY CONTRACT WITH MATOUS CONSTRUCTION OF BELTON, TEXAS, FOR THE EMERGENCY REPAIR OF THE INFLUENT SCREW PUMPS AT DOSHIER FARM WASTEWATER TREATMENT PLANT, IN THE AMOUNT OF \$70,998; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Doshier Farm Wastewater Treatment Plant has three influent screw pumps at the head of the plant that lift the incoming wastewater to allow the treatment process to proceed through the treatment plant via gravity flow;

**Whereas,** in order for the plant to operate efficiently, especially during increased flow, two of the pumps must be in service at all times;

**Whereas,** for the past several months, one of the three pumps has been out of service pending contractor repair – over the past two months, the remaining two pumps failed due to mechanical issues;

**Whereas,** in October 2013, an immediate repair of the pumps was undertaken and deemed an emergency to stay in compliance with state and federal regulations – per local Government Code §252.002, this project is except from the competitive bid process;

**Whereas,** Matous Construction of Belton, Texas was contacted, and staff authorized Matous Construction to being the emergency repair work;

**Whereas,** funds are available for this purchase but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 520-5521-535-6310, Project No. 101115; 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 Matous Construction of Belton, Texas for the emergency repair of the influent screw pumps at Doshier Farm Wastewater Treatment Plant, in the amount of \$70,998.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2013-2014 budget, substantially in the form of the copy attached hereto as Exhibit A.

**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 **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/05/13  
Item #3(J)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing  
Sam Weed, Director of Fleet Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a five-year fuel management contract commencing February 1, 2014, with Texas Fleet Fuel, Ltd of Austin, utilizing a Texas Cooperative Purchasing Network Contract #R5127, in the estimated annual amount of \$1,320,000.

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

**ITEM SUMMARY:** For several years the City has purchased and managed fuel utilizing a Bell County contract with Texas Fleet Fuel. Bell County's current contract with Texas Fleet Fuel will expire on January 31, 2014. Instead of conducting an independent solicitation, Bell County has elected to utilize a Texas Cooperative Purchasing Network Contract (TCPN) with Texas Fleet Fuel to procure their fuel and provide a fuel management system.

Texas Fleet Fuel's fuel management service contract allows City vehicles to fill up at local convenience stores and provides fuel management services by providing the City with a weekly report showing each vehicle's fueling, who fueled, where they fueled, and the price for that week. Staff is able to upload this information into our fleet maintenance system with little effort. This system has worked very well for the City, and staff desires to continue using the fuel management service through Texas Fleet Fuel.

As stated in the attached proposed contract, Texas Fleet Fuel has offered the City an agreement and pricing similar to Bell County, utilizing the TCPN contract with pricing of 11.9¢ per gallon over the OPIS (Oil Price Information Service) rack price for each week, exclusive of freight. Freight varies in Temple with the majority being between 2–3 cents per gallon.

The pricing under the current contract is 8¢ per gallon over the OPIS price. We are being told that the reason for the 3.9¢ per gallon increase is due to negotiations with the local stations. The City currently consumes approximately 500,000 gallons of fuel per year, but this usage is expected to go down by approximately 70,000 once the CNG-fueled vehicles become active. As such, with the increased rate and all other factors remaining constant, the increased rate will increase the cost of the fuel per year by approximately \$17,000.



Staff has explored alternative options, but has determined that switching out the card program and fuel management system that already interfaces with the City's existing system would be costly and a significant administrative undertaking. In addition, the offered pricing is still a good value compared to other offerings in the market.

The proposed contract is for a term of 60 months, beginning February 1, 2014, with two (2) one year renewal options.

**FISCAL IMPACT:** The FY 2013-2014 adopted budget for fuel is as follows in account 2115:

General Fund	\$1,315,391
Hotel/Motel Tax Fund	2,025
Drainage Fund	47,225
Water & Wastewater Fund	<u>232,070</u>
Total	<u>\$1,596,711</u>

**ATTACHMENTS:**

[Fuel Management Services Contract  
Resolution](#)



**FUEL MANAGEMENT SERVICES**

**CONTRACT**

**FOR**

**THE CITY OF TEMPLE**

**VEHICLES**

Pursuant to the Texas Cooperative Purchasing Network Contract #R5127, Fuel Cards and Related Services, the parties are **TEXAS FLEET FUEL, LTD.** ("TFF"), P.O. Box 6026, Austin, Texas 78762 and **THE CITY OF TEMPLE**, 3210 East Ave H, Temple, Texas 76501 (herein referred to as "Subscriber"). The term of this agreement is 60 months, beginning February 1, 2014, with two (2) one year renewal options.

Texas Fleet Fuel is the Central Texas marketer for the nationally acclaimed Fuelman Fleet Card network and is located in Austin, Texas. Formerly known as Fuelman of Austin, Texas Fleet Fuel has been in the fleet fuel business for over 20 years.

The Texas Fleet Fuel phone numbers are 512-381-2800; 888-311-FUEL; fax 512-381-2828.

Any questions concerning this contract are to be directed to Marty Maxwell, VP of Sales and Marketing, Texas Fleet Fuel.

# **CONTRACT DETAILS**

## **On Site Fuel and Automation**

- A. TFF will continue to maintain the TFF Control Terminal at the City's propane location in Temple, TX. TFF will provide ongoing maintenance of this equipment for the duration of the contract. The control terminal remains the property of TFF.
- B. TFF will provide a 24-hour, 7 day a week computer monitored and controlled fuel system. The absence of human intervention guarantees no ticket manipulation as the computer secures exact gallon accounting and billing.
- C. TFF management controls will allow Subscriber to control and account for fuel usage enabling easy identification of employee theft or pilferage.
- D. As TFF is already implementing this program for Subscriber and has the On and Off-site locations in place, there are no additional time requirements needed to accommodate the City.
- E. Subscriber hereby acknowledges that they are the owner and/or operator of all underground and/or above ground storage tank(s), connected underground/above ground piping, ancillary equipment and containment systems, (hereinafter referred to as the "UST/AGST System"). TFF has no control of, or responsibility for, the operation of the UST/AGST System. As operator of the UST/AGST System, Subscriber is responsible for compliance, and shall strictly comply, with current and future federal, state and local laws and regulations applicable to the UST/AGST System, as well as all other pertinent environmental laws and regulations. Without limiting the generality of the foregoing, Subscriber shall be responsible for compliance with the following requirements with respect to the UST/AGST System: registration; payment of all registration, monitoring, maintenance and other fees; reporting; record keeping; replacements; release detection, reporting, investigation, containment, response and corrective actions; assurance of financial responsibility; closure; and compensation of claims for bodily injury, death, exemplary damages, property damage and natural resource damages caused by or arising from, in whole or in part, a release from any UST/AGST System.
- F. Subscriber warrants to TFF that (a) if required by applicable law, the UST/AGST System is registered with the appropriate regulatory agencies and (b) the UST/AGST System is in compliance with applicable federal, state and local design, construction, installation, repair, corrosion protection, release prevention and detection and containment requirements. Upon request from TFF, proof of

registration of the UST/AGST System and compliance by Subscriber with applicable federal, state, and local laws and regulations pertaining to the UST/AGST System will be provided. TFF shall have no responsibility, obligation or liability with respect to the ownership or operation of any UST/AGST System or compliance with federal, state, or local laws and regulations applicable to an owner or operator of the UST/AGST System. Subscriber agrees to defend, indemnify and hold harmless TFF from and against any and all liabilities, losses, costs, damages, fines, penalties and expenses (including attorneys' fees and environmental response costs) in any way arising out of, pertaining to, or in any way connected with, the UST/AGST System or a release there from. The defense, indemnity and hold harmless provisions of this paragraph shall survive termination of this proposal and shall continue in full force and effect.

- G. Subscriber provides a clean-dedicated 110 v. AC electrical circuit at the pump island of sufficient voltage and amperage to operate pumps, electric reset, and card reader.
- H. Subscriber provides one voice grade telephone line ordered from the Telephone Co. to conduit installed by TFF. These lines are standard dial-up lines and are the least expensive type of phone line. The telephone company charges nominal installation fees and minimum monthly billing for this line.
- I. In the event of termination of this Agreement, Subscriber shall immediately return to TFF all equipment of TFF provided to Subscriber by TFF. Subscriber hereby authorizes TFF to enter upon the property of the Subscriber to remove the TFF equipment in the least intrusive manner possible. Subscriber hereby grants TFF servitude of passage for such purposes to enter upon any property of the Subscriber or property over which Subscriber has control to remove any and all equipment of TFF.
- J. Since TFF keeps three years worth of historical data on all customers, we have the ability to provide backup reports to Subscriber in the event of a disaster.

## **PERFORMANCE**

- A. TFF agrees to respond to a reported equipment malfunction within 24 hours.
- B. TFF guarantees to have all TFF supplied equipment repaired within 10 working days, allowing time for ordering of replacement parts.

## **CARD CONTROLS**

- A. TFF will issue magnetic stripe controlled access cards, of the highest quality available, to the vehicles of Subscriber, and will issue five digit PIN numbers to all Subscriber authorized drivers, thereby allowing these drivers to access the fueling locations. Provisions will be made for spare cards and replacement cards for Subscriber. Each vehicle card issued to Subscriber will be restricted to one grade of fuel with gallon capacity limits, daily fuel limits, and weekly fuel limits. If automotive related products are desired, weekly dollar limits per vehicle are available.
- B. At the On Site location the driver can only authorize a pump that matches the product encoded on the card. The pump will automatically shut off when the gallon capacity is reached, and deny fuel if over daily or weekly limits set by Subscriber.
- C. In the retail environment, most of the Fuelman acceptance locations today are Pay at the Pump allowing the driver to swipe his card at the major oil card reader prior to getting fuel. At the major oil pay at pump locations, the fuel type restriction on any card cannot be enforced as the major oil networks do not enforce fuel restrictions. Time of day and days per week restrictions are enforced at these major oil stations.
- D. If the driver goes inside the store to make his purchase at a Pay at the Pump location, it is possible for the clerk to over-ride all fuel only restrictions. This is not unique to TFF cards as all fleet cards and/or credit cards are handled in this manner. Timely review of TFF reports and employee management is key to preventing employee pilferage.
- E. At locations that are not pay at the pump, the driver fuels his vehicle first before entering the store to pay for the fuel with the TFF card. In the store, the driver slides his card on the TFF pin pad and the attendant enters the product purchased information while clearing their gasoline console and cash register (product type, quantity and dollar amount are entered by the attendant). The TFF Point of Sale (POS) equipment performs a mathematical program verification of the product type entered. The transaction will not process electronically if the product type, gallons, and dollar amount do not equate per the mathematical double check against the price per gallon stored in the memory of the machine. This drastically eliminates human errors on data entry and assures the fleet owner that this was in fact the product purchased.
- F. TFF authorizes only fuel or fuel related items through the Fuelman POS equipment. TFF does not have product codes for Food, Miscellaneous or Other items. The TFF POS mathematical checking further eliminates other products (cigarettes, sandwiches, etc.) from being entered by the attendant at the point of purchase.

- G. Once the TFF POS has done the checking and the calculations are correct, the transaction will be authorized. If the driver has pumped the wrong type fuel, or is over gallon capacity limits, or daily and/ or weekly fueling limits, the TFF POS will prompt the attendant to call the 24- Hour TFF Help Desk (1-800-966-9013).
- H. The Help Desk will notify Subscriber's fleet contact of driver problems, and ask Subscriber whether transaction should be declined or authorized. After business hours, the TFF Help Desk will follow Subscriber's directive in handling transactions that are of the wrong fuel type, or over gallon limits.
- I. TFF will provide all fuel access cards and replacement cards to Subscriber at no charge through the local Austin TFF office at 4911 E. 7<sup>th</sup> Street. All card service is handled through this office with next day service on new card orders. All card orders may be placed at this office Monday through Friday, 8:00 AM through 5:00 PM.
- J. Subscriber has the ability to immediately lock out any employee PIN number or vehicle card issued to Subscriber, 24 hours a day, 7 days a week with TFF online access. During business hours, if Subscriber desires TFF to lock out or remake any cards, they may call our toll free number 888-311-3835.
- K. TFF agrees to provide all Subscriber card information and fuel transaction reporting online for Subscriber use. At TFF's password-protected Web site, Subscriber will be able to view and make changes to Subscriber's account:
  - a. Issue, reissue, replace, renew, activate and deactivate cards.
  - b. Add, edit, lock, and unlock employees.
  - c. Create PINS for new employees.
  - d. Add, edit, lock and unlock vehicles.
  - e. View transactions.
  - f. View sites.
  - g. Print management reports and invoices

## **Reporting**

- A. TFF will provide the Weekly Motor Fuel Management Report to allow maximum fuel control and accountability for Subscriber. Managing fuel usage timely has proven to be the most effective way of lowering fuel costs.
- B. Management and enforcement of accurate odometer reading entries and monitoring the MPG between fill ups is strongly advised to prevent driver pilferage and theft. Monitoring the MPG is the only way to ensure that the fuel the driver purchases actually stays in Subscriber's vehicle. If a driver fills another vehicle other than Subscriber's, the MPG between fill ups will drop considerably.

- C. As with all fleet card programs, it is impossible to rely on store attendants to manage fleet drivers. Store attendants are far too busy to check vehicle identifications and collusion between driver and attendant is common in the retail environment. TFF POS mathematical checking eliminates this collusion, as well as entering non-fuel purchases. The Weekly Motor Fuel Management Report must still be reviewed to limit driver theft, however.
- D. Weekly Motor Fuel Management Reports can be transmitted to Subscriber either electronically (IBM compatible) or via printed program reporting. Other reports available include monthly motor fuel summary reports, site usage reports, tank inventory and usage information, and maintenance reports are available on an optional basis.

**The Weekly Motor Fuel Management Report.** This report will show by vehicle license plate number:

- ◆ Date and time of fueling
- ◆ Location of the fueling
- ◆ Drivers Name
- ◆ Odometer reading entered by driver
- ◆ The MPG since the last fueling
- ◆ The product type purchased by the driver
- ◆ The quantity purchased in gallons to the nearest tenth
- ◆ The base price of the fuel per gallon
- ◆ The tax price of the fuel per gallon
- ◆ The total amount of the fuel transaction
- ◆ The total miles driven by the vehicle for the week
- ◆ The average MPG for the vehicle for the week
- ◆ The total gallons purchased for the vehicle for the week
- ◆ The total dollar amount of the fuel for the vehicle for the week
- ◆ All automotive related purchases (if requested) for the vehicle for the week are broken out separately, subtotaled and shown beneath the fuel information
- ◆ All automotive related purchases show date, time, location, driver, odometer, product type, quantity, and total dollar amount of the purchase
- ◆ The total dollar amount of fuel and automotive related purchases for the vehicle for the week

**The Monthly Motor Fuel Summary Report.** This report will summarize for the calendar month the following information by vehicle for each transaction with totals:

- ◆ Date and time of each fueling
- ◆ Location of each fueling
- ◆ Drivers Name
- ◆ Odometer entered by the driver
- ◆ Miles driven since last fueling
- ◆ Fuel type purchased

- ◆ Quantity to the nearest tenth of a gallon
- ◆ Extended total amount of the transaction
- ◆ MPG since last fueling
- ◆ Cost per mile for the vehicle
- ◆ Total # of transactions for the vehicle for the month
- ◆ Average price per gallon paid for the vehicle for the month
- ◆ Total miles driven for the vehicle for the month
- ◆ Total gallons used by the vehicle for the month
- ◆ Total dollars used by the vehicle for the month
- ◆ Average MPG for the vehicle for the month
- ◆ Average Cost per mile for the vehicle for the month

**Additional Free Report: Monthly Fleet Analysis Report.**

- ◆ Summarizes Subscriber's fleet cost per mile including fuel, oil and maintenance by vehicle
- ◆ Allows easy comparison of vehicles for future equipment purchases

**Optional Maintenance Reporting for onsite and offsite maintenance.**

- ◆ Preventative Maintenance Scheduling
- ◆ Year to Date Fleet Analysis
- ◆ Track Maintenance costs per vehicle in various categories

## **Subscriber Costs**

- A. TFF's Cost Plus Pricing program is unique in the fleet card industry due to TFF's ability to make fuel available at wholesale cost plus a fixed margin basis. The cost of fuel and services to TFF's contract customers is not in any way influenced by the retail prices of fuel. TFF adds the same fixed profit margin to the wholesale cost of fuel regardless of retail prices.
- B. TFF uses the Oil Price Information Service (OPIS) to document the actual costs of fuel each week. OPIS is an independent index that is one of the leading sources of wholesale petroleum product prices in the world. OPIS tracks more than 40,000 rack prices daily
- C. OPIS publishes a weekly newsletter that posts the Thursday rack prices throughout the United States. These are the same weekly figures TFF uses to calculate Cost Plus Pricing contracts.
- D. Pricing to Subscriber On-Site will be based on a transaction fee of \$.075 per gallon, to Subscriber.



- E. Pricing to Subscriber Off-Site will be based on TFF's cost of fuel plus a fixed mark-up of \$.119 per gallon, plus freight and taxes. Cost at Cost Plus Locations is determined by using the actual rack refiner price as defined by OPIS Thursday posting of each week. The prices are adjusted on a weekly basis to the OPIS delivery cost for that week and invoiced to Subscriber. The payment terms are weekly. Included in this price are all of TFF's computer reporting and credit costs, profit and overhead.

### **On Site Mark-up**

<b>Description</b>	<b>Mark-up per gallon,</b>
Regular unleaded	.075 per gallon
Low sulfur diesel	.075 per gallon

### **Off Site Mark-up**

<b>Description</b>	<b>Mark-up per gallon, excluding freight*</b>
Regular unleaded	.119 per gallon
Low sulfur diesel	.119 per gallon

- F. TFF will invoice Subscriber once a month. Payment is due net 14 days from date of invoice.
- G. TFF is a registered Ultimate Vendor (UV) with the Internal Revenue Service (IRS). As such, TFF will invoice Subscriber without the Federal excise taxes on the fuel.

### **Locations**

- A. Currently TFF has approximately 300 Self - Serve locations throughout the Austin/Temple area and new locations are being added everyday. Additionally, TFF has hundreds of locations adjoining the Central Texas area, and thousands more throughout the United States.
- B. TFF is willing and able to expand locations if current site coverage is insufficient for Subscriber. TFF strives to be customer driven in acquiring new sites and Subscriber input is always welcome.



## Summary

TFF provides Weekly Reporting, as well as monthly reporting, to enable maximum fuel management savings. Reporting can be made available electronically and/or through printed report.

Unique to the Fleet Card industry, TFF is able to offer **Cost Plus Pricing**. Contrary to retail based pricing that is dependent on market forces; Cost Plus pricing provides minimal variations in fuel prices. Retail fuel prices vary greatly within metropolitan markets and even more widely in rural areas. TFF simplifies fuel pricing by providing fuel and fuel reporting at the true cost of the product, as documented by the Oil Price Information Service, plus freight, applicable taxes, and a fixed margin wherever Subscriber purchases fuel in the TFF network. This pricing alone should afford Subscriber great savings over traditional retail pricing.

TFF vehicle cards provide the highest degree of security to fleet users. Each vehicle has a card that is identified by that vehicle's license plate number. This card is encoded to get one type of fuel only (unleaded regular). There is also a gallon capacity limit on each card. If a driver gets more than this gallon amount, TFF notifies Subscriber through TFF's 24 Hour Help Desk. There are also daily gallon limits and weekly gallon limits encoded on each vehicle card. These restrictions are designed to make TFF cards the most secure choice for the governmental fleets. All card limits are set by Subscriber and can be as restrictive as necessary.

Each authorized driver gets a 5 digit PIN number that identifies the person fueling. PIN numbers, as well as vehicle cards, can be locked out immediately with a phone call to TFF. Additional PIN numbers are available at no charge.

TFF provides all access cards and replacement cards to Subscriber at no cost. There are no additional fees for reporting or card usage. Since the TFF office is located in Austin, replacement cards are typically mailed to the customer or picked up at our office at 4911 East 7<sup>th</sup> Street; Austin, TX. Card turn-offs can be done immediately online or by notifying the local office Monday –Friday (8:00 AM- 5:00 PM).

**CONTRACT APPROVALS:**

Subscriber hereby agrees to and contracts for the TFF package of services described above:

**SUBSCRIBER**

**Date:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**Name:**

**Title:**

**TFF**

**Date:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**Name:**

**Title:**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE YEAR FUEL MANAGEMENT CONTRACT WITH TEXAS FLEET FUEL, LTD., OF AUSTIN, TEXAS, UTILIZING A TEXAS COOPERATIVE PURCHASING NETWORK CONTRACT (#R5127), COMMENCING FEBRUARY 1, 2014, IN THE ESTIMATED ANNUAL AMOUNT OF \$1,320,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, for several years, the City has purchased and managed fuel utilizing a Bell County contract with Texas Fleet Fuel, Ltd. – Bell County’s current contract with Texas Fleet Fuel, Ltd will expire on January 31, 2014 and instead of conducting an independent solicitation, bell county has elected to utilize a Texas cooperative purchasing network contract with Texas fleet fuel to procure their fuel and provide a fuel management system;

**Whereas**, the fuel management service system allows City vehicles to fill up at local convenience stores and provides fuel management services by providing the City with a weekly report showing each vehicle’s fueling, who fueled, where they fueled, and the price for that week – this information can then be uploaded into the City’s fleet management system;

**Whereas**, Texas Fleet Fuel has offered the City an agreement and pricing similar to Bell County, utilizing the Texas Cooperative Purchasing Network Contract with pricing of 11.9¢ per gallon over the Oil Price Information Service rack price for each week, exclusive of freight;

**Whereas**, alternative options have been explored, but it has been determined that switching out the card program and fuel management system that already interfaces with the City’s existing system, would be costly and offer a significant administrative undertaking;

**Whereas**, staff recommends authorizing a five year fuel management contract with Texas Fleet Fuel, Ltd., of Austin, Texas beginning February 1, 2014, with two (2) one year renewal options;

**Whereas**, funding for fuel purchases were budgeted in each individual departments fiscal year 2013-2014 budget; 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 five year fuel management contract with Texas Fleet Fuel, Ltd., after approval as to form by the City Attorney, utilizing a Texas Cooperative Purchasing Network Contract (#R5127), in the estimated annual amount of \$1,320,000.

**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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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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12/05/13  
Item #3(K)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney  
Nicole Torralva, Director of Public Works

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance amending Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas to incorporate residential curbside recycling.

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

**ITEM SUMMARY:** Code revisions include a general update of Chapter 15 and the addition of sections covering the City's curbside recycling program. The new sections address:

- Availability of once a week voluntary residential curbside recycling collection by the City;
- A list of acceptable recyclable materials that the City will collect; and
- Establishing rules and regulations for the provision of curbside recycling services.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Chapter 15 Revisions](#)  
[Ordinance](#)

## CHAPTER 15

### GARBAGE, REFUSE, AND RECYCLING

#### Section 15-1. Definitions.

*"Approved type garbage can"* as used herein, means a receptacle furnished by the City of Temple.

*"Approved Recycling Container"* as used herein, means a recycling receptacle furnished by the City of Temple.

*"Business"* as used herein, means any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

*"Collection Cycle"* as used herein, means those days of the week or month that are specified by the City for the collection of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, or junk and bulk items.

*"Dry garbage"* as used herein, means nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber (but not tires), plastics, yard trimmings, leaves and similar materials; noncombustible rubbish includes glass crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600E-1800E Fahrenheit).

*"Out of Cycle Collection"* as used herein, means the collection by the City of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, junk and bulk items on any day other than the specified collection cycle days.

*"Recycling"* as used herein, means a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, composted, or processed, and returned to use in the form of raw materials in the production of new products.

*"Recycling Drop-off Center"* as used herein, means a location, either temporary or permanent, established for the receipt of recyclable solid waste including, but not limited to, aluminum, cardboard, metal, paper, glass, and plastic.

*"Recycling Program"* as used herein, means the organized collection of recyclable materials for the purpose of resource recovery and recycling in pursuit of the goals of the City.

*"Small Quantity Commercial Solid Waste Generator"* as used herein, means a place of business that generates a volume of non-wet garbage that will not require over two (2) pickups per week of a one-half (2) cubic yard container (an example would be a small barber shop, small fix-it shop, or small business), as determined by the Solid Waste Division.

*"Special Pickup"* as used herein, means the out of cycle collection of solid waste by the City at the request of the customer and, for which, a fee is assessed.

*"Wet (putrescible) garbage"* as used herein, means animal or vegetable matter, such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels,

rooming and boarding houses, such as scraps of meat, bread, bones, peelings of fruit and vegetables.

### **Section 15-2. Containers Required--For Wet and Dry Garbage.**

- (a) Each owner, occupant, tenant or lessee using and occupying any residence, building, house or structure within the corporate limits of the City as a place of abode or as a place of business is hereby required to keep and maintain, at all times and at a convenient place at his house, dwelling or place of business, if his business is of a type which accumulates wet and dry garbage in connection with the operation of same, adequate disposable garbage containers in sufficient numbers to properly receive and hold all wet and dry garbage, which includes grass clippings and leaves, being disposed of from his premises. Each such garbage container shall be made of plastic or other disposable material and of good sound construction and shall be capable of being secured from leaking and be flytight.
- (b) In areas of the City served by City furnished containers, the disposable containers will be placed, unbroken, into the furnished containers.
- (c) It is the responsibility of the customer to keep their container clean (residential only).

### **Section 15-3. Wet Garbage to be Placed in Proper Container.**

Each person in the City having wet garbage to be disposed of is hereby required to place the same in a garbage container meeting the requirements of Section 15-2, and all wet garbage shall at all times be stored in such a container. It is hereby declared to be unlawful for any person to place any wet garbage on the ground or in an open box or container or to store same in any receptacle other than a container meeting the requirements of Section 15-2.

### **Section 15-4. Condition of Container**

All containers shall be the property of the City and must not be painted, marked, abused, mutilated, altered, or modified in any way. Abuse and damage to a container by customers shall result in an assessment equal to the replacement cost of the container and/or time and materials involved to repair such container. Examples of abuse include, but are not limited to, overloading the container beyond the rated capacity, fire damage caused by hot coals and/or ashes, painting or marking the container in any manner.

### **Section 15-5. All Containers to be Kept Covered.**

All wet and dry garbage that is to be disposed of shall be placed inside the City provided container in such a manner that the lid will close to prevent litter, spillage or entry of vectors. No items shall be draped over, hanging out or protruding from the container. Items that will not fit inside the container shall be broken down into smaller pieces that will fit inside or be placed at the curb for bulk item collection in accordance with Section 15-15. Overloaded containers shall be subject to an additional fee charged to the monthly utility bill for that residence. Lids shall only be opened while emptying additional garbage in such containers or while an authorized person is removing such garbage or unloading the same for disposal.

### **Section 15-6. Rocks and Dirt not to be Placed in Containers.**

No rocks or dirt shall be placed in any containers maintained in accord with this Chapter.

**Section 15-7. Disposal of Manure, Offal, Remodeling Material and Other Waste Not Collected by City.**

Manure from private stables, offal and refuse from animals and fowl, night soil, dead animals and fowl, refuse from the remodeling of buildings, rocks, dirt, concrete and all other waste not mentioned in Section 15-1 must be kept in a suitable receptacle separate from the containers required by this Chapter for garbage and not dumped in the alleys or retained on the premises so as to become a nuisance, and the same shall be disposed of by the owner thereof. It shall be the duty of the Director of Solid Waste Services to see that such refuse is properly disposed of by the owner when so ordered. Such refuse shall be hauled away from the premises of the owner at his own expense and by his own means; and such refuse shall not be considered "garbage" and shall not be picked up by the garbage trucks of the City except as part of the roll off system.

**Section 15-8. Unauthorized Usage of City Furnished Containers.**

Any person or persons, firm or corporation placing garbage or refuse in a container not specifically assigned to that person, firm or corporation shall be guilty of a misdemeanor.

**Section 15-9. Preparation of Brush, Shrubs, Tree Trimmings and Cuttings for Collection by City.**

- (a) Items placed within eight (8) feet of the curb line of the street shall be considered a request for service.
- (b) All leaves and lawn cuttings, tree trimmings and cuttings shall be placed in the City furnished containers insofar as is possible and the container's capacity will allow.
- (c) All other brush, shrubs and tree cuttings that cannot be effectively disposed of in the container shall be placed behind the curb within three (3) feet of the curb line of the street. Items cannot be placed under any low lines or wires or tree limbs and must be at least 6 feet from any other object (mail box, car, garbage containers, etc.).
- (d) Brush and tree trimmings shall be placed in a separate pile from any bagged or boxed items or bulky items. Mixed brush and bulk at the curb will constitute a special pickup and a special pickup fee will be assessed.
- (e) A special pickup may be requested and/or required for out of cycle brush/bulk collection or to pickup items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at location). Setting out an item on a "non-cycle" day will constitute a request for service and special pickup charges shall apply. Special pickup charges are set by resolution of the City Council.
- (f) Private (professional/commercial) tree trimmers must register their businesses with the City and will be required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.



- (g) Homeowners are encouraged to practice backyard composting and the *Don't Bag It Programs* for grass clippings, leaves and vegetation.
- (h) Utility companies franchised by the City in easements or right-of-way accepted by the City or otherwise authorized to provide utility service are exempted from the provisions of this ordinance for the purposes of trimming/removing trees for emergency conditions that endanger public safety and welfare by interfering with utility service or during the course of reestablishing utility service. Franchised utilities will coordinate emergency operations with the Director of Solid Waste Services. Utilities will not be charged for disposal of emergency response brush. Utility companies are required to haul their trimmings due to routine maintenance and dispose of or recycle the trimmings.

#### **Section 15-10. Collection by City Generally; Private Collection of Brush, Etc.**

The collection of garbage in the City shall be the responsibility of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their businesses with the City and are required to haul their cuttings to the landfill or other site designated by the Director of Solid Waste Services.

#### **Section 15-11. Placement of Containers for Collection.**

The owner, occupant or lessee of any premises within the corporate limits of the City shall maintain the garbage containers as outlined in this section:

- (a) The City will, in selected locations as determined by the Director of Solid Waste Services and approved by the Director of Public Works, place containers of varying capacity for the collection of garbage. Each person, firm or corporation shall be notified by the Director of Solid Waste Services of the container location assigned to that person, firm or corporation. The use of other containers except by permission of Solid Waste Services is not permitted.

The criteria for placement of containers will be as follows:

- (i) Containers will be placed in the alleys in the central area to serve all business activities.
  - (ii) Additional containers will be placed in the alleys serving residential accounts to the extent that they can economically be serviced.
- (b) City-furnished containers in alleys shall conform to the following requirements:

- (i) The Director of Solid Waste Services shall place the appropriate sized containers in such a manner that they will serve three (3) or more residential accounts.
- (ii) The allocation of containers for commercial activities will be on a volume-needed basis. Where there are a number of small volume businesses contiguously located, the Director of Solid Waste Services shall place an appropriate sized container to serve these commercial accounts. Where the volume of garbage from any commercial account is sufficient to justify a separate container for that establishment, the Director of Solid Waste Services shall so place a container at that location.
- (c) Where there is not an open alley abutting the rear property line of any premises, the occupant shall place the garbage containers for collection within three (3) feet of the curb line of the street immediately abutting the front property line of the premises, or, in the event the premises is a corner lot the containers shall, upon request of the Director of Solid Waste Services, be placed within three (3) feet of the curb line of the side street. Provided, however, no commercial containers shall be allowed on the street right-of-way. In the event the geography of any lot such as slope, etc., prevents garbage containers from being placed as hereinabove provided, the Director of Solid Waste Services may allow said garbage to be placed for collection at a convenient location of said lot. All garbage containers must be placed by the curb by 7:00 a.m. on scheduled garbage days and must be removed from the curb by 8:00 p.m. on scheduled garbage collection days.
- (d) Notwithstanding conflicting provisions herein, apartment projects and mobile home parks may place garbage containers at a designated location within the project or mobile home park for collection. The location shall be subject to the approval of the Director of Solid Waste Services.
- (e) Unless otherwise instructed, garbage containers that are equipped with wheels shall be placed on the street with the wheels against the curb and a clearance of six (6) feet on both sides, two (2) feet to the rear and fourteen (14) feet above. If there is no curb the container shall be placed on the pavement or roadway as close as safely possible to the right of way with the wheels and handle facing away from the road.
- (f) Alley containers will be positioned with the lid or lids opening toward the alley so they may be properly emptied. Turning or moving alley containers is prohibited.
- (g) Containers which were not collected because they were not placed at the curb or collection point as required are considered "missed containers." Customers with "missed containers" can receive collection services for an additional fee.

## **Section 15-12. Collection Charges.**

Collection charges for solid waste services shall be set by resolution of the City Council.

## **Section 15-13. Billing; Failure to Pay.**

The charges fixed in this Chapter for the removal and disposal of garbage and dumping of garbage at the sanitary landfill shall be entered as a charge against each owner, occupant or lessee on the water and wastewater bills of the City. Should any person fail or refuse to pay the charges fixed against him and his place of abode or his place of business when due, the City shall be authorized to cut off and disconnect the water and wastewater services to his place of abode or business against which such garbage pickup fees have been fixed and assessed, and, in addition thereto, shall be authorized to discontinue garbage pickup services until such fees have been paid in full.

## **Section 15-14. No Credit for Vacancy of Premises.**

No credit will be given on the garbage collection charges fixed by this Chapter to any owner, occupant or lessee of any residence or place of business for vacancy thereof, unless the City is notified by such person and such person requests the City to disconnect or stop water, wastewater and garbage service to such premises.

## **Section 15-15. Junk and Bulk Items.**

The Solid Waste Division will collect from residential customers old furniture, appliances, junk, and bulk items placed at the curb on regular brush/bulk collection schedule.

- (a) Small items shall be placed in the City furnished container insofar as is possible and the container's capacity will allow.
- (b) Items that cannot be effectively disposed of in the City container shall be placed behind the street curb within eight (8) feet of the curb line of the street. Items should not be placed under any low wires or limbs and shall be placed at least six feet from any other objects (mailboxes, cars, garbage containers, etc.). Items placed in violation of this provision shall constitute a request for service.
- (c) Bagged, boxed or bulky items, furniture and appliances shall be placed in a separate pile from brush and tree trimmings as they are handled separately. Mixed bulk items with brush and tree trimmings will constitute a special pickup for which a fee will be assessed.
- (d) A special pickup may be requested and/or required for out of cycle collection or collection of items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at the location). Items set out on non-collection days will constitute a request for service for which a special pickup charge will be assessed. Special pickup charges are set by resolution of the City Council.

### **Section 15-16. Streets and Alleys not to be Used for Storage.**

It shall be unlawful for any person to place, store or abandon garbage, lumber, junk, refuse, furniture, appliances, leaves or brush within any alley or upon any street within the city limits.

### **Section 15-17. Salvaging Prohibited.**

It shall be unlawful for any person(s) to salvage any items from any refuse container, alley container or curb side container within the city limits of the City of Temple.

### **Section 15-18. Inspections to Enforce Ordinance.**

As a condition of receiving garbage service from the City, the Director of Solid Waste Services or his designee shall have the right to inspect customer containers, as needed, to determine whether garbage is being properly disposed of and to file a complaint against any person violating any provision of this Chapter.

### **Section 15-19. Hauling Garbage to Sanitary Landfill.**

Should any person haul all or part of his garbage to the sanitary landfill, he shall nevertheless be required to:

- (a) Pay garbage collection fees and dumping fees in accordance with the provisions of this Chapter;
- (b) Dump his garbage at the sanitary landfill in accordance with and subject to the rules and regulations of the Solid Waste Division and the Temple Landfill;
- (c) Dump his garbage in the area designated by the Temple Landfill;
- (d) Prevent any garbage from falling onto any street, alley or thoroughfare in the City. All loads of loose material shall be covered, enclosed or secured in such a manner so as to prevent such material from blowing or falling upon public roadways en route. Persons bringing unsecured loads to the landfill will be subject to a twenty dollar (\$20.00) surcharge per load or as set by the City's contractor, Waste Management of Texas, Inc. Properly bagged trash will be considered to be covered.
- (e) All commercial, industrial or institutional haulers are required to prominently mark by painted sign or other easily recognizable method both doors of the passenger compartment of their vehicles with the name of their firm or institution, or in lieu of signs, require their drivers, upon arriving at the sanitary landfill scales, to immediately dismount and report to the scale operator the name of said firm or institution.

### **Section 15-20. Fees and Use of Sanitary Landfill.**

(a) The City of Temple Landfill is operated by Waste Management of Texas, Inc., under a lease agreement between the City of Temple and Waste Management. A copy of the lease agreement, dated March 16, 2011 is on file in the Office of the City Secretary, and available for inspection by the public. Tipping or dumping fees for use of the Landfill are set by Waste Management subject to the terms and conditions of the agreement between the City

and Waste Management. The agreement also authorizes Waste Management to charge additional handling charges for certain types of special waste.

(b) Residents of the City who present a paid City water bill, which includes a garbage collection charge, dated within sixty (60) days of the date of presentment, shall be entitled to dump without charge one (1) time each calendar month garbage that is normally collected by the City from residences. This section does not authorize free dumping of manure, offal, remodeling, demolition, or construction materials or other waste not collected by the City from its residential customers. City customers dumping with a paid water bill under this section are limited to loads not in excess of one pickup truck. Customers may request prior authorization from the City's Director of Solid Waste Services to bring more than one load of garbage to the Landfill under this subsection. Without prior approval of the Director of Solid Waste Services for dumping in excess of once per month, or for loads containing unauthorized solid waste, customers shall pay the current tipping charge. This subsection does not require Waste Management to accept for disposal any materials not authorized for disposal in a Type I landfill.

#### **Section 15-21. Exemption from Residential Service Requirement.**

Notwithstanding any other provision of this Chapter, the Director of Solid Waste Services may grant exemptions in areas of the City zoned for agricultural use from the requirement in this Chapter that all residences within the City have garbage service. Residents may request an exemption in writing from the Director of Solid Waste Services. The request signed by the owner of the property in question must demonstrate that the residence is adequately served by an alternate method of solid waste disposal that does not create a public nuisance or threaten public health and safety. The decision by the Director of Solid Waste Services whether to grant an exemption shall be final. The Director of Solid Waste Services shall make regular inspections of any exempted residential property to ensure that a nuisance or threat to public health and safety is not being created.

#### **Section 15-22. Collection of Solid Waste Outside the City.**

The Director of Solid Waste Services is authorized to collect solid waste from residential customers outside the City under the conditions contained in this section. The Director of Solid Waste Services must receive a request for service, and the residence to be served must be located on or near a City solid waste collection route for City residents. The decision by the Director of Solid Waste Services whether to provide service outside the City limits to residential customers shall be final. The charge for service outside the City limits shall be 1.25 times the in-City rate for the same service.

#### **Section 15-23. Carry out service for residents.**

City residents who for health reasons establish to the satisfaction of the Director of Solid Waste Services that they are unable to physically place their container curbside for collection, and who live alone or have no one residing with them physically able to place the container curbside, are eligible for carry out service. The Director may in appropriate circumstances require a statement from the resident's personal physician verifying the need for carry out service. Re-enrollment shall be required annually. At such time as the situation changes wherein an able-bodied resident becomes available, carry out service terminates and containers must be placed at the point of collection in order to be serviced. The container for carry out service shall be placed near the front of the house, at a point visible from the street so as to be safely accessible by the operator, and not more than fifty feet from the curb of the street. Containers for carry out collection shall not be placed inside fenced areas or a garage without approval from the Director of Solid Waste Services.

#### **Section 15-24. Garbage only accounts.**

Residential and commercial customers within the City not serviced by water or wastewater service shall be treated as Garbage Only customers. To arrange for such service, each customer shall provide necessary information to establish such account and pay a deposit at the Utility Business Office. Rates for Garbage Only services are set by Resolution of the City Council of the City of Temple, Texas. Garbage Only accounts are subject to the late payment, disconnection, forfeiture of deposit, returned check, and reconnect provisions pertaining to water and wastewater accounts under Chapter 38 of the City Code.

#### **Section 15-25. Rental Properties, evictions, move-outs.**

In cases of rental properties, any charges for special pickups shall be billed to the owner of the property, the responsible party, or the responsible property management office.

#### **Section 15-26. Cul-de-sacs.**

There will be no parking allowed in cul-de-sacs or circles on garbage or recycling collection days. Parking blocks collection containers, limiting access or preventing collection. Collection will not be provided when such is the case.

#### **Section 15-27. Lost or Damaged Containers.**

A fee may be applied to replace a lost or damaged garbage container or recycling container.

#### **Section 15-28. Recycling Drop-off Center.**

(a) The City may operate one or more citizen drop-off sites for recyclable materials. Materials brought to a drop-off site shall be placed in the designated receptacle, or as directed by a site attendant. Materials shall not be left at drop-off sites during non-operational or non-public access hours.

(b) It shall be the duty of any person using City recycling drop-off centers or special collection events, to follow all traffic, safety, and directional signs, site operating rules and verbal directions, or directions posted or given within any City drop-off site at all times. Only materials authorized for acceptance at the site are allowed. Failure to comply will constitute a violation of this chapter and may result in denial of access to these locations.

#### **Section 15-29. Curbside Recycling Program.**

(a) Participation in the City's curbside recycling program is voluntary. Anyone who chooses to participate agrees to abide by the rules and requirements set by the Director of Solid Waste Services. Failure to comply with these guidelines may result in forfeiture of all privileges to participate in the curbside recycling program.

(b) A curbside recycling fee is included in the monthly utility fee for residential garbage service. There is no additional fee charged for participation in the residential curbside recycling program.

(c) Recycling containers for the residential curbside recycling program will be provided by the City.

### **Section 15-30. Recycling Container Placement.**

Unless otherwise instructed, recycling containers that are equipped with wheels shall be placed on the street with the wheels against the curb and a clearance of six (6) feet on both sides, two (2) feet to the rear and fourteen (14) feet above. If there is no curb the container shall be placed on the pavement or roadway as close as safely possible to the right of way with the wheels and handle facing away from the road. All recycling containers must be placed by the curb by 7:00 a.m. on scheduled recycling days and must be removed from the curb by 8:00 p.m. on scheduled recycling collection days.

### **Section 15-31. All Recycling Containers to be Kept Covered.**

All recyclables shall be placed inside the curbside recycling container in such a manner that the lid will close to prevent litter, spillage or entry of vectors. No items shall be draped over, hanging out or protruding from the container. Lids shall only be opened while placing additional recyclables in such containers or while an authorized person is removing such recyclables or unloading the same for processing.

### **Section 15-32. Inspections to Enforce Ordinance.**

As a condition of receiving residential curbside recycling service from the City, the Director of Solid Waste Services or his designee shall have the right to inspect customer containers, as needed, to determine whether recyclable materials are being properly disposed of and to file a complaint against any person violating any provision of this Chapter.

### **Section 15-33. Recycling Collection Outside the City.**

If the customer has qualified for garbage collection service as stated in Section 15-22, the customer will also qualify for curbside recycling collection with no additional fee.

### **Section 15-34. Recycling Carry Out Service for Residents.**

If the customer has qualified for garbage carry out service as stated in Section 15-23, the customer will also qualify for curbside recycling carry out service with no additional fee.

### **Section 15-35. Curbside Recycling for Garbage Only Accounts.**

If the customer has qualified for a garbage only account as stated in Section 15-24, the customer will also qualify for curbside recycling collection with no additional fee.

### **Section 15-36. Curbside Recycling Acceptable Materials.**

(a) Customers are provided a green recycling container in which to place specified items (“recyclables” or “recyclable materials”). All items must be acceptable under applicable laws and regulations and the City’s contracts with purchasers of recyclable materials. Customers participating in the recycling program receive once-per-week collection of recyclable materials. Specific collection days are designated by the Solid Waste Division.

(b) Acceptable recyclable materials shall be designated by the City, and include:

- (i) Newspaper, mixed office paper, magazines;
- (ii) Corrugated cardboard, pasteboard products (without liners);

- (iii) Aluminum, tin, steel cans;
- (iv) Plastic bottles, and most plastics labeled #1-#7; and
- (v) Other materials as may be designated by the Director of Solid Waste Services.

(c) Recyclables should be rinsed and free of contaminants.

(d) Recyclables shall be placed in the container loosely and not bagged.

(e) At the discretion of the Director of Solid Waste Services or his designee, a recycling container shall not be collected if the recycling container is contaminated with any of the following:

- (i) Garbage
- (ii) Glass
- (iii) Styrofoam
- (iv) Plastic Bags
- (v) Appliances
- (vi) Clothing
- (vii) Toys
- (viii) Dead Animals
- (ix) Yard waste including grass clippings, leaves or trimmings
- (x) Household Hazardous Waste; or
- (xi) Any other materials as may be designated by the Director of Solid Waste Services.

(f) Contamination of a recycling container with any of the materials listed above is considered a violation of this Chapter and may result in confiscation of a customer's recycling container as set forth in Section 15-37.

### **Section 15-37. City Confiscation of Recycling Container.**

(a) If a recycling container is not serviced due to the conditions detailed in Section 15-34, the Solid Waste Division shall notify the customer to which the recycling container is assigned in writing when and for what reason the recycling container was not serviced. Customers receiving notification of no service shall have the option of removing the contaminated material from the container and placing the container out for collection on the next recycling collection day.

(b) If the violation in (a) is observed a second time within six (6) months of the first violation, the customer to which the recycling container is assigned will receive a verbal warning and a second written warning regarding the violation. If the violation is observed a



third time within the same six (6) month period, the customer will receive written notice that his container will be confiscated by the City within forty-eight (48) hours.

(c) A recycling container that has been confiscated as set forth in this section will be returned to the customer upon payment of the re-delivery fee.

#### **Section 15-38. Non-Participation in the Curbside Recycling Program.**

Residents not participating in the City recycling program will receive once-per-week collection of garbage. This section includes residents that voluntarily do not wish to participate. It also includes residents that have been removed from the program due to habitual violation of this code.

#### **Section 15-39. Fees.**

The City Council authorizes the City Manager, or his designee, to establish the fees to be applied for replacement of a lost or damaged container, to replace a confiscated recycling container, for a second 96-gallon garbage or recycling container, for an overloaded container and for a missed container.

#### **Section 15-40. Curbside Recycling by City Generally.**

Residential curbside recycling collection in the City shall be a part of the duties of the Solid Waste Division, the employees of which shall make periodic pickups throughout the City from the recycling containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect residential recyclable materials in the City without having first obtained written authority, by contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 15, "GARBAGE AND REFUSE," 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 15, "Garbage and Refuse," of the Code of Ordinances;

**Whereas**, the revisions include a general update of Chapter 15 and the addition of sections covering the City's residential curbside recycling program – the new sections address:

- Availability of once a week voluntary residential curbside recycling collection by the City;
- A list of acceptable recyclable materials that the City will collect; and
- The establishment of rules and regulations for the provision of curbside recycling services.

**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:** The City Council amends Chapter 15, "Garbage and Refuse," of the Code of Ordinances of the City of Temple, Texas, which includes a general update of Chapter 15 and the addition of sections covering the City's residential curbside recycling program, as outlined in Exhibit A, attached hereto and incorporated herein 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 **21<sup>st</sup>** day of **November**, 2013.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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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12/05/13  
Item #3(L)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance closing and vacating the 1<sup>st</sup> Street railroad crossing (DOT no. 022966C) to vehicular traffic.

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

**ITEM SUMMARY:** As part of the approved Downtown Rail Safety Zone, the BNSF railroad crossing located on South 1<sup>st</sup> Street just south of downtown (Exhibit A) must be closed to vehicular traffic.

On March 21, 2011, the City entered into a contract with Kasberg, Patrick & Associates, LP (KPA) to develop options and alternatives to create a downtown rail safety zone, allowing locomotive traffic to operate without the use of horns. Their attached Downtown Rail Safety Zone Report recommended closing the South 1<sup>st</sup> Street crossing and constructing Supplemental Safety Measures (SSM's) at the South Main Street and Martin Luther King Jr. Drive crossings (Exhibit B). October 18, 2012, Council resolved to direct Staff to proceed with implementation of the report.

On April 4, 2013, Council authorized a professional services agreement with KPA to design, bid, and provide construction phase services for the recommended street closure and SSM's in an amount not to exceed \$98,000.

In accordance with BNSF policies and procedures, the City Council must approve an ordinance authorizing the closing of this crossing. Once the closing has been approved, the City will place appropriate end-of-road treatments on both sides of the roadway approaches to the crossing.

**FISCAL IMPACT:**

**ATTACHMENTS:**

Exhibit A - S. 1<sup>st</sup> Street Map

Exhibit B – Safety Zone Map

Downtown Rail Safety Zone Report

Ordinance





**KPA**

AVENUE B

SANTA FE GARDENS

AVENUE C

COMMUNITY FARMER'S MARKET

PROPOSED CLOSED RAIL CROSSING

BNSF RAILROAD

1ST STREET



**DOWNTOWN  
SAFTY ZONES  
(1ST STREET)**





# DOWNTOWN SAFETY ZONES

PROPOSED  
CLOSED  
RAIL CROSSING

PROPOSED  
6' WIDE  
MEDIANS

PROPOSED  
10' WIDE  
MEDIANS

PROPOSED  
QUIET ZONES

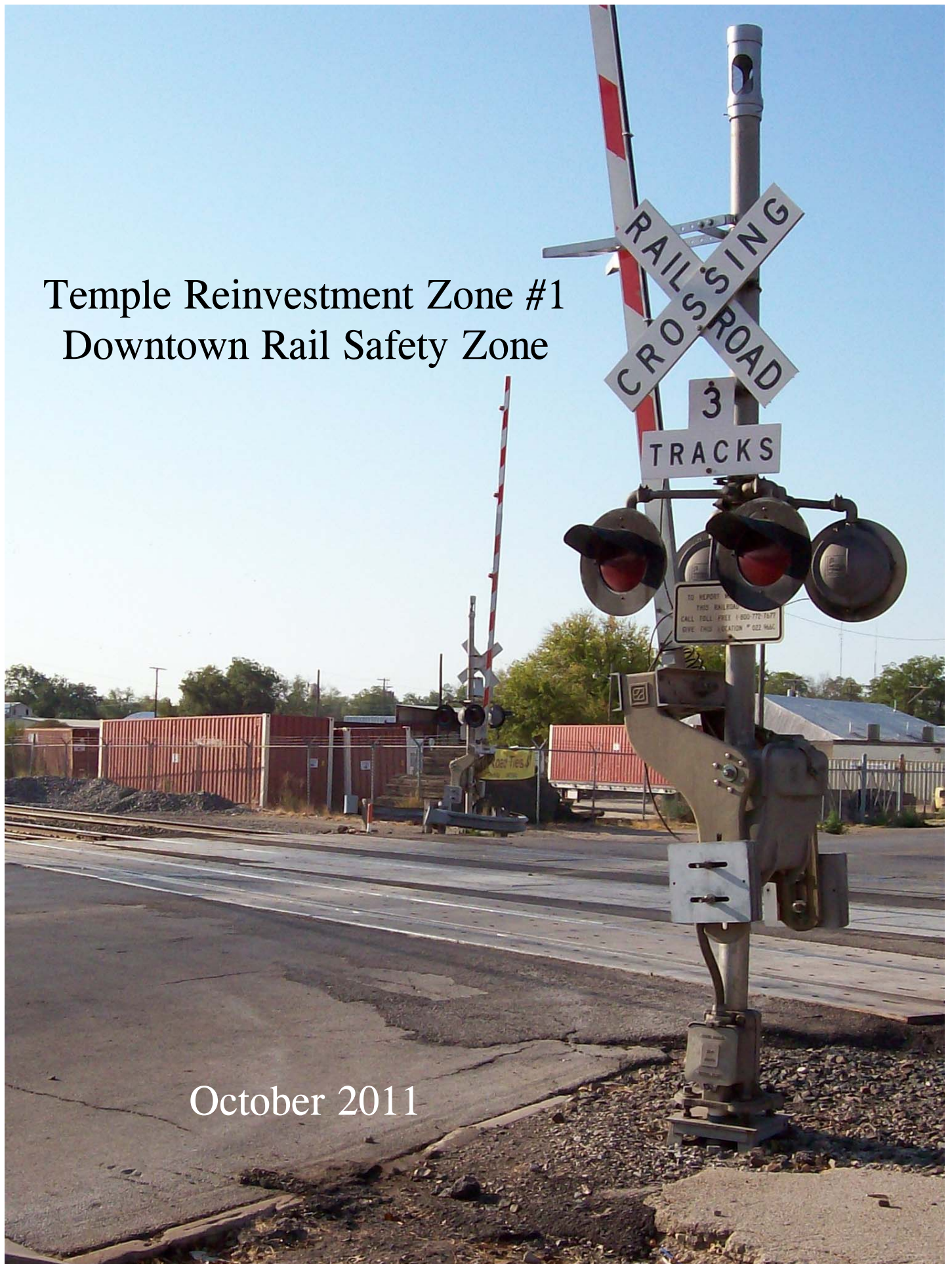
LEGEND





# Temple Reinvestment Zone #1 Downtown Rail Safety Zone

October 2011





## **INTRODUCTION**

### **A. PURPOSE OF THE STUDY**

The purpose of the study is to determine the feasibility of creating a safety zone within the downtown area of Temple, Texas and to develop estimated costs for the creation of the safety zone. If feasible, the safety zone will be created by the development of a quiet zone in downtown Temple. A quiet zone is a section of rail line that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded.

### **B. SCOPE OF THE STUDY**

In general, the scope of the study includes the review of the Burlington Northern Santa Fe Railroad (BNSF) crossings located at First Street, Main Street and Martin Luther King Drive (see the location map on the next page) for the possibility of creating a safety zone through the development of a quiet zone within the downtown district. The creation of the safety zone will be reviewed in conjunction with Federal Rail Administration (FRA) regulations. The Federal Rail Administration Train Horn Rule (49 CFR Part 222) requires the sounding of locomotive train horns on approach and entry of public road-rail grade crossings. The creation of a quiet zone allows communities to silence train horns by meeting the requirements set forth by the FRA.

## **DEVELOPMENT OF FRA QUIET ZONE**

### **A. PRE-RULE QUIET ZONE AND PRE-RULE PARTIAL QUIET ZONES**

The first step in the creation of a quiet zone is determining if the crossings that are desired to be in a quiet zone qualify under the Pre-Rule Quiet Zones. In order to determine if the crossings will qualify under the Pre-Rule Quiet Zones the following must be accomplished:

1. Identify all the crossings to be included as part of the proposed quiet zone.
2. Check whether each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads). If all crossings do not qualify as pre-rule crossings, then the proposed quiet zone does not qualify as a Pre-Rule Quiet Zone, and the creation of a new quiet zone should be explored.
3. Determine whether any crossings are desired to be eliminated from the proposed quiet zone. The length of a Pre-Rule Quiet Zone may continue unchanged from that which existed on October 9, 1996. If, however, a crossing is to be eliminated, the quiet zone must be at least ½ mile in length along the railroad tracks.
4. A quiet zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (state or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
5. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and be dated within 6 months prior to the quiet zone implementation.
6. If each public crossing in the proposed quiet zone is equipped with one or more Supplementary Safety Measures (SSMs) as defined in Appendix A of the Rule, the quiet zone qualifies for automatic approval. To complete the process of creating the quiet zone, notify the parties listed in rule section 222.43 by December 18, 2004. Supplemental Safety Measures are engineering improvements, which when installed at a crossing within a quiet zone, would reduce the risk of a collision at the crossing.
7. If every public crossing is not equipped with at least one SSM, then the quiet zone can automatically qualify by comparing its Quiet Zone Risk Index (QZRI) with the Nationwide Significant Risk Threshold (NSRT). However, these quiet zones are subject to annual review by the Federal Rail Administration. The Quiet Zone Risk Index is the average risk index for all public crossings in a proposed quiet zone taking into consideration the increased risk caused by the absence of train horns and any decrease in risk attributable to installed Supplemental Safety Measures or Alternative Safety Measures. The Nationwide Significant Risk Threshold is the average risk index of all public, gated crossings in the nation at which train horns sound.

8. Using the Federal Rail Administration's Quiet Zone Calculator determine whether the QZRI of the proposed quiet zone is less than or equal to the NSRT. If the QZRI is less than or equal to the NSRT, the quiet zone qualifies for automatic approval.
9. If the QZRI is greater than the NSRT, use the Federal Rail Administration's Quiet Zone Calculator to check whether it is less than twice the NSRT. If the QZRI is more than twice the NSRT, the quiet zone cannot qualify for automatic approval.
10. If the QZRI is greater than the NSRT, but less than twice the NSRT, determine whether any of the public crossings have experienced a "relevant collision" on or after December 18, 1998. If there have not been any "relevant collisions" at any public crossing since December 18, 1998, the quiet zone qualifies for automatic approval.
11. If the QZRI is greater than the NSRT, but less than twice the NSRT, and there has been a "relevant collision" at a public crossing within the proposed quiet zone, the quiet zone cannot qualify for automatic approval. For information on how to proceed, see Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval.

**After reviewing the criteria outlined in Items 1-11 listed above, it has been determined that the streets identified in this study do not meet the criteria for automatic approval.**

## **B. CREATING A NEW QUIET ZONE OR NEW PARTIAL QUIET ZONE USING SUPPLEMENTAL SAFETY MEASURES**

Since the crossings identified in this study do not meet the requirements for automatic approval, a new quiet zone must be created in order to provide a safety zone that will allow rail traffic to travel safely in the downtown area without the use of train horns. In order to achieve this, the following must be reviewed and implemented:

1. Select the crossings to be included in the new quiet zone.
2. A quiet zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (state or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
3. A new quiet zone must be at least ½ mile in length along the railroad tracks.
4. A new quiet zone must have, at a minimum, flashing lights and gates in place at each public crossing. These must be equipped with constant warning time devices where reasonably practical, and power out indicators. Any necessary upgrades must be completed before calculating risk for the quiet zone. **The crossings at Martin Luther King Drive and Main Street have the minimum infrastructure in place for utilizing SSMs without additional construction by BNSF. First Street does not have the infrastructure in place.**
5. Are there any private crossings within the proposed Quiet Zone? If any private crossings allow access to the public or provide access to active industrial or commercial sites, a diagnostic team review of those crossings must be conducted. Following the diagnostic review, the diagnostic team's recommendations concerning those crossings must be complied with. **For the creation of this safety zone there are not any private crossings.**
6. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and dated within 6 months prior to the quiet zone implementation. For new quiet zones, the baseline conditions for calculating risk require that the minimum required traffic control devices are in place. This first Inventory update, therefore, must be completed after the gates, lights, and signs are in place, but before the SSMs and other measures are implemented.
7. Using the FRA's Quiet Zone Calculator, a web-based tool, determine whether the Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT). If the QZRI is less than or equal to the NSRT, the quiet zone can be established through public authority designation by completing the following steps:
  - a. Install required signage at each crossing.
  - b. Notify the parties listed in the rule.

Note: Quiet zones established by comparison to the NSRT are subject to annual FRA review.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 2½-3 years.

8. The step described above involves qualifying a quiet zone without implementing any Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs). If the FRA's Quiet Zone Calculator indicates that the proposed quiet zone will not qualify on that basis, then any required measures shall be installed. To qualify for Public Authority Designation, the following requirements shall be met: implement SSMs, build grade separations, close crossings, or install wayside horns.
9. If every public crossing in the proposed quiet zone is equipped with one or more SSMs, the quiet zone can be established through public authority designation by completing the following steps:
  - a. Install required signage at each crossing.
  - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
  - c. Notify the parties listed in the rule.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 4½-5 years.

10. If every public crossing is not equipped with an SSM, use the FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the level of risk that would exist if the train horns were still sounded (RIWH). If the QZRI is less than or equal to the RIWH, the quiet zone can be established through public authority designation by completing the following steps: RIWH is the Risk Index with Horns. The is the level of risk as determined by at grade rail crossings with train horns sounding.
  - a. Install required signage at each crossing.
  - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the quiet zone.
  - c. Notify the parties listed in the rule.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2½-3 years.

11. Use the FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the Nationwide Significant Risk Threshold (NSRT).

If the QZRI is less than or equal to the current NSRT, the quiet zone can be established through public authority designation by completing the following steps:

- a. Install required signage at each crossing.
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the quiet zone.
- c. Notify the parties listed in the rule.

Note: Quiet zones established by comparison to the NSRT are subject to annual FRA review.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 2½-3 years.

For the Temple Downtown Area Supplemental Safety Measures (SSMs) will be required in order to have a railroad crossing within a quiet zone. Approved Supplemental Safety Measures by the Federal Rail Administration are:

- Four quadrant gates
- Medians or channelization devices at gated crossings
- Temporary closure (i.e. nighttime closure)

The four quadrant gates are by far the easiest solution for the creation of quiet zones with at grade crossings. They are the most expensive option as well with each intersection costing as much as \$500,000. These SSMs require intense work by the BNSF which will drive up costs for the City of Temple. For this reason it is not feasible to create the safety zone in the downtown area utilizing four quadrant gates.

One way streets and temporary closures are also an option that is not feasible. Traffic in the downtown area of Temple requires directional (two-way) traffic due to the layout of the area. As a result, these options are not practicable or feasible for downtown Temple.

Medians for Main Street and Martin Luther King Drive present a viable SSM for the creation of a quiet zone. Infrastructure is currently in place within the BNSF rail line to allow the median to function with the gate system, although the gates at Martin Luther King Drive will need to be investigated for coverage by a proposed median. First Street does not have the required constant warning devices in place to implement SSMs without construction efforts from the BNSF. For this reason, along with pedestrian traffic near this crossing, we will explore closing this rail crossing.

## **C. CITY OF TEMPLE DOWNTOWN AREA STREETS CONSIDERED FOR NEW QUIET ZONE**

### **1. Martin Luther King Drive**

The BNSF Railroad crosses Martin Luther King Drive (MLK) east of their terminal yard. MLK is a four lane roadway at this location with existing gates that are connected to HXP-1 constant warning circuitry. This crossing is equipped with power-out light indicators on the crossing houses. This location is defined on the U.S. Department of Transportation Grade Crossing Inventory as DOT Number 022964N located at Rail Road Mile Post 217.69. These elements qualify this at grade crossing to meet the minimum requirements for active warning devices, thus allowing Supplemental Safety Measures (SSM) to be installed without additional construction to the BNSF mainline. This intersection will need to have medians constructed as a SSM to reduce the Quiet Zone Risk Index and qualify this intersection to be included in the proposed safety zone. Please see Page 11 for the Martin Luther King Drive exhibit.

### **2. Main Street**

The Main Street crossing of the BNSF railroad occurs in the downtown area of Temple directly east of the connection to the BNSF terminal yard. It is a two lane roadway that has an abandoned rail crossing directly south of the BNSF mainline crossing. This crossing is equipped with gates connected to HXP-1 constant warning circuitry and power-out light indicators on the crossing houses. This location is defined on the U.S. Department of Transportation Grade Crossing Inventory as DOT Number 022964N located at Rail Road Mile Post 217.69. These elements qualify this at grade crossing to meet the minimum requirements for active warning devices, thus allowing Supplemental Safety Measures (SSM) to be installed without additional construction to the BNSF mainline. This intersection will need to have medians constructed as an SSM to reduce the Quiet Zone Risk Index and qualify this intersection to be included in the proposed safety zone. Please see Page 12 for the Main Street Exhibit.

### **3. First Street**

First Street is located directly west of Main Street. Currently the rail crossing does not have the constant warning devices in place to develop SSMs to allow this intersection to qualify in the safety zone with out construction efforts from BNSF. The proximity requires that this crossing be included in the quiet zone or be eliminated. First Street is located adjacent to the Farmers Market and Santa Fe Gardens in the downtown area of Temple. These attractions create heavy pedestrian traffic for First Street at this location. The best scenario is to close this crossing. BNSF will have to remove the active warning devices and crossing panels from the track for the closing to occur. The cost for removing these items will be the responsibility of the BNSF and there will not be any cost for these efforts to the City of Temple. There are incentives available from BNSF for closing existing at grade rail crossings. The amount of the incentive has been determined to be \$17,500 by the BNSF Closure Review Committee. This has been submitted to the BNSF and will expire on January 1, 2012. It is anticipated that the amount will remain the same for future submittals. The Texas Department of Transportation can also offer

\$7,500 for safety improvements at this intersection. These incentives allow a total of \$25,000 to be utilized for this project. Please See Page 13

Cost estimates for each crossing have been developed and are included in this report. All rail crossings must be completed in order to create the safety zone due to the location of the crossings. The total cost for the creation of the safety zone is \$450,000.



# City of Temple - Downtown Quiet Zone

## PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

Item No.	Description	Estimated Quantity	Unit Price	Extension Total
<b>General Items</b>				
1	Mobilization, Bonds and Insurance	100% LS	\$ 7,500.00	\$ 7,500.00
2	Preparing & Implementing Traffic Control Plan	100% LS	5,000.00	5,000.00
3	Storm Water Pollution Prevention Plan (SW3P)	100% LS	2,500.00	2,500.00
4	SW3P Implementation	100% LS	2,500.00	2,500.00
5	Pre & Post Construction Video	100% LS	500.00	500.00
<b>Main Street Crossing</b>				
6	6' Wide Raised Center Median	200 LF	35.00	7,000.00
7	Brick Pavers	1,000 SF	15.00	15,000.00
8	Concrete Curb & Gutter	155 LF	30.00	4,650.00
9	Striping & Signage	100% LS	5,000.00	5,000.00
10	BNSF Flagging	10 DAY	1,000.00	10,000.00
<b>Martin Luther King Jr. Drive Crossing</b>				
11	10' Wide Raised Center Median	200 LF	45.00	9,000.00
12	Brick Pavers	1,600 SF	15.00	24,000.00
13	Striping & Signage	100% LS	15,000.00	15,000.00
14	Microsurfacing	3,400 SY	10.00	34,000.00
15	BNSF Flagging	10 DAY	5,000.00	50,000.00
<b>1st Street Crossing</b>				
16	Removal of Existing Asphalt and Concrete	700 SY	5.00	3,500.00
17	Concrete Curb & Gutter	300 LF	30.00	9,000.00
18	Asphalt for Cul-de-sac	100 SY	50.00	5,000.00
19	Striping & Signage	100% LS	10,000.00	10,000.00
20	Brick Pavers	1,200 SF	15.00	18,000.00
21	Landscaping & Irrigation	1 LS	50,000.00	50,000.00
21	Topsoil & Sod	700 SY	10.00	7,000.00
22	Extend Irrigation System	100% LS	3,000.00	3,000.00
23	Extend Existing Fencing	120 LF	25.00	3,000.00
24	BNSF Flagging	15 DAY	1,000.00	15,000.00

Construction Cost	\$	315,150.00
Contingencies	\$	31,515.00
Professional Services	\$	87,000.00

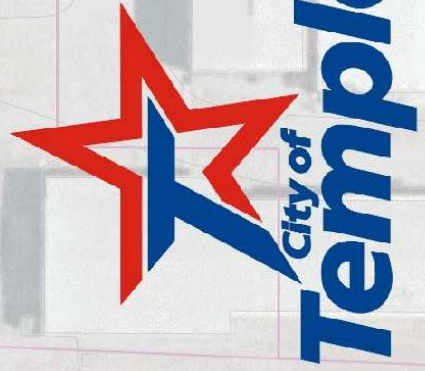
<b>TOTAL PROJECT</b>	<b>\$</b>	<b>433,665.00</b>
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**T.D.D.A.  
DOWNTOWN  
QUIET ZONES**





**T.D.D.A.  
DOWNTOWN  
QUIET ZONES  
(1ST STREET)**

**PROPOSED  
CLOSED  
RAIL CROSSING**

**AVENUE C**

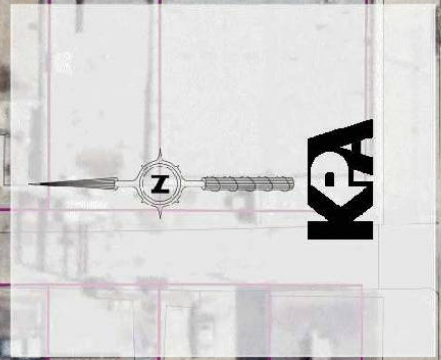
**COMMUNITY  
FARMER'S  
MARKET**

**BNSF RAILROAD**

**1ST STREET**

**AVENUE B**

**SANTA FE  
GARDENS**







**T.D.D.A.  
DOWNTOWN  
QUIET ZONES  
(MAIN STREET)**







**T.D.D.A.  
DOWNTOWN  
QUIET ZONES  
(M.L.K. DRIVE)**



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CLOSING AND VACATING THE RAILROAD CROSSING (DOT NO. 022966C), RAILROAD MILEPOST 218.055, LOCATED ON 1<sup>ST</sup> STREET, TO VEHICULAR TRAFFIC; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the BNSF Railway Company and the City of Temple have joined together to consolidate redundant and unnecessary street/railroad crossings;

**Whereas**, as part of the Downtown Quiet Zone, the railroad crossing located on 1<sup>st</sup> Street (DOT no. 022966C), Milepost 218.055, as shown on Exhibit A, must be closed to vehicular traffic;

**Whereas**, in accordance with BNSF policies and procedures, the City Council must approve an Ordinance authorizing the closing of this crossing – once approved, the City will place appropriate end-of-road treatments on both sides of the roadway approaches at a minimum distance of 25 feet from the centerline of the north track and 35 feet from the centerline of the south track; 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 approves the permanent closure of the railroad crossing on 1<sup>st</sup> Street (DOT no. 022966C), Milepost 218.055, to vehicular traffic and such crossing will be vacated at the time the City of Temple places appropriate end-of-road treatment on both of the roadway approaches at a minimum distance of 25 feet from the centerline of the north track and 35 feet from the centerline of the south track. The City will then remove both roadway approaches between the end-of-road treatment and the track.

**Part 2:** 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 3:** This ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

**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 on the **21<sup>st</sup>** day of **November**, 2013.

PASSED AND APPROVED on Second Reading and Public Hearing on the **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

STATE OF TEXAS           §

COUNTY OF BELL           §

This instrument was acknowledged before me on the \_\_\_\_ day of November, 2013, by DANIEL A. DUNN, Mayor of the City of Temple, Texas.

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



## **COUNCIL AGENDA ITEM MEMORANDUM**

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12/05/13  
Item #3(M)  
Consent Agenda  
Page 1 of 1

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** A-FY-13-17: Consider adopting a resolution authorizing the release of an existing 10-foot wide public utility easement being approximately 0.061 acres (volume 1654, page 299), located on property proposed for the Final Plat of Ramcon Subdivision, at the southeast corner of South 39<sup>th</sup> Street and Ramcon Drive.

**STAFF RECOMMENDATION:** Adopt resolution as presented in the item description releasing an existing 10-foot wide public utility easement being approximately 0.061 acres, located at the southeast corner of South 39<sup>th</sup> Street and Ramcon Drive.

**ITEM SUMMARY:** The applicant requests the release of this existing 10-foot wide public utility easement to allow construction of a proposed Holiday Inn Express. Approval of this request will allow the applicants to complete the platting process for the Final Plat of Ramcon Subdivision and to proceed with the building permit process.

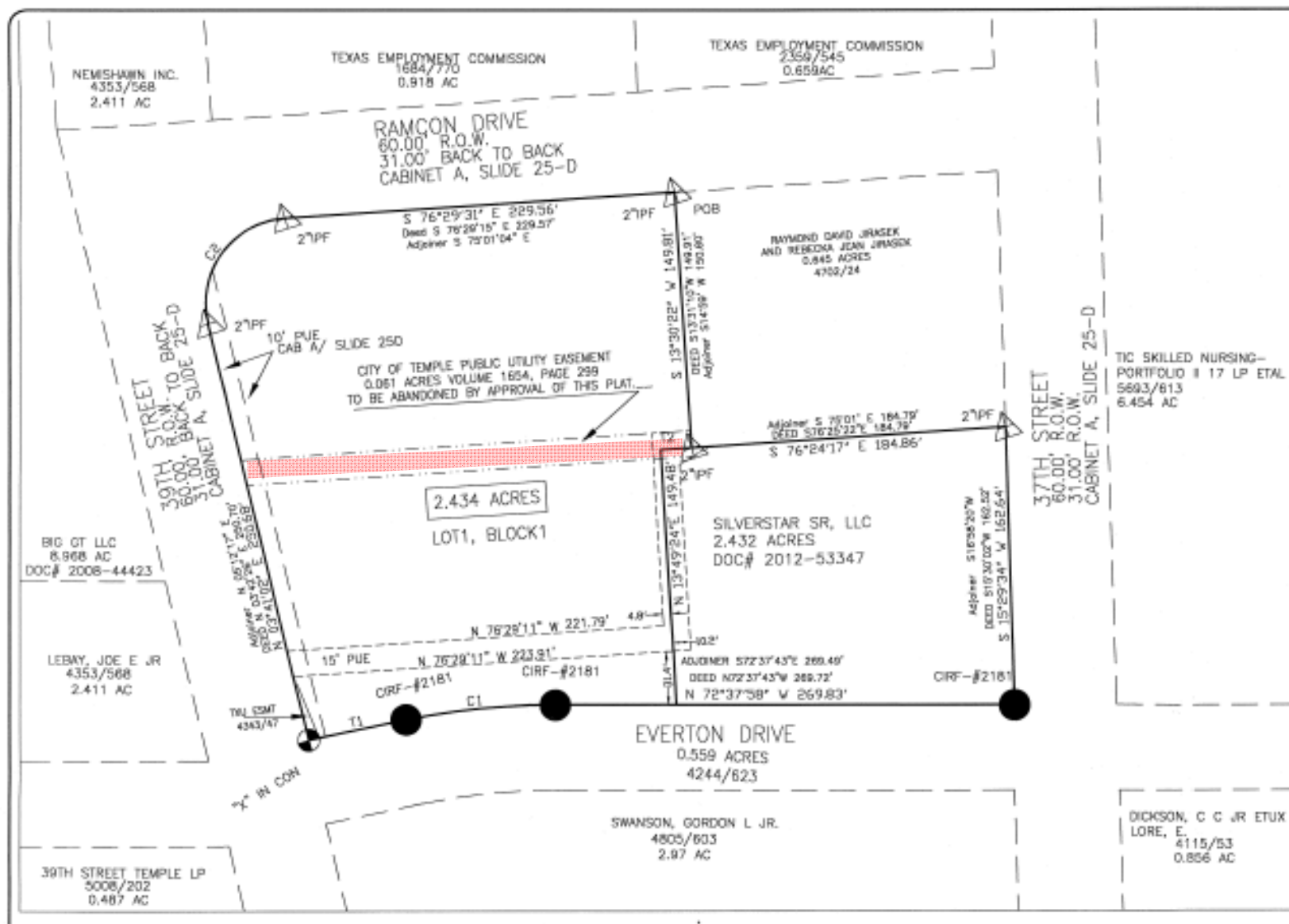
Planning Staff contacted all utility providers, including the Utility Division within the Public Works/Engineering Department concerning this request. The easement has been used for an active sewer line, which has been relocated to another easement on the property. All other facilities are clear of the subject easement. AT&T Texas has buried facilities in an intersecting easement along the east right-of-way of South 39<sup>th</sup> Street. That easement would not be affected by this request. There are no objections to the requested easement release.

**FISCAL IMPACT:** Staff recommends this easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

### **ATTACHMENTS:**

[Easement Exhibit](#)  
[Resolution](#)





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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING A 10-FOOT WIDE PUBLIC UTILITY EASEMENT, BEING APPROXIMATELY 0.061 ACRES AND LOCATED ON PROPERTY PROPOSED FOR THE FINAL PLAT OF RAMCON SUBDIVISION, AT THE SOUTHEAST CORNER OF SOUTH 39<sup>TH</sup> STREET AND RAMCON DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant requests the City of Temple release an existing 10-foot wide public utility easement located at the southeast corner of south 39<sup>th</sup> Street and Ramcon Drive to allow construction of a proposed Holiday Inn Express;

**Whereas**, the Utility Division within the Public Works/Engineering Department confirmed the existing utility easement has been used for an active sewer line, which has been relocated to another easement on the property – all other facilities are clear of the subject easement and staff recommends this easement be released;

**Whereas**, the Utility Division within the Public Works/Engineering Department concurs with (1) release of the easement described in Volume 1654, Page 299; 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 of Temple, Texas, abandons a 10-foot-wide public utility easement, being approximately 0.061 acres and located on property proposed for the final plat of Ramcon Subdivision, at the southeast corner of South 39<sup>th</sup> Street and Ramcon Drive, which is more particularly described in Volume 1654, Page 299, of the real property records of Bell County, Texas, and in Exhibit A to this resolution.

**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 7<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney

STATE OF TEXAS           §  
COUNTY OF BELL       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2013,  
by **Daniel A. Dunn**, Mayor of the City of Temple, Texas, on behalf of the City.

---

Notary Public, State of Texas



## COUNCIL AGENDA ITEM MEMORANDUM

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12/05/13  
Item #3(N)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an offer letter to:

1. Sabre27, LLC for acquisition of a utility easement for the North Loop 363 and IH-35 utility extension.
2. Frank Mayborn Enterprises, Inc. for acquisition of a utility easement for the North Loop 363 and IH-35 utility extension.

*Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.*

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

**ITEM SUMMARY:** On May 16, 2013, Council authorized a professional services agreement with Clark & Fuller, PLLC for professional engineering services required to complete utility extensions to the North Loop 363 and IH-35 interchange, including new water, new wastewater, and force main replacement. As part of the work done by Clark & Fuller, an easement is required across property owned by Sabre27, LLC. A second easement is required across property owned by Frank Mayborn Enterprises, Inc.

Appraisals were performed on both properties. Approximately 0.850 acre is needed across Sabre27, LLC's property for the utility extension. The appraised amount of this easement was \$55,539. Approximately 0.638 acre is needed across Frank Mayborn Enterprises, Inc.'s property for the utility extension. The appraised amount of this easement was \$52,247.

Staff is requesting authorization to offer Sabre27, LLC the appraised amount of \$55,539 for the utility easement. Similarly, Staff is requesting authorization to offer Frank Mayborn Enterprises, Inc. the appraised amount of \$52,247 for the utility easement needed across its property.

**FISCAL IMPACT:** A budget adjustment is being present to Council appropriating funds in the amount of \$107,786 from Water & Sewer Retained Earnings, account 520-0000-373-0412, to Capital Land, account 520-5900-535-6110, project 100986 to fund the purchase of the two (2) utility easements for the North Loop 363 and IH-35 utility extension project.

**ATTACHMENTS:**

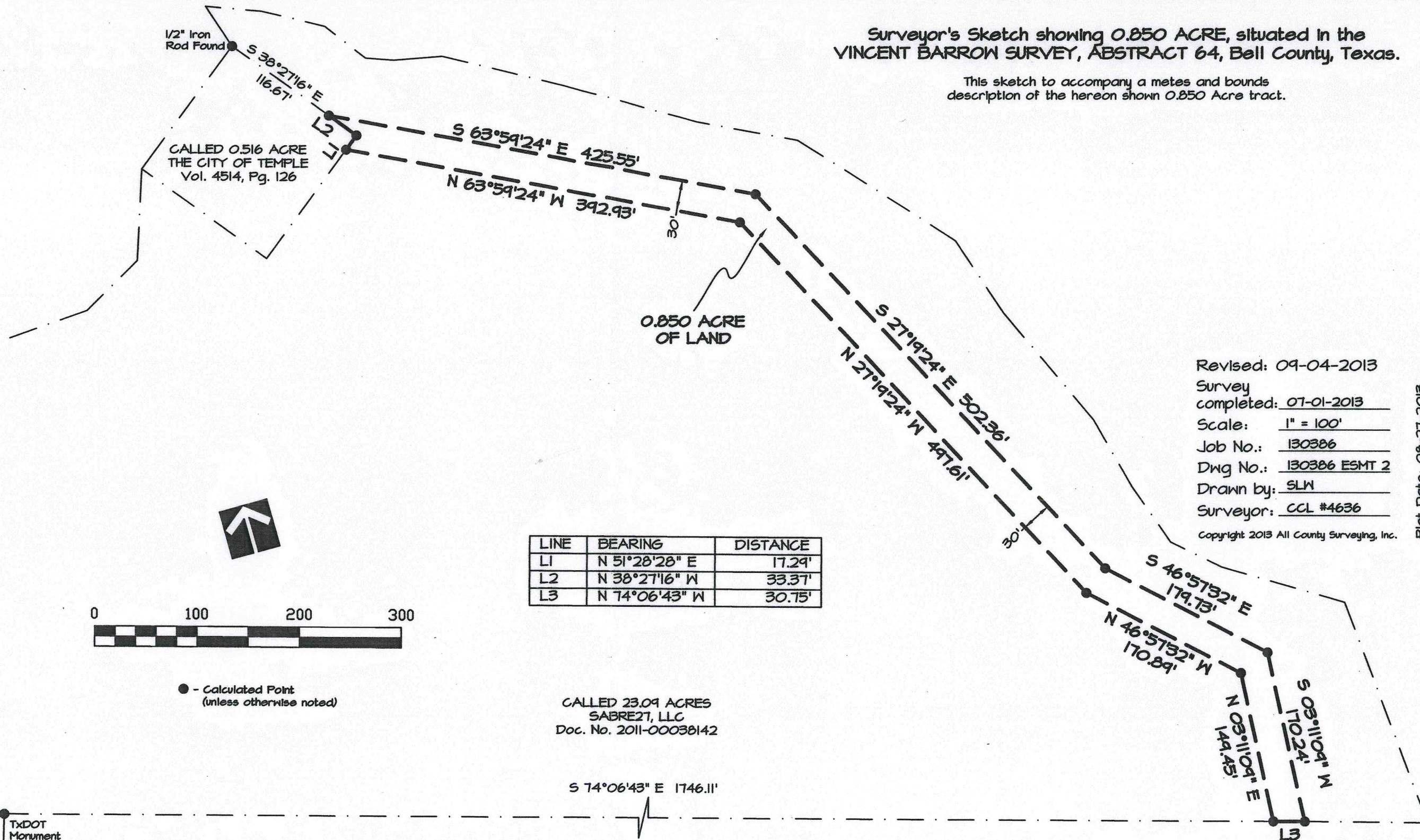
[Surveys](#)

[Budget Adjustment](#)

[Resolution](#)



(ROW Varies) (Asphalt Surface)  
**INTERSTATE HIGHWAY 35**  
PUBLIC MAINTAINED ROADWAY  
Doc. No. 2011-00037010



Surveyor's Sketch showing 0.850 ACRE, situated in the  
VINCENT BARROW SURVEY, ABSTRACT 64, Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.850 Acre tract.

Revised: 09-04-2013

Survey  
completed: 07-01-2013

Scale: 1" = 100'

Job No.: 130386

Dwg No.: 130386 ESMT 2

Drawn by: SLW

Surveyor: CCL #4636

Copyright 2013 All County Surveying, Inc.

Plot Date: 08-27-2013

LINE	BEARING	DISTANCE
L1	N 51°28'28" E	17.29'
L2	N 38°27'16" W	33.37'
L3	N 74°06'43" W	30.75'

CALLLED 23.09 ACRES  
SABRE27, LLC  
Doc. No. 2011-00038142

S 74°06'43" E 1746.11'

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 68. The theta angle at City Monument No. 68 is 01° 32' 20". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 68 are N= 10,391,257.35 E= 3,231,100.44. Reference tie from City Monument No. 251 to the southwest corner of said 0.850 acre tract is S 87°07'12" E 7174.36 feet.

REMAINDER OF  
CALLLED 99.39 ACRES  
TRACT 2  
FRANK MAYBORN ENTERPRISES, INC.  
Vol. 1836, Pg. 499  
(described in Vol. 1114, Pg. T75)



**ALL COUNTY SURVEYING, INC.**

- Surveying
- Mapping
- Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-718-2272 Killeen 254-634-4636  
Fax 254-714-7608  
Tx. Firm Lic. No. 10023600



## FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 27, 2013

Surveyor's Field Notes for:

**0.850 ACRE**, situated in the **VINCENT BARROW SURVEY, ABSTRACT 64**, Bell County, Texas, and being a portion of a called 23.09 Acre tract conveyed to Sabre27, LLC in Document No. 2011-00038142, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a calculated point on the south line of said 23.09 Acre tract, same being the north line of the remainder of a called 99.39 Acre tract conveyed as Tract 2 to Frank Mayborn Enterprises, Inc. in Volume 1836, Page 499, Deed Records of Bell County, Texas, and being described in Volume 1114, Page 775, Deed Records of Bell County, Texas, which bears S 74° 06' 43" E – 1746.11' from a TxDOT monument found on the eastern line of a public roadway known as Interstate Highway 35, for the southernmost southwest corner of the herein described tract;

**THENCE**, in a northwesterly direction, severing said 23.09 Acre tract, the following calls:

1. **N 03° 11' 09" E – 149.45'**, a calculated point,
2. **N 46° 57' 32" W – 170.89'**, a calculated point,
3. **N 27° 19' 24" W – 497.61'**, a calculated point, and
4. **N 63° 59' 24" W – 392.93'**, to a calculated point on the southeast line of a called 0.516 Acre tract conveyed to The City of Temple in Volume 4514, Page 126, Official Public Records of Real Property, Bell County, Texas;

**THENCE**, in a northeasterly direction, with the southeast line of said 0.516 Acre tract, **N 51° 28' 28" E – 17.29'**, to a calculated point, being the easternmost corner of said 0.516 Acre tract, for an interior corner of the herein described tract;

**THENCE**, in a northwesterly direction, with the northeast line of said 0.516 Acre tract, **N 38° 27' 16" W – 33.37'**, to a calculated point which bears S 38° 27' 16" E – 116.67' from a ½" iron rod found at the north corner of said 0.516 Acre tract, for the northernmost northwest corner of the herein described tract;

**THENCE**, in a southeasterly direction, severing said 23.09 Acre tract, the following calls:

1. **S 63° 59' 24" E – 425.55'**, a calculated point,
2. **S 27° 19' 24" E – 502.36'**, a calculated point,
3. **S 46° 57' 32" E – 179.73'**, a calculated point, and
4. **S 03° 11' 09" W – 170.24'**, to a calculated point on the south line of said 23.09 Acre tract, same being the north line of said 99.39 Acre tract, for the southernmost southeast corner of the herein described tract;



Surveyor's Field Notes for 0.850 ACRE (continued):

**THENCE**, in a westerly direction, with the north line of said 99.39 Acre tract, **N 74° 06' 43" W – 30.75'**, to the **POINT OF BEGINNING** and containing 0.850 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 68. The theta angle at City Monument No. 68 is 01° 32' 20". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 68 are N.= 10,391,257.35 E.= 3,231,100.44 Reference tie from City Monument No. 68 to the southernmost southwest corner of said 0.850 acre tract is S 87°07'12" E 7174.36 feet.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.850 Acre tract.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 1, 2013

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**

server/projects/pro130000/130300/130386/130386 ESMT 2.doc



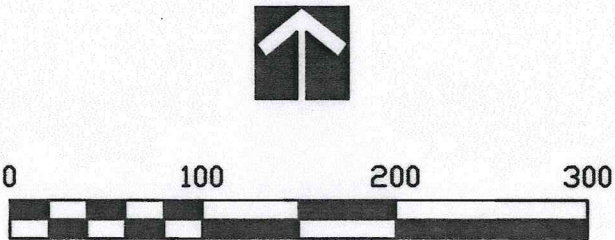
Charles C. Lucko  
 Registered Professional Land Surveyor  
 Registration No. 4636

A handwritten signature in blue ink, appearing to read "C. Lucko", written over the printed name and registration number.



Surveyor's Sketch showing 0.638 ACRE, situated in the URI HOLBROOK SURVEY, ABSTRACT 1009, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.638 Acre tract.

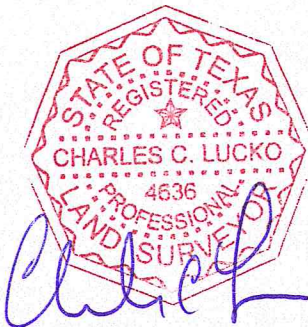


● - Calculated Point  
(unless otherwise noted)

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 68. The theta angle at City Monument No. 68 is 01° 32' 20". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 68 are N= 10,391,257.35 E= 3,231,100.44. Reference tie from City Monument No. 251 to the northwest corner of said 0.638 acre tract is S 87° 07' 12" E 7174.36 feet.

**ALL COUNTY SURVEYING, INC.**  
• Surveying  
• Mapping  
• Construction Layout

1303 South 21st Street  
Temple, Texas 76504  
254-778-2272 Killeen 254-634-4636  
Fax 254-774-7608  
Tx. Firm Lic. No. 10023600



INTERSTATE HIGHWAY 35  
(From Varies) (Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY  
Doc. No. 2011-00037010

TxDOT  
Monument  
Found

CALLED 23.09 ACRES  
SABRE27, LLC  
Doc. No. 2011-00038142

REMAINDER OF  
CALLED 99.34 ACRES  
TRACT 2  
FRANK MAYBORN ENTERPRISES, INC.  
Vol. 1836, Pg. 499  
(described in Vol. 1114, Pg. 775)

LINE	BEARING	DISTANCE
L3	S 03° 11' 09" W	52.62'
L4	N 03° 11' 09" E	46.55'

LOOP 363  
(From Varies) (Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY  
Doc. No. 2011-00037010

A - 31.88'  
R - 3225.00'  
D - 0° 33' 59"  
B - N 53° 28' 54" W  
C - 31.88'

0.638 ACRE  
OF LAND

Revised: 09-04-2013

Survey  
completed: 07-01-2013  
Scale: 1" = 100'  
Job No.: 130386  
Dwg No.: 130386 ESMT 1  
Drawn by: SLW  
Surveyor: CCL #4636

Copyright 2013 All County Surveying, Inc.

Plot Date: 08-26-2013



## FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 27, 2013

Surveyor's Field Notes for:

**0.638 ACRE**, situated in the **URI HOLBROOK SURVEY, ABSTRACT 1009**, Bell County, Texas, being a portion of the remainder of a called 99.39 Acre tract conveyed as Tract 2 to Frank Mayborn Enterprises, Inc. in Volume 1836, Page 499, Deed Records of Bell County, Texas, and being described in Volume 1114, Page 775, Deed Records of Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a calculated point on the north line of said 99.39 Acre tract, same being the south line of a called 23.09 Acre tract conveyed to Sabre27, LLC in Document No. 2011-00038142, Official Public Records of Real Property, Bell County, Texas, which said calculated point bears S 74° 06' 43" E – 1746.11' from a TxDOT monument found on the east line of a public roadway known as Interstate Highway 35, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, with the south line of said 23.09 Acre tract, **S 74° 06' 43" E – 30.75'**, to a calculated point for the northeast corner of the herein described tract;

**THENCE**, in a southerly direction, severing said 99.39 Acre tract, **S 03° 11' 09" W – 52.62'**, a calculated point, **S 49° 30' 33" W – 505.82'**, a calculated point, and **S 56° 18' 56" W – 373.70'**, to a calculated point on the north line of a public roadway known as Loop 363, for the southeast corner of the herein described tract;

**THENCE**, in a westerly direction, with the northern line of said Loop 363, with a curve to the left; having a radius of **3225.00'**, a delta angle of **00° 33' 59"**, and a long chord which bears **N 53° 28' 54" W – 31.88'**; an arc length of **31.88'**, to a calculated point, for the southwest corner of the herein described tract;

**THENCE**, in a northerly direction, once again severing said 99.39 Acre tract, **N 56° 18' 56" E – 382.71'**, a calculated point, **N 49° 30' 33" E – 491.20'**, a calculated point, and **N 03° 11' 09" E – 46.55'**, to the **POINT OF BEGINNING** and containing 0.638 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 68. The theta angle at City Monument No. 68 is 01° 32' 20". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 68 are N.= 10,391,257.35 E.= 3,231,100.44 Reference tie from City Monument No. 251 to the northwest corner of said 0.638 acre tract is S 87°07'12" E 7174.36 feet.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.638 Acre tract.

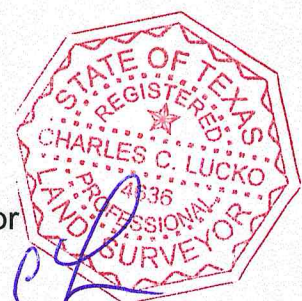
This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 1, 2013

**ALL COUNTY SURVEYING, INC.**  
**1-800-749-PLAT**

server/projects/pro130000/130300/130386/130386 ESMT 1.doc

Charles C. Lucko  
Registered Professional Land Surveyor  
Registration No. 4636





FY **2014****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
520-5900-535-61-10	100986	Capital Land / Land Purchase	\$ 107,786	
520-0000-373-04-12		W&S Unreserved Retained Earnings		\$ 107,786
		<b>DO NOT POST</b>		
<b>TOTAL.....</b>			<b>\$ 107,786</b>	<b>\$ 107,786</b>

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

To appropriate funds needed to purchase two (2) utility easements for the North Loop 363/IH-35 Utility Improvements Project, #100986. The first utility easement needed is approximately 0.850 acre across Sabre27, LLC property with an appraised value of \$55,539. The second utility easement needed is approximately 0.638 acre across Frank Mayborn Enterprises, Inc. property with an appraised value of \$52,247.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/5/2013

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 OFFER LETTER TO SABRE27, LLC AND FRANK MAYBORN ENTERPRISES, INC., FOR ACQUISITION OF UTILITY EASEMENTS FOR THE NORTH LOOP 363 AND IH-35 UTILITY EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on May 16, 2013, Council authorized a professional services agreement with Clark & Fuller, PLLC for professional engineering services required to complete utility extensions to the North Loop 363 and IH-35 interchange, including new water, new wastewater, and force main replacement;

**Whereas**, as part of the services provided by Clark & Fuller, easements are required across property owned by Sabre27, LLC and Frank Mayborn Enterprises, Inc.;

**Whereas**, appraisals were performed on both properties and an approximate 0.850 acre area is needed across Sabre27, LLC's property and an approximate 0.638 acre is needed across Frank Mayborn Enterprises, Inc.'s property for the utility extension;

**Whereas**, staff is requesting authorization to offer Sabre27, LLC the appraised amount of \$55,539 and Frank Mayborn Enterprises, Inc. the appraised amount of \$52,247 for the utility easements needed across the properties;

**Whereas**, funds are available for these purchases, but an amendment to the fiscal year 2013-2014 budget needs to be approved to transfer the funds to Account No. 520-5900-535-6110, Project No. 100986; 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 offer letter to Sabre27, LLC, in the amount of \$55,539, for acquisition of a utility easement for the North Loop 363 and IH-35 utility extension.

**Part 2:** The City Council authorizes the City Manager, or his designee, to execute an offer letter to Frank Mayborn Enterprises, Inc., in the amount of \$52,247, for acquisition of a utility easement for the North Loop 363 and IH-35 utility extension.

**Part 3:** The City Council authorizes an amendment to the fiscal year 2013-2014 budget, substantially in the form of the copy attached hereto as Exhibit A.

**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 **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/05/13  
Item #3(O)  
Consent Agenda  
Page 1 of 2

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

Ron Snider, Interim Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the submission of a grant application for the FY 2013 Assistance to Firefighters Grant Program, through the U.S. Department of Homeland Security, for the purchase of training props in the total amount of \$652,175, with a \$293,825 match.

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

**ITEM SUMMARY:** Assistance to Firefighters Grants (AFG) provides financial assistance to fire departments and nonaffiliated EMS organizations to enhance their capabilities with respect to fire and fire-related hazards. The primary goal of the grant program is to help fire departments and nonaffiliated EMS organizations meet their firefighting and emergency response needs. AFG seeks to support organizations that lack the tools and resources necessary to more effectively protect the life and safety of the public and their emergency response personnel with respect to fire and all other hazards.

Eligible applicants for this grant include fire departments, and national, regional, State, local or community organizations that are recognized for their experience and expertise in training activities or safety programs. The maximum award amount is \$1,000,000 for a community with a population of less than 100,000. Fire departments that serve a population of more than 20,000 and less than 1,000,000 must match the Federal grant funds with an amount of non-Federal funds equal to 10-percent of the total project costs.

Temple Fire & Rescue (TF&R) is requesting funding for training props to be used in the training tower located at Station 8, which is currently under design. Construction on the training tower is anticipated to begin late spring 2014. The props simulate real-life fires, allowing the trainees to train in similar situations that will be present in real events. The proposed props include a kitchen, single stove, cubicle desk with bookshelf (x2), sofa (x2), double bed, and hallway flashover.

Under the current budget TF&R plans to purchase one operation system and four props, if the grant is awarded TF&R will be able to purchase an additional operation system and four props. Funds budgeted for the purchase of the props, in the amount of \$ 293,825, will be leveraged as a 45-percent grant match. Although only a minimum 10-percent grant match is required, the high match should make the application more competitive and more favorable in the review and award process. The total project cost totals \$652,175, with a total of \$ 358,350 being requested from AFG.

Staff also asks that Council authorize the City Manager to execute necessary documents associated with the AFG program, upon receiving a grant award.

**FISCAL IMPACT:** If awarded the grant the City anticipates receiving \$ 358,350 in grant funds with the City matching \$293,825 for a total project cost of \$652,175. Funds for the City match are available from the 2009 General Obligation Bonds in account 363-2200-522-6851 project #100896.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE PURCHASE OF TRAINING PROPS, THROUGH THE DEPARTMENT OF HOMELAND SECURITY FOR THE 2013 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, IN A TOTAL AMOUNT OF \$652,175, WITH A CITY MATCH OF \$293,825; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Assistance to Firefighters Grants (AFG) provide financial assistance to the fire departments and nonaffiliated EMS organizations to enhance their capabilities with respect to fire and fire-related hazards and to meet the firefighting and emergency response needs;

**Whereas**, AFG seeks to support organizations that lack the tools and resources necessary to more efficiently protect the life and safety of the public and their emergency response personnel with respect to fire and other hazards;

**Whereas**, Temple Fire & Rescue (TFR) is requesting funding for training props to be used in the training town located at Station 8, which is currently under design – the props simulate real-life fires, allowing the trainees to train in similar situations that will be present in real events;

**Whereas**, if awarded the grant, the City anticipates receiving \$358,350 in grant funds, with the City matching \$293,825, for a total project cost of \$652,175 – funds for the City match are available in Account No. 363-2200-522-6851, Project No. 100896; 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 submission of a grant application for the purchase of training props, through the Department of Homeland Security, after approval as to form by the City Attorney, for the 2013 Assistance to Firefighters Grant Program, in a total project amount of \$652,175, with a City match of \$293,825.

**Part 2:** The City Council accepts any funds that may be received for this grant, and authorizes the City Manager to execute any documents which may be necessary for this grant.

**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 **5<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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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12/05/13  
Item #3(P)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, Director of Administrative Services

**ITEM DESCRIPTION:** Consider adopting a resolution amending the City of Temple Civil Service-Fire and Civil Service-Police Pay Schedules, to be effective March 14, 2014.

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

**ITEM SUMMARY:** The FY 2014 Adopted Budget includes an allocation for the implementation of updated Civil Service-Fire and Civil Service-Police Pay Schedules based on an updated Compensation/Market Study conducted in 2013. The study included multiple factors in comparison to market cities such as sales tax revenue, population, calls for service, per capita income, and geographic proximity. The proposed pay adjustments vary between the two civil service pay schedules based upon the market data.

**FISCAL IMPACT:** The FY 2014 Budget includes and allocation of \$488,821 for the implementation of the updated pay schedules.

### **ATTACHMENTS:**

[Civil Service – Fire Pay Schedule](#)  
[Civil Service – Police Pay Schedule](#)  
[Resolution](#)

**PROPOSED FIRE PAY SCHEDULE- to be effective March 14, 2014**

Class, Title, Steps, and Time in Grade	CURRENT		PROPOSED		Annual Increase	
	Annual	% Between Steps	Annual	% Between Steps	\$s	%
<b>PSI-030 &amp; PSI-031 Firefighter</b>						
1 0-1 Years	\$ 37,853		\$ 38,610		\$ 757	2.00%
2 1st Anniversary	39,746	5.00%	40,541	5.00%	795	2.00%
3 3rd Anniversary	41,734	5.00%	42,568	5.00%	834	2.00%
4 5th Anniversary	43,820	5.00%	44,697	5.00%	877	2.00%
5 7th Anniversary	46,011	5.00%	46,931	5.00%	920	2.00%
6 9th Anniversary	48,312	5.00%	49,278	5.00%	966	2.00%
7 15th Anniversary	50,727	5.00%	51,742	5.00%	1,015	2.00%
<b>PSI-032 &amp; PSI-037 Fire Driver</b>						
1 1st Anniversary	48,272		50,236		1,964	4.07%
2 3rd Anniversary	50,202	4.00%	52,246	4.00%	2,044	4.07%
3 5th Anniversary	51,709	3.00%	53,813	3.00%	2,104	4.07%
4 7th Anniversary	53,776	4.00%	55,965	4.00%	2,189	4.07%
5 9th Anniversary	55,927	4.00%	58,204	4.00%	2,277	4.07%
6 15th Anniversary	57,605	3.00%	59,950	3.00%	2,345	4.07%
<b>PSI-033 &amp; PSI-034 Fire Captain</b>						
1 3rd Anniversary	56,758		63,756		6,998	12.33%
2 5th Anniversary	58,744	3.50%	65,987	3.50%	7,243	12.33%
3 7th Anniversary	60,801	3.50%	68,297	3.50%	7,496	12.33%
4 9th Anniversary	62,928	3.50%	70,687	3.50%	7,759	12.33%
5 15th Anniversary	64,816	3.00%	72,808	3.00%	7,992	12.33%
<b>PSI-035 &amp; PSI-036 Deputy Fire Chief</b>						
1 5th Anniversary	74,963		78,726		3,763	5.02%
2 7th Anniversary	77,587	3.50%	81,482	3.50%	3,895	5.02%
3 9th Anniversary	80,301	3.50%	84,332	3.50%	4,031	5.02%
4 15th Anniversary	83,112	3.50%	87,285	3.50%	4,173	5.02%

# PROPOSED POLICE PAY SCHEDULE- to be effective March 14, 2014

Class, Title, Steps, and Time in Grade	CURRENT		PROPOSED		Annual Increase	
	Annual	% Between Steps	Annual	% Between Steps	\$s	%
<b>PSII-021 Police Officer</b>						
1 0-1 Years	\$ 40,907		\$ 41,725		\$ 818	2.00%
2 1st Anniversary	44,180	8.00%	45,064	8.00%	884	2.00%
3 3rd Anniversary	47,273	7.00%	48,218	7.00%	945	2.00%
4 6th Anniversary	49,637	5.00%	50,630	5.00%	993	2.00%
5 10th Anniversary	52,119	5.00%	53,161	5.00%	1,042	2.00%
6 15th Anniversary	54,725	5.00%	55,820	5.00%	1,095	2.00%
7 20th Anniversary	57,461	5.00%	58,610	5.00%	1,149	2.00%
<b>PSII-022 Corporal</b>						
3 3rd Anniversary	49,637		50,630		993	2.00%
4 6th Anniversary	52,119	5.00%	53,161	5.00%	1,042	2.00%
5 10th Anniversary	54,725	5.00%	55,820	5.00%	1,095	2.00%
6 15th Anniversary	57,461	5.00%	58,610	5.00%	1,149	2.00%
7 20th Anniversary	60,334	5.00%	61,541	5.00%	1,207	2.00%
<b>PSII-023 Police Sergeant</b>						
3 3rd Anniversary	56,356		59,833		3,477	6.17%
4 6th Anniversary	58,892	4.50%	62,526	4.50%	3,634	6.17%
5 10th Anniversary	61,542	4.50%	65,339	4.50%	3,797	6.17%
6 15th Anniversary	64,312	4.50%	68,280	4.50%	3,968	6.17%
7 20th Anniversary	67,206	4.50%	71,353	4.50%	4,147	6.17%
<b>PSII-024 Police Lieutenant</b>						
3 5th Anniversary	66,079		71,352		5,273	7.98%
4 8th Anniversary	69,053	4.50%	74,563	4.50%	5,510	7.98%
5 12th Anniversary	72,161	4.50%	77,919	4.50%	5,758	7.98%
6 16th Anniversary	75,409	4.50%	81,427	4.50%	6,018	7.98%
7 20th Anniversary	78,802	4.50%	85,090	4.50%	6,288	7.98%
<b>PSII-025 Deputy Police Chief</b>						
4 7th Anniversary	81,089		82,711		1,622	2.00%
5 12th Anniversary	85,142	5.00%	86,845	5.00%	1,703	2.00%
6 16th Anniversary	88,548	4.00%	90,319	4.00%	1,771	2.00%
7 20th Anniversary	92,091	4.00%	93,933	4.00%	1,842	2.00%

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY OF TEMPLE CIVIL SERVICE – FIRE AND CIVIL SERVICE – POLICE PAY SCHEDULES, TO BE EFFECTIVE MARCH 14, 2014; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the fiscal year adopted budget includes an allocation for the implementation of updated Civil Service - Fire and Civil Service – Police pay schedules based on an updated Compensation/Market Study conducted in 2013;

**Whereas**, the study included multiple factors in comparison to market cities such as sales tax revenue, population, calls for service, per capital income, and geographic proximity;

**Whereas**, the proposed pay adjustments vary between the two civil service pay schedules based upon market data;

**Whereas**, the fiscal year budget includes an allocation of funds for the implementation of the updated pay schedules, attached hereto as Exhibit A; 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 approves amending the City of Temple Civil Service – Fire and Civil Service – Police pay schedules, effective March 14, 2014, in accordance with the pay schedules which are attached as Exhibit A.

**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 5<sup>th</sup> day of **December, 2013**.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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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12/05/13  
Item #3(Q)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the cancellation of the January 2, 2014, City Council meeting.

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

**ITEM SUMMARY:** The first Regular City Council Meeting is scheduled for January 2, 2014. Due to the holidays, the Staff recommends cancelling this meeting. The second Regular City Council meeting scheduled for Thursday, January 16, 2014, will be held as scheduled.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, CANCELING THE JANUARY 2, 2014 CITY COUNCIL MEETING;  
AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the first regular City Council meeting of 2014 is scheduled for January 2, 2014;

**Whereas**, due to the holidays, staff recommends canceling this meeting – the second regular City Council meeting scheduled for January 16, 2014, will be held as scheduled;

**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 approves canceling the January 2, 2014 City Council meeting due to the holidays – the second regular City Council meeting scheduled for January 16, 2014 will be held as scheduled.

**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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



## **COUNCIL AGENDA ITEM MEMORANDUM**

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12/05/13  
Item #3(R)  
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 2013-2014.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2013-2014 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$45,500.

**ATTACHMENTS:**

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



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2014 BUDGET**  
**December 5, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2210-522-2616		Professional (Fire)	\$ 24,500	
110-1500-515-6532		Contingency/Cont. Fund Balance		\$ 24,500
Appropriate funds to be used to hire an executive recruitment firm to conduct the search to fill the vacant Fire Chief position.				
110-2700-515-2616		Professional (Human Resources)	\$ 21,000	
110-1500-515-6532		Contingency/Cont. Fund Balance		\$ 21,000
Appropriate funds to be used to hire an executive recruitment firm to conduct the search to fill the vacant Human Resources Director position.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 45,500</b>	<b>\$ 45,500</b>

<b>GENERAL FUND</b>		
Beginning <b>Contingency</b> Balance	\$ 498,072	
Added to Contingency Sweep Account	89,700	
Carry forward from Prior Year	-	
Taken From Contingency	(171,736)	
Net Balance of Contingency Account	\$ 416,036	
Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 40,000	
Added to Contingency Judgments & Damages from Council Contingency	-	
Taken From Judgments & Damages	(1,000)	
Net Balance of Judgments & Damages Contingency Account	\$ 39,000	
Beginning <b>Compensation</b> Contingency	\$ 288,000	
Added to Compensation Contingency	-	
Taken From Compensation Contingency	-	
Net Balance of Compensation Contingency Account	\$ 288,000	
<b>Net Balance Council Contingency</b>	<b>\$ 743,036</b>	
Beginning Balance <b>Budget Sweep</b> Contingency	\$ -	
Added to Budget Sweep Contingency	-	
Taken From Budget Sweep	-	
Net Balance of Budget Sweep Contingency Account	\$ -	
<b>WATER &amp; SEWER FUND</b>		
Beginning <b>Contingency</b> Balance	\$ 50,000	
Added to Contingency Sweep Account	-	
Taken From Contingency	-	
Net Balance of Contingency Account	\$ 50,000	
Beginning <b>Compensation</b> Contingency	\$ 50,000	
Added to Compensation Contingency	-	
Taken From Compensation Contingency	-	
Net Balance of Compensation Contingency Account	\$ 50,000	
<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 100,000</b>	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2014 BUDGET**  
**December 5, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	29,107
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	29,107
		Beginning <b>Compensation</b> Contingency	\$	7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	7,500
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	36,607
		<b>DRAINAGE FUND</b>		
		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>Compensation</b> Contingency	\$	7,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	7,500
		<b>Net Balance Drainage Fund Contingency</b>	\$	7,500
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2013-2014 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 29<sup>th</sup> day of August, 2013, the City Council approved a budget for the 2013-2014 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2013-2014 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 2013-2014 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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, 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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12/05/13  
Item #4  
Regular Agenda  
Page 1 of 4

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

Phillip Melton, Planning Intern

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-13-33: Consider adopting an ordinance authorizing a zoning change from Light Industrial (LI) to Heavy Industrial (HI) with a Conditional Use Permit to operate a heat kiln and wood chipper on 19.68 ± acres of the Nancy Ferguson Survey, Abstract No. 322, in Bell County Texas, located at 1407 Industrial Boulevard.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 4, 2013 meeting, the Planning and Zoning Commission voted 6 to 0 to recommend approval of the zoning change from Light Industrial (LI) to Heavy Industrial (HI) with a Conditional Use Permit for the above described property.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for December 19, 2013.

Based on the following, staff recommends approval for a zoning change from LI to HI with a Conditional Use Permit to operate a heat kiln and wood chipper for the following reasons:

1. The proposed zoning and Conditional Use Permit is consistent with the Future Land Use Map which identifies this area as Industrial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses;
4. Public facilities are available to serve the subject property; and,
5. Adequate buffering will be installed

**ITEM SUMMARY:** The property is located on the south side of Industrial Boulevard adjacent and east of the Burlington Northern Santa Fe Railroad. The property is addressed as 1407 Industrial Boulevard. The applicant is requesting both a zoning change from LI to HI and a Conditional Use Permit to operate a heat kiln and a wood chipper. According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is designated Industrial. A plat for the site is currently under review that divides the site into two lots. The zoning change and CUP is only for the northern lot with frontage on Industrial Blvd. and is outside of the I-35 Overlay.

**ZONE CHANGE:** The applicant is requesting a zoning change from LI to HI. HI zoning provides for the most intensive uses within the community and is intended for those industrial uses that may need to be buffered. Lots should be large to contain air, noise, odor, and vibration pollution to a reasonable amount. Residential uses are not allowed and HI zoning is intended to be located away from all residential development.

The HI zoning district allows an asphalt batching plant permitted by right and recycling operations subject to limitations; all other industrial uses would require a conditional use permit. Allowed non-industrial uses include, but are not limited to, offices, restaurants, and retail sales. Prohibited uses include, but are not limited to, residential uses, hospitals, elementary and secondary schools, and hotels.

**CONDITIONAL USE PERMIT:** The applicant proposes to establish a business that utilizes a heat kiln and wood chipper. No other uses, other than those permitted by right and those specifically identified in this Conditional Use Permit, are authorized. This use is not listed on the Use Table in the Unified Development Code and would fall under the “Industrial uses other than listed” category which would require a Conditional Use Permit in a Heavy Industrial zoning district. The applicant has also indicated on the site plan that open storage will be utilized on site (see attached site plan for designated open storage area) and privacy fencing is required to buffer the use from adjacent uses. The applicant has submitted a site plan in accordance to UDC Section 3.5.2B.

Unless expressly identified in writing in the ordinance, the site must meet all UDC standards. The following conditions for the use are outlined in the Conditional Use Permit ordinance:

**Kiln Size:** The heat kiln will be limited to 15’ tall and will be located on the east side of the site behind the 90,000 SF building.

**Site Clean Up:** The subject property currently has multiple deteriorating buildings that will be removed or brought to code as outlined on the site plan. To mitigate additional fire, health and safety risks, debris, such as but not limited to, tires, scrap wood, metal, and other garbage will be removed. The site will be cleaned up and buildings removed or brought to code, as per the site plan, prior to the certificate of occupancy being issued.

**Landscaping and Buffering:** 3” caliper Live Oak trees will be planted 30’ on center along the southern and east property lines as a buffer for the I35 Corridor as noted on the site plan. A solid wood privacy fence will also be constructed along the southern side of the open storage area to screen the site from the I35 Corridor as noted on the site plan.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

CP	Map 3.1 - Future Land Use and Character (FLUP)	Industrial is identified for the subject property as well as identified in all four directions from the subject property.	Y
CP	Map 5.2 - Thoroughfare Plan	The subject property is located South of Industrial Blvd. and East of the BNSF railroad. It has primary frontage on Industrial Blvd which is identified as a Minor Arterial.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Sufficient utilities are in place to accommodate the proposed use of the property. The property is served by a 14" water line along Industrial Blvd. and an 8" waterline along the east side of the property. An 8" sewer line is available to the property from Industrial Blvd.	Y
STP	Temple Trails Master Plan Map & sidewalks	No existing or proposed trails were identified in the Trails Master Plan Map along the subject property's frontage Industrial Blvd.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** The only established dimensional standards in Heavy Industrial are corner side yard setbacks which must be a minimum of 10'. As per UDC 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit.

Per UDC Section 7.5.4B parking would be required according to whichever is greater of the following parking ratios: 1 parking space per 2 employees or 1 parking space per 1,000 of gross floor area. As the site will have a 90,000 SF building, a minimum of 90 parking spaces would be required, and more would be required if over 180 employees were employed on site.

**PUBLIC NOTICE:** Six notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday, November 19, 2013, 1 notice had been returned in favor of the proposed zoning change and Conditional Use Permit and no notices for denial had been received.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site Plan  
Site Photos  
Zoning Map  
Future Land Use and Character  
Map Buffer Notification Map  
Returned Property Owner Notices  
PZ Excerpts  
Ordinance







**Subject Property, from Industrial Blvd.; currently unoccupied**



**North: Across Industrial Blvd.; industrial use**





**South: Undeveloped; zoned LI**



**East: Vacant lot; industrial use**





**West: BNSF Railroad and undeveloped; zoned LI**



**On site: To be demolished**





**On site: To be brought up to code or demolished**



**On site: To be cleaned up**

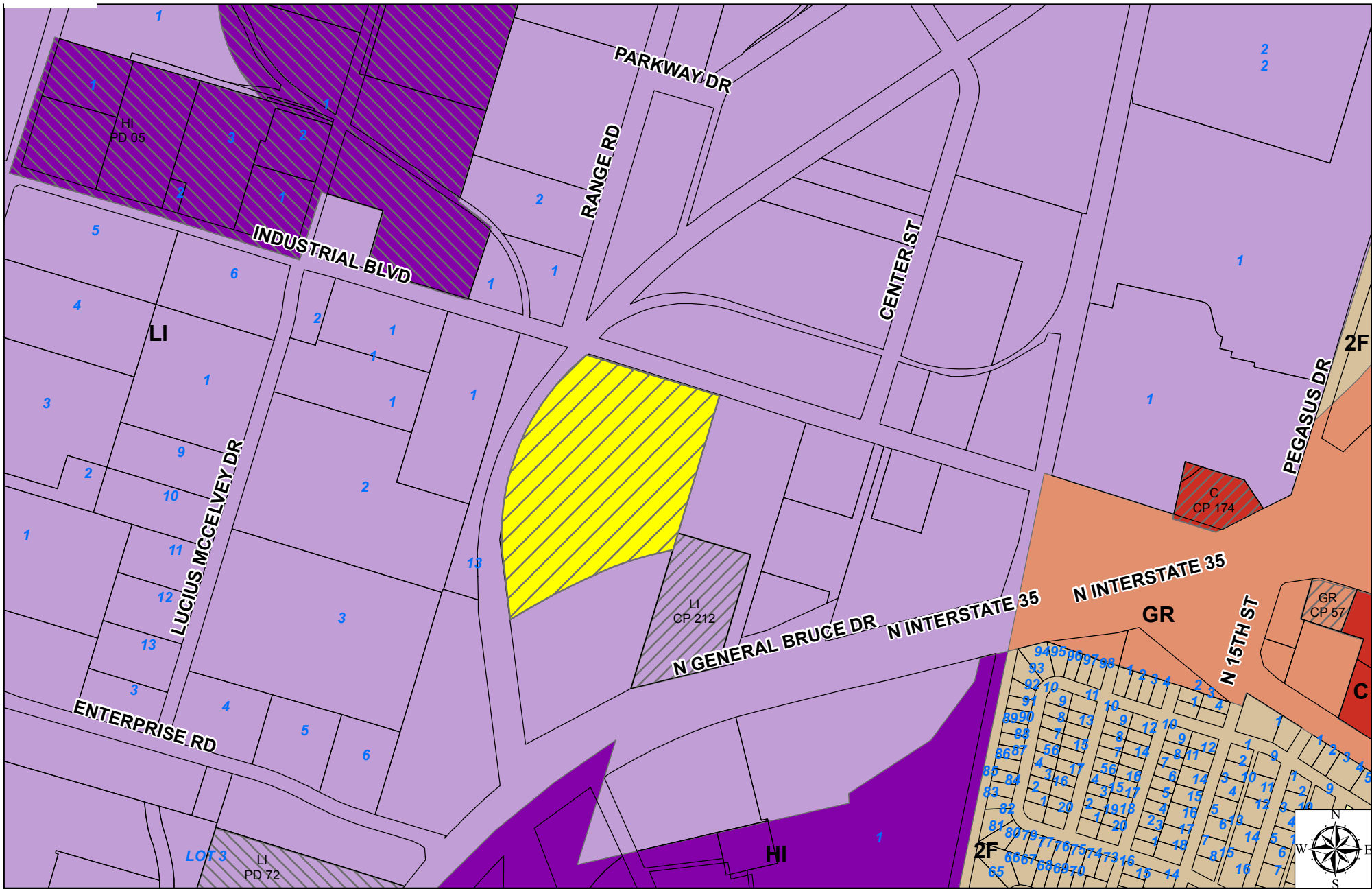




Z-FY-13-33

# Zoning Map

1407 Industrial Blvd.



Case

Subdivisions

1234-A Outblocks

①

Blocks

Zoning

Parcel

1234

Addresses

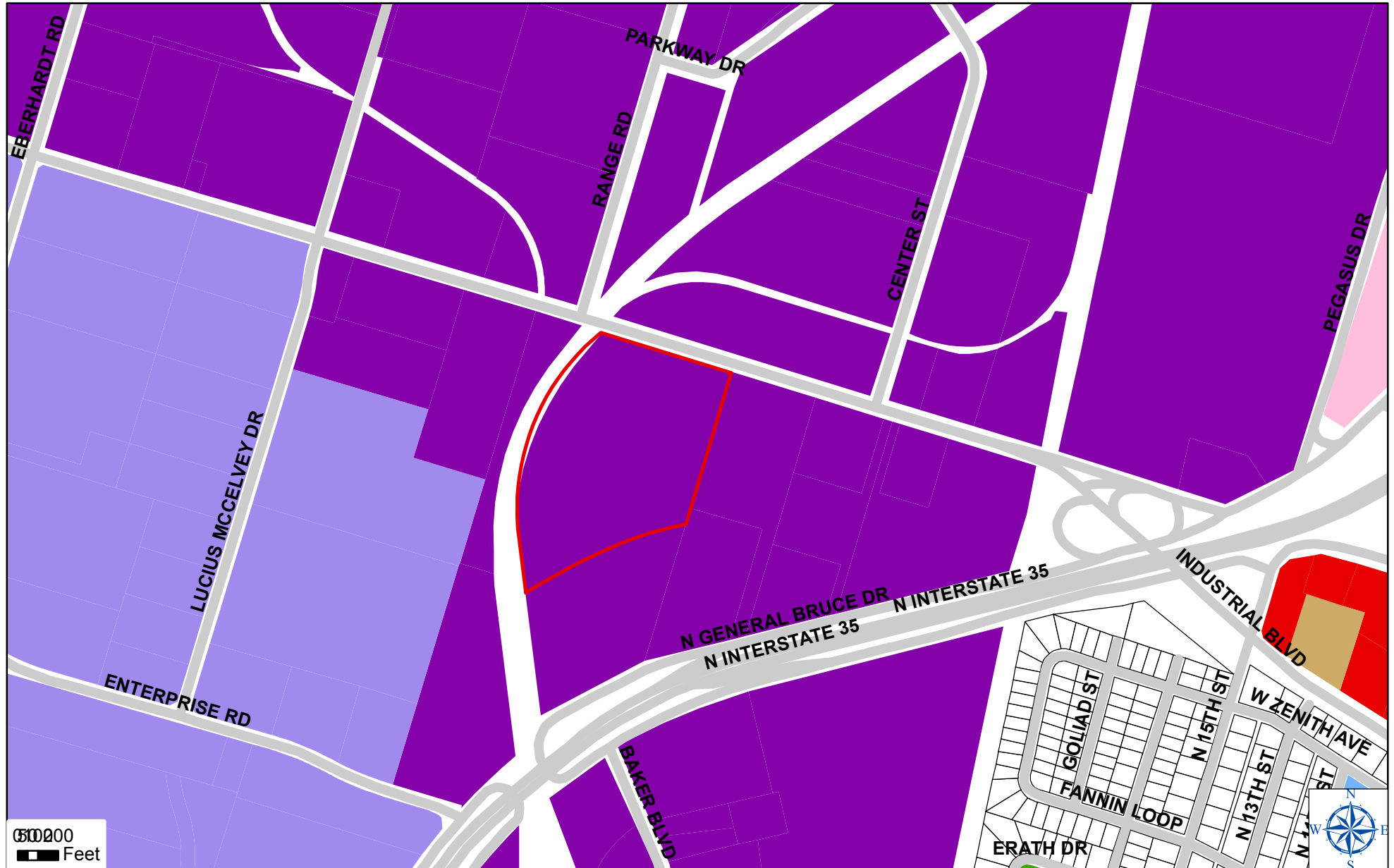
1

Lots

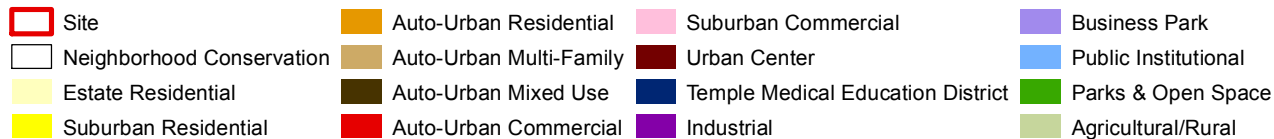
50000 Feet

10/31/2013  
City of Temple GIS

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.



**Future Land Use**



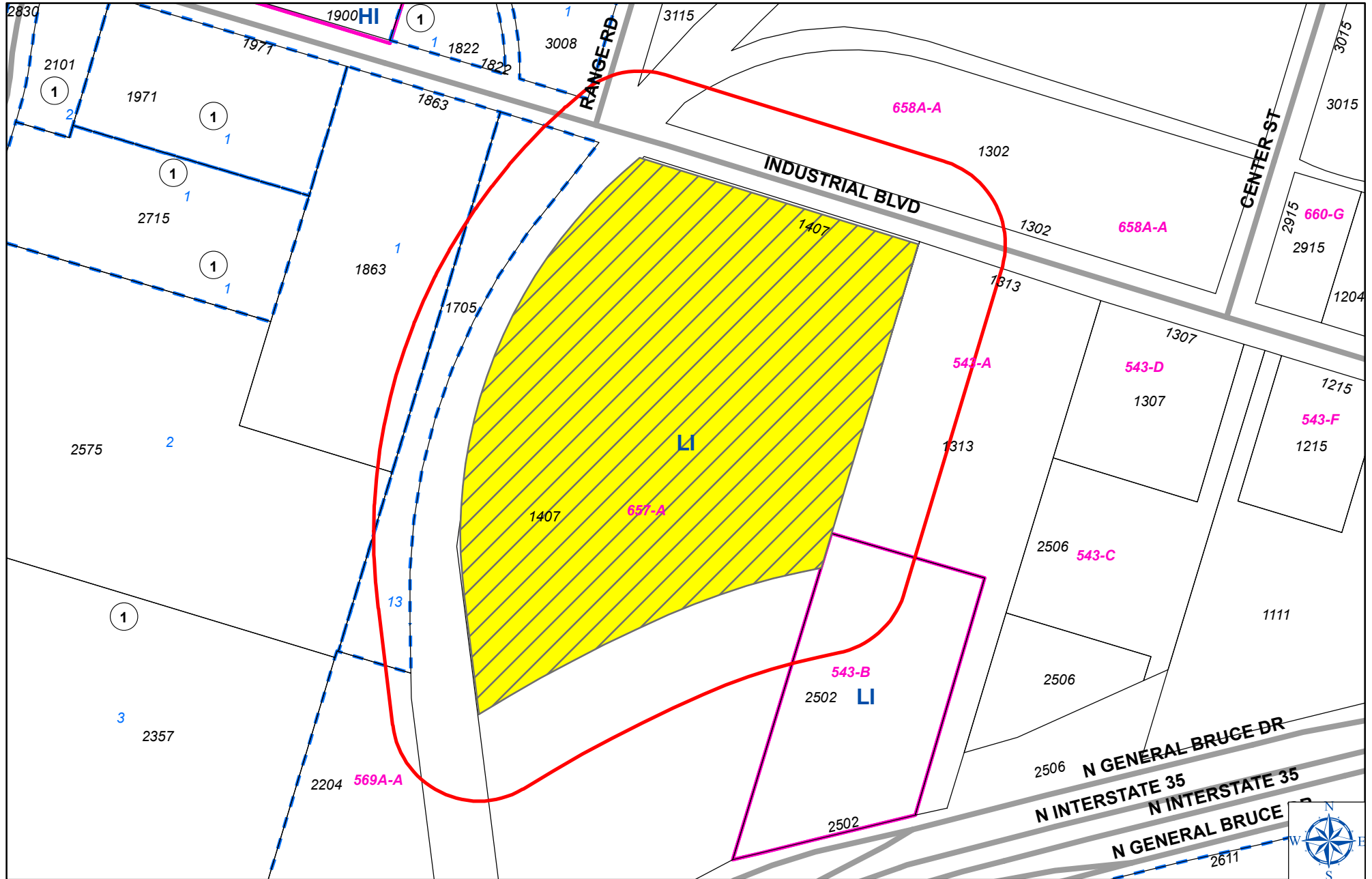
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.











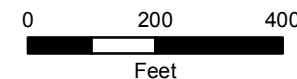
**Z-FY-13-33**

Rezone: LI to HI with Conditional Use Permit

1407 Industrial Blvd



- |  |   |  |  |
|--|---|--|--|
|  Case        |  Zoning      |  1234-A Outblock Number |  Block Number |
|  200' Buffer |  Subdivision |  1234 Address           |  Lot Number   |



10/16/2013  
City of Temple GIS  
pmelton

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.



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Fikes Wholesale Inc.  
P.O. Box 1287  
Temple, Texas 76503-1287

**Zoning Application Number:** Z-FY-13-33    **Project Manager:** Phillip Melton

**Location:** South side of Industrial Boulevard, adjacent to and east of BNSF Railroad

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ☒ ) approval      ( ☐ ) denial of this request.

**Comments:**

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Signature

JAMES R. FIKES  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 4, 2013

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
OCT 28 2013  
City of Temple  
Planning & Development



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, NOVEMBER 4, 2013**

**ACTION ITEMS**

**Item 4: Z-FY-13-33** – Hold a public hearing to discuss and recommend action on a zone change from Light Industrial District (LI) to Heavy Industrial District (HI) with a Conditional Use Permit (CUP) for a Heat Kiln and Wood Chipper on ± 19.68 acres, being part of the Nancy Ferguson Survey, Abstract No. 322, Bell County, Texas, located on the south side of Industrial Boulevard, adjacent to and east of the Burlington Northern Santa Fe (BNSF) Railroad. (Applicant: David Neman for Arthur Brashear)

Mr. Phillip Melton, Planning Intern, stated this item would go to City Council for first reading on December 5, 2013 and second reading on December 19, 2013.

The applicant is asking for a zone change to Heavy Industrial (HI) with a required Conditional Use Permit (CUP) to operate a kiln and wood chipper operation. A kiln and wood chipper operation is not listed in the Use Table therefore, a rezoning to HI with a CUP is required. The subject property is located in the Industrial Park and the City of Temple's Comprehensive Plan / Future Land Use Plan identifies the property as Industrial. The plat is currently under review.

HI would allow the most intensive uses and should be located away from residential areas.

Allowed and restricted uses are given.

The following conditions to the permit would apply:

Kiln height is limited to 15 feet and according to the site plan, it will be located behind the 90,000 square foot building.

Site Clean-Up: The following will be required before a Certificate of Occupancy will be issued:

1. Existing cinder block buildings will be brought up to code or removed;
2. Existing Metal buildings will be removed; and
3. Tires, scrap, garbage, and debris will be removed.

Landscaping and Buffering: 3 inch caliper Live Oak trees 30 feet on center will be planted along the southern and eastern property lines and a solid privacy fence will be installed along the south side and a portion of the east side of open storage.

Surrounding properties include industrial use to the north, undeveloped land and Light Industrial (LI) to the south, undeveloped lot, industrial use, and LI to the east, and the railroad, undeveloped land, and LI to the west.

Development Regulations: Per UDC Section 7.5.4B the greater of the following parking ratios apply:

1 parking space per 2 employees; or

1 parking space per 1,000 of gross floor area

All other UDC standards apply

Six notices were mailed out and one notice was returned in favor and zero notices were in opposition.

Staff recommends approval for a zone change from Light Industrial (LI) to Heavy Industrial (HI) and a Conditional Use Permit (CUP) to operate a heat kiln and wood chipper for the following reasons:

The proposed zoning and CUP is consistent with the Future Land Use Plan which identifies this area as Industrial;

The request complies with the Thoroughfare Plan;

The proposed zoning and CUP is compatible with the surrounding uses;

Public facilities are available to serve the property; and,

Adequate buffering will be installed.

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Staats made a motion to approve Item 4, Z-FY-13-33, as presented, and Commissioner Jones made a second.

*Motion passed: (6:0)*

Commissioners Magaña and Crisp absent

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

(PLANNING NO. Z-FY-13-33)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL (LI) TO HEAVY INDUSTRIAL (HI) WITH A CONDITIONAL USE PERMIT TO OPERATE A HEAT KILN AND WOOD CHIPPER, ON APPROXIMATELY 19.68 ACRES, BEING PART OF THE NANCY FERGUSON SURVEY, ABSTRACT NO 322, IN BELL COUNTY, TEXAS, LOCATED AT 1407 INDUSTRIAL BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves 1) a rezoning from Light Industrial (LI) to Heavy Industrial (HI), and 2) a Conditional Use Permit to allow a heat kiln and wood chipper, on approximately 19.68 acres, being part of the Nancy Ferguson Survey, Abstract No. 322, in Bell County, Texas, located at 1407 Industrial Boulevard, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

(a) The heat kiln will be limited to 15' tall and will be located on the east side of the site behind the 90,000 square foot building.

(b) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.

(c) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

(d) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

**Part 4:** 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 or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** 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 6:** 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 **5<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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12/05/13  
Item #5  
Regular Agenda  
Page 1 of 3

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

Mark Baker, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-14-02: Consider adopting an ordinance authorizing a zoning change from a combination of Light Industrial (LI) and Commercial District (C) to Multiple Family Dwelling One (MF-1) District to Lots 3 and 4, Block 12, Northwest Hills, 1<sup>st</sup> Extension Replat of Blocks 11 & 12, addressed as 2201 and 2205 Valley Forge Avenue.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 4, 2013 meeting, the Planning & Zoning Commission voted 6 to 0 to recommended approval of the requested zoning change from Light Industrial (LI) & Commercial (C) zoning districts to Multi-Family Dwelling-1 (MF-1) as recommended by staff.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for December 19, 2013.

Based on the following discussion, staff recommends approval for a zoning change from LI and C to MF-1 for the following reasons:

1. Although the proposed zoning does not comply with the Future Land Use Map which identifies this area as Neighborhood Conservation, it is consistent with the adjacent multi-family uses to the north and the west and the multi-family character of the area;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** According to the City of Temple Comprehensive Plan / Future Land Use Plan (FLUP), the subject property is within the designated Neighborhood Conservation District. The Neighborhood Conservation district is for existing and established residential neighborhoods. The purpose of this district is to establish standards consistent with those at the time of development (i.e. lot size, setbacks etc.) so as to not create nonconforming situations and to ensure that any infill activity or redevelopment maintains the neighborhood character. The surrounding area is primarily developed with variety of duplex, apartment and single family uses with commercial, multi-family, single-family and industrial zoning in place.

This collection of single-family, multi-family, commercial and industrially-zoned parcels have one significant characteristic in common which is the presence of existing multi-family housing units. The requested multi-family zoning allows the continuation of the single-family detached/attached housing units, duplex and apartments and will help protect those uses from the encroachment industrial uses, especially the single-family uses across the street from the subject property. The combination of existing zoning and existing land uses paints a patchwork of non-compliance with the FLUP and any new zoning district will have a degree of non-compliance. The current Light Industrial and Commercial zoning districts do not equally allow the same single family and multi-family uses that the MF-1 district does. Although the zoning request does not fully comply with the FLUP, staff recommends approval as this zoning designation is compatible with the adjacent land use and will continue some of the multi-family residential pattern of development. If approved, the FLUP will need to be updated.

Although it is anticipated the property will be developed with duplexes, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Multiple Family Dwelling (Apartment)  
 Industrialized Housing  
 Family or Group Home

Nonresidential uses

Child Care (Family Home)  
 Park or Playground  
 Fire Station

**Prohibited uses** include HUD-Code manufactured homes and land lease communities, All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit. The uses include but are not limited to: temporary asphalt concrete batching plants, a sewage pumping station or a cemetery, crematory or mausoleum.

**SURROUNDING PROPERTY AND USES:** The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Neighborhood Conservation	LI	Undeveloped
North	Neighborhood Conservation	2F & SF-3	Existing SF & MF Uses
South	Neighborhood Conservation	LI & C	Peanut Gallery Pre-School
East	Parks and Open Space	LI	Saulsbury Community Garden
West	Neighborhood Conservation	C & MF-2	Existing multi-family uses

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map		Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	Neighborhood Conservation is identified for the subject property as well as identified for the immediate and surrounding area. Although the MF-1 zoning is not a compatible zoning district, the allowed uses are compatible and consistent with the Surrounding uses and zoning designations in the immediate area.	N
CP	Map 5.2 - Thoroughfare Plan	The subject property will take access from Valley Forge Ave which is a local street.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water is available to the subject property through a 6" water line in Valley Forge Ave. Sewer is available through a 6" sewer line in Valley Forge Ave.	Y
STP	Temple Trails Master Plan Map & sidewalks	No existing or proposed trails were identified in the Master Plan Map along the subject property's frontage of Valley Forge Ave.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** Standard residential setbacks for two-family dwellings in the MF-1 district are:

Minimum lot size	-	4,000
Minimum Lot Width	-	60'
Minimum Lot Depth	-	100'
Front Yard Setback	-	25'
Side Yard Setback	-	10% of Lot Width (Min 5')
Corner Side Setback	-	15'
Rear Yard Setback	-	10'

**PUBLIC NOTICE:** Eleven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Monday November 18, 2013 at 4:00 PM, One notice for approval and one notice for disapproval have been received.

The newspaper printed notice of the Planning and Zoning Commission public hearing on October 24, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Zoning and Location Map  
Future Land Use and Character Map  
Buffer Notification Map  
Returned Property Notices  
PZ Excerpts  
Ordinance



# Site & Surrounding Property Photos



**Site: Undeveloped - Looking South (Light Industrial & Commerical Zoning)**



**East: Saulsbury Community Garden (Light Industrial Zoning)**



**West: Scattered Mixed residential uses (Commercial & Multi Family-2 Zoning)**



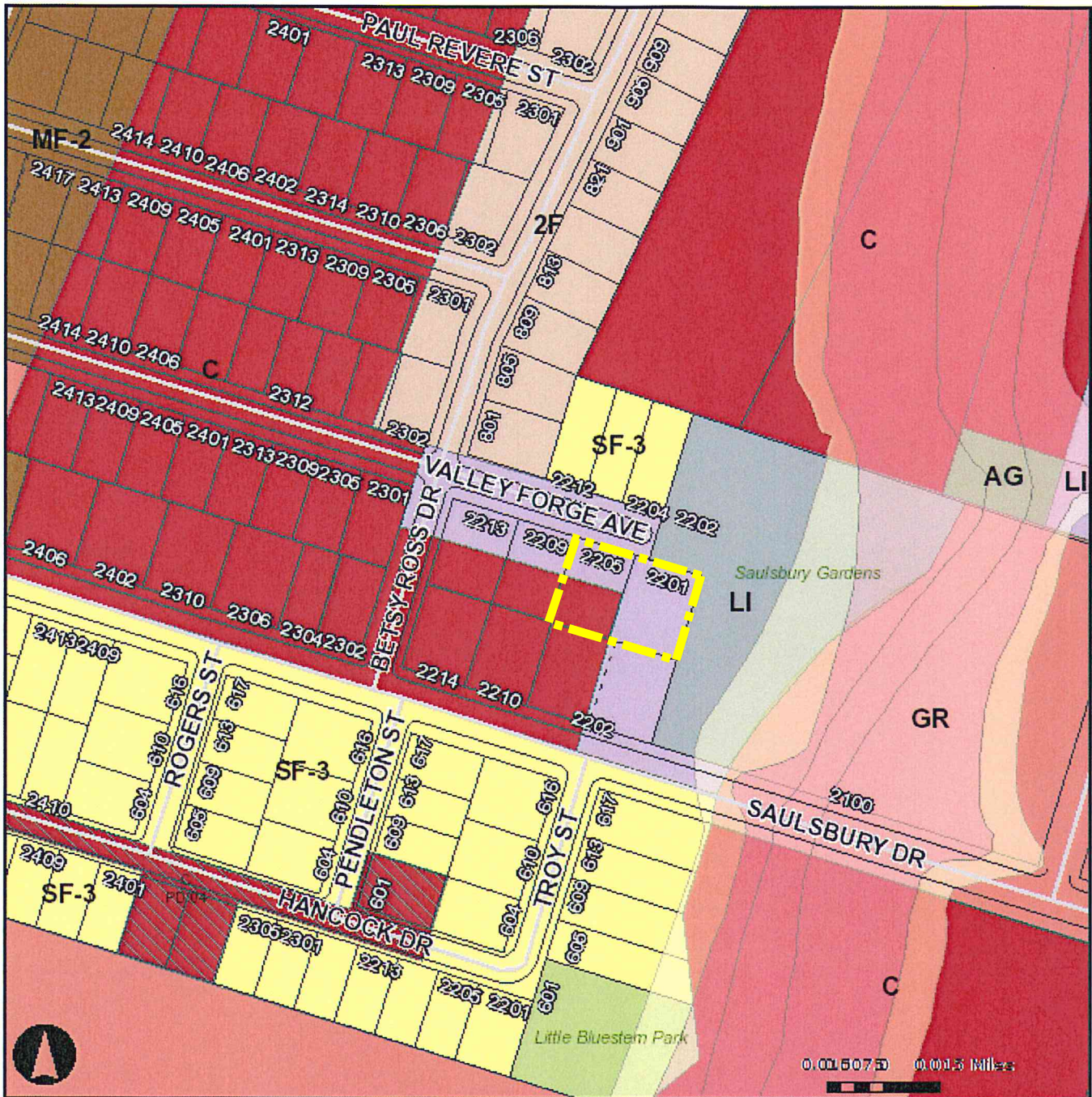
**North: Detached Single-Family Homes (Single Family-3 Zoning)**



**South: Looking south across subject property toward the Peanut Gallery Pre-school (Light Industrial Zoning)**



## Zoning and Location Map





**Z-FY-14-02**

Zone Change  
LI & C to MF-1

2201 & 2205  
Valley Forge Ave



### Future Land Use

Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural

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10/30/2013  
City of Temple GIS

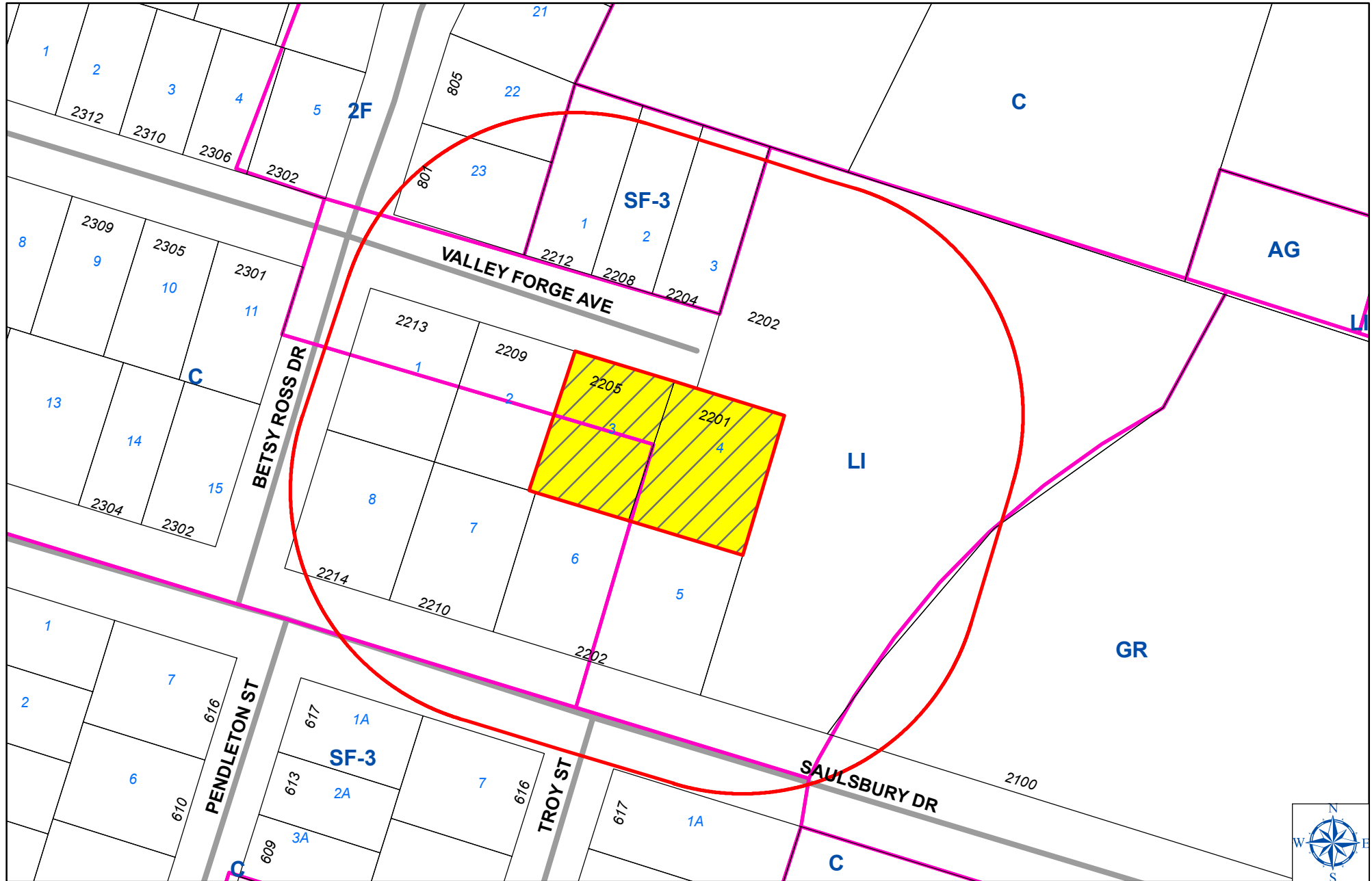







**Z-FY-14-02**

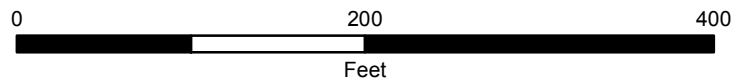
Buffer Notification

2201 & 2205 Valley Forge



-  Case
-  Zoning
-  200' Buffer
- Address
- Lot Number

1234-A  
1234



10/11/2013  
City of Temple GIS  
mbaker

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**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Janie Solis & Stephanie Rodriguez  
2208 Valley Forge Avenue  
Temple, Texas 76504

**Zoning Application Number:** Z-FY-14-02

**Project Manager:** Mark Baker

**Location:** 2201 and 2205 Valley Forge Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval

☒ denial of this request.

**Comments:**

Due to the surroundings in this area, we do not  
feel comfortable adding more housing. Do not feel safe.  
When driving at night, already don't feel safe. It will be  
crowded in this area.

  
Signature

Janie Solis (Doris Jean Solis)  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than November 4, 2013**

City of Temple  
Planning Department  
Room 102  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

**NOV 04 2013**

City of Temple  
Planning & Development

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, NOVEMBER 4, 2013**

**ACTION ITEMS**

**Item 6: Z-FY-14-02** – Hold a public hearing to discuss and recommend action on a zone change from a combination of Light Industrial (LI) and Commercial District (C) to Multiple Family Dwelling One (MF-1) District to Lots 3 and 4, Block 12, Northwest Hills, 1st Extension Replat of Blocks 11 & 12, addressed as 2201 and 2205 Valley Forge Avenue. (Applicant: Pat Dauphinais for Duane Hoffmann)

Mr. Baker stated this item would go to City Council on December 5, 2013 for first reading and December 19, 2013 for second reading.

The applicant was requesting a zone change from LI and Commercial (C) to Multi-Family-One (MF-1). The subject properties are Lots 3 & 4, Block 12 Northwest Hills subdivision. The City of Temple's Comprehensive Plan / Future Land Use Plan identifies the property as Neighborhood Conservation District.

There is a six-inch water line in Valley Forge fronting the property and a six-inch sewer line in Valley Forge fronting the property.

Surrounding properties include duplex and detached single family residential uses to the north, a pre-school to the south, mixed multi-family residential uses to the west, and the Saulsbury Community Garden to the east.

The property is identified in the Future Land Use Plan as within the Neighborhood Conservation District which is for existing and established residential neighborhoods. The purpose of the district is to establish standards consistent with those at the time of development such as lot size and setbacks. The request to the MF-1 zoning does not completely comply with the Future Land Use Plan.

Allowed and prohibited uses are given along with development regulations.

Eleven notices were mailed out and one was returned in favor and one was returned in opposition.

Staff recommendation considerations:

Is the proposed land consistent with the Comprehensive Plan / Future Land Use Map?

Do surrounding uses seem compatible and similar to the proposed zoning?

Do surrounding zoning designations seem compatible or similar to the proposed rezoning?

Staff recommendation:



Staff recommends Approval of the request for a zone change from “LI” & “C” to “MF-1” for the following reasons:

Although the proposed zoning does not comply with the Future Land Use Plan Map which identifies this area as Neighborhood Conservation, it is consistent with the multi-family uses to the north and the west and the multi-family character of the area;

The request complies with the Thoroughfare Plan;

The proposed zoning is compatible with the surrounding uses; and

Public facilities are available to serve the subject property.

Chair Sears opened the public hearing.

Mr. Pat Dauphinais, 605 Willow Stone Place, Gypsum, Colorado, stated he would like to put duplexes on the property.

There being no further speakers, Chair Sears closed the public hearing.

Commissioner Johnson made a motion to approve Item 6, Z-FY-14-02, as presented, and Commissioner Pitts made a second.

*Motion passed: (6:0)*

Commissioners Magaña and Crisp absent

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

(PLANNING NO. Z-FY-14-02)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM LIGHT INDUSTRIAL (LI) AND COMMERCIAL DISTRICT (D) TO MULTIPLE FAMILY DWELLING ONE (MF-1) DISTRICT ON LOTS 3 AND 4, BLOCK 12, NORTHWEST HILLS, 1<sup>ST</sup> EXTENSION REPLAT OF BLOCKS 11 AND 12, LOCATED AT 2201 AND 2205 VALLEY FORGE AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a permanent zoning from Light Industrial (LI) and Commercial District (C) to Multiple Family Dwelling One (MF-1) on lots 3 and 4, block 12, Northwest Hills, 1<sup>st</sup> Extension Replay of blocks 11 and 12, located at 2201 and 2205 Valley Forge Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**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 or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such 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 **5<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second Reading on the **19<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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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12/05/13  
Item #6  
Regular Agenda  
Page 1 of 3

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

Phillip Melton, Planning Intern

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-14-03: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 50% and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, on Lot 15, Block 21, Temple Original Town, located at 12 South Main Street.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 4, 2013 meeting, the Planning and Zoning Commission voted 6 to 0 to recommend approval of the Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption for the above described property.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for December 19, 2013.

Staff recommends approval of the requested Conditional Use where less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan;
3. Public facilities are available to serve the property; and
4. The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.



**ITEM SUMMARY:** The subject property is located on the west side of South Main Street in between Central Avenue and A Avenue. The property is addressed 12 South Main Street. The applicant proposes establishing a business where it is anticipated that less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption. The site is developed, built to property lines, and is zoned Central Area (CA). In the CA district, if revenue from beer and wine sales is less than 75% or when all alcoholic beverage sales are below 50%, the use is permitted by right. Since the applicant is proposing sales of alcoholic beverages that will amount to more than 50%, but less than 75%, of the gross revenue, a conditional use permit is required.

Establishments with alcoholic beverage sales for on-premise consumption are subject to the standards in Section 5.3.15 of the UDC. A number of the standards applicable to this property have been identified and are discussed as follows:

**Traffic Generation / Area Overcrowding:** The property is developed and has been used previously as a church. Although there are several businesses operating in the immediate area, it is not anticipated that there will be a substantial increase to traffic generation or overcrowding.

**Licensing from Texas Alcoholic Beverage Commission:** The applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code. This will be required within 6 months from the date of the issuance of the conditional use permit.

**Security:** The applicant has indicated that security cameras will be provided inside as well as security personnel on site.

**Parking:** The CA zoning district allows on-street parking. There are 28 on-street parking spaces along the block South Main Street. A public parking lot with 20 parking spaces is also located directly across Main St. from the site that could provide additional parking.

**Distance from Sensitive Uses:** As provided by UDC Section 5.5.15C, the property is not located within 300 from a place of worship, elementary or secondary school, public hospital, public park, or any residentially zoned or developed lot. The closest distance to any of these listed uses, as measured in a straight, direct line from the property line of the establishment to the nearest property line, is to Fred Springer Park at a distance of approximately 676 feet.

The applicant has provided, as required per UDC Section 3.5.2B, a site plan. Staff has reviewed the use permit and the site plan which were considered by the DRC during their October 21, 2013 meeting. Based on the proposal, no issues were identified during the meeting. The attached site plan will be included in the Ordinance if the conditional use permit is approved by City Council.

**DEVELOPMENT REGULATIONS:** Although there are dimensional standards for residential uses in the CA zone, there are no established dimensional standards for non-residential uses. As per UDC 4.6, the maximum building height may be any legal limit that other laws and ordinances do not prohibit. The subject property is currently developed with a building footprint which extends to the property line on all sides.

On-site parking is typically waived in favor of on-street parking per UDC Section 7.5C.

**PUBLIC NOTICE:** 13 notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Friday November 19, 2013, 3 notices had been returned in favor of the use permit and no notices for denial had been received.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site Photos](#)

[Aerial Map](#)

[Floor Plan](#)

[Buffer Notification Map](#)

[Returned Property Owner Notice](#)

[PZ Excerpts](#)

[Ordinance](#)



**Subject Property, currently unoccupied**



**North: Boxing Gym and resturant**



**South: Unoccupied and the ExtraCo Bank Building**



**East: Public Parking and an amusement use (Ballroom)**

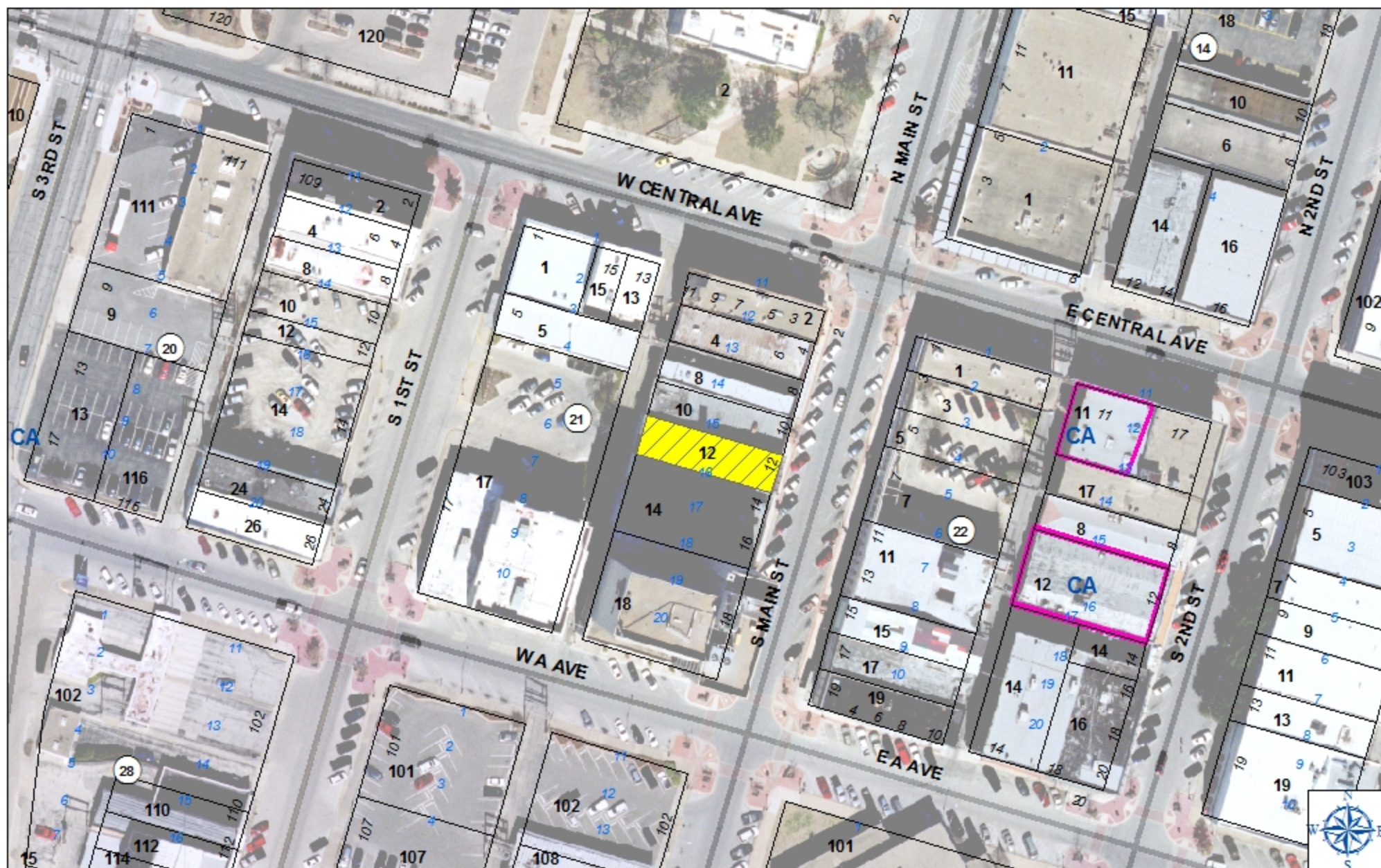




Z-FY-14-03

Alcohol Conditional Use Permit

12 S. Main Street



Block Number  
Address 1234

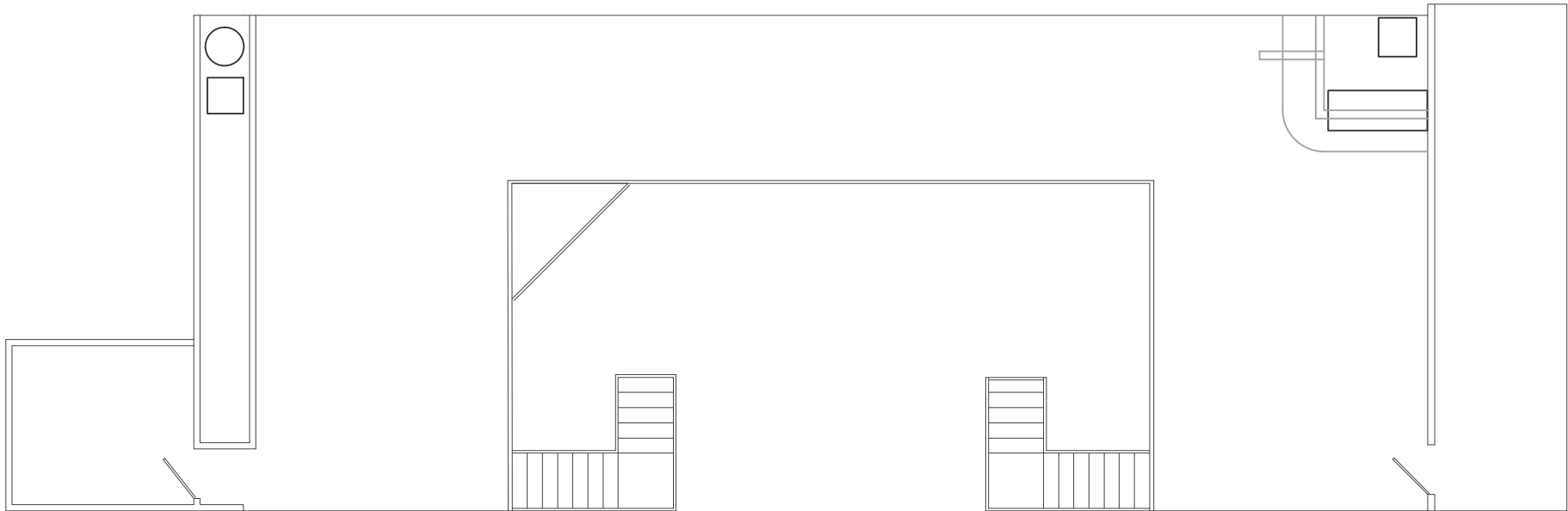
Outblock Number  
Lot Number 1

0 50 100  
Feet

10/25/2013  
City of Temple GIS  
pmetlon

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.





PROJECT:

# THE PATOZ ANALYZER

12B South Main  
Temple, TX 76501

(254) 534-0954

DATE: 9/25/2013

DRAWN BY: JAS

CHECKED BY: JS

(SCALE: 1" / 10'

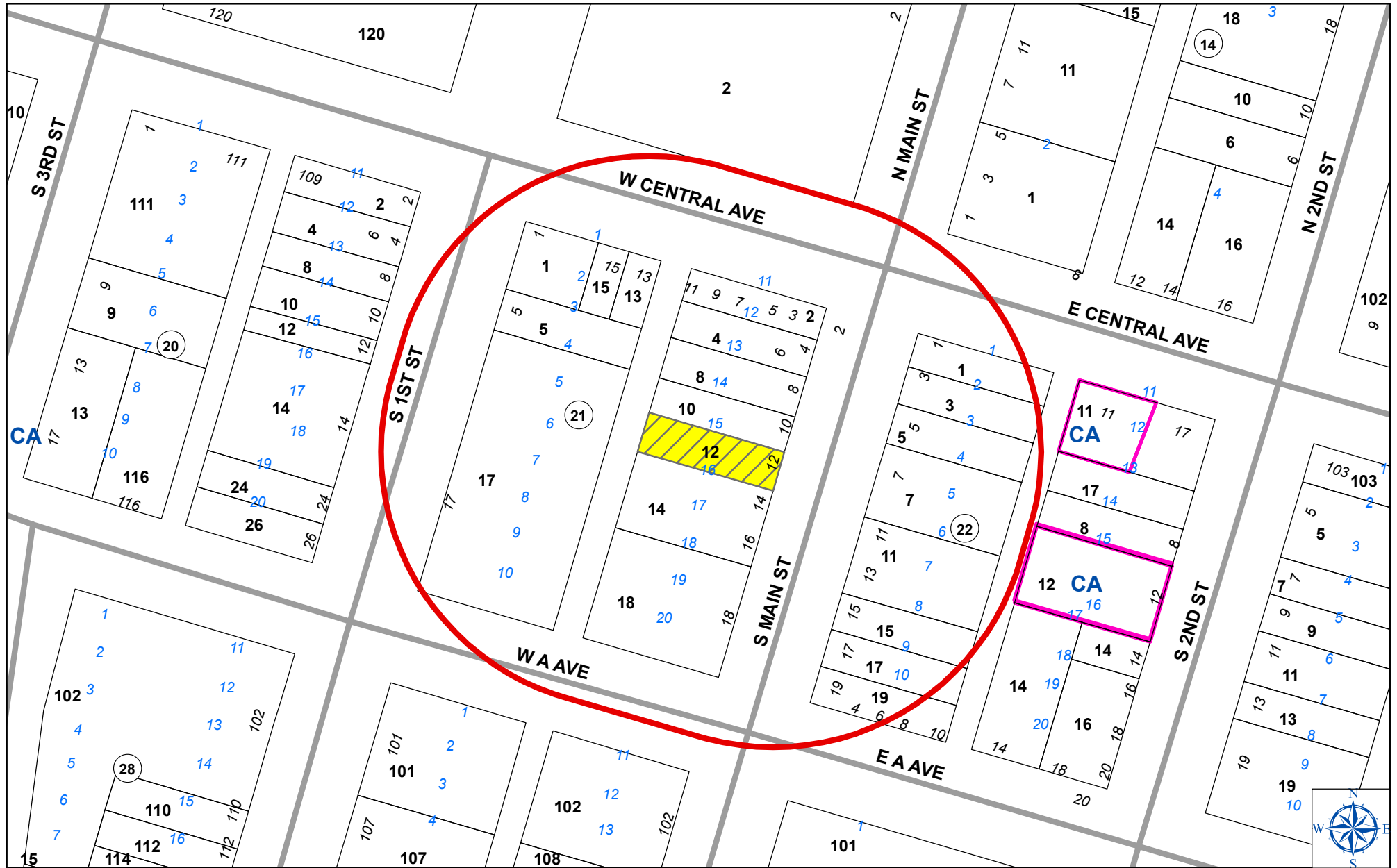
(SHEET: Floor Plan



Z-FY-14-03

# Alcohol Conditional Use Permit

12 S. Main Street



- Case
- Zoning
- Buffer\_200

Block Number  
Address 1234 1234-A

Outblock Number  
Lot Number ①  
1



10/16/2013  
City of Temple GIS  
pnmelton

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.



**RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE**

Main One South LP  
1 South Main Street  
Temple, Texas 76701

**Zoning Application Number:** Z-FY-14-03

**Project Manager:** Phillip Melton

**Location:** 12B South Main Street

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend (✓) approval ( ) denial of this request.

**Comments:**

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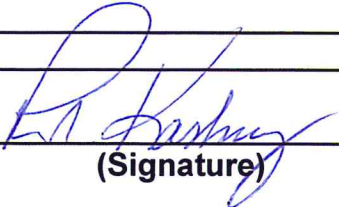
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(Signature)

Rick N. Kasberg  
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than November 4, 2013.

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

OCT 28 2013

City of Temple  
Planning & Development

**Number of Notices Mailed:** 13

**Date Mailed:** October 24, 2013





**RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE**

Temple Economic Development Corp  
1 South 1<sup>st</sup> Street  
Temple, Texas 76701

**Zoning Application Number: Z-FY-14-03**

**Project Manager: Phillip Melton**

**Location: 12B South Main Street**

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend (✓) approval ( ) denial of this request.

**Comments:**

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Karin Jahnke  
(Signature)

Karin Jahnke  
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than November 4, 2013.

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

OCT 29 2013

City of Temple  
Planning & Development

**Number of Notices Mailed: 13**

**Date Mailed: October 24, 2013**





**RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE**

Extraco Banks – Temple Downtown  
c/o Gary Millelr, Accounting  
P.O. Box 7832  
Waco, Texas 76714-7832

**Zoning Application Number: Z-FY-14-03**

**Project Manager: Phillip Melton**

**Location: 12B South Main Street**

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ☒ ) approval ( ☐ ) denial of this request.

**Comments:**

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(Signature)

Dillard B. Barr  
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than November 4, 2013.

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

NOV 12 2013

City of Temple  
Planning & Development

**Number of Notices Mailed: 13**

**Date Mailed: October 24, 2013**

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, NOVEMBER 4, 2013**

**ACTION ITEMS**

**Item 7: Z-FY-14-03** – Hold a public hearing to discuss and recommend action on a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 50% and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, on Lot 15, Block 21, Temple Original, located at 12B South Main Street. (Applicant: James Stewart)

Mr. Melton stated the applicant proposes a business where less than 75% of the gross revenue is from the sales of alcoholic beverages with on-premise consumption. The City of Temple Comprehensive Plan / Future Land Use Plan identify the property as Urban Center District. In the Central Area (CA) Zoning, a CUP is required and subject to these standards in UDC Section 5.3.15.

- Traffic Generation / Area Overcrowding
- Licensing from Texas Alcoholic Beverage Commission
- Security
- Parking
- Distance from Sensitive Uses

**Traffic Generation / Area Overcrowding:** No additional traffic or concerns for area overcrowding are anticipated.

**Licensing from Texas Alcoholic Beverage Commission:** Applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the C.U.P

**Security:** Security cameras are proposed as well as security personnel

**Parking:** The CA zoning district generally waives on-site parking in favor of on-street parking. There are a number of parking opportunities within the immediate location and a public parking lot across Main St. available for use.

**Distance from Sensitive Uses:** The property is not located within 300' from a place of worship, elementary or secondary school, public hospital, public park or any residentially zoned or developed lot.

Public facilities are available to serve the site.

Surrounding properties include unoccupied adjacent to site and occupied (Extraco Bank Building) to the south, boxing gym adjacent to the site and restaurant to the north, and public parking and indoor amusement (Ballroom) to the east.

Thirteen notices were received and zero notices were returned in favor or in opposition.

Staff recommends Approval of the requested Conditional Use Permit where more than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

The request is compatible with the Future Land Use and Character Map which identify this area as Urban Center;

The request complies with the Thoroughfare Plan;

Public facilities are available to serve the property; and

The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.

Chair Sears opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Rhoads made a motion to approve Item 7, **Z-FY-14-03**, as presented, and Commissioner Jones made a second.

*Motion passed: (6:0)*

Commissioners Magaña and Crisp absent

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, WHERE SALES WILL BE MORE THAN 50% AND LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR THE PATIO ON MAIN RESTAURANT/BAR, LOCATED AT 12 SOUTH MAIN STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 12 South Main Street, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be more than 50%, and less than 75% of the gross revenue for The Patio On Main Restaurant/Bar, located at 12 South Main Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- (a) The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.



- (b) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (c) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (d) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- (e) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (f) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- (g) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (h) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (i) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (j) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (k) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

**Part 3:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 4:** 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 or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** 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 6:** 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 **5<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, 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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12/05/13  
Item #7  
Regular Agenda  
Page 1 of 1

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

Jonathan Graham, City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance reestablishing a comprehensive economic development policy for the City of Temple which includes the City's criteria and guidelines for tax abatement, tax increment financing, enterprise zones, and strategic investment zones.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for December 19, 2013.

**ITEM SUMMARY:** In January, 2012, the City Council adopted Ordinance No. 2011-4504 which sets forth the City of Temple's criteria and guidelines for tax abatement, tax increment financing, enterprise zones, and strategic investment zones. Chapter 312 of the Texas Tax Code which authorizes a taxing unit's ability to enter into tax abatement agreements states that a taxing unit's criteria and guidelines are effective for two years from the date adopted. The City's current ordinance was effective on January 5, 2012 therefore it must be renewed at this time.

### **FISCAL IMPACT:**

### **ATTACHMENTS:**

[Ordinance](#)

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

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

**Whereas**, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

**Whereas**, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

**Whereas**, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

**Whereas**, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

**Whereas**, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

**Whereas**, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; 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:

**Part 1:** That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas to read as follows:



# ECONOMIC DEVELOPMENT POLICY

## FOR THE CITY OF TEMPLE, TEXAS

ADOPTED DECEMBER 19, 2013

### I. Criteria and Guidelines Governing Tax Abatement.

#### A. Definitions.

1. **"Abatement"** means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. **"Agreement"** means a contract between a property owner or lessee and the City.

3. **"Base year value"** means the assessed value of eligible property on January 1<sup>st</sup> of the year of the execution of the tax abatement Agreement or if the terms of abatement defer the commencement of the tax abatement, the base year value shall be in the value on January 1<sup>st</sup> of the year the tax abatement begins, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. **"Deferred Maintenance"** means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. **"Downtown Development Area"** is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. **"Eligible Facilities"** means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City. Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses).

7. **"Expansion"** means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. **"Facility"** means property improvements completed or in the process of construction which together comprise an integral whole.

9. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a façade, adding balconies or decorative art and related exterior improvements designed to visually improve the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

12. **"South 1<sup>st</sup> SIZ incentive area"** is an area comprised of approximately a 74 block area, which includes South 1<sup>st</sup> Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2<sup>nd</sup> Street, South 3<sup>rd</sup> Street and South 5<sup>th</sup> Street, as shown by the map and description attached hereto as Exhibit "S1."

13. **"Avenue G/H SIZ incentive area"** is an area consisting of Avenues F, G, H & I from South 1<sup>st</sup> Street to South 25<sup>th</sup> Street, as shown by the map and description attached hereto as Exhibit "S2."

14. **"North 3rd Street SIZ incentive area"** is an area consisting of two tracts of land centered on North 1st Street; Area A is bounded on the west by North 7th Street [from Central to French] and on the east from Adams—where it adjoins the South 1st SIZ incentive area—north to French Avenue, and North 3rd Street, and Area B is an irregular shaped area on North 3rd Street running north-south roughly from Munroe Avenue to Industrial Boulevard, as shown by the map and description attached hereto as Exhibit "S3."

15. **"MLK SIZ incentive area"** is an area on the east side of downtown Temple roughly bound on the north by Calhoun Street, on the east by MLK, on the south by Avenue H, and on the west by the BNSF tracks and 2<sup>nd</sup> Avenue, as shown by the map and description attached hereto as Exhibit "S4."

## **B. Statement of Purpose.**

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

## **C. Designation of Tax Abatement Reinvestment Zones.**

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

## **D. Abatement Authorized.**

**1. Eligible Facilities.** Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

## **2. Standards for Tax Abatement.**

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

- (1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent

(50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area or within the South 1<sup>st</sup>, North 3<sup>rd</sup>, Avenue G/H or MLK SIZ incentive areas, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. **Terms of Abatement/Minimum Required Investment.** The City will consider executing tax abatement agreements with a term of five years provided that the applicant agrees to make the minimum investment in real property improvements, personal property improvements, or job creation specified herein. An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation <sup>†</sup>
<b>25%</b>	<b>\$250,000-\$400,000</b>	<b>\$1,000,000-\$1,600,000</b>	<b>25-30 jobs</b>
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
<b>50%</b>	<b>1,000,001-1,300,000</b>	<b>4,000,001-5,200,000</b>	<b>51-55 jobs</b>
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
<b>75%</b>	<b>2,500,001-3,500,000</b>	<b>10,000,001-14,000,000</b>	<b>76-85 jobs</b>
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
<b>100%</b>	<b>7,500,001-10,000,000</b>	<b>30,000,001-40,000,000</b>	<b>126-175 jobs</b>

Percentage of increased value To be abated	Inside the Downtown Development Area, MLK SIZ Incentive Area or the South 1 <sup>st</sup> Street SIZ Incentive Area Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$100,000 or more	5-25 jobs



Percentage of increased value To be abated	Inside the Avenue H SIZ Incentive Area Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$35,000 or more	\$60,000 or more	5-25 jobs

Percentage of increased value To be abated	Inside the North 3 <sup>rd</sup> Street SIZ Incentive Area Area A and Area B Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Full Time Job Creation
100%	\$50,000 or more	\$100,000 or more	10-25 full time jobs

The City may consider approving tax abatement agreements with a term longer than five years, but not more than ten years, where a project involves an investment in real property in excess of \$10,000,000 (\$250,000 in the Downtown Development Area, MLK, South 1<sup>st</sup> and Avenue G/H SIZ incentive zones) or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Downtown Development Area or the South 1<sup>st</sup>, Avenue G/H, North 3<sup>rd</sup> or MLK SIZ incentive zones) or the creation of more than 175 (25 in the Downtown Development Area, the South 1<sup>st</sup>, Avenue G/H, North 3<sup>rd</sup> or MLK SIZ incentive areas) new full time jobs, **or where the City deems a project critical to the development of the City because of the nature of the project or industry, or the types of jobs being created or retained.**

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

\*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

† As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

**Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.**

**3. Abatement barred in certain circumstances.** Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

**4. Property subject to Taxation.** From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

#### **5. Application for Tax Abatement.**

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

#### **6. Tax Abatement Agreements**

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;

- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;
- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completed application for tax abatement with the City Manager.

## **7. Recapture of Abated Taxes Upon Default.**

a. In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or
- (2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,
- (3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

## **8. Administration.**

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

## **9. Assignment of Tax Abatement Agreements.**

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

## **10. Sunset Provision.**

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

# **II. Availability of Tax Increment Financing of Public Improvements.**

## **A. Existence of tax increment financing district.**

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.



## **B. Development agreements.**

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

## **III. Additional Economic Incentives within the City**

### **A. Designation of Enterprise Zone.**

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Texas Government Code, Chapter 2303 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

#### **1. Sales and use tax refunds.**

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Texas Government Code §2303.402;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as provided for in Texas Government Code, Chapter 2303.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

## **2. Waiver of permit fees.**

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council, or where applicable the City Manager, is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved under Part III, B(2) of this ordinance.

## **B. Other economic incentives within the City.**

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the South 1st SIZ incentive area, the Avenue G/H SIZ incentive area, the North 3rd SIZ Incentive area, or the MLK SIZ incentive area, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City's other Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City's Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R.
- (d) The City Manager shall provide the City Council with a quarterly report listing and describing the terms and conditions of any Chapter 380 agreements approved under Part III, B(2) of this ordinance in the preceding quarter.
- (e) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

<b>Additional Incentives within the City</b>		
Value of grant, or value of reduction in lease payments or sale price	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <b><u>both</u></b> improvements to real property (new construction or expansion of existing facility) <b><u>and</u></b> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

*Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated. The City Council may on a case by case basis consider approving chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, with a value of greater than \$7,500 but less than \$150,000.*

### **C. Incentives in Certain Strategic Investment Zones (SIZ)**

1. **Authority.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain of the City's Strategic Investment Zones. If property is located within the boundaries of more than one Strategic Investment Zone which has available incentives, an applicant may apply for incentives under either incentive program (but not more than one), subject to the applicable rules of eligibility.

2. **Purpose.** The City desires to encourage the redevelopment of certain of its Strategic Investment Zones by offering economic development incentives (SIZ grants) within those corridors to property owners who meet certain criteria.

3. **Application Process.** Applications for SIZ grants are available through the City Manager's office. Applications may be picked up at any time, but the City only approves new applications for SIZ grants four times a year: December, March, June & September. Completed applications for SIZ grants must be filed as follows:

#### **For consideration in:**

December  
March  
June  
September

#### **Completed Application Due No Later Than:**

November 10<sup>th</sup>  
February 10<sup>th</sup>  
May 10<sup>th</sup>  
August 10<sup>th</sup>

#### 4. Types of Grants.

- a. **Façade Improvement Grants.** (commercial or industrial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the replacement or upgrade of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the eligible SIZ incentive corridors (See Section 6 below) are maintained in the Construction Safety Office, 1<sup>st</sup> Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- b. **Sign Improvement Grants.** (commercial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the installation of new ground-mounted, monument type (building mounted signs within TMED) signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and City-approved material and construction (including labor) costs, but specifically *exclude* design costs.
- c. **Landscaping Improvement Grants.** (commercial or industrial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is greater than if no irrigation system exists. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.
- d. **Asbestos Survey or Abatement Grants.** (commercial or industrial property only) The City will consider a grant (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for owner-initiated asbestos survey of a building and for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.

- e. **Demolition Grants.** (residential, commercial or industrial property) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
- f. **Sidewalk Improvement Grants.** (residential, commercial or industrial property) The City will consider grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.
- g. **Waiver of Platting, Zoning and Permit Fees.** (commercial or industrial property only) The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City *cannot* waive water and wastewater tap fees.
- h. **Code Compliance Grant.** (residential only) The City will consider grants on a 1:4 (City/Property Owner) matching basis for the construction of real property improvements necessary to bring a structure in one of the approved SIZ incentive zones listed in subpart 6 below in to City Code compliance. To receive a grant under this subsection, the property owner must substantiate actual expenditures necessary to meet an existing City code by the property owner of \$4 dollars for every \$1 of code upgrade grant sought from the City up to the maximum grant as shown in subsection 5 below. For example, to receive a code grant of \$5,000 from the City, the property owner would have to demonstrate actual expenditures by the property owner of \$20,000 that are necessary to meet existing City code requirements.
5. **Maximum Amount of Grants.** The chart below shows the types and dollar amounts of grants available in each of the current SIZ incentive zone corridors. An applicant can request consideration for up to the maximum for each type of grant applicable to his/her property and application, but the total amount that an applicant can receive for any particular application and property is limited by the size of the applicant's actual investment.

TYPE OF GRANT	South 1 <sup>st</sup> Street	Avenue G/H
Façade	\$15,000	\$10,000
Sign	\$2,500	\$1,500



Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)	\$2,500 or \$3,500 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)	\$1,000+ \$3,000 (survey + abatement)
Demolition	\$2,500	\$2,500
Sidewalk	\$10,000	\$5,000
Fee Waiver	\$2,000	\$2,000
Code Compliance (Residential)	n/a	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000	\$33,500
Required Minimum Investment	\$20K Commercial/\$10K Residential	\$20K Commercial/\$10K Residential

TYPE OF GRANT	North 3 <sup>rd</sup> Street	MLK, Jr. Boulevard
Façade	\$15,000	\$15,000
Sign	\$2,500	\$2,500
Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)	\$5,000 or \$10,000 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)	\$1,000 + \$3,000 (survey + abatement)
Demolition	\$2,500	\$2,500
Sidewalk	\$10,000	\$10,000
Fee Waiver	\$2,000	\$2,000
Code Upgrade (Residential)	n/a	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000	\$46,000
Required Minimum Investment	\$20K Commercial or Industrial	\$20K Commercial/\$10K Residential

The total maximum grant (the sum of all of the individual grants the project is eligible for) is the lesser of: (1) the sum of the individual grants, AND (2) 33% of the applicant's total investment where the investment is less than \$100,000, OR 25% of the applicant's total investment where the investment is greater than \$100,000. Total

investment is measured at the time the project is completed, and is subject to verification by the City.

The chart also shows the minimum required investment by a property owner for consideration of a SIZ grant.

6. **SIZ Incentive Zones; Eligible Property.** To be eligible for a SIZ incentive grant under subsection 5 above, the applicant must be the owner or a lessee of property lying within the boundaries of one of the City's SIZ Incentive Zones. The current SIZ Incentive Zones are:

- South 1<sup>st</sup> SIZ incentive area (Boundary Map—attached as Exhibit “S1”)
- Avenue G/H SIZ incentive area (Boundary Map—attached as Exhibit “S2”)
- North 3<sup>rd</sup> SIZ incentive area (Parts A & B) (Boundary Map—attached as Exhibit “S3”)
- Martin Luther King SIZ incentive area (Boundary Map—attached as Exhibit “S4”)

7. **Application Form.** To be eligible for the grants described in Part C an applicant must submit an application and receive approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) [and the lessee(s), where applicable] of the property. Forms are available in the **City Manager's Office** (c/o Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect prior to the issuance of building permits, as applicable.

8. **Evaluation of Applications.** In evaluating whether to recommend an application for a grant under Part C for consideration by the City Council, the Staff will review and evaluate all SIZ incentive applications using the following criteria:

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspects (20 points)
- (b) whether the proposed redevelopment is at a higher level than which exists on other properties in the SIZ incentive corridor in which the property is situated (15 points);
- (c) whether the applicant has the financial resources to complete the improvements described in the application (10 points);
- (d) whether the property is unlikely to redevelop without an incentive by the City (20 points);
- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council (8 points);
- (f) whether the development is in an overlay that requires higher standards than in other parts of the City (5 points);

- (g) whether the development remedies deteriorated existing city infrastructure (10 points);
- (h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan (7 points); and
- (i) whether there is a known occupant/tenant for the proposed development (5 points).

Applications receiving a score of less than 75 points will not be recommended by the Staff for approval by the City Council. Where the amounts being requested in any quarter exceed the amount of uncommitted funds available for SIZ incentive grants, the City Council may take the rating system into consideration when deciding which applications, if any, to approve.

9. **Evaluation of application.** Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 8 above, and submit the application and the Staff's recommendation to approve or deny the request, in whole or part, to the City Council for their consideration.

10. **Approval of grants; duration of approval.** The City Council may approve a request for a grant under Part C in whole or in part, or deny the same. Provided that the City Manager is authorized to approve Chapter 380 agreements providing SIZ incentive grants as provided in Part III(B) of this ordinance.

11. **No Vested Right to Receive a Grant.** The existence of the grant program established in Section C does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

12. **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a Chapter 380 development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grant funds under this Ordinance or as described in the development agreement. The Staff is authorized to grant extensions of up to ninety (90) days in the completion date.

Payment to grantees shall be made within thirty (30) days of the work described in the development agreement being completed, inspected and a certificate of occupancy issued by the City. When the recipient of a SIZ grant fails to complete a project by the

date provided for completion in his Chapter 380 agreement with the City, inclusive of any extension approved by the Staff (up to ninety days), the amount of the grant provided for in the Chapter 380 agreement shall be reduced by 5% for each thirty days that the project lacks completion. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

#### **D. Additional economic incentives in Downtown Development Area.**

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

<b>Additional Incentives in the Downtown Development Area</b>		
Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs

Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs
Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs

3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a business plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

**Part 2:** 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 3:** 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 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 **5<sup>th</sup>** day of **December**, 2013.

PASSED AND APPROVED on Second and Final Reading on the **19<sup>th</sup>** day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN Mayor

ATTEST:

APPROVED AS TO FORM:

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

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





## COUNCIL AGENDA ITEM MEMORANDUM

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12/05/13  
Item #8  
Regular Agenda  
Page 1 of 4

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

Mark Baker, Planner

**ITEM DESCRIPTION:** P-FY-13-38: Consider adopting a resolution approving the Preliminary Plat of Carriage House Trails, a 60.31 ± acres, 195 lot, residential subdivision, with a developer requested exception to the Design Criteria – Residential Subdivision Entrances, related to temporary emergency vehicle access and a developer requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees located along the east side of Carriage House Drive, east of Oak Hills Drive & Trailridge Drive.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its November 4, 2013 meeting, the Planning & Zoning Commission voted 6 to 0 for the following:

1. Approve the Preliminary Plat, as recommended by staff,
2. Approve the requested Exception to the Design Criteria – Residential Subdivision Entrances related to Temporary Emergency Access and,
3. Approve the Exception to UDC Section 8.3.1 related to the payment of park fees as recommended by staff.

**STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat, subject to the following conditions:

1. The proposed trail within the 100' Brazos Electric easement is labeled as a private trail if found acceptable by Brazos Electric for private use and trail alignment and if not acceptable, the label is to be removed and,

Staff recommends approval of the requested exception to the Design Criteria – Residential Subdivision Entrances for Carriage House Trails and,

Based on past practice within the City of Temple, Staff is recommending approval to the exception to UDC Section 8.3.1 subject to the provisions shown in the attached letter / request for exception provided by the developer, provided all expressed private improvements are made prior to the acceptance of infrastructure for Phase II of this development.

**ITEM SUMMARY:** The Development Review Committee reviewed the Preliminary Plat for Carriage House Trails subdivision on October 22, 2013. The plat was deemed administratively complete on November 14, 2013, pending submittal of revised restrictive covenants.

The Preliminary Plat for Carriage House Trails, a 195-lot, 3-phase, residential subdivision is located along the east side of Carriage House Drive, east of Oak Hills Drive & Trailridge Drive. The developer is proposing development in 3 phases consisting of 82 lots in Phase 1, 64 lots in Phase 2 and 49 lots in Phase 3.

The subdivision proposes extension of two local streets: Oak Hills Drive and Carriage Drive, 2 local streets, and proposes ten new local streets:

1. Broken Shoe Trail,
2. Thicket Trail,
3. Rustic Manor Drive,
4. Gun Grove Drive,
5. Split Trail Cove,
6. Salt Mill Hollow,
7. Wagon Gap Road,
8. Cross Timber Cove,
9. Briar Hollow Drive and,
10. Gristmill Drive.

Per the Design Criteria – Residential Subdivision Entrances, since the subdivision proposes more than 150 lots, a third entrance is required. The extensions of Oak Hills and Carriage House Drive do not effectively function as two separate entrances and therefore a third entrance was requested by staff as a stub connection at Briar Hollow Drive for future connection to Poison Oak Road. The alignment of the connection from Briar Hollow Drive to Poison Oak has not been designed.

A 6" wastewater line and an 8" water line are available to serve the property from the west in Carriage House Drive. Both are anticipated to be extended as an 8" wastewater and an 8" water line to serve the proposed subdivision.

**Temporary Emergency Access Point:** The developer has requested an exception to the Design Criteria Residential Subdivision Entrance / Access Design Standards. The request is specific to the alternate allowed design which is a needed temporary emergency access point when more than 2 local street entrance points are needed. All proposed access points are feeding into local streets from other local streets.

The subdivision is shown to take direct access from Oak Hills Drive, Carriage House Drive and Salt Mill Hollow Drive. The adopted Residential Subdivision Entrance / Access Design Standards require three points of access where more than 151 lots are proposed. The UDC, as well as other City codes, does not clearly define how many lots an access point must serve to be defined as an access point. The entrance points at Oaks Hills Drive and Carriage House Drive feed through one roadway into two and effectively functions as one access since it serves only 5 lots for traffic exiting the subdivision.

Based on this interpretation, at staff's direction to meet the 3 required access points, the applicant has provided a future stub connection at the end of Briar Hollow Drive. By doing so, the applicant fulfilled the requirement for an access point occurring every 1,000 feet as required by Section 8.2.D4b. Although this stub partially meets the requirements for a third entrance, it does not meet the functionality for a temporary emergency access point, which is part of the overall subdivision access requirements. No provisions for the development of the proposed stub have been made either with the private property owner, subdivision developer or the City to provide a street connection to Poison Oak Road from this point.

While the proposed stub does not completely meet the requirements for the additional entrance, due in part to the applicant making a significant effort to meet the entry requirements and the ambiguity of the Code, Staff therefore is recommending approval of the requested exception.

**Park Fees:** The developer has requested an exception to UDC Section 8.3.1 - Requirements for Park Land Dedication.

According to the Parks and Leisure Services Department, the plat would require a minimum 3 acres of public park land or payment of a \$43,650 public park development / acquisition fee without an approved exception. However, the UDC further expresses that a minimum of 1 acre be provided for every 133 homes even when exceptions are considered. Therefore, a minimum 1.5 acres of useable park land should be provided for park use in this 195 lot subdivision.

The preliminary plat is proposed with 7 open space tracts to be maintained by a private homeowners association which will include a developed private park within Tract C, private trails as shown on the plat and a public trail easement. The City will construct a trail in the easement adjacent to and within the Hog Pen Creek floodplain as funds are available to meet the needs of the Citywide Trails Master Plan.

Additionally, the plat shows private trail alignment within the existing 100' Brazos Electric easement which transects the subdivision. The electric easement would incorporate a portion of the rear yard of all lots abutting the easement and the private trail. No formal approval from Brazos Electric has been received by staff or the developer. Therefore, these uses (trail / fences) within the easement may not be allowed by Brazos Electric. If these approvals cannot be achieved, any uses not allowed in the easement must be removed from the plat.

The applicant has indicated that approximately 1½ acres outside the floodplain on Tract C will contain a sport court, pavilion, landscaping and park facilities. These amenities are to be constructed prior to the acceptance of Phase 2, see Letter of Exception, within the ± 6.38 acre Tract "C". This proposal has been found to be acceptable to the Parks and Leisure Services Department.

Based on past practice within the City of Temple, Staff is recommending approval to the exception to UDC Section 8.3.1 subject the provisions shown in the attached letter / request for exception provided by the developer, provided all expressed private improvements are made prior to the acceptance of infrastructure for Phase II of this development.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Final Plat

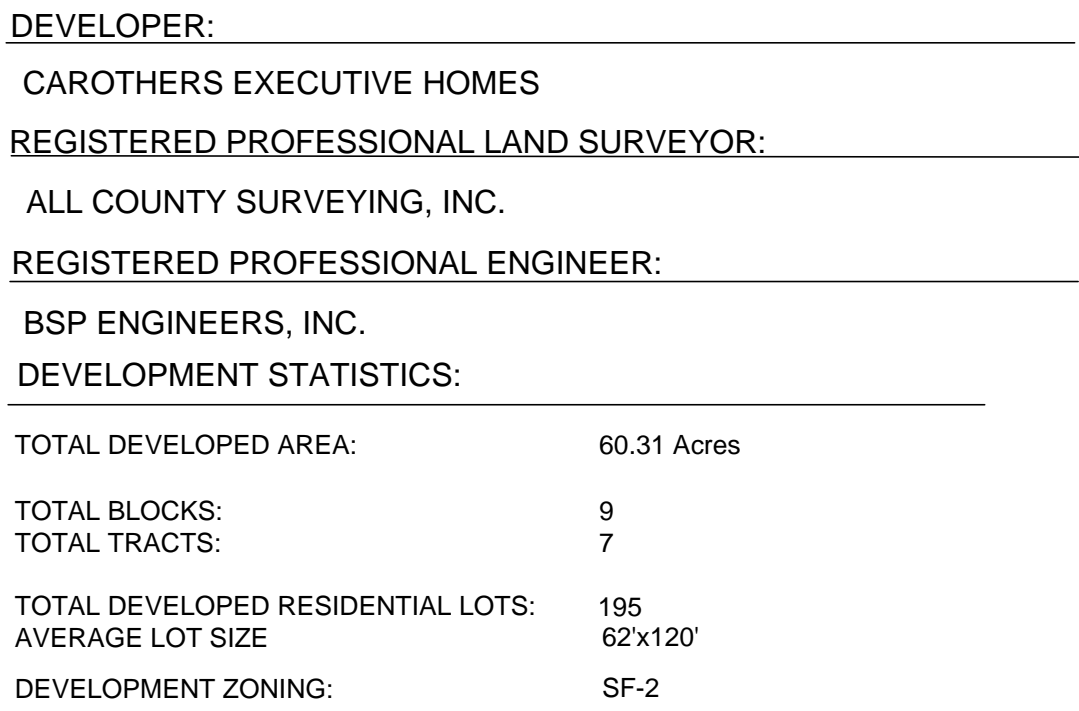
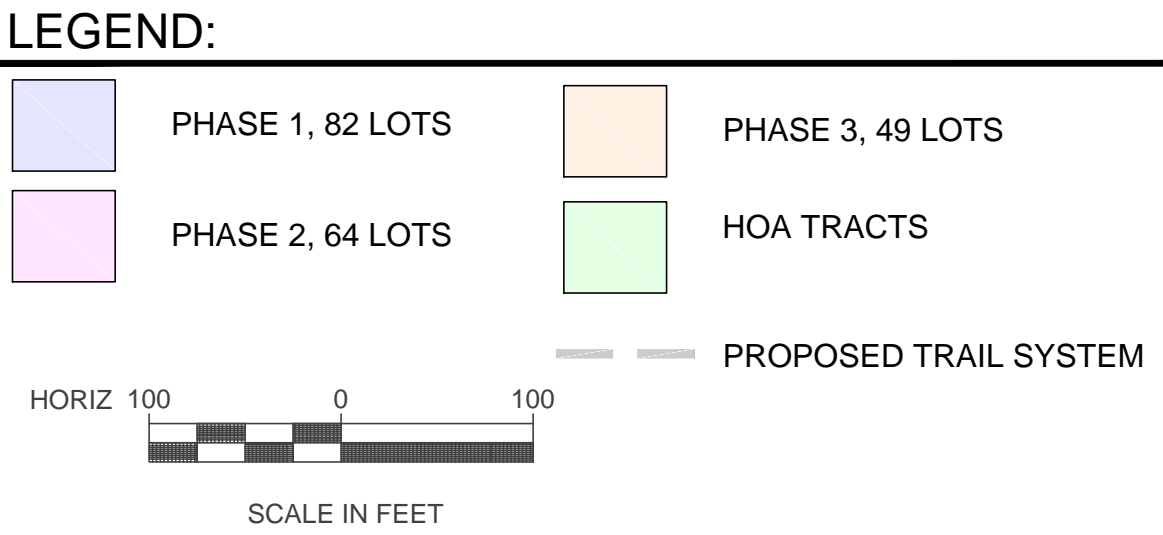
Utility Plan

Requested Exception Letter

PZ Excerpts

Resolution





STATE OF TEXAS  
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

2013-08-01



*Anthony D. Buech*  
SIGNATURE

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLANNED DEVELOPMENT PLAT IS TRUE AND CORRECT., THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

CHARLES C. LUCKO, R.P.L.S.      DATE SURVEYED: \_\_\_\_\_  
REGISTRATION NUMBER 4636

STATE OF TEXAS  
COUNTY OF BELL  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_,  
KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME  
FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

Notary Public, State of Texas

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.

Chairperson	Secretary to the Planning and Zoning Commission
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Date: \_\_\_\_\_ Revisions  
Remarks:

# CARRIAGE HOUSE TRAILS

# PHASES 1, 2 & 3

Temple, Texas



**BSP**  
ENGINEERS, INC.

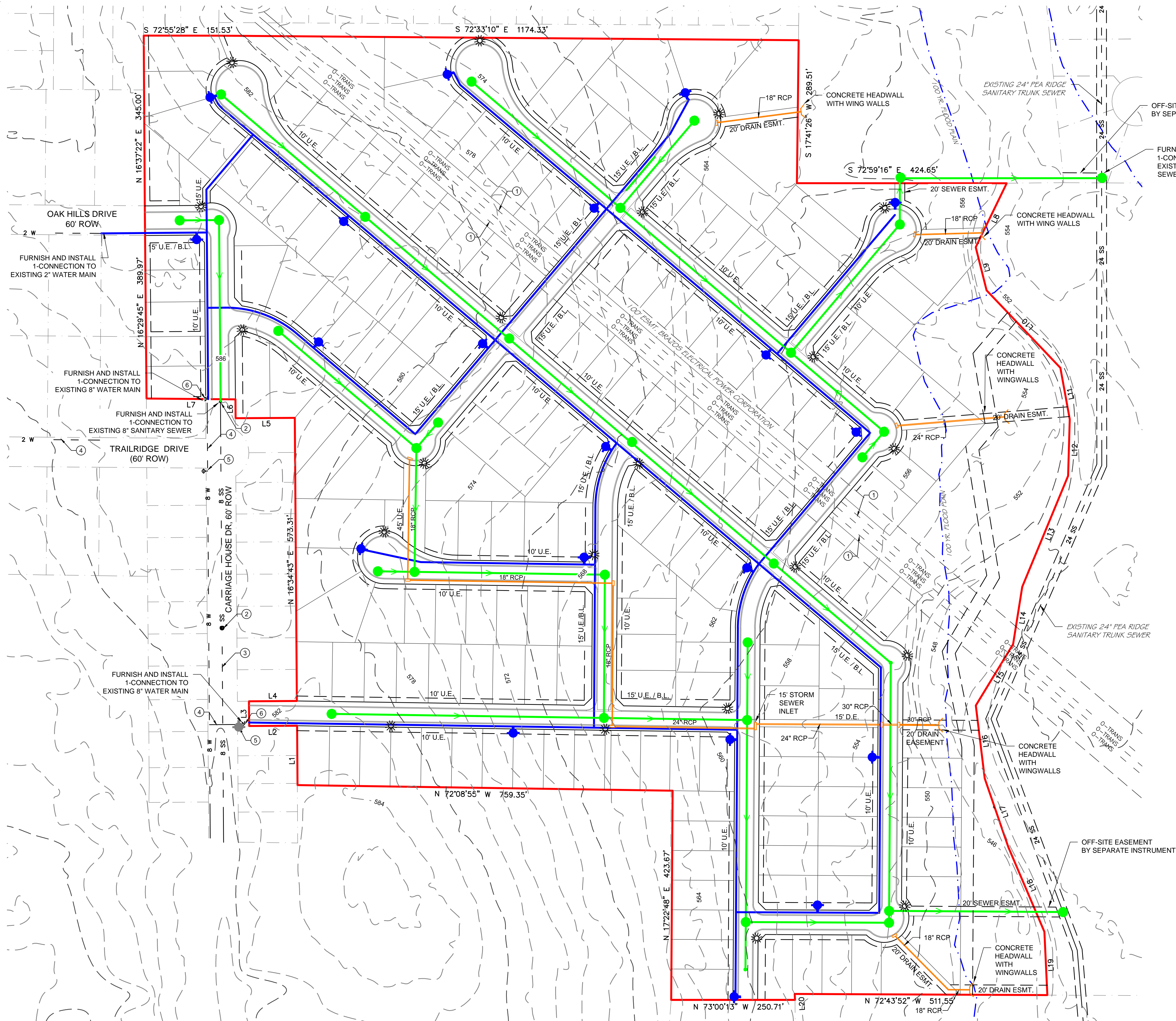
F-7587

Project No:  
122057.00

C1

# PRELIMINARY PLAT





**LEGEND**

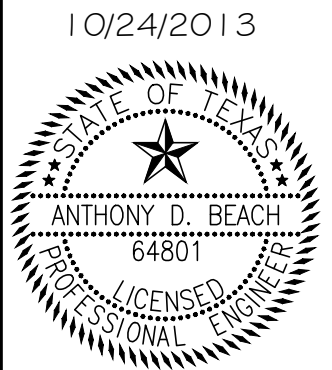
- PROPOSED 4" DIAMETER MANHOLE
- PROPOSED 8" SANITARY SEWER MAIN
- DIRECTIONAL FLOW OF SEWER
- PROPOSED 8" WATER MAIN
- PROPOSED STORM SEWER (REFER TO PLAN FOR SIZE)
- PROPOSED 10" STORM SEWER INLET (UNLESS NOTED OTHERWISE ON PLAN)
- PROPOSED FIRE HYDRANT
- PROPOSED STREETLIGHT (PER ONCOR ELECTRIC)

- KEYED NOTES**
- CAUTION!!! ELECTRIC TRANSMISSION LINES
  - EXISTING SANITARY SEWER MANHOLE
  - EXISTING 8" SANITARY SEWER MAIN
  - EXISTING WATER MAIN
  - EXISTING FIRE HYDRANT
  - EXISTING FLUSH VALVE ASSEMBLY

NOTE:  
SYMBOLS SHOWN ARE FOR REPRESENTATION ONLY AND SHOULD ONLY BE USED FOR QUANTITY ESTIMATING, AND SHALL NOT BE USED FOR DETERMINATION OF INSTALLATION LOCATION.

Revisions	Remarks
Date:	

CARRIAGE HOUSE TRAILS  
PHASE 1, 2 & 3



Anthony D. Beach  
SIGNATURE



TOPO UTILITY PLAN

Project No:  
122057.00

C2



Carothers Properties  
50 South Wheat Road  
Belton, Texas 76513  
Tel 254-939-5100 Fax 254-939-5122



OCTOBER 23, 2013

**Mark Baker, Planner**  
**City of Temple**  
2 North Main Street  
Temple, Texas 76502

Dear Mr. Baker,

In response to our DRC Meeting yesterday we would like to request the following exceptions to the UDC.

1. Required – 3 Entrances to subdivision. We are asking for an exception to the temporary emergency access due to the fact that there is no current access to the subdivision or feasible access further than the 2 entrances shown on plat. We will keep a stub at Briar Hollow on the south side of development for possible future use.
2. Park Fees. We are requesting an exception to UDC 8.3.1A. We are constructing a sport court and park facilities on approximately 1.5 acres outside flood plain of Tract C ( $\pm 6.38$  acres). The cost of the sport court is \$30,000. The pavilion, landscaping, and irrigation installation will cost \$28,000. In addition to these park amenities we are constructing trails through the subdivision as shown on the plat. Park construction will be completed prior to the commencement of work on Phase II.

Thank you again for your time this week, and please let me know if you have any further questions or needs from me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason Carothers', is written over a horizontal line.

**Jason Carothers**

PRESIDENT

EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, NOVEMBER 4, 2013

ACTION ITEMS

Item 2: **P-FY-13-38** – Consider and recommend action on the Preliminary Plat of Carriage House Trails, a 60.31 ± acres, 195 lot, residential subdivision, with a developer requested exception to the Design Criteria – Residential Subdivision Entrances, related to temporary emergency vehicle access and a developer requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees, located along the east side of Carriage House Drive, east of Oak Hills Drive & Trailridge Drive. (Applicant: Jason Carothers)

Mr. Mark Baker, Planner, stated City Council was the final authority on this plat since the applicant has requested an exception to the park fees. City Council first reading would be held on December 5, 2013.

DRC deemed this plat complete on October 22, 2013. The plat proposes 195 lots developed through three phases and seven tracts. Approximately 25 acres within the plat were recently before the Commission for rezoning and approved by City Council on October 7th.

Water is available through an eight-inch water line in Carriage House Drive. Wastewater service is available through a six-inch sewer line in Carriage House Drive. Utilities are proposed to be extended through an eight-inch line to fully serve the subdivision.

The subdivision entrance will be taken from three points: Carriage House Drive, Oak Hills Drive, and Salt Mill Hollow Drive. All proposed local streets will meet the 50 foot wide right-of-way and 31 foot pavement width requirements. No sidewalks are required on local streets. Hopi Trail is perimeter and an access point only not within the boundary.

The plat proposes ten new local streets and extensions to two existing local streets:

1. Oak Hills Drive (Extension),
2. Carriage House Drive (Extension),
3. Broken Shoe Trail,
4. Thicket Trail,
5. Rustic Manor Drive,
6. Gun Grove Drive,
7. Split Trail Cove,
8. Salt Mill Hollow Drive,
9. Wagon Gap Road,
10. Briar Hollow Drive,
11. Cross Timber Cove and,
12. Gristmill Drive

The applicant has requested a waiver to the Design Criteria Residential Subdivision Entrance / Access Design Standards. While the developer has provided the third access point to meet the 1,000 foot spacing requirement and number of access points required by the UDC, the

connection does not meet the requirements for a temporary emergency access point and requires the waiver. The waiver is not being supported by Staff since this temporary emergency access cannot meet the standards since it is not currently planned to connect to Poison Oak Road and no plans have been finalized to develop it as a through connection.

Applicant has submitted a Letter of Exception for the waiver of park fees which has been found acceptable to the Parks and Leisure Services Department. Developer is proposing private park land, a 25' trail easement, and park facilities. Private Trail within 100' Brazos Electric Easement. Private park amenities are being proposed in lieu of public park dedication and payment of park fees.

Staff has not received formal approval to use the easement for use – if approval is given, the trail needs to be labeled private and if it is not approved would need to be removed from the plat altogether. The applicant is in agreement with this.

This private park would be within Tract C and would contain a sport court, pavilion, landscaping, and park facilities and the amenities are to be constructed prior to the acceptance of Phase 2. A 25 foot trail easement is also being provided which the City would build a trail meeting the needs of the City Wide Trails Master Plan when funding is available.

Staff recommends approval of the Preliminary Plat for Carriage House Trails, subject to the following conditions:

The proposed trail within the 100' Brazos Electric Easement is labeled as a private trail if found acceptable by Brazos Electric for private use and trail alignment and if not acceptable, the label is to be removed.

Staff recommends disapproval of the requested exception to the Design Criteria - Residential Subdivision Entrances for the following reason:

The stub connection does not meet the requirements for an emergency access point and,

Based on past practice within the City of Temple, staff is recommending approval to the exception to UDC Section 8.3.1 subject to the provisions shown in the attached letter / request for exception provided by the developer, provided all expressed private improvements are made prior to the acceptance of infrastructure for Phase II of this development.

Commissioner Jones asked to hear from the Fire Department representative. Mr. Eddie Mitchell, 210 N. Third Street, Temple, Texas, stated he was appearing on behalf of the Fire Marshall and the third exit did not meet the standards as a temporary emergency access point. Mr. Mitchell also stated it was not just getting into the area, but also if residents could get out.

Some discussion about the three access points and if they met standards.

Mr. Steven Kirkpatrick of BSP Engineers, 15 W. Central, Temple, Texas, stated the distance was approximately 800 to 1,000 feet and he did not know about any acquisition of the private property or the development of the proposed connection through the private property.

Mr. Jared Bryan, Jason Carothers representative, 50 S. Belt Road, Belton, Texas, stated Mike Pilkington owns the property and would only grant temporary access. Since everything is platted out, there is no other choice for a third access.

Vice-Chair Rhoads made a motion to approve Item 2, **P-FY-13-38**, as presented and Commissioner Staats made a second.

*Motion passed: (6:0)*

Commissioners Magaña and Crisp absent



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

(PLANNING NO. P-FY-13-38)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF CARRIAGE HOUSE TRAILS, AN APPROXIMATE 60.31 ACRE, 195-LOT, RESIDENTIAL SUBDIVISION WITH A REQUESTED EXCEPTION TO THE DESIGN CRITERIA – RESIDENTIAL SUBDIVISION ENTRANCES, RELATED TO TEMPORARY EMERGENCY VEHICLE ACCESS AND A REQUESTED EXCEPTION TO SECTION 8.3.1A OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE PAYMENT OF REQUIRED PARK FEES, LOCATED ALONG THE EAST SIDE OF CARRIAGE HOUSE DRIVE, EAST OF OAK HILLS DRIVE AND TRAILRIDGE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 4, 2013, the Planning and Zoning Commission recommended approval of the Preliminary Plat of Carriage House Trails, an approximate 60.31 acre, 195-lot, residential subdivision with a requested exception to the Design Criteria – Residential Subdivision Entrances, related to temporary emergency vehicle access and a requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees located along the east side of Carriage House Drive, east of Oak Hills Drive and Trailridge Drive; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat of Carriage House Trails, with requested exceptions.

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

**Part 1:** The City Council approves the Preliminary Plat of Carriage House Trails, an approximate 60.31 acre, 195-lot, residential subdivision with a requested exception to the Design Criteria – Residential Subdivision Entrances, related to temporary emergency vehicle access and a requested exception to Section 8.3.1A of the Unified Development Code related to the payment of required park fees located along the east side of Carriage House Drive, east of Oak Hills Drive and Trailridge Drive.

**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 5<sup>th</sup> day of **December**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney