



**(REVISED)**

**JOINT MEETING OF THE  
TEMPLE CITY COUNCIL  
&  
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, DECEMBER 1, 2016  
3:00 P.M.  
AGENDA**

**CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

1. Conduct a meeting of the City of Temple Employee Benefits Trust to adopt a resolution:
  - A) [2016-8446-R](#): Consider adopting a resolution establishing rates for substitute Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution thereto for calendar year 2017.

**ADJOURN THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING AND  
CONVENE THE WORKSHOP OF THE TEMPLE CITY COUNCIL**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 1, 2016.
2. Receive a presentation from Hill Country District with regards to the proposed changes in service.
3. Receive a presentation regarding the City's Neighborhood Revitalization Initiative.
4. Discuss proposed amendments to City of Temple Code of Ordinances, Chapter 37, Traffic related to certain parking regulations.
5. Receive an update regarding the City's Transportation Capital Improvement Plan.

**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 three minutes. No discussion or final action will be taken by the City Council.

**III. BUDGET ITEMS**

3. PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2016/17 substantial amendment to the adopted PY16 Annual Action Plan and Budget and notice of thirty day public comment period December 2 – 31, 2016.

**IV. SPECIAL RECOGNITIONS & PRESENTATIONS**

4. Recognize Temple Montessori School Seniors, Kourtlon Roundtree & Gavin Hildner
5. Presentation of the 2016 Corporate Challenge Game Awards.

**V. 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.

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

**Contracts, Leases, & Bids**

- (A) [2016-8447-R](#): Consider adopting a resolution authorizing the purchase of a property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase in an amount not to exceed \$148,571.

- (B) [2016-8448-R](#): Consider adopting a resolution authorizing a discretionary service agreement with Oncor Electric Delivery Company, LLC, of Temple in the amount of \$60,833.76 for the relocation of overhead electric lines along 13<sup>th</sup> Street.
- (C) [2016-8449-R](#): Consider adopting a resolution authorizing the purchase of nine marked police vehicles and two unmarked vehicles from Caldwell Country Ford of Caldwell, in the amount of \$440,715.16.
- (D) [2016-8450-R](#): Consider adopting a resolution authorizing the purchase of nine mobile digital video systems for the new police vehicles from L-3 Mobile Vision in the amount of \$46,051.65.
- (E) [2016-8451-R](#): Consider adopting a resolution authorizing a change order to the Tarver Drive Extension construction contract with R.T. Schneider Construction Company, Ltd. of Belton, in the amount of \$39,249.96 for construction services required for street, drainage and water utility extensions.
- (F) [2016-8452-R](#): Consider adopting a resolution authorizing a professional services contract with Langerman Foster Engineering Company, LLC of Waco in the estimated amount of \$104,928 for Crossroads Park Phase I construction material testing.
- (G) [2016-8453-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP of Temple, in the amount of \$398,800 for professional services required to design and bid Kegley Road Phase II.
- (H) [2016-8454-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP of Temple, in the amount of \$306,090 for professional services required for the 30% design of Kegley Road Phase III and IV.
- (I) [2016-8455-R](#): Consider adopting a resolution authorizing an Interlocal Agreement between the City of Temple and the City of Belton for the use of Temple's Fire Training Center.
- (J) [2016-8456-R](#): Consider adopting a resolution authorizing an Interlocal Agreement between the City of Temple and the City of Morgan's Point Resort for the use of Temple's Fire Training Center.
- (K) [2016-8457-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right-of-Way Services, LLC, in an amount not to exceed \$60,500, for land acquisition and relocation services for the Connor Park Drainage Channel Improvement Project.
- (L) [2016-8458-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and the Temple Economic Development Corporation for the conveyance of 17.335 acres of City-owned property located at 2357 Lucius McCelvey Drive, 3.377 acres of City-owned property located at 2062 Enterprise Road, and 2.739 acres of City-owned property located at 1864 Enterprise Road in Temple.

- (M) [2016-8459-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and the Temple Housing Authority granting \$30,000 in renovation assistance for the Pecan Place Apartments located at 602 North 4<sup>th</sup> Street, Temple.
- (N) [2016-8460-R](#): Consider adopting a resolution ratifying the following with respect to the procurement of natural gas for the compressed natural gas fueling station:
  - 1. A renewal to the memorandum of agreement with Choice! Energy Services of Houston, for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu; and
  - 2. Execution of an agreement with Constellation for the supply of natural gas during calendar year 2017 for the City CNG fueling station at a rate of a monthly WAHA:FERC published rate plus 19.5¢ per MMBtu.
- (O) [2016-8461-R](#): Consider adopting a resolution authorizing the City to enter into four lease agreements for the lease of agricultural properties owned by the City.
- (P) [2016-8462-R](#): Consider adopting a resolution authorizing a one year extension to the lease agreement with Craig Caddell, Central Texas Flight Training, for the rental of a 3,640 square foot hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.

#### **Misc.**

- (Q) [2016-8463-R](#): Consider adopting a resolution authorizing the rejection of all bids received for facility lighting upgrades at select buildings/parking lots on September 22, 2016.
- (R) [2016-8464-R](#): Consider adopting a resolution establishing rates for substitute Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution thereto for calendar year 2017.
- (S) [2016-8465-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.
- (T) [2016-8466-R](#): Consider adopting a resolution supporting the Temple Housing Authority's down payment assistance program with a City contribution of \$12,500 and authorizing execution of a Memorandum of Agreement with the Temple Housing Authority.

## **VI. REGULAR AGENDA**

### **ORDINANCES – FIRST READING/PUBLIC HEARING**

- 7. [2016-4814](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Corporal, Sergeant, and Lieutenant classifications of certified police officers.
- 8. [2016-4815](#): FIRST READING – PUBLIC HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 5.184 acres and located on Marlandwood Road between South 5<sup>th</sup> Street and Lowes Drive as City of Temple Tax Abatement Reinvestment Zone Number 34 for commercial/industrial tax abatement.



9. [2016-4816](#): FIRST READING – PUBLIC HEARING - Z-FY-17-01: Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Commercial zoning district on 1.89 +/- acres situated in the City of Temple, Bell County, Texas, located at 5890 West Adams Avenue.

## **RESOLUTIONS**

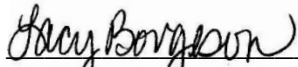
10. [2016-8467-R](#): I-FY-17-01 – Consider action on a resolution for an appeal of standards to Section 6.75(J) of the Unified Development Code to allow a roof sign within the I-35 Corridor Overlay at 2410 Wilson Place.
11. [2016-8468-R](#): P-FY-16-44: Consider adopting a resolution approving the amended Preliminary Plat of Legacy Ranch Phase II, an 89.09 +/- acres, 143-lot, 13-block, residential and non-residential subdivision, including a requested exception to the Unified Development Code, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet and an exception to the park land dedication with a condition of approval, located at the northwest corner of FM 1741 (South 31<sup>st</sup> Street) and West FM 93 in the City of Temple, Bell County, Texas.

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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 12:00 PM, on Monday, November 21, 2016.



City Secretary, TRMC



## EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

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12/01/16  
Item #1(A)  
EBT Agenda  
Page 1 of 2

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

Sandra Esqueda, Director of Human Resources  
Denny Hainley, HR Generalist

**ITEM DESCRIPTION:** Consider adopting a resolution establishing rates for substitute Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution thereto for calendar year 2017.

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

**ITEM SUMMARY:** On November 3, 2016, the City received proposals for Group Medicare Supplement and Prescription Drug Benefits. The Request for Proposals indicated that the contract would be for a one year term with the option for four, one-year renewals. Scott & White Health Plan was the only respondent to the RFP.

Scott & White Health Plan offers SeniorCare as its substitute Medicare supplement. In 2016 SeniorCare offered eleven Medicare supplement plans to over 65 retirees through the City and will offer those same plans in 2017. SeniorCare will offer to retirees a dental plan through Delta.

Scott & White has performed well and Staff desires to award the contract for 2017. Staff recommends that for calendar year 2017, the City will continue to contribute at the same level as during calendar year 2016.

**ACTION REQUIRED:** The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmembers) will conduct the business of the Trust as shown on the Trust Agenda, including awarding a contract to the named vendor. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

**FISCAL IMPACT:** Budgeted amount: \$165,110 in account 110-2700-515-1231\*  
Estimated amount for FY 16-17: \$87,016\*\*.

\* Budgeted amount includes funding for all retirees' insurance. This includes retiree medical insurance for those under age 65.

\*\* Maximum contribution during FY 2017 for the new plan costs calculated as \$102 x 66 Medicare eligible retirees (as of 10/01/16) x nine months (Jan - Sept) = \$60,588.00; the number of retirees could change over the course of the year. The cost incurred for the Medicare Supplemental insurance from October through December is estimated to be \$26,428.

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

RESOLUTION NO. 2016-8446-R

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, ESTABLISHING RATES FOR SUBSTITUTE MEDICARE SUPPLEMENTAL INSURANCE FOR CITY OF TEMPLE RETIREES AND THE CITY'S CONTRIBUTION THERETO FOR CALENDAR YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare;

**Whereas**, City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medical supplement plans offered through the City in order to receive the City's contribution;

**Whereas**, Scott & White Health Plan offers SeniorCare as its substitute Medicare supplement – SeniorCare offers eleven Medicare supplement plans to over 65 retirees through the City and SeniorCare will continue to offer a dental plan through Delta Dental with the additional dental plan costs being paid by the retiree only;

**Whereas**, in fiscal year 2010-2011, the City Policy regarding contributions was amended to state that the City will pay an amount toward retiree insurance to be determined each fiscal year - the fiscal year 2017 budget includes funding to contribute towards the cost of substitute Medicare Supplemental insurance and Staff recommends Council authorize a contribution of 50% toward all plans up to a maximum contribution of \$102;

**Whereas**, funds for substitute Medicare supplement insurance are budgeted in Account No. 110-2700-515-1231 for fiscal year 2017; and

**Whereas**, the City of Temple Employee Benefits Trust has considered the matter and deems it in the public interest to authorize this action.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, THAT:**

**Part 1:** The City of Temple Employee Benefits Trust establishes rates for substitute Medicare supplement insurance for over age 65 City of Temple retirees and authorizes the City's contribution thereto for calendar year 2017.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

CITY OF TEMPLE, TEXAS, EMPLOYEE  
BENEFITS TRUST

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DANIEL A. DUNN, Trustee

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #3  
Regular Agenda  
Page 1 of 2

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

Ashley Williams, Director of General Services

**ITEM DESCRIPTION:** PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2016/17 substantial amendment to the adopted PY16 Annual Action Plan and Budget and notice of thirty day public comment period December 2 – 31, 2016.

**STAFF RECOMMENDATION:** Receive presentation as indicated in item description and conduct public hearing. No action is required.

### **ITEM SUMMARY: 2016–2017 Annual Action Plan and Budget – Substantial Amendment**

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple received \$410,971 for our 2016/17 CDBG allocation, and reallocated \$14,947, for a total of \$425,918 in available funds. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

On August 18, 2016 City Council adopted the 2016/17 Annual Action Plan as follows:

<i>2016-17 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$410,971	\$0	\$14,947	\$425,918
Public Services		\$57,500	
Infrastructure Improvements		\$100,000	
Housing Improvements		\$118,418	
Demolition		\$70,000	
Administration		\$80,000	
<b>Total</b>		<b>\$425,918</b>	

The current plan allocated \$100,000 for infrastructure related projects. Staff proposes a substantial amendment, which requires a public comment period of not less than thirty days, before adoption by City Council. The current infrastructure projects are related to sidewalk/transportation enhancements. Staff proposes the following changes:

**Infrastructure Improvements: Main Street Program - \$50,000**

Infrastructure Improvements will focus on façade, code compliance, and accessibility enhancements for buildings in the downtown core that encourage mixed use and residential units downtown.

**Neighborhood Revitalization/Code Compliance - \$50,000**

Neighborhood Revitalization/Code Compliance is intended to provide an integrated approach to community redevelopment by 1) building connections between our Code Compliance and Community Development programs and 2) fostering collaboration with our many community partners. The goal of the Neighborhood Revitalization initiative is to build healthy, safe, and vibrant neighborhoods using approaches that foster the long-term, positive, and sustainable changes necessary for Temple to remain a place of choice to live, work, and play.

All other funding allocations, as listed above, will remain the same.

This presentation and public hearing for the proposed 2016/17 Annual Action Plan and Budget substantial amendment will be followed by a 30-day public comment period. A final public hearing and action on the 2016/17 Annual Action Plan and Budget substantial amendment will occur at the January 5, 2017 Council Meeting.

**FISCAL IMPACT:** The total funding amount of \$425,918 will not change. The \$100,000 currently allocated to Infrastructure Improvements will be reallocated to the Main Street Program in the amount of \$50,000 and to the Neighborhood Revitalization/Code Compliance Program in the amount of \$50,000.

**ATTACHMENTS:**

None



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(A)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a property necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase in an amount not to exceed \$148,571.

*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:** The City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive. The design requires the acquisition of right-of-way from 21 different property owners. Appraisals have been performed on twenty of the parcels, and the remaining one is underway. Offers have been made to several of the property owners based upon those appraisals, and the remaining offers will be presented in the coming weeks. For those properties that will require relocation, the City's consultant is preparing the necessary relocation studies.

The City has acquired six rights of way and has reached an agreement with a property owner. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. At this time, Staff is asking for authorization to purchase the property and pay closing costs in an amount not to exceed \$148,571.

The address and Bell County Appraisal District ID Numbers of the property is listed below:

138 Hart Road – Bell CAD ID #102505

**FISCAL IMPACT:** Funding for the purchase of the property necessary for the expansion of Old Howard Road is appropriated in account 795-9800-531-6863, project #101000

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2016-8447-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PROPERTY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND MOORES MILL ROAD, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THIS PURCHASE IN AN AMOUNT NOT TO EXCEED \$148,571; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, including a realigned intersection at Pegasus Drive and the design requires the acquisition of right-of-way from 21 different property owners;

**Whereas**, appraisals have been performed on twenty of the parcels, and the one remaining is under way - offers have been made to several of the property owners based upon those appraisals with the remaining offers to be presented in the coming weeks;

**Whereas**, for those properties that will require relocation, the City's consultant is preparing the necessary relocation studies;

**Whereas**, agreements have been reached with six of the property owners and Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year;

**Whereas**, Staff recommends Council authorize the purchase of the property located at 138 Hart Road and the payment of closing costs in an amount not to exceed \$148,571;

**Whereas**, funding for the purchase of 138 Hart Road is available in Account No. 795-9800-531-6863, Project No. 101000; 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 138 Hart Road, which is necessary for the expansion of Old Howard Road and Moores Mill Road located at 1700 Moores Mill Road, and authorizes closing costs associated with the purchases, in an amount not to exceed \$148,571.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(B)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a discretionary service agreement with Oncor Electric Delivery Company, LLC, of Temple in the amount of \$60,833.76 for the relocation of overhead electric lines along 13<sup>th</sup> Street.

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

**ITEM SUMMARY:** The Avenue U & 13<sup>th</sup> Street Connector will widen and extend Avenue U from 1<sup>st</sup> Street to Scott & White Boulevard, improve 13<sup>th</sup> Street from Loop 363 to Avenue U, enhance the Avenue U & 5<sup>th</sup> Street intersection, and provide storm sewer, pedestrian facilities, landscaping, and irrigation.

On May 5, 2016, Council authorized a construction contract with TTG Utilities, LP, for \$5,437,983.59 to construct the project. On August 4<sup>th</sup> and November 3<sup>rd</sup>, change orders 1 and 2 were approved in the amounts of \$113,013.16 and \$114,389.87, respectively.

This agreement will authorize Oncor to relocate overhead electric lines along 13<sup>th</sup> Street to allow for the construction of the proposed 13<sup>th</sup> Street improvements currently under construction by TTG, as noted above. Time estimated to complete this work is approximately eight weeks.

**FISCAL IMPACT:** A budget adjustment is being presented to Council to appropriate funding for the agreement with Oncor Electric and for additional testing fees for the project. Funding for this electric line work by Oncor in the amount of \$60,833.76 is available in account 365-3400-531-6874, project #100718 as follows:

Project Budget	\$ 2,765,972
Budget Adjustment	81,834
Encumbered/Committed to Date	(2,765,972)
Oncor Electric Delivery Company, LLC	(60,834)
Remaining Project Funds	<u>\$ 21,000</u>

The remaining project funds will be used for testing fees for the project.

**ATTACHMENTS:**

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

RESOLUTION NO. 2016-8448-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DISCRETIONARY SERVICE AGREEMENT IN THE AMOUNT OF \$60,833.76, WITH ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR THE RELOCATION OF OVERHEAD ELECTRIC LINES ALONG 13<sup>TH</sup> STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Avenue U & 13<sup>th</sup> Street Connector will widen and extend Avenue U from 1<sup>st</sup> Street to Scott & White Boulevard, improve 13<sup>th</sup> Street from Loop 363 to Avenue U, enhance the Avenue U & 5<sup>th</sup> Street intersection, and provide storm sewer, pedestrian facilities, landscaping, and irrigation;

**Whereas**, on May 5, 2016, Council authorized a construction contract with TTG Utilities, LP, for construction of this project - on August 4<sup>th</sup> and November 3<sup>rd</sup>, Change Orders No. 1 & 2 to the contract were approved by Council;

**Whereas**, this Discretionary Service Agreement with Oncor will authorize the relocation of overhead electric lines along 13<sup>th</sup> Street to allow for the construction of the proposed 13<sup>th</sup> Street improvements currently under construction;

**Whereas**, funds are available for this agreement, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 365-3400-531-6874, Project No. 100718; 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, after approval as to form by the City Attorney, to execute a Discretionary Service Agreement with Oncor Electric Delivery Company, LLC in the amount of \$60,833.76, for the relocation of overhead electric lines along 13<sup>th</sup> Street.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

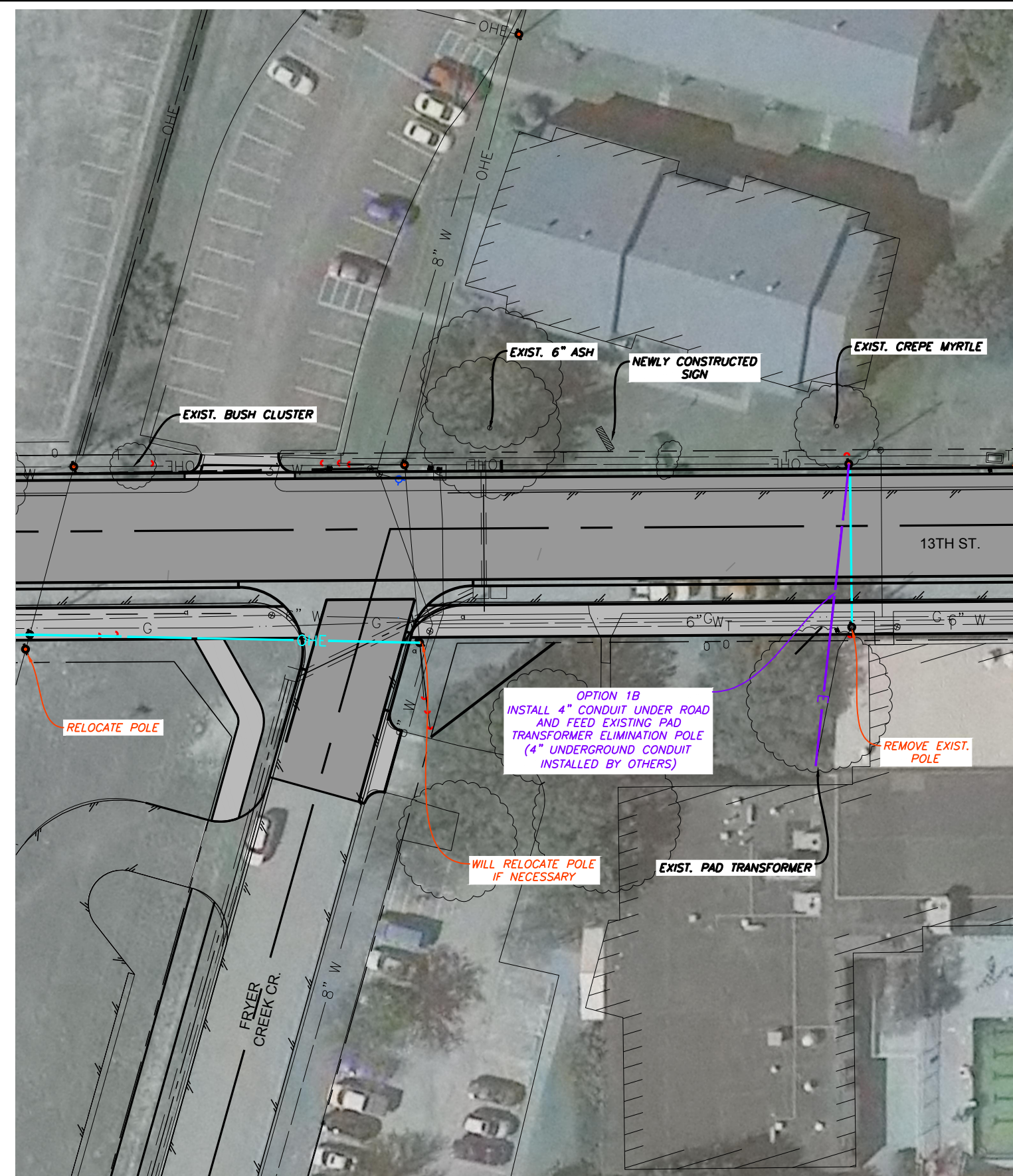
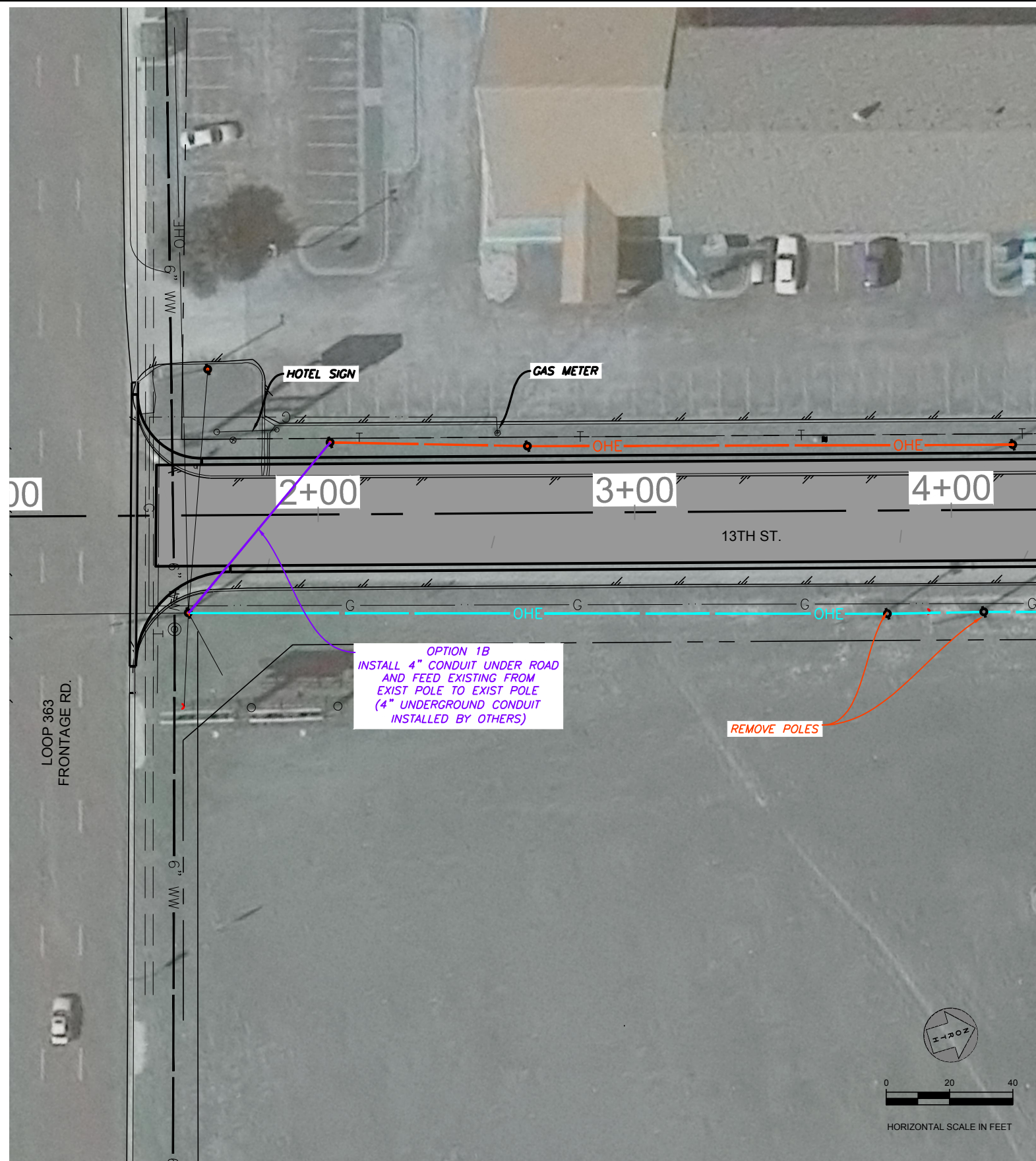
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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney







FY 2017

## BUDGET ADJUSTMENT FORM

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

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
365-3400-531-68-74	100718	Capital-Special Projects/Ave U	\$ 81,834			
365-3400-531-65-32		Capital-Special Projects/Contingency			81,834	
TOTAL.....			\$ 81,834		\$ 81,834	

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

Reallocate funding for project #100718 in the amount of \$60,834 to cover an agreement with Oncor Electric Delivery Company, LLC to relocate overhead electric lines along 13th street totaling \$60,833.76. This BA also includes an allocation for testing fees provided by Langerman Foster Engineering in the amount of \$21,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes ☐ No

DATE OF COUNCIL MEETING 12/1/2016

WITH AGENDA ITEM?

☒ Yes ☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved  
☐ Disapproved

## Finance

Date \_\_\_\_\_

☐ Approved  
☐ Disapproved

City Manager

Date \_\_\_\_\_

	Approved
	Disapproved





## COUNCIL AGENDA ITEM MEMORANDUM

12/01/16  
Item #6(C)  
Consent Agenda  
Page 1 of 1

### DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police Department

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of nine marked police vehicles and two unmarked vehicles from Caldwell Country Ford of Caldwell, in the amount of \$440,715.16.

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

**ITEM SUMMARY:** In accordance with the vehicles replacement schedule, eight marked and two unmarked police vehicles are budgeted for replacement in the adopted FY2017 Budget. In addition, one marked unit was included in the FY2017 budget due to the addition of a Sergeant position in the School Resource Unit. The Police Department seeks approval to purchase 11 2017 Ford Explorers.

This purchase is being recommended utilizing BuyBoard cooperative contract #521-16. All contracts available through the BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**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 proposed vehicles meet the sustainability requirements of the City fleet. No practical OEM options exist for alternative fuel applications, post purchase conversions are possible.

**FISCAL IMPACT:** Funding for the units, including accessories, is appropriated in accounts as shown below:

	110-2020-521-6213	110-2031-521-6213	110-5900-521-6213	110-5900-521-6213	Total
	101541	101543	101543	101544	
Project Budget	\$ 50,600	\$ 194,800	\$ 205,800	\$ 86,500	\$ 537,700
Encumbered/Committed to Date	-	-	-	-	-
L-3 Mobile Vision	(5,117)	(20,468)	(20,468)	-	(46,053)
Caldwell Country Ford	(41,530)	(166,120)	(172,470)	(60,596)	(440,716)
Remaining Project Funds	\$ 3,953	\$ 8,212	\$ 12,862	\$ 25,904	\$ 50,931

### ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2016-8449-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF NINE MARKED AND TWO UNMARKED POLICE VEHICLES IN THE AMOUNT OF \$440,715.16, FROM CALDWELL COUNTRY FORD OF CALDWELL, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in accordance with the vehicle replacement schedule, nine marked and two unmarked police vehicles are due for replacement this fiscal year - one marked unit was included in the fiscal year 2017 budget due to the addition of a Sergeant position in the School Resource Unit;

**Whereas**, this purchase is being recommended utilizing BuyBoard Contract #521-16 - all contracts available through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, Staff recommends Council authorize the purchase of eleven 2017 Ford Explorers - the City has done business with Caldwell Country Ford in the past and finds them to be a responsible vendor;

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

**Whereas**, the proposed vehicles meet the sustainability requirements of the City fleet - no practical OEM options exist for alternative fuel applications, post purchase conversions are possible;

**Whereas**, funding for the purchase of these vehicles is available in the accounts outlined below:

- Account No. 110-2020-521-6213, Project No. 101541;
- Account No. 110-2031-521-6213, Project No. 101543;
- Account No. 110-5900-521-6213, Project No. 101543; and
- Account No. 110-5900-521- 6213, Project No. 101544;

**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 nine marked police and two unmarked police vehicles in the amount of \$440,715.16, from Caldwell Country Ford of Caldwell, Texas.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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### DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of nine mobile digital video systems for the new police vehicles from L-3 Mobile Vision in the amount of \$46,051.65.

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

**ITEM SUMMARY:** The Police Department seeks approval to purchase mobile digital video systems to be installed in the eight replacement vehicles and one new marked unit. The digital video system being considered is the same system we are now using. This system wirelessly downloads videos to a server which reduces the time that officers and employees must handle cassettes and DVDs, as well as reducing the costs associated with purchasing these recording media. The system provides for much quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system.

This purchase is being recommended utilizing a Houston-Galveston Area Council (HGAC) Cooperative contract, #EF04-15. All contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes.

**FISCAL IMPACT:** In the FY 2017 Budget, funding for the mobile digital video systems are included with the funding of the units. Funding for the units, including accessories, is appropriated as shown below:

	<u>110-2020-521-6213</u>	<u>110-2031-521-6213</u>	<u>110-5900-521-6213</u>	<u>110-5900-521-6213</u>	<u>Total</u>
	<u>101541</u>	<u>101543</u>	<u>101543</u>	<u>101544</u>	
Project Budget	\$ 50,600	\$ 194,800	\$ 205,800	\$ 86,500	\$ 537,700
Encumbered/Committed to Date	-	-	-	-	-
<b>L-3 Mobile Vision</b>	(5,117)	(20,468)	(20,468)	-	(46,053)
<b>Caldwell Country Ford</b>	(41,530)	(166,120)	(172,870)	(60,996)	(441,516)
<b>Remaining Project Funds</b>	<u>\$ 3,953</u>	<u>\$ 8,212</u>	<u>\$ 12,462</u>	<u>\$ 25,504</u>	<u>\$ 50,131</u>

### ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2016-8450-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF NINE MOBILE DIGITAL VIDEO SYSTEMS, IN THE AMOUNT OF \$46,051.65, FROM L-3 MOBILE VISION UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Police Department seeks to purchase mobile digital video systems to be installed in eight replacement vehicles and one new marked unit - the digital video system being considered is the same system the police department currently uses;

**Whereas,** the digital video systems wirelessly download videos to a server which reduces the time officers and employees must handle cassettes and DVDs, as well as reducing the costs associated with purchasing recording media;

**Whereas,** the mobile digital video system also provides quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system;

**Whereas,** Staff recommends Council authorize the purchase of nine mobile digital video systems in the amount of \$46,051.65, from L-3 Mobile Vision, utilizing a Houston-Galveston Area Council Interlocal Cooperative Contract – all contracts awarded through the H-GAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funding was approved in the fiscal year 2017 budget for this purchase and funds are available in the accounts outlined below:

- Account No. 110-2020-521-6213, Project No. 101541;
- Account No. 110-2031-521-6213, Project No. 101543;
- Account No. 110-5900-521-6213, Project No. 101543; and
- Account No. 110-5900-521- 6213, Project No. 101544;

**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 nine mobile digital video systems in the amount of \$46,051.65, from L-3 Mobile Vision, utilizing the Houston-Galveston Area Council Interlocal Cooperative contract.

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

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #6(E)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 to the Tarver Drive Extension construction contract with R.T. Schneider Construction Company, Ltd. of Belton, in the net amount of \$39,249.96 for construction services required for street, drainage and water utility extensions.

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

**ITEM SUMMARY:** West Temple is rapidly growing along the West Adams corridor. On May 5, 2016, Council authorized a construction contract with RTS for construction of the Tarver Drive Extension. This change order is developed to add elements to the project. Added elements include conduit for future irrigation of trees and landscaping, a driveway addition, water infrastructure for residential development and revisions to the storm drainage system.

The original construction contract amount was \$1,676,725.90. Previous change orders totaling \$9,347.50 result in a current revised contract amount of \$1,686,073.40. Contract change order #2 represents a contract increase of \$39,249.96, or 2.3%, of the original contract amount. The net increase in the contract amount including previous change orders is \$48,597.46 or 2.9% of the original contract amount.

The engineering consultant has reviewed the change order and recommends approval.

There are four additional calendar days proposed for the change order.

Original Contract Amount	\$ 1,676,725.90
Previous Net Change in Contract Amount	\$ 9,347.50
Net Change in Contract Amount	\$ 39,249.96
Revised Contract Amount	\$ 1,725,323.36
Original Contract Time	210 Days
Net Change in contract Time to Date	0 Days
Net Change in Contract Time This CO	4 Days
Revised Contract Time	214 Days
Original Final Completion Date	December 6, 2016
Revised Final Completion Date	December 10, 2016



**FISCAL IMPACT:** Funding for change order #2 is available and is allocated for project 100392 as follows:

	<u>365-3400-531-6885</u>	<u>561-5200-535-6936</u>	<u>Total</u>
Project Budget	\$ 2,178,624	\$ 189,441	\$ 2,368,065
Encumbered/Committed to Date	(2,158,395)	(170,420)	(2,328,815)
<b>R.T. Schneider Construction Company – change order</b>	<b>(20,229)</b>	<b>(19,021)</b>	<b>(39,250)</b>
<b>Remaining Project Funds</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**ATTACHMENTS:**

[Engineer's Letter of Recommendation  
Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

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

**RICK N. KASBERG, P.E.**  
**R. DAVID PATRICK, P.E., CFM**  
**THOMAS D. VALLE, P.E.**  
**GINGER R. TOLBERT, P.E.**  
**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**

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

November 4, 2016

Mr. Richard Wilson, P.E., CFM  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Tarver Drive Extension

Dear Mr. Wilson:

Attached is Change Order #2 for the Tarver Drive Extension Project. This change order is developed to add elements to the Tarver Drive Project. Added elements include conduit for future irrigation of trees and landscaping, an additional driveway agreed to in property acquisition negotiations, additional water infrastructure to coincide with the development to the south, and revisions to the temporary storm drainage system that was in conflict with a communication line less than 1 foot in depth. Listed below are individual descriptions of the items included in the change order.

**ADD ITEMS:**

- CO2-1 – 4" PVC Sleeves – This item has been added to the project for future irrigation of trees and landscaping at the request of the City. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-2 – Implement Trench Safety Plan (Sleeves) - This item has been added to the project for future irrigation of trees and landscaping at the request of the City. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-3 – 12" 45 Degree Bend - This item has been added to the project for additional water infrastructure to coincide with the development to the south. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-4 – Water Sample Station – This item has been added to the project for additional water infrastructure to coincide with the development to the south. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-5 – Temporary Flush Assembly - This item has been added to the project for additional water infrastructure to coincide with the development to the south. The unit cost submitted by the Contractor is reasonable for this type of work. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-6 – 12" SDR-35 PVC Pipe- This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.

- CO2-7 – 12" Cleanout – This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-8 – 4-24" CMP – This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-9 – Implement Trench Safety Plan (12" Pipe) - This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-10 – 6:1 SET for 4-24" CMP - This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-11 – Remove 2-36" CMP - This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-12 – Weir Structure - This item has been added to avoid conflict with a communication line that is less than 12 inches deep. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-13 – Sidewalk Re-grading – This item has been added at the request of the City for changing the sidewalk alignment from a straight sidewalk to a meandering sidewalk. The unit cost submitted by the Contractor is reasonable for this type of work.
- CO2-14 – Driveway including Connection to Tarver – This item has been added for a driveway that was agreed upon during a property negotiation. The unit cost submitted by the Contractor is reasonable for this type of work.
- Bid Item AA2-48 – Fire Hydrant Assembly - This item has been increased for the project for additional water infrastructure to coincide with the development to the south.
- Bid Item AA2-58 – 12" Gate Valve - This item has been increased for the project for additional water infrastructure to coincide with the development to the south.
- Bid Item AA2-67 – Pressure Testing - This item has been increased for the project for additional water infrastructure to coincide with the development to the south.

DELETE ITEMS:

- Bid Item AA2-31 – 6:1 SETs for 2-36" CMP – This item has been deleted in the change to the drainage infrastructure to avoid the communication line.
- Bid Item AA2-32 – 2-48" CMP - This item has been deleted in the change to the drainage infrastructure to avoid the communication line.
- Bid Item AA2-33 – 6:1 SETs for 2-48" CMP - This item has been deleted in the change to the drainage infrastructure to avoid the communication line.
- Bid Item AA2-38 – Unclassified Excavation for Old Waco Road Drainage Channel - This item has been reduced in the change to the drainage infrastructure to avoid the communication line.
- Bid Item AA2-61 – Remove and Replace Asphalt Driveway per Detail - This item has been deleted in the change to the drainage infrastructure to avoid the communication line.



Mr. Richard Wilson, P.E.  
November 4, 2016  
Page Three

- Bid Item AA2-40 – 3" Concrete Lined Channel - This item has been reduced in the change to the drainage infrastructure to avoid the communication line.

We have reviewed Change Order #2 and recommend it be processed and executed with respect to the RT Schneider Construction Co, LTD construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD  
KPA Project File: 2014-110-40 (Tarver)

RESOLUTION NO. 2016-8451-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2, IN THE AMOUNT OF \$39,249.96, TO THE CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD OF BELTON, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED FOR STREET, DRAINAGE AND WATER UTILITY EXTENSIONS TO THE TARVER DRIVE EXTENSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, West Temple is rapidly growing along the West Adams corridor and on May 5, 2016, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd for construction of the Tarver Drive Extension;

**Whereas**, this change order reflects additional elements to the project which include conduit for future irrigation of trees and landscaping, a driveway addition, water infrastructure for residential development and revisions to the storm drainage system;

**Whereas**, the original construction contract was in the amount of \$1,676,725.90, and previous change orders authorized under this contract total \$9,347.50 - Change Order No. 2 represents a contract increase of \$39,249.96, or 2.3% of the original contract amount;

**Whereas**, Staff and the City's engineer recommend Council approve Change Order No. 2 with R.T. Schneider Construction Company, Ltd., in the amount of \$39,249.96, for construction services required for street, drainage and water utility extensions for the Tarver Drive Extension project;

**Whereas**, funds are available for this change order in Account No. 365-3400-531-6885 and Account No. 561-5200-535-6936, Project No. 100392; 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, after approval as to form by the City Attorney, to execute Change Order No. 2, in the amount of \$39,249.96, to a construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, for construction services required for street, drainage and water utility extensions to the Tarver Drive Extension project.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #6(F)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, Parks & Recreation Director  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services contract with Langerman Foster Engineering Company, LLC of Waco, in the estimated amount of \$104,928 for Crossroads Park Phase I construction material testing.

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

**ITEM SUMMARY:** Approval of this item will allow for the execution of a professional services contract with Langerman Foster Engineering Company, LLC (LFE) for construction material testing services that are needed during the Phase I construction of Crossroads Park. The testing will be performed on an as-needed basis and will focus primarily on soil and compaction testing. LFE will invoice their services based on actual testing work performed at rates consistent with the City's annual contract with LFE for infrastructure construction material testing.

On November 17, 2016, Council authorized a construction contract with Patin Construction, LLC for construction of Crossroads Park Phase I. It is anticipated that Phase I construction will be complete by the end of June, 2017.

**FISCAL IMPACT:** The project is funded with the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015. In addition, funding for the detention pond is provided through Temple Reinvestment Zone funds, and funding for the wastewater trunk line is provided by Utility fund as follows:

	Project		Amount
Account	No.	Description	Available
362-3500-552-6402	101311	Project Budget	11,900,000
		Encumbered/Committed to Date	(3,672,395)
		<b>Contract Award – LFE</b>	<b>(64,240)</b>
		GO Bond Remaining Project Funds	\$ 8,163,365



	Project		Amount
Account	No.	Description	Available
795-9500-531-6867	101005	Project Budget	\$ 2,425,000
		Encumbered/Committed to Date	(964,439)
		<b>Contract Award – LFE</b>	<b>(19,104)</b>
		TRZ Remaining Project Funds	\$ 1,441,457
561-5400-535-6971	101480	Project Budget	\$ 874,275
		Encumbered/Committed to Date	(703,787)
		<b>Contract Award – LFE</b>	<b>(21,584)</b>
		Utilities Remaining Project Funds	\$ 148,904

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8452-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LANGERMAN FOSTER ENGINEERING COMPANY, LLC OF WACO, TEXAS, IN THE AMOUNT OF \$104,928, FOR SERVICES REQUIRED FOR THE CROSSROADS PARK PHASE 1 CONSTRUCTION MATERIAL TESTING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, construction material testing services are needed during the Phase I construction of Crossroads Park - testing will be performed on an as-needed basis and will focus primarily on soil and compaction testing;

**Whereas**, Langerman Foster Engineering Company, LLC will invoice their services based on actual testing work performed at rates consistent with the City's annual contract for infrastructure construction material testing;

**Whereas**, on November 17, 2016, Council authorized a construction contract with Patin Construction, LLC for construction of Crossroads Park Phase 1;

**Whereas**, Staff recommends Council authorize a professional services agreement with Langerman Foster Engineering Company, LLC of Waco, Texas, in the amount of \$104,928, for services required for the Crossroads Park Phase 1 construction material testing;

**Whereas**, this project is funded with the Parks GO Bonds that were approved by the voters on May 9, 2015, and sold on September 24, 2015;

**Whereas**, funding for the detention pond is provided through Temple Reinvestment Zone funds, and funding for the wastewater trunk line is provided by Utility funds in the following accounts:

- Account No. 362-3500-552-6402, Project No. 101311;
- Account No. 795-9500-531-6867, Project No. 101005;
- Account No. 561-5400-535-6971, Project No. 101480; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Langerman Foster Engineering Company, LLC of Waco, Texas, in the amount of \$104,928, for services required for the Crossroads Park Phase 1 construction material testing.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #6(G)  
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Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP of Temple, in the amount of \$398,800, for professional services required to design and bid Kegley Road Phase II.

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

**ITEM SUMMARY:** This project consists of roadway improvements to Kegley Road from the end of Phase I, approximately 865 feet south of the intersection with FM 2305, to south of Wildflower Lane. Improvements include expanded pavement sections with a continuous left turn lane, pedestrian facilities, drainage conveyance, and utilities. See attached project map for more details and limits of project phasing.

Consultant services recommended under this professional services agreement include:

Civil Design	\$ 191,300
Structural Design	\$ 97,600
Design Surveying	\$ 16,400
Metes and Bounds	\$ 24,600
Enhanced Surveys & Exhibits	\$ 18,000
Environmental	\$ 5,900
Geotechnical	\$ 17,000
Archaeological	\$ 16,500
Right-Of-Entry	\$ 4,500
Bidding	\$ 7,000
<b>Total</b>	<b><u>\$ 398,800</u></b>

Time required for design is 300 calendar days after the notice to proceed and rights-of-entry have been obtained. The engineer's opinion of probable cost for construction is \$3,800,000.

**FISCAL IMPACT:** A budget adjustment is being presented to Council in the amount of \$398,800 to appropriate funding from TCIP contingency funds. Funding will be available in account 365-3400-531-6888, project 101606, for a professional services agreement with KPA in the amount not to exceed \$398,800 to design and bid Kegley Road Phase II.

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Map](#)  
[Budget Adjustment](#)  
[Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

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

**RICK N. KASBERG, P.E.**  
**R. DAVID PATRICK, P.E., CFM**  
**THOMAS D. VALLE, P.E.**  
**GINGER R. TOLBERT, P.E.**  
**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**

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

November 7, 2016

Mr. James Billeck, P.E.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple  
Kegley Road – Phase 2  
100% Design

Dear Mr. Billeck:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will develop 100% design for Kegley Road from the end of Phase I approximately 865 feet south of the intersection of Kegley and FM 2305 to approximately 450 feet south of the intersection with Wildflower Lane. An exhibit is included with this proposal for illustration. The design will follow the previous master planning for this corridor. The section will be two 12-foot lanes with a continuous left hand turn lane, a five-foot mow strip and an eight-foot sidewalk. The sidewalk will be located on the east side of Kegley Road. The final product will be 100% plans and estimates ready for construction of the project. Development of metes and bounds for the properties required for rights-of-way and bidding phase services are also included in the proposal. Construction phase services are not a part of this proposal. Our Preliminary Opinion of Probable Construction Cost for this project is \$3,800,000.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design, preparation of plans and estimates. The project consists of reconstruction of approximately 3,900 linear feet of collector roadway with associated drainage, utilities as defined by the utility master plan, elevated bridge structure over Pepper Creek, striping, signage, phasing plan and erosion control. The timeframe for design of the project is ten (10) months after the notice to proceed and all rights-of-entry have been obtained. Determination of rights-of-way requirements will be completed with metes and bounds for rights-of-way and easements. Rights-of-entry will be required for this project and are included in the scope of services in this proposal.

KPA will perform all work and prepare all deliverables in accordance with the latest version of AASHTO and City of Temple specifications, standards and manuals.



KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. RIGHT-OF-ENTRY

- A. Existing property owners adjacent to the project that require right-of-entry will be identified. An exhibit will be developed to illustrate the project limits with property owners identified.
- B. A right-of-entry form will be created for use on the project. All required rights-of-entry will be developed on the form and mailed to the property owners with a project exhibit, a description of the project and the requested activities in the right-of-entry.
- C. Meetings with property owners will be conducted to discuss the elements of the project and the design phase for acquisition of rights-of-entry.
- D. Tracking for rights-of-entry will be accomplished for the project along with tracking of rights-of-entry documents. Follow up correspondence will occur weekly until all rights-of-entry are established or it is deemed necessary to pursue legal action to obtain right-of-entry.
- E. As right-of-entry is a voluntary action by the property owners for the services in this proposal, no guarantees are made that right-of-entry can be achieved without a legal process. KPA will not bear responsibility or guarantee right-of-entry, but shall diligently pursue each required right-of-entry. No legal services or legal documents are included in this proposal.

II. ROUTE AND DESIGN STUDIES

- A. Data Collection – Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. i.e. – Atmos, AT&T, Oncor, etc.
- B. Geometric Design - Develop geometric design for the full length of the project to establish survey and investigation limits. All designs shall be in accordance with City of Temple design guidelines and criteria.
- C. Rights-of-Way Data
  - 1. Perform sufficient property records research to obtain current ownership and deed information of affected properties current per Bell County Appraisal District Records at the time of plan development.
  - 2. Prepare overall Right-of-Way Plan Sets to be used to illustrate rights-of-way needs and estimate the cost to acquire rights-of-way.
  - 3. Metes and bounds will be developed and submitted to the City of Temple Staff. There is not any right-of-way or easement acquisition services included in this proposal.

D. Utility Coordination

Efforts to ensure utility relocations and adjustments required to accommodate the proposed project development shall include Field Surveys and Utility Adjustment Coordination.

1. Field surveys shall locate horizontally; crossings of all utilities within the project area identified by markings obtained from performing a one call utility locate service.
2. After design surveys have located marked utilities from the one call service, verification of utilities will be performed as available from meeting with the utility companies (Atmos, AT&T, Oncor, etc.)
3. Initial notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
4. Upon determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated.

III. PROJECT MANAGEMENT

A. Meetings

1. Prepare, attend and document Progress Meetings at the City Office.
2. Prepare, attend and document Utility Coordination Meetings.

B. General Contract Administration

1. Develop monthly invoices and progress reports.
2. Sub-consultant coordination.
3. Design coordination with the City and dry utilities.

IV. FIELD SURVEYING

A. General

1. Verify and compare previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

B. Topographic Surveys for Engineering Design and Hydraulic Analysis

1. Control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
2. Vertical control shall be established for the design of the project. Benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000 foot intervals.



3. Survey data shall be developed to prepare design for the project.
4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at intervals approximately 100 feet or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
5. The survey shall include topographic features within approximately 200 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 150 feet left and right of the proposed roadway centerline, provided ROE allows such access.
6. Channel cross sections shall be provided from the face of the existing drainage structures or edge of channel connection (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, etc., that define the actual contour of the section and the overbank area, provided ROE allows such access.
7. A stream alignment and profile extending the entire limits of the channel cross sections described above shall be developed from the channel cross section information.
8. Profiles of intersecting driveways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
9. Field surveys shall provide the locations of small signs, mailboxes and other visible surface features.

## V. ROADWAY DESIGN CONTROLS

### A. 30% Design

1. Geometric Design - Develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.
2. Typical Sections - Develop existing and proposed roadway typical sections for the project. The typical section for this project shall be two twelve foot lanes with a continuous left hand turn lane, a five-foot mow strip and an eight-foot wide sidewalk on the east side of Kegley Road.
3. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets.
4. Plan & Profile Drawings - Prepare preliminary plan & profile sheets for the project.

5. Intersection Layouts - Develop layouts that define preliminary horizontal and vertical geometry for the following intersections and connections:
  - Sunflower Lane
  - Wildflower Lane
6. Bridge Layout - Develop geometric layout for the bridge structure at the crossing of Pepper Creek. The layout shall include the geometry to clear the Pepper Creek drainage conveyances.
7. Develop preliminary rights-of-way and easement requirements for the proposed roadway infrastructure.
8. Coordination with private utilities - After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation.

## VI. DRAINAGE

### A. 30% Design

1. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
2. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall develop storm water flows to all cross culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates.
3. Develop preliminary hydraulics to all cross culvert and bridge conveyances and the roadway system.
4. Develop HEC-RAS modeling for the crossings at Pepper Creek.
5. Develop preliminary designs for all cross drainage structures throughout the project limits.
6. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area.
7. Determine potential utility conflicts based on preliminary design for the project area.
8. Develop preliminary drainage easement requirements for the project area.
9. Coordinate the preliminary design with the City of Temple. Comments and direction shall be incorporated into final designs.



VII. SIGNING AND MARKINGS

- A. 30% Design
  - 1. Signing and Markings Layouts - Prepare general signing and pavement markings layouts for the full roadway sections. The layouts shall be in accordance with TMUTCD and sufficient for cost estimation.

VIII. UTILITY DESIGN

- A. 30% Design
  - 1. Develop layout for the water line as shown in the City of Temple Water Master Plan. Layout shall be along the roadway alignment.
  - 2. Develop layouts for hydrants to meet the City of Temple codes and regulations.

IX. STRUCTURAL DESIGN

- A. 30% Design
  - 1. Develop preliminary structural design for elevated bridge structures over Pepper Creek.
  - 2. Develop preliminary structural design for retaining walls as required.

X. ENVIRONMENTAL

- A. Phase I Environmental Site Assessment
  - 1. Prepare Phase I Site Assessment for the length of the project not currently cleared in accordance with the procedures included in ASTM E 1527-05.
  - 2. A full report of all findings will be completed with a recommendation. If additional investigations are required which are not a part of this proposal, a contract amendment will be required.
  - 3. At this time there are not any expected submittal or review fees by state or federal agencies and therefore no fees of this kind are included in the proposal.
  - 4. There are not any biological assessments or fish and wildlife studies included in this proposal.
- B. Archaeological Clearances
  - 1. Complete field investigations in accordance with regulatory requirements to clear the length of the project not currently cleared for archaeological review with the State of Texas.
  - 2. A full report of all findings will be completed with a recommendation. If additional investigations are required which are not a part of this proposal, a contract amendment will be required. The finding will be submitted to the Texas Historical Commission for review and clearance of the project. At this

time there are not any expected submittal or review fees by state or federal agencies and therefore no fees of this kind are included in the proposal.

## XI. GEOTECHNICAL

### A. Geotechnical data and design

1. Roadway – Geotechnical field data will be taken for the length of the project every 500 feet in order to establish the subsurface conditions. Boring logs will be established for inclusion in the final report. Borings will be 5 to 10 feet in depth. Traffic loading will be based on City of Temple criteria.
2. Bridge – Geotechnical field data will be taken for the proposed bridge structure at the Pepper Creek crossing in order to establish structural design for the bridge. Borings will be included in the final report.
3. A final report of the subsurface investigations and geotechnical design for the roadway and bridge will be completed for the project.

## XII. MISCELLANEOUS DESIGN

### A. 30% Design

1. Traffic Control Plans (TCP), Detours and Sequence of Construction – A conceptual TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
  - Traffic sequencing
  - TCP Phasing Overview Layout
  - TCP layouts showing work zones, typical sections and any necessary detour schematics
2. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
  - Title Sheet
  - Index of Sheets
3. Cost Estimates - Prepare a construction cost estimate for the 30% design.

### XIII. ROADWAY DESIGN CONTROLS

- A. 100% Complete Plan Set
1. Geometric Design – Finalize the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria.
  2. Typical Sections - Finalize proposed roadway typical sections for the project. The typical section for this project shall be two twelve foot lanes with a continuous left hand turn lane, a five-foot mow strip and an eight foot wide sidewalk on the east side of Kegley Road.
  3. Alignment Data Sheets - Finalize horizontal and vertical alignment data sheets.
  4. Plan & Profile Drawings - Finalize plan & profile sheets for the project.
  5. Intersection Layouts - Finalize layouts that define preliminary horizontal and vertical geometry for the following intersections and connections:
    - Sunflower Lane
    - Wildflower Lane
  6. Bridge Layout – Finalize geometric layout for the bridge structure at the crossing of Pepper Creek. The layout shall include the geometry to clear the Pepper Creek drainage conveyances.
  7. Finalize rights-of-way and easement requirements for the proposed roadway infrastructure.
  8. Coordination with private utilities – After the final design is complete, all utilities that are effected will be contacted for coordination for relocation.

### XIV. DRAINAGE

- A. 100% Complete Plan Set
1. Finalize hydraulics to all cross culvert and bridge conveyances and the roadway system.
  2. Finalize designs for all cross drainage structures throughout the project limits.
  3. Finalize designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area.
  4. Determine utility conflicts based on final design for the project area.
  5. Finalize drainage easement requirements for the project area.
  6. Coordinate the final design with the City of Temple. Comments and direction shall be incorporated into final designs.



XV. SIGNING AND MARKINGS

- A. 100% Complete Plan Set
  - 1. Signing and Markings Layouts - Prepare final signing and pavement markings layouts for the full roadway sections. The layouts shall be in accordance with TMUTCD.

XVI. UTILITY DESIGN

- A. 100% Complete Plan Set
  - 1. Finalize layout for the water line as shown in the City of Temple Water Master Plan. Layout shall be along the roadway alignment.
  - 2. Finalize layouts for hydrants to meet the City of Temple codes and regulations.
  - 3. Develop plan and profile sheets for all utilities.

XVII. STRUCTURAL DESIGN

- A. 100% Complete Plan Set
  - 1. Finalize structural design for elevated bridge structures over Pepper Creek.
  - 2. Finalize structural design for retaining walls, as required.

XVIII. BIDDING

- A. Provide an Opinion of Probable Cost to the City of Temple Project Manager.
- B. After the project publically advertises, solicit contractors to bid the project.
- C. Chair the Pre-Bid Conference and develop notes for the project based on questions asked by potential bidders.
- D. Develop the addenda for the project. The addenda will be sent to the City of Temple Project Manager for distribution to the City of Temple Purchasing Department.
- E. Attend the bid opening for the project. Tabulate all bids received and certify the bids. After a low bidder is determined, research of the low bidder will be conducted to make a recommendation of award.
- F. Attend the City Council for award of the project.

Mr. James Billeck, P.E.  
November 7, 2016  
Page 10

The following scope of work for the Kegley Road – Phase 2 100% Design can be completed for the lump sum price of \$398,800. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

CIVIL DESIGN	\$	191,300.00
STRUCTURAL DESIGN	\$	97,600.00
DESIGN SURVEYING	\$	16,400.00
METES AND BOUNDS	\$	24,600.00
ENHANCED SURVEYS & EXHIBITS	\$	18,000.00
ENVIRONMENTAL	\$	5,900.00
GEOTECHNICAL	\$	17,000.00
ARCHAEOLOGICAL	\$	16,500.00
RIGHTS OF ENTRY	\$	4,500.00
BIDDING	\$	7,000.00
<b>TOTAL</b>	<b>\$</b>	<b>398,800.00</b>

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", is written over a horizontal line.

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

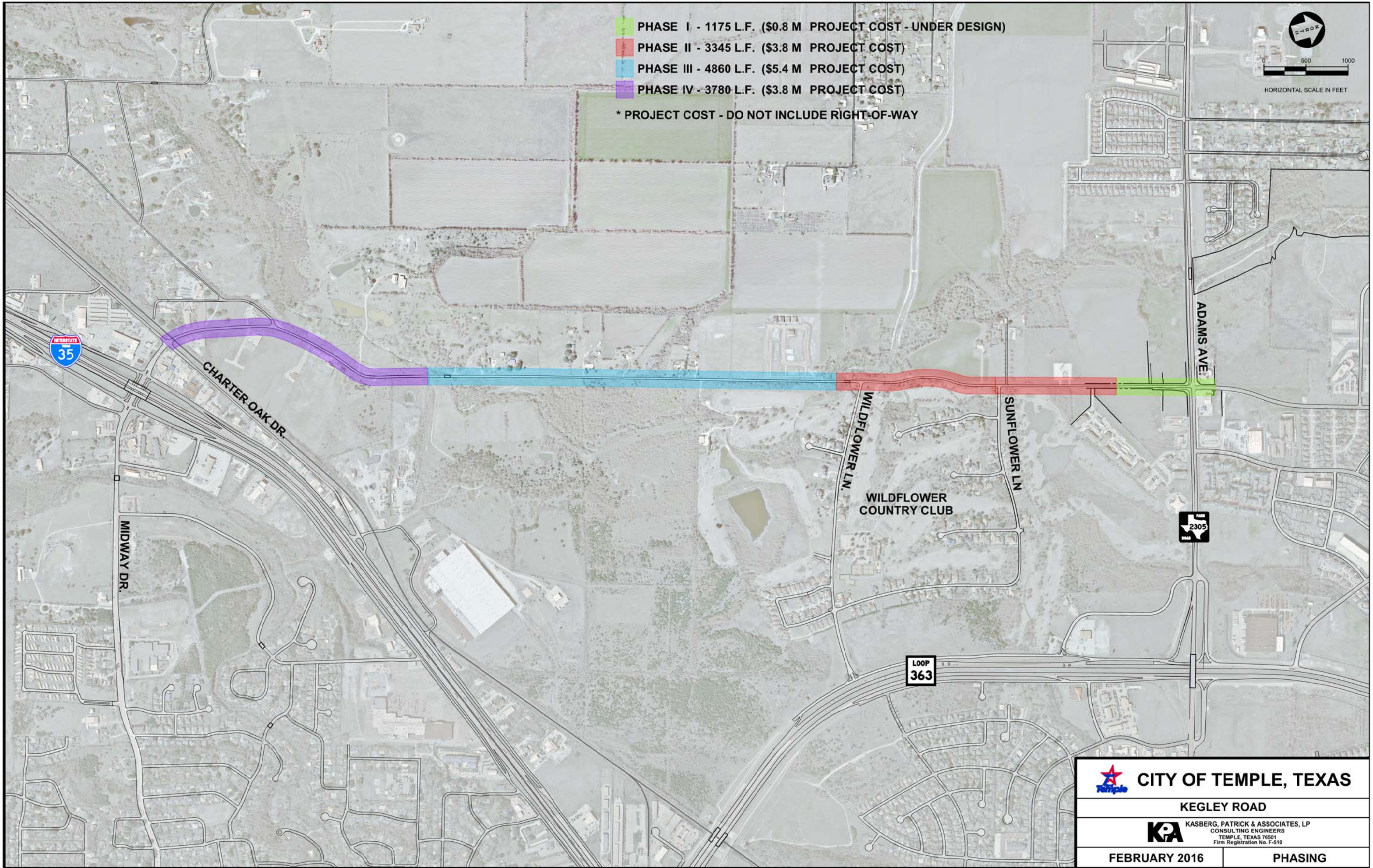
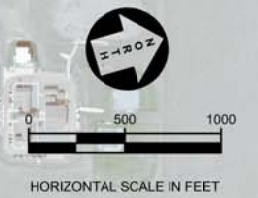
**Charges for Additional Services**



**City of Temple  
Kegley Road – Phase 2 (South of FM 2305 to South of Wildflower Lane)  
100% Design**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 – 60.00/hour
Engineer-in-Training	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



- PHASE I - 1175 L.F. (\$0.8 M PROJECT COST - UNDER DESIGN)
  - PHASE II - 3345 L.F. (\$3.8 M PROJECT COST)
  - PHASE III - 4860 L.F. (\$5.4 M PROJECT COST)
  - PHASE IV - 3780 L.F. (\$3.8 M PROJECT COST)
- \* PROJECT COST - DO NOT INCLUDE RIGHT-OF-WAY



	<b>CITY OF TEMPLE, TEXAS</b>
<b>KEGLEY ROAD</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
<b>FEBRUARY 2016</b>	<b>PHASING</b>



FY 2017

## 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	
365-3400-531-68-88	101606	Capital - Kegley Rd Improvement Phase II	\$ 398,800			
365-3400-531-65-32		Capital - Special Projects / Contingency			\$ 398,800	
TOTAL.....			\$ 398,800		\$ 398,800	

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

To appropriate TCIP contingency funds for a professional services agreement for the design and bidding services for Kegley Road Phase II provided by KPA totaling \$398,800 for project #101606.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes

1

No

DATE OF COUNCIL MEETING

12/1/2016

WITH AGENDA ITEM?

x

☐ Yes

--	--

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

Disapproved	
-------------	--

Finance

Date \_\_\_\_\_

☐ Approved

	Disapproved
--	-------------

City Manager

Date \_\_\_\_\_

☐ Approved

	Disapproved
--	-------------

RESOLUTION NO. 2016-8453-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$398,800, FOR SERVICES REQUIRED TO DESIGN AND BID KEGLEY ROAD, PHASE II; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Phase II of the Kegley Road project consists of roadway improvements to Kegley Road from the end of Phase I, approximately 865 feet south of the intersection with FM 2305, to south of Wildflower Lane;

**Whereas**, improvements include expanding pavement sections with a continuous left turn lane, pedestrian facilities, drainage conveyance, and utilities;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, in the amount of \$398,800 for services required to design and bid Kegley Road, Phase II;

**Whereas**, funds are available for this project, but an amendment to the fiscal year 2017 budget needs to be approved to appropriate funding from TCIP contingency funds to Account No. 365-3400-531-6888, Project No. 101606; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas, in the amount of \$398,800, for services required to design and bid Kegley Road, Phase II.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(H)  
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:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP of Temple, in the amount of \$306,090 for professional services required for the 30% design of Kegley Road Phase III and IV.

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

**ITEM SUMMARY:** This project consists of roadway improvements to Kegley Road from the end of Phase II, approximately 450 feet south of Wildflower Lane, to the intersection of Charter Oak Drive. Improvements include expanded pavement sections with a continuous left turn lane, pedestrian facilities, drainage conveyance, utilities, and elevated bridge structures over Pepper Creek. See attached project map for more details and limits of project phasing.

Consultant services recommended under this professional services agreement include:

30% Civil Design	\$ 176,000
Right-Of-Entry	\$ 22,600
Design Surveying	\$ 25,290
Metes and Bounds	\$ 24,400
Enhanced Surveys & Exhibits	\$ 14,000
Environmental	\$ 5,400
Geotechnical	\$ 23,000
Archaeological	\$ 15,400
<b>Total</b>	<b><u>\$ 306,090</u></b>

Time required for design is 210 calendar days after the notice to proceed and all rights-of-entry are obtained. The engineer's opinion of probable cost for construction is \$9,850,000.

**FISCAL IMPACT:** A budget adjustment is being presented to Council in the amount of \$306,090 to appropriate funding from TCIP contingency funds. Funding will be available in account 365-3400-531-6888, project 101607, for a professional services agreement with KPA in the amount not to exceed \$306,090 for the 30% design of Kegley Road Phase III and IV.

**ATTACHMENTS:**

[Engineer's Proposal](#)  
[Project Map](#)  
[Budget Amendment](#)  
[Resolution](#)



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

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

**RICK N. KASBERG, P.E.**  
**R. DAVID PATRICK, P.E., CFM**  
**THOMAS D. VALLE, P.E.**  
**GINGER R. TOLBERT, P.E.**  
**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**

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

November 9, 2016

Mr. James Billeck, P.E.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple  
Kegley Road Phases 3 and 4  
30% Design

Dear Mr. Billeck:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will develop 30% design for Kegley Road from the end of Phase II approximately 450 feet south of the intersection of Kegley and Wildflower Lane to the intersection of Charter Oak Drive. An exhibit is included with this proposal for illustration. The design will follow the previous master planning for this corridor. The section will be two 12-foot lanes with a continuous left hand turn lane, a five-foot mow strip and an eight-foot sidewalk. The sidewalk will be located on the east side of Kegley Road. The final product will be 30% plans and estimates ready for final design of the project. Development of metes and bounds for the properties required for rights-of-way are also included in the 30% design. Our Preliminary Opinion of Probable Construction Cost for this project is \$9,850,000.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 30% design, preparation of preliminary plans, and estimates. The project consists of reconstruction of approximately 7,600 linear feet of collector roadway with associated drainage, utilities as defined by the utility master plan, elevated bridge structure over the Pepper Creek, striping, signage, phasing plan and erosion control. The timeframe for design of the project is seven (7) months after the notice to proceed and all rights of entry are obtained. Determination of rights-of-way requirements will be completed with metes and bounds for rights-of-way and easements. Rights-of-Entry will be required for this project and are included in the scope of services within this proposal.

KPA will perform all work and prepare all deliverables in accordance with the latest version of AASHTO and City of Temple specifications, standards and manuals.



KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. RIGHT-OF-ENTRY

- A. Existing property owners adjacent to the project that require right-of-entry will be identified. An exhibit will be developed to illustrate the project limits with property owners identified.
- B. A right-of-entry form will be created for use on the project. All required rights-of-entry will be developed on the form and mailed to the property owners with a project exhibit, a description of the project and the requested activities in the right-of-entry.
- C. Meetings with property owners will be conducted to discuss the elements of the project and the design phase for acquisition of rights-of-entry.
- D. Tracking for rights-of-entry will be accomplished for the project along with tracking of rights-of-entry documents. Follow up correspondence will occur weekly until all rights-of-entry are established or it is deemed necessary to pursue legal action to obtain right-of-entry.
- E. As right-of-entry is a voluntary action by the property owners for the services in this proposal, no guarantees are made that right-of-entry can be achieved without a legal process. KPA will not bear responsibility or guarantee right-of-entry, but shall diligently pursue each required right-of-entry. No legal services or legal documents are included in this proposal.

II. ROUTE AND DESIGN STUDIES

- F. Data Collection – Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. i.e. – Atmos, AT&T, Oncor, etc.
- G. Geometric Design - Develop geometric design for the full length of the project to establish survey and investigation limits. All designs shall be in accordance with City of Temple design guidelines and criteria.
- H. Rights-of-Way Data
  - 1. Perform sufficient property records research to obtain current ownership and deed information of affected properties current per Bell County Appraisal District Records at the time of plan development.
  - 2. Prepare overall ROW Plan Sets to be used to illustrate rights-of-way needs and estimate the cost to acquire rights-of-way.
  - 3. Metes and bounds will be developed and submitted to the City of Temple Staff.

I. Utility Coordination

Efforts to ensure utility relocations and adjustments required to accommodate the proposed project development shall include Field Surveys and Utility Adjustment Coordination.

1. Field surveys shall locate horizontally; crossings of all utilities within the project area identified by markings obtained from performing a one call utility locate service.
2. After design surveys have located marked utilities from the one call service, verification of utilities will be performed as available from meeting with the utility companies (Atmos, AT&T, Oncor, etc.)
3. Initial notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
4. Upon determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated.

III. PROJECT MANAGEMENT

A. Meetings

1. Prepare, attend and document Progress Meetings at the City Office.
2. Prepare, attend and document Utility Coordination Meetings.

B. General Contract Administration

1. Develop monthly invoices and progress reports.
2. Sub-consultant coordination.
3. Design coordination with the City and dry utilities.

IV. FIELD SURVEYING

A. General

1. Verify and compare previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

B. Topographic Surveys for Engineering Design and Hydraulic Analysis

1. Control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
2. Vertical control shall be established for the design of the project. Benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000 foot intervals.



3. Survey data shall be developed to prepare design for the project.
4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at intervals approximately 100 feet or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
5. The survey shall include topographic features within approximately 200 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 150 feet left and right of the proposed roadway centerline, provided ROE allows such access.
6. Channel cross sections shall be provided from the face of the existing drainage structures or edge of channel connection (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, etc., that define the actual contour of the section and the overbank area, provided ROE allows such access.
7. A stream alignment and profile extending the entire limits of the channel cross sections described above shall be developed from the channel cross section information.
8. Profiles of intersecting driveways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
9. Field surveys shall provide the locations of small signs, mailboxes and other visible surface features.

## V. ROADWAY DESIGN CONTROLS

### A. 30% Complete Plan Set

1. Geometric Design - Develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.
2. Typical Sections - Develop existing and proposed roadway typical sections for the project. The typical section for this project shall be two twelve foot lanes with a continuous left hand turn lane, a five-foot mow strip and an eight-foot wide sidewalk on the east side of Kegley Road.
3. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets.
4. Plan & Profile Drawings - Prepare preliminary plan & profile sheets for the project.

5. Intersection Layouts - Develop layouts that define preliminary horizontal and vertical geometry for the following intersections and connections:
  - Kegley Lane
  - Charter Oak Drive
6. Bridge Layout - Develop geometric layout for the bridge structure at the crossing of Pepper Creek. The layout shall include the geometry to clear the Pepper Creek drainage conveyances.
7. Develop preliminary rights-of-way and easement requirements for the proposed roadway infrastructure.
8. Coordination with private utilities - After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation.

## VI. DRAINAGE

### A. 30% Complete Plan Set

1. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
2. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall develop storm water flows to all cross culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates.
3. Develop preliminary hydraulics to all cross culvert and bridge conveyances and the roadway system.
4. Develop HEC-RAS modeling for the crossings at Pepper Creek.
5. Develop preliminary designs for all cross drainage structures throughout the project limits.
6. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area.
7. Determine potential utility conflicts based on preliminary design for the project area.
8. Develop preliminary drainage easement requirements for the project area.
9. Coordinate the preliminary design with the City of Temple. Comments and direction shall be incorporated into final designs.



VII. SIGNING AND MARKINGS

- A. 30% Complete Plan Set
  - 1. Signing and Markings Layouts - Prepare general signing and pavement markings layouts for the full roadway sections. The layouts shall be in accordance with TMUTCD and sufficient for cost estimation.

VIII. UTILITY DESIGN

- A. 30% Complete Plan Set
  - 1. Develop layout for the water line as shown in the City of Temple Water Master Plan. Layout shall be along the roadway alignment.
  - 2. Develop layouts for hydrants to meet the City of Temple codes and regulations.

IX. STRUCTURAL DESIGN

- A. 30% Complete Plan Set
  - 1. Develop preliminary structural design for elevated bridge structures over Pepper Creek.
  - 2. Develop preliminary structural design for retaining walls.

X. ENVIRONMENTAL

- A. Phase I Environmental Site Assessment
  - 1. Prepare Phase I Site Assessment for the length of the project not currently cleared in accordance with the procedures included in ASTM E 1527-05.
  - 2. A full report of all findings will be completed with a recommendation. If additional investigations are required which are not a part of this proposal, a contract amendment will be required.
  - 3. At this time, there are not any expected submittal or review fees by state or federal agencies and therefore no fees of this kind are included in the proposal.
- B. Archaeological Clearances
  - 1. Complete field investigations in accordance with regulatory requirements to clear the length of the project not currently cleared for archaeological review with the State of Texas.
  - 2. A full report of all findings will be completed with a recommendation. If additional investigations are required which are not a part of this proposal, a contract amendment will be required. The finding will be submitted to the Texas Historical Commission for review and clearance of the project. At this time there are not any expected submittal or review fees by state or federal agencies and therefore no fees of this kind are included in the proposal.

## XI. GEOTECHNICAL

### A. Geotechnical data and design

1. Roadway – Geotechnical field data will be taken for the length of the project every 500 feet in order to establish the subsurface conditions. Boring logs will be established for inclusion in the final report. Borings will be 5 to 10 feet in depth. Traffic loading will be based on City of Temple criteria.
2. Bridge – Geotechnical field data will be taken for the proposed bridge structures at the Pepper Creek crossings in order to establish structural design for the bridge. Borings will be included in the final report.
3. A final report of the subsurface investigations and geotechnical design for the roadway and bridge will be completed for the project.

## XII. MISCELLANEOUS DESIGN

### A. 30% Complete Plan Set

1. Traffic Control Plans (TCP), Detours and Sequence of Construction – A conceptual TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
  - Traffic sequencing for phased construction
  - TCP Phasing Overview Layout
  - TCP layouts showing work zones, number of lanes open, typical sections and any necessary detour schematics
2. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
  - Title Sheet
  - Index of Sheets
3. Illumination and Electric
  - Design conduit layout for future installation of street lighting based on recommendations from Oncor and the City of Temple.
4. Cost Estimates - Prepare a construction cost estimate for the 30% design.

Mr. James Billeck, P.E.  
November 9, 2016  
Page 8

The following scope of work for the Kegley Road 30% Design can be completed for the lump sum price of \$306,090. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

CIVIL DESIGN	\$	176,000.00
RIGHT-OF-ENTRY	\$	22,600.00
DESIGN SURVEYING	\$	25,290.00
METES AND BOUNDS	\$	24,400.00
ENHANCED SURVEYS & EXHIBITS	\$	14,000.00
ENVIRONMENTAL	\$	5,400.00
GEOTECHNICAL	\$	23,000.00
ARCHAEOLOGICAL	\$	15,400.00
<b>TOTAL</b>	<b>\$</b>	<b>306,090.00</b>

Sincerely,



R. David Patrick, P.E., CFM

xc: File



**ATTACHMENT "C"**

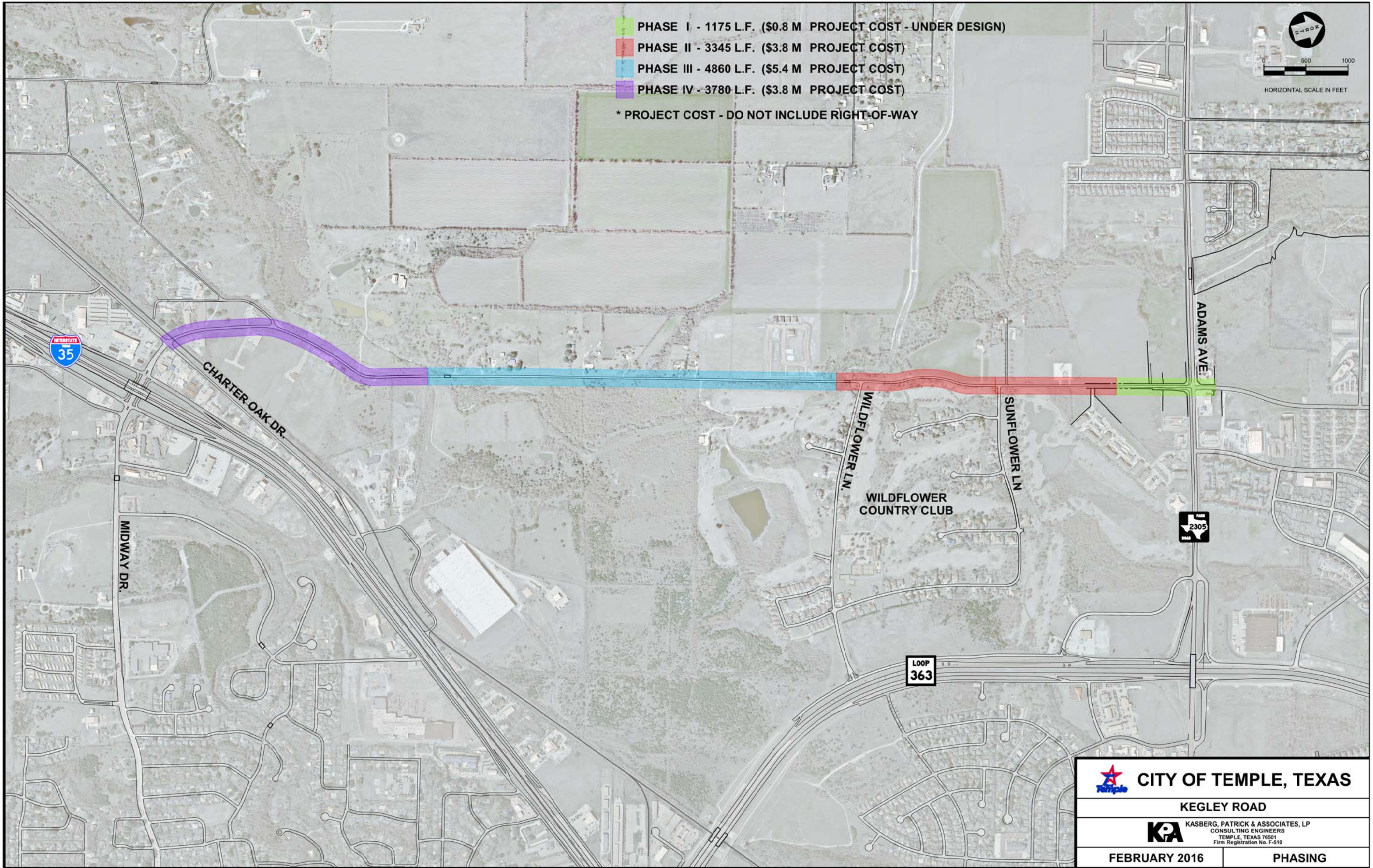
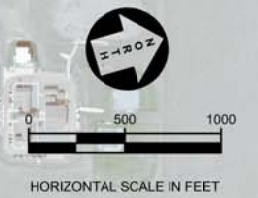
**Charges for Additional Services**



**City of Temple  
Kegley Road Phases 3 and 4 (South of Wildflower Lane to Charter Oak)  
30% Design**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 – 60.00/hour
Engineer-in-Training	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour



- PHASE I - 1175 L.F. (\$0.8 M PROJECT COST - UNDER DESIGN)
  - PHASE II - 3345 L.F. (\$3.8 M PROJECT COST)
  - PHASE III - 4860 L.F. (\$5.4 M PROJECT COST)
  - PHASE IV - 3780 L.F. (\$3.8 M PROJECT COST)
- \* PROJECT COST - DO NOT INCLUDE RIGHT-OF-WAY



	<b>CITY OF TEMPLE, TEXAS</b>
<b>KEGLEY ROAD</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
<b>FEBRUARY 2016</b>	<b>PHASING</b>



FY 2017

## BUDGET ADJUSTMENT FORM

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

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

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
365-3400-531-68-88	101607	Capital - Kegley Rd Improvements Ph III & IV	\$ 306,090	
365-3400-531-65-32		Capital - Special Projects / Contingency		\$ 306,090
TOTAL.....			\$ 306,090	\$ 306,090

**EXPLANATION OF ADJUSTMENT REQUEST-**

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

To appropriate TCIP contingency funds for a professional services agreement for the 30% design of Kegley Road Phases III and IV provided by KPA totaling \$306,090 for project #101607.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**X**

Yes

the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50 percent. The number of people 75 years of age or older has increased by 100 percent. The number of people 85 years of age or older has increased by 200 percent. The number of people 95 years of age or older has increased by 400 percent.

No

DATE OF COUNCIL MEETING

12/1/2016

WITH AGENDA ITEM?

	X
--	---

☐ Yes

114

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

	Approved
	Disapproved

## Finance

Date \_\_\_\_\_

☐ Approved

	Approved
	Disapproved

City Manager

Date \_\_\_\_\_

☐ Approved

	Approved
	Disapproved

RESOLUTION NO. 2016-8454-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$306,090, FOR SERVICES REQUIRED FOR THE 30% DESIGN OF KEGLEY ROAD PHASES III AND IV; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Phase III and IV of the Kegley Road project consists of roadway improvements to Kegley Road from the end of Phase II, approximately 450 feet south of Wildflower Lane, to the intersection of Charter Oak Drive;

**Whereas**, improvements include expanding pavement sections with a continuous left turn lane, pedestrian facilities, drainage conveyance, utilities, and elevated bridge structures over Pepper Creek;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, in the amount of \$306,090, for services required for the 30% design of Kegley Road, Phases III & IV;

**Whereas**, funds are available for this project, but an amendment to the fiscal year 2017 budget needs to be approved to appropriate funding from TCIP contingency funds to Account No. 365-3400-531-6888, Project No. 101607; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$306,090, for services required for the 30% design of Kegley Road, Phases III & IV.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(I)  
Consent Agenda  
Page 1 of 1

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

Chief Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an Interlocal Agreement between the City of Temple and the City of Belton for the use of Temple's Fire Training Center.

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

**ITEM SUMMARY:** The City of Belton desires to enter into an interlocal agreement with the City of Temple for use of the City's Fire Training Center. The City of Temple will provide access to the Fire Training Center and related resources and Morgan's Point Resort agrees to pay rental fees as outlined in Attachment 'A' attached hereto.

Both parties agree that the use of the Fire Training Center will provide overall enhanced fire and rescue responsiveness for the area.

Per Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local governmental entities to enter into interlocal contracts for governmental purposes and specifically Section 791.006 which authorizes interlocal agreements for fire services.

**FISCAL IMPACT:** Revenue generated from the use of the training facility will be collected per the rental fee schedule incorporated into the agreement and recognized in account 110-0000-442-1631, Fire Training Revenue.

### **ATTACHMENTS:**

[Attachment 'A' to Interlocal Agreement with Belton Fire Department Resolution](#)

**INTERLOCAL AGREEMENT FOR  
FOR USE OF THE CITY OF TEMPLE'S FIRE TRAINING CENTER  
BETWEEN TEMPLE FIRE AND RESCUE AND BELTON FIRE DEPARTMENT**

This Interlocal Agreement for Use of the City of Temple's Fire Training Center ("Agreement") is entered into by and between the City of Temple, a home rule municipality in the State of Texas ("Temple") and the City of Belton, also a home rule municipality in the State of Texas ("Belton") for the use of the City of Temple's Fire Training Center by the Belton Fire Department. Temple and Belton may hereinafter be referred to individually as the "Party" and/or collectively as the "Parties."

**WHEREAS**, the governmental entities which are Parties to this Agreement desire to enter into an agreement concerning fire training services and facility usage;

**WHEREAS**, the Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local government entities to enter into interlocal contracts for governmental purposes; and

**WHEREAS**, the Texas Government Code §791.006 specifically authorizes interlocal agreements for fire services;

**THEREFORE**, the Parties mutually agree to the terms of this Interlocal Agreement as set forth below:

**I. GENERAL PROVISIONS**

**A. PURPOSE**

The purpose for this Agreement is to establish areas of cooperation and understanding between the Parties for use of the Temple's Fire Training Center located at 7268 Airport Road, Temple, Texas.

The Belton Fire Department has requested occasional use of Temple's Fire Training Center and the both Parties agree that such use of the Fire Training Center will maximize the regional impact of the Temple Fire and Rescue Training Center and provide overall enhanced fire and rescue responsiveness for the area.

**B. USE OF TRAINING CENTER RESOURCES**

The City of Temple, through Temple Fire and Rescue, will provide access to the City of Temple Fire Training Center and related resources to the City of Belton Fire Department.

Belton agrees to pay Rental Fees as set forth in Attachment 'A,' attached hereto and incorporated herein for all purpose. Belton further agrees to rent the Fire Training Center for a minimum of four (4) hours as necessary and to schedule such use in advance with Temple Fire and Rescue.

It is the sole responsibility of Belton Fire Department to follow instructions to reserve and use the training facility; and to submit all required paperwork and documentation as requested by Temple Fire and Rescue.



### **C. DURATION**

The term of this agreement begins on the date of execution and upon approval of this Agreement by the governing bodies of the respective Parties, and shall remain in full force and effect until terminated in writing by either Party. This Agreement may be revised from time to time as required and upon the mutual agreement of the Parties.

### **D. TERMINATION**

This agreement may be terminated by either Party in the event of default, inability, or failure to perform on the part of the other or whenever such termination is determined by a Party to be in the Party's best interest. Notice of termination or intent to terminate this Agreement shall be provided in writing to the Fire Chief of the non-terminating Party.

### **E. WAIVER**

No waiver of performance by either Party shall be construed as, or operate as, a waiver for any subsequent default of any terms, covenants, and/or conditions of this Agreement.

### **F. STATUS OF PARTNER AGENCY**

The Parties shall in no way operate as an agent of the other Party. Each Party shall be responsible for the acts and omissions of their own officers, directors, authorized agents, servants, and employees, in connection with this agreement.

Each Party shall at all times be and remain legally responsible for the conduct of their respective fire department personnel. This assignment of civil liability is specifically permitted by section 791.006(a-1) of the Texas Government Code and is intended to be different than the liability otherwise assigned under section 791.006(a) of the Texas Government Code.

Nothing in this Agreement shall be construed as making either Party responsible for the payment of compensation and/or any benefits, including health, property, motor vehicle, or worker's compensation, disability, death or dismemberment insurance for the other Party's employees and/or equipment.

### **G. ASSIGNMENT**

Neither Party shall assign all or any part of its rights, privileges, or duties under this Agreement without the prior written approval of the governing bodies of the Parties.

### **H. COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS**

Belton further agrees that its officers, directors, agents, employees, and subcontractors shall abide by and comply with all laws, federal, state, and local, including all ordinances, rules, and regulations of the City of Temple.

If a Party notifies the other Party of any violation(s) on the part of its officers, directors, agents, servants, employees, invitees, or subcontractors, then the other Party shall immediately cease and correct such violations.

## **I. INDEMNITY**

To the fullest extent allowable by law, the City of Belton agrees to indemnify and hold harmless and defend the City of Temple, its officers, agents, and employees from and against all liability for claims, liens, suits, demands, and/or actions for damages, injuries to person (including death), property damage (including loss of use), and expenses including court costs and attorney's fees, and reasonable costs arising out of or resulting from the City of Belton's activities under this agreement and arising out of or resulting from the intentional acts or negligence of the City of Belton, its officers, agents, employees, or program participants, including all such causes of action based on common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the City of Belton, its officers, agents, employees, or invitees, or organizations served.

The City of Belton agrees to waive any and all claims it may have against the City of Temple by reason of this indemnification agreement and agrees that any insurance carrier shall not be entitled to subrogation under any circumstances against the City of Temple.

## **J. GOVERNMENTAL IMMUNITY**

Neither Party to this Agreement waives any governmental or sovereign immunity entitled to them by law, whether statutory or at common law by entering into this Interlocal Agreement. Both Parties expressly retain all such immunities afforded them.

## **II. MISCELLANEOUS**

### **A. NOTICE.**

Unless otherwise provided herein, all notices required or permitted by this Agreement shall be made to the following:

#### **CITY OF TEMPLE**

Temple Fire and Rescue  
Chief Mitch Randles  
210 N. 3<sup>rd</sup> Street  
Temple, Texas 76501

#### **CITY OF BELTON**

Belton Fire Department  
Chief Bruce Pritchard  
420 Sparta Road  
Belton, Texas 76513

### **B. VENUE**

Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this agreement, venue for said action shall be in the City of Temple, Bell County, Texas or in the United States District Court for the Western District of Texas. This Agreement shall be construed in accordance with the laws of the State of Texas.

**C. WRITTEN INSTRUMENT IS ENTIRE AGREEMENT**

This written instrument constitutes the entire agreement by the parties hereto concerning the work and services to be performed under this Agreement.

**D. MODIFICATION**

No alteration, change, modification or amendment of the scope of this Agreement will be valid or effective unless made by the mutual consent of the Parties, in writing, signed and dated by both Parties and approved by appropriate action of the governing body of each Party.

**E. PARAGRAPH HEADINGS**

The paragraph headings contained herein are for convenience, and are not intended to define or to limit the scope of any provision of this agreement.

**F. SEVERABILITY**

In any case, if one or more of the provisions contained in this agreement, shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**III. EXECUTION**

This Agreement shall be executed by the duly authorized official(s) of each Party as expressed in the approving resolution or order of the governing body of such Party.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the date first written above.

**CITY OF TEMPLE, TEXAS**

**CITY OF BELTON, TEXAS**

\_\_\_\_\_  
Jonathan Graham, City Manager

\_\_\_\_\_  
By: Sam Listi, City Manager

ATTEST:

ATTEST:

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

\_\_\_\_\_  
Amy Casey, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
City Attorney's Office

STATE OF TEXAS           §

COUNTY OF BELL           §

          This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by  
Jonathan Graham, City Manager, on behalf of the City of Temple, Texas.

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

STATE OF TEXAS           §

COUNTY OF BELL           §

          This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by  
Sam Listi, City Manager, on behalf of the City of Belton, Texas.

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

# City of Temple, Texas

## Temple Fire & Rescue Training Facility

### Rental Fee Schedule

Description	Current Fee
-------------	-------------

Rental/use with no burning <sup>1</sup>	
Temple Fire & Rescue Instructor (1 required)	\$ 50.00 per hour
Tower/grounds rental	100.00 per hour
Water usage	3.20 per 1,000 gallons
Training smoke	- Current Purchase Rate + 10% Replenishment Fee

Rental/use with burning <sup>1</sup>	
Temple Fire & Rescue Instructor (2 required)	\$ 100.00 per hour
Tower/grounds rental	125.00 per hour
Water usage	3.20 per 1,000 gallons
Training smoke	- Current Purchase Rate + 10% Replenishment Fee
Propane for burn prop	- Current Purchase Rate + 10% Replenishment Fee

<sup>1</sup> 4 hour rental minimum.



RESOLUTION NO. 2016-8455-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE CITY OF BELTON FOR THE USE OF THE CITY OF TEMPLE'S FIRE TRAINING CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Belton has requested an interlocal agreement with the City of Temple for use of the City's Fire Training Center located at 7268 Airport Road;

**Whereas,** the City of Temple will provide access to the Fire Training Center and related resources – both cities agree that the use of the Fire Training Center will provide an overall enhanced fire and rescue responsiveness for the area;

**Whereas,** per Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local governmental entities to enter into interlocal contracts for governmental purposes and specifically Section 791.006 which authorizes interlocal agreements for fire services;

**Whereas,** the City of Belton agrees to pay rental fees as outlined in Attachment 'A' attached hereto;

**Whereas,** revenue generated from the use of the fire training facility will be collected per the rental fee schedule attached hereto and recognized in Account No. 110-0000-442-1631; 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, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the City of Belton for use of the City's Fire Training Center located at 7268 Airport Road.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(J)  
Consent Agenda  
Page 1 of 1

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

Chief Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an Interlocal Agreement between the City of Temple and the City of Morgan's Point Resort for the use of Temple's Fire Training Center.

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

**ITEM SUMMARY:** The City of Morgan's Point Resort desires to enter into an interlocal agreement with the City of Temple for use of the City's Fire Training Center. The City of Temple will provide access to the Fire Training Center and related resources and Morgan's Point Resort agrees to pay rental fees as outlined in Attachment 'A' attached hereto.

Both parties agree that the use of the Fire Training Center will provide overall enhanced fire and rescue responsiveness for the area.

Per Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local governmental entities to enter into interlocal contracts for governmental purposes and specifically Section 791.006 which authorizes interlocal agreements for fire services.

**FISCAL IMPACT:** Revenue generated from the use of the training facility will be collected per the rental fee schedule incorporated into the agreement and recognized in account 110-0000-442-1631, Fire Training Revenue

### **ATTACHMENTS:**

[Attachment 'A' to Interlocal Agreement with Morgan's Point Resort Fire Department Resolution](#)

**INTERLOCAL AGREEMENT FOR  
FOR USE OF THE CITY OF TEMPLE'S FIRE TRAINING CENTER  
BETWEEN TEMPLE FIRE AND RESCUE AND MORGAN'S POINT RESORT FIRE  
DEPARTMENT**

This Interlocal Agreement for Use of the City of Temple's Fire Training Center ("Agreement") is entered into by and between the City of Temple, a home rule municipality in the State of Texas ("Temple") and the City of Morgan's Point Resort, a Type A, General Law municipality in the State of Texas ("Morgan's Point Resort") for the use of the City of Temple's Fire Training Center by the Morgan's Point Resort Fire Department. Temple and MPR may hereinafter be referred to individually as the "Party" and/or collectively as the "Parties."

**WHEREAS**, the governmental entities which are Parties to this Agreement desire to enter into an agreement concerning fire training services and facility usage;

**WHEREAS**, the Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local government entities to enter into interlocal contracts for governmental purposes; and

**WHEREAS**, the Texas Government Code §791.006 specifically authorizes interlocal agreements for fire services; and

**THEREFORE**, the Parties mutually agree to the terms of this Interlocal Agreement as set forth below.

**I. GENERAL PROVISIONS**

**A. PURPOSE**

The purpose for this Agreement is to establish areas of cooperation and understanding between the Parties for use of the Temple's Fire Training Center located at 7268 Airport Road, Temple, Texas.

The Morgan's Point Resort Fire Department has requested occasional use of Temple's Fire Training Center and the both Parties agree that such use of the Fire Training Center will maximize the regional impact of the Temple Fire and Rescue Training Center and provide overall enhanced fire and rescue responsiveness for the area.

**B. USE OF TRAINING CENTER RESOURCES**

The City of Temple, through Temple Fire and Rescue, will provide access to the City of Temple Fire Training Center and related resources to the Morgan's Point Resort Fire Department.

Morgan's Point Resort agrees to pay Rental Fees as set forth in Attachment 'A,' attached hereto and incorporated herein for all purpose. Morgan's Point Resort further agrees to rent the Fire Training Center for a minimum of four (4) hours as necessary and to schedule such use in advance with Temple Fire and Rescue.

It is the sole responsibility of Morgan's Point Resort Fire Department to follow instructions to reserve and use the training facility and to submit all required paperwork and documentation as requested by Temple Fire and Rescue.

**C. DURATION**

The term of this agreement begins on the date of execution and upon approval of this Agreement by the governing bodies of the respective Parties, and shall remain in full force and effect until terminated in writing by either Party. This Agreement may be revised from time to time as required and upon the mutual agreement of the Parties.

#### **D. TERMINATION**

This agreement may be terminated by either Party in the event of default, inability, or failure to perform on the part of the other or whenever such termination is determined by a Party to be in the Party's best interest. Notice of termination or intent to terminate this Agreement shall be provided in writing to the Fire Chief of the non-terminating Party.

#### **E. WAIVER**

No waiver of performance by either Party shall be construed as, or operate as, a waiver for any subsequent default of any terms, covenants, and/or conditions of this Agreement.

#### **F. STATUS OF PARTNER AGENCY**

The Parties shall in no way operate as an agent of the other Party. Each Party shall be responsible for the acts and omissions of their own officers, directors, authorized agents, servants, and employees, in connection with this agreement.

Each Party shall at all times be and remain legally responsible for the conduct of their respective fire department personnel. This assignment of civil liability is specifically permitted by section 791.006(a-1) of the Texas Government Code and is intended to be different than the liability otherwise assigned under section 791.006(a) of the Texas Government Code.

Nothing in this Agreement shall be construed as making either Party responsible for the payment of compensation and/or any benefits, including health, property, motor vehicle, or worker's compensation, disability, death or dismemberment insurance for the other Party's employees and/or equipment.

#### **G. ASSIGNMENT**

Neither Party shall assign all or any part of its rights, privileges, or duties under this Agreement without the prior written approval of the governing bodies of the Parties.

#### **H. COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS**

Morgan's Point Resort further agrees that its officers, directors, agents, employees, and subcontractors shall abide by and comply with all laws, federal, state, and local, including all ordinances, rules, and regulations of the City of Temple.

If a Party notifies the other Party of any violation(s) on the part of its officers, directors, agents, servants, employees, invitees, or subcontractors, then the other Party shall immediately cease and correct such violations.

#### **I. INDEMNITY**

To the fullest extent allowable by law, the City of Morgan's Point Resort agrees to indemnify and hold harmless and defend the City of Temple, its officers, agents, and employees from and against all liability for claims, liens, suits, demands, and/or actions for damages, injuries to person (including death), property damage (including loss of use), and expenses including court costs and attorney's fees,



and reasonable costs arising out of or resulting from the City of Morgan's Point Resort's activities under this agreement and arising out of or resulting from the intentional acts or negligence of the City of Morgan's Point Resort, its officers, agents, employees, or program participants, including all such causes of action based on common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the City of Morgan's Point Resort, its officers, agents, employees, or invitees, or organizations served.

The City of Morgan's Point Resort agrees to waive any and all claims it may have against the City of Temple by reason of this indemnification agreement and agrees that any insurance carrier shall not be entitled to subrogation under any circumstances against the City of Temple.

## **J. GOVERNMENTAL IMMUNITY**

Neither Party to this Agreement waives any governmental or sovereign immunity entitled to them by law, whether statutory or at common law by entering into this Interlocal Agreement. Both Parties expressly retain all such immunities afforded them.

## **II. MISCELLANEOUS**

### **A. NOTICE.**

Unless otherwise provided herein, all notices required or permitted by this Agreement shall be made to the following:

#### **CITY OF TEMPLE**

Temple Fire and Rescue  
Chief Mitch Randles  
210 N. 3<sup>rd</sup> Street  
Temple, Texas 76501

#### **CITY OF MORGAN'S POINT RESORT**

Morgan's Point Resort Fire Department  
Chief John Phillips  
6 Lake Forest  
Morgan's Point Resort, Texas 76513

### **B. VENUE**

Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this agreement, venue for said action shall be in the City of Temple, Bell County, Texas or in the United States District Court for the Western District of Texas. This Agreement shall be construed in accordance with the laws of the State of Texas.

### **C. WRITTEN INSTRUMENT IS ENTIRE AGREEMENT**

This written instrument constitutes the entire agreement by the parties hereto concerning the work and services to be performed under this Agreement.

### **D. MODIFICATION**

No alteration, change, modification or amendment of the scope of this Agreement will be valid or effective unless made by the mutual consent of the Parties, in writing, signed and dated by both Parties and approved by appropriate action of the governing body of each Party.

**E. PARAGRAPH HEADINGS**

The paragraph headings contained herein are for convenience, and are not intended to define or to limit the scope of any provision of this agreement.

**F. SEVERABILITY**

In any case, if one or more of the provisions contained in this agreement, shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**III. EXECUTION**

This Agreement shall be executed by the duly authorized official(s) of each Party as expressed in the approving resolution or order of the governing body of such Party.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the date first written above.

**CITY OF TEMPLE, TEXAS**

**CITY OF MORGAN'S POINT RESORT, TEXAS**

\_\_\_\_\_  
Jonathan Graham, City Manager

\_\_\_\_\_  
By: David L. Huseman, City Manager

ATTEST:

ATTEST:

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

\_\_\_\_\_  
Althea Wall, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
City Attorney's Office

STATE OF TEXAS           §

COUNTY OF BELL           §

          This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by  
Jonathan Graham, City Manager, on behalf of the City of Temple, Texas.

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

STATE OF TEXAS           §

COUNTY OF BELL           §

          This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by  
David L. Huseman, City Manager, on behalf of the City of Morgan's Point Resort, Texas.

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

# City of Temple, Texas

## Temple Fire & Rescue Training Facility

### Rental Fee Schedule

Description	Current Fee
-------------	-------------

Rental/use with no burning <sup>1</sup>	
Temple Fire & Rescue Instructor (1 required)	\$ 50.00 per hour
Tower/grounds rental	100.00 per hour
Water usage	3.20 per 1,000 gallons
Training smoke	- Current Purchase Rate + 10% Replenishment Fee

Rental/use with burning <sup>1</sup>	
Temple Fire & Rescue Instructor (2 required)	\$ 100.00 per hour
Tower/grounds rental	125.00 per hour
Water usage	3.20 per 1,000 gallons
Training smoke	- Current Purchase Rate + 10% Replenishment Fee
Propane for burn prop	- Current Purchase Rate + 10% Replenishment Fee

<sup>1</sup> 4 hour rental minimum.

RESOLUTION NO. 2016-8456-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE CITY OF MORGAN'S POINT RESORT FOR THE USE OF THE CITY OF TEMPLE'S FIRE TRAINING CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Morgan's Point Resort has requested an interlocal agreement with the City of Temple for use of the City's Fire Training Center located at 7268 Airport Road;

**Whereas,** the City of Temple will provide access to the Fire Training Center and related resources – both cities agree that the use of the Fire Training Center will provide an overall enhanced fire and rescue responsiveness for the area;

**Whereas,** per Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local governmental entities to enter into interlocal contracts for governmental purposes and specifically Section 791.006 which authorizes interlocal agreements for fire services;

**Whereas,** the City of Morgan's Point Resort agrees to pay rental fees as outlined in Attachment 'A' attached hereto;

**Whereas,** revenue generated from the use of the fire training facility will be collected per the rental fee schedule attached hereto and recognized in Account No. 110-0000-442-1631; 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, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the City of Morgan's Point Resort for use of the City's Fire Training Center located at 7268 Airport Road.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(K)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Stateside Right-of-Way Services, LLC, in an amount not to exceed \$60,500, for land acquisition and relocation services for the Connor Park Drainage Channel Improvement Project.

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

**ITEM SUMMARY:** A Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple. Smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties. The tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision. It reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road.

At this time, right of way is needed from eleven parcels. The City of Temple owns three parcels, and one parcel has been dedicated via plat. Staff anticipates the acquisition of seven rights of way from five owners. Two of these parcels will require the taking of two duplex structures and relocation of up to four tenants. Staff has received a proposal for land acquisition and relocation services from Stateside.

Stateside will offer multiple services during the acquisition process, including, but not limited to, project management, title, appraisal services, and relocation.

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$60,500, for land acquisition and relocation services for the Conner Park Drainage Channel Improvement project. The not to exceed amount does not include all condemnation services that may be required. Stateside will provide such services at the request of the City.

**FISCAL IMPACT:** A budget adjustment is being presented to Council in the amount of \$60,500 to appropriate funding for the professional services agreement with Stateside Right-of-Way Services, LLC from the Drainage Fund's Unallocated Fund Balance. Once the budget adjustment is approved, funding will be available in account 292-2900-534-6312, project #101592, as follows:

Project Budget	\$	115,930
Budget Adjustment		60,500
Encumbered/Committed to Date		(115,930)
Stateside Right-of-Way Services, LLC		(60,500)
Remaining Project Funds Available	\$	-

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

FY 2017

# 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.**

[illegible]

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

To appropriate Drainage Fund Unallocated Fund Balance for the professional services agreement with Stateside Right-of-Way Services LLC for Conner Park drainage channel improvements in the amount of \$60,500.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☐ Yes☐ No

DATE OF COUNCIL MEETING

12/1/2016

WITH AGENDA ITEM?

**x** Yes

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

Disapproved	
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Finance

Date \_\_\_\_\_

☐ Approved

	Disapproved
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City Manager

Date \_\_\_\_\_

☐ Approved

	Disapproved
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RESOLUTION NO. 2016-8457-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT-OF-WAY SERVICES, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$60,500, FOR LAND ACQUISITION AND RELOCATION SERVICES FOR THE CONNOR PARK DRAINAGE CHANNEL IMPROVEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, a Pepper Creek tributary drains south from Adams Avenue into a grass channel where it repeatedly escapes its banks and floods property and structures in the vicinity of Conner Park in west Temple - smaller drainage swales that contribute to this tributary also back up and cause repetitive nuisance flooding to adjacent properties;

**Whereas**, the tributary continues through a detention pond and goes underground into box culverts along the west side of the Brazos Bend subdivision and then reemerges through a grass channel before joining the Thompson drainage channel at Old Waco Road;

**Whereas**, Staff has identified certain right of way which is needed from eleven parcels - the City owns three of the parcels, and one parcel has been dedicated via plat;

**Whereas**, Staff anticipates the acquisition of seven rights of way from five owners - two of these parcels will require the taking of two duplex structures and the relocation of up to four tenants;

**Whereas**, Stateside Right-Of-Way Services, LLC has provided a proposal for land acquisition and relocation services – Stateside will offer multiple services during the acquisition process, including, but not limited to, project management, title, appraisal services, and relocation;

**Whereas**, Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$60,500, for land acquisition and relocation services for the Conner Park Drainage Channel Improvement project - the not to exceed amount does not include all condemnation services that may be required and Stateside will provide such services at the request of the City;

**Whereas**, funds are available for this project, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 292-2900-534-6312, Project No. 101592; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Stateside Right-of-Way Services, LLC of Temple, Texas, in an amount not to exceed \$60,500, for land acquisition and relocation services for the Conner Park Drainage Channel Improvement project.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(L)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and the Temple Economic Development Corporation for the conveyance of 17.335 acres of City-owned property located at 2357 Lucius McCelvey Drive, 3.377 acres of City-owned property located at 2062 Enterprise Road, and 2.739 acres of City-owned property located at 1864 Enterprise Road in Temple.

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

**ITEM SUMMARY:** The Temple Economic Development Corporation has requested that the City convey to it 17.335 acres of City-owned property located at 2357 Lucius McCelvey Drive, 3.377 acres of City-owned property located at 2062 Enterprise Road, and 2.739 acres of City-owned property located at 1864 Enterprise Road. The property is to be used for business development purposes, which will include job creation and additional tax value. The prospective economic development on the site will be a commercial/industrial development. The conveyance of the property will be addressed through a Chapter 380 Development Agreement between the City and TEDC.

**FISCAL IMPACT:** At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for a commercial purpose it will be added back to the property tax rolls.

The City's cost basis for the land is shown below:

17.335 acres of City-owned property located at 2357 Lucius McCelvey Drive - \$150,300.17  
3.377 acres of City-owned property located at 2062 Enterprise Road - \$29,279.70  
2.739 acres of City-owned property located at 1864 Enterprise Road - \$23,748.03

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8458-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONVEYANCE OF APPROXIMATELY 17.335 ACRES OF CITY-OWNED PROPERTY LOCATED AT 2357 LUCIUS MCCELVEY DRIVE; APPROXIMATELY 3.377 ACRES OF CITY-OWNED PROPERTY LOCATED AT 2062 ENTERPRISE ROAD; APPROXIMATELY 2.739 ACRES OF CITY-OWNED PROPERTY LOCATED AT 1864 ENTERPRISE ROAD, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Economic Development Corporation (“TEDC”) has requested that the City convey to it approximately 17.335 acres of City-owned property located at 2357 Lucius McCelvey Drive, approximately 3.377 acres of City-owned property located at 2062 Enterprise Road, and approximately 2.739 acres of City-owned property located at 1864 Enterprise Road in Temple, Texas;

**Whereas**, the properties will be used for business development purposes, which will include job creation and additional tax value;

**Whereas**, the prospective economic development on the site will be commercial/industrial development and the conveyance of the properties will be addressed through a Chapter 380 Development Agreement between the City and TEDC;

**Whereas**, at the present time, the properties are exempt from property taxes, and will remain so under the ownership of TEDC - when the properties are conveyed for commercial/industrial purposes, they will be added back to the property tax rolls; 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, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with the Temple Economic Development Corporation for conveyance of approximately 17.335 acres of City-owned property located at 2357 Lucius McCelvey Drive, approximately 3.377 acres of City-owned property located at 2062 Enterprise Road, and approximately 2.739 acres of City-owned property located at 1864 Enterprise Road in Temple, Texas.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(M)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and the Temple Housing Authority granting \$30,000 in renovation assistance for the Pecan Place Apartments located at 602 North 4<sup>th</sup> Street, Temple.

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

**ITEM SUMMARY:** The Temple Housing Authority (THA) is requesting a grant for \$30,000 to help with renovation costs for Pecan Place Apartments. Pecan Place Apartments, an eight unit property, is located at 602 North 4th Street. THA is considering purchasing the property to preserve and improve these affordable housing units and to help control the environment near one of their other complexes (Golden Haven Apartments, 505 North 2nd St.). The poor condition of the units necessitates a total interior renovation. Renovation is estimated to cost \$388,230 based on recent, similar project costs and current pricing.

Funding received from the City will cover the costs of the fire sprinkler system's installation and initial inspections. The on-going costs of phone service and inspections for the system will be included as part of annual budgeted expenses.

According to the THA, demand for well-maintained affordable units is high and constant in Temple. Occupancy at our other similar complexes, which has remained steady at 97-98% for years, confirms the need for quality affordable housing. This much needed renovation will return these units to like new condition and preserve them as affordable housing for multiple decades. These units will rent for approximately \$500 per month and primarily be leased to low-income residents.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval allocating \$30,000 from the General Fund's Designated Capital Projects-Unallocated account, 110-0000-352-13-45 to account 351-1000-511-2585 to fund the Chapter 380 Economic Development Agreement between the City of Temple and the Temple Housing Authority.

### **ATTACHMENTS:**

[Budget Adjustment](#)  
[Resolution](#)

FY 2017**BUDGET ADJUSTMENT FORM**

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

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

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
351-1000-511-25-85		Economic Development Agreements	\$ 30,000	
351-0000-490-25-82		Transfer In - General Fund	30,000	
110-9100-591-81-51		Transfer Out - Desg Cap Proj	30,000	
110-0000-352-13-45		Desg Cap Proj - Unallocated		30,000
		<b>Do not post</b>		
<b>TOTAL.....</b>			<b>\$ 90,000</b>	<b>\$ 30,000</b>

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

To appropriate funding for a Chapter 380 Economic Agreement with the Temple Housing Authority in the amount of \$30,000 in renovation assistance for the Pecan Place Apartments located at 602 North 4th Street, Temple, Texas.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/1/2016

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 A CHAPTER 380 DEVELOPMENT AGREEMENT WITH THE TEMPLE HOUSING AUTHORITY GRANTING \$30,000 IN RENOVATION ASSISTANCE FOR THE PECAN PLACE APARTMENTS LOCATED AT 602 NORTH 4<sup>TH</sup> STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Temple Housing Authority (“THA”) has requested assistance with renovation costs for the Pecan Place Apartments which is an eight unit property located at 602 North 4<sup>th</sup> Street, Temple, Texas

**Whereas**, THA is considering purchasing the property to preserve and improve these affordable housing units and help control the environment near another complex - the poor condition of the units necessitates a total interior renovation which is estimated to cost approximately \$388,230 based on recent, similar project costs and current pricing;

**Whereas**, funding assistance received from the City will cover the costs of the fire sprinkler system's installation and initial inspections, as well as the on-going costs of phone service and inspections for the system;

**Whereas**, according to the THA, demand for well-maintained affordable units is high and constant in Temple and this much needed renovation will return these units to like new condition and preserve them as affordable housing for multiple decades - these units will rent for approximately \$500 per month and primarily be leased to low-income residents;

**Whereas**, funds are available for this agreement, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 351-1000-511-2585; 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, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with the Temple Housing Authority granting \$30,000 in renovation assistance for the Pecan Place Apartments located at 602 North 4<sup>th</sup> Street, Temple, Texas.

**Part 2:** The City Council authorizes an amendment to the fiscal year 2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(N)  
Consent Agenda  
Page 1 of 2

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

Ashley Williams, Director of General Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the following with respect to the procurement of natural gas for the compressed natural gas fueling station:

1. A renewal to the memorandum of agreement with Choice! Energy Services of Houston, for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu; and
2. Execution of an agreement with Constellation for the supply of natural gas during calendar year 2017 for the City CNG fueling station at a rate of the monthly WAHA:FERC published rate plus 19.5¢ per MMBtu.

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

**ITEM SUMMARY:** CNG trucks are fueled using the CNG fueling center constructed by the City during 2013 at 2625 East Avenue H. Natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee for; however the natural gas commodity is procured through the open market.

Staff desires to continue to use Choice! Energy Services of Houston to assist in the procurement of natural gas service to the CNG fueling station. Choice! Energy Services was established in 1994 and has experience in procuring natural gas specifically for CNG fueling stations. Choice! provides comprehensive risk assessment and long-term energy knowledge. Under this agreement Choice! Energy Services will continue to complete the following tasks:

1. Collect data, analyze and distribute to third party natural gas suppliers;
2. Review prices and contracts / negotiate contract terms and conditions;
3. Provide results of pricing effort and make recommendations to the City; and
4. Assist in contract execution and contract management.

Choice! Energy Services proposed fee is \$0.125 per MMBtu (approximately \$0.02 per gallon). This fee is paid by the retail provider to Choice!

The City is currently under contract with Constellation New Energy-Gas Division, LLC for the purchase of a fixed quantity of 1,200 MMBtu's per month at a rate of market plus up to 21.42¢ per MMBtu to cover Constellation's overhead and profit. Quantities needed above the 1,200 MMBtu's are purchased at the then-current spot market price.

With guidance from Choice!, staff is requesting that Council authorize a new agreement with Constellation at a reduced rate of 19.5¢ per MMBtu. The reduced pricing offer was only valid until November 30, 2016. Accordingly, staff is requesting Council's ratification of these agreements.

**FISCAL IMPACT:** Choice! Energy Services consulting fee will be paid by the contract retail provider directly to Choice!. Based on an expected annual natural gas usage 17,500 MMBtu's (127,750 gallons), this calculates out to an annual embedded fee of approximately \$2,188.

The consulting fee and the commodity of natural gas are considered part of the cost components that are factored into Solid Waste's FY 2017 fuel budget, account 110-2320-540-2115, account 110-2330-540-2115, account 110-2350-540-2115, account 110-2360-540-2115, account 110-2370-540-2115, and account 110-2380-540-2115.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8459-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A RENEWAL TO THE MEMORANDUM OF AGREEMENT WITH CHOICE!ENERGY SERVICES OF HOUSTON, TEXAS FOR CONSULTING SERVICES RELATED TO THE PROCUREMENT OF NATURAL GAS AND ONGOING ENERGY CONSULTING SERVICES; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSTELLATION NEW ENERGY-GAS DIVISION, LLC FOR THE SUPPLY OF NATURAL GAS DURING CALENDAR YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, CNG trucks are fueled using the CNG fueling center constructed by the City during 2013 at 2625 E. Avenue H - natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee, however the natural gas commodity is procured through the open market;

**Whereas**, Choice!Energy Services was established in 1994 and has experience in procuring natural gas specifically for CNG fueling stations - Choice! provides comprehensive risk assessment and long-term energy knowledge and Staff desires to continue to use Choice!Energy Services to assist in the procurement of natural gas service to the CNG fueling station;

**Whereas**, under this agreement Choice!Energy Services will continue to complete the following tasks for the City:

1. Collect data, analyze and distribute to third party natural gas suppliers;
2. Review prices and contracts / negotiate contract terms and conditions;
3. Provide results of pricing effort and make recommendations to the City; and
4. Assist in contract execution and contract management.

**Whereas**, Choice!Energy Services proposed fee is \$0.125 per MMBtu (approximately \$0.02 per gallon) - this fee is paid by the retail provider to Choice!;

**Whereas**, the City is currently under contract with Constellation New Energy-Gas Division, LLC for the purchase of a fixed quantity of 1,200 MMBtu's per month at a rate of market plus up to 21.42¢ per MMBtu to cover Constellation's overhead and profit - quantities needed above the 1,200 MMBtu's are purchased at the then-current spot market price;

**Whereas**, with guidance from Choice!, Staff requests Council authorize a new agreement with Constellation at a reduced rate of 19.5¢ per MMBtu - the reduced pricing offer was only valid until November 30, 2016 and therefore, Staff requests Council ratification these agreements;

**Whereas**, Choice!Energy Services consulting fee will be paid by the contract retail provider directly to Choice! based on an expected annual natural gas usage of 17,500 MMBtu's (127,750 gallons) - this calculates out to an annual embedded fee of approximately \$2,188;

**Whereas**, the consulting fee and the commodity of natural gas are considered part of the cost components that are factored into Solid Waste's fiscal year 2017 fuel budget in Account No. 110-2320-540-2115, Account No. 110-2330-540-2115, Account No. 110-2350-540-2115, Account No. 110-2360-540-2115, Account No. 110-2370-540-2115, and Account No. 110-2380-540-2115; and



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

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

**Part 1:** The City Council ratifies a Memorandum of Agreement with Choice! Energy Services of Houston, TX, for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu.

**Part 2:** The City Council authorizes the execution of an agreement with Constellation for the supply of natural gas during calendar year 2017 for the City's CNG fueling station at a rate of the monthly WAHA:FERC published rate plus 19.5¢ per MMBtu.

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

**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/1/16  
Item #6(O)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City to enter into four lease agreements for the lease of agricultural properties owned by the City.

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

**ITEM SUMMARY:** The City currently owns and leases multiple properties for agricultural use. There are four leases which expire on December 31, 2016 and Staff seeks approval to enter into one-year lease agreements with the following individuals:

1. Lease with Edward Brenek, Jr. of approximately 8.164 acres of City owned land located east of Wilson Park for \$30 per acre, per year. Total annual lease payment of \$244.92 (see attached Exhibit 'A')
2. Lease with Edward Brenek, Jr. of approximately 39 acres of City owned land located on Little Flock Road for \$51 per acre, per year. Total annual lease payment of \$1,989. (see attached Exhibit 'B')
3. Lease with Grisham Farms of approximately 164 acres of City owned land located on Old Howard Road for \$45.73 per acre, per year. Total annual lease payment of \$7,499.72. (see attached Exhibit 'C')
4. Lease with Monique Rincones of approximately 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H for \$50 per acre, per year. Total annual lease payment of \$185. (see attached Exhibit 'D')

The City has previously leased property to all of these tenants and finds them to be responsible lessees.

The lease agreements allow for a 30-day termination clause should the lessee or the City desire to terminate the lease.

**FISCAL IMPACT:** Annual lease revenues above totaling \$9,918.64 will be deposited as shown below:

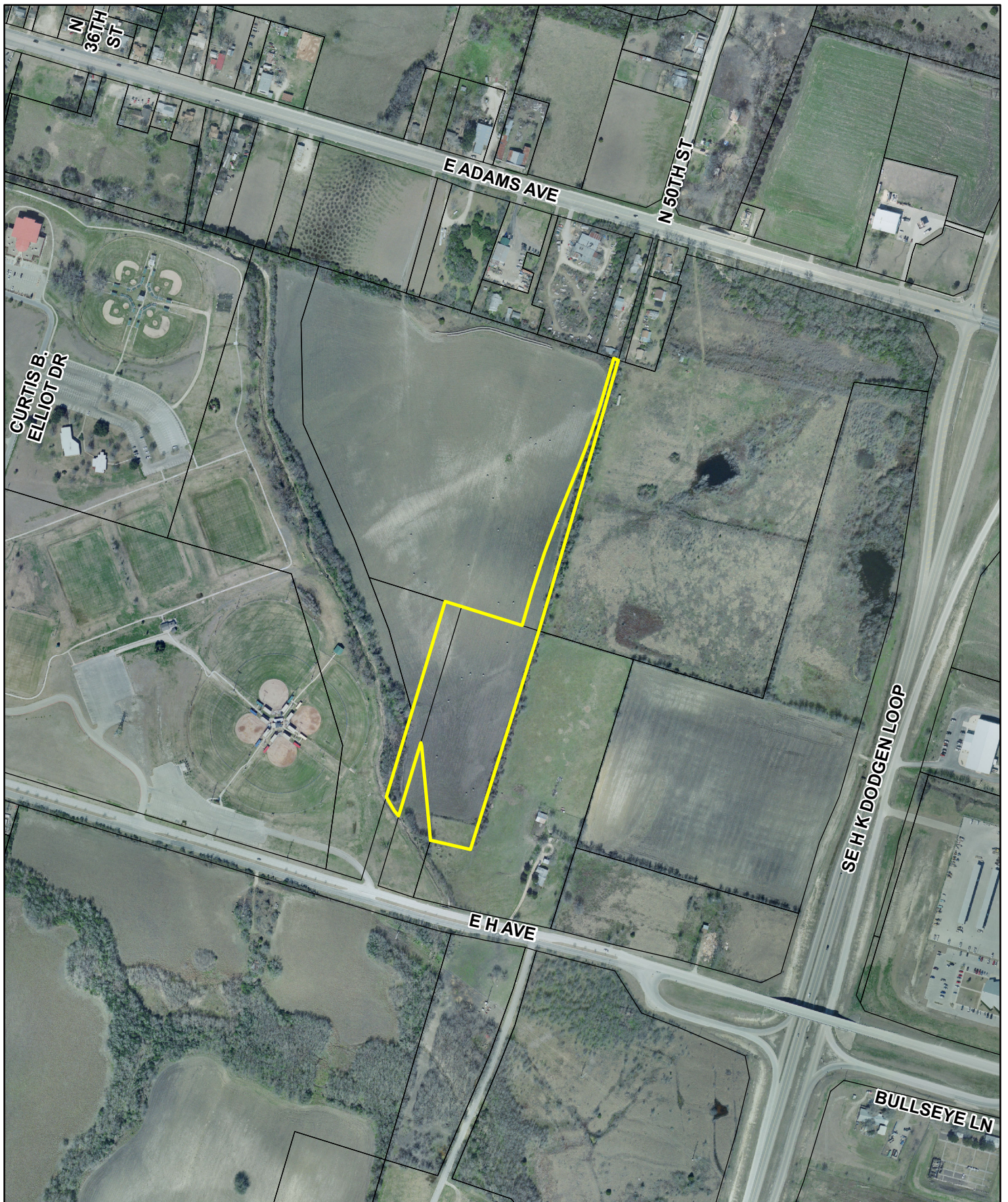
Property located within the Reinvestment Zone will be deposited into account 795-0000-461-0253 in the amount of \$7,744.64. These properties include the Lease with Edward Brenek, Jr. of approximately 8.164 acres of City owned land located east of Wilson Park and the lease with Grisham Farms of approximately 164 acres of City owned land located on Old Howard Road.

Property located in the City will be deposited into account 110-0000-461-0253 in the amount of \$2,174. These properties include the lease with Edward Brenek, Jr. of approximately 39 acres of City owned land located on Little Flock Road and the lease with Monique Rincones of approximately 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H.

**ATTACHMENTS:**

[Exhibit A-D of Leased Properties  
Resolution](#)





**8.164 Acres of City-owned land  
located East of Wilson Park**

County Property ID: 21367

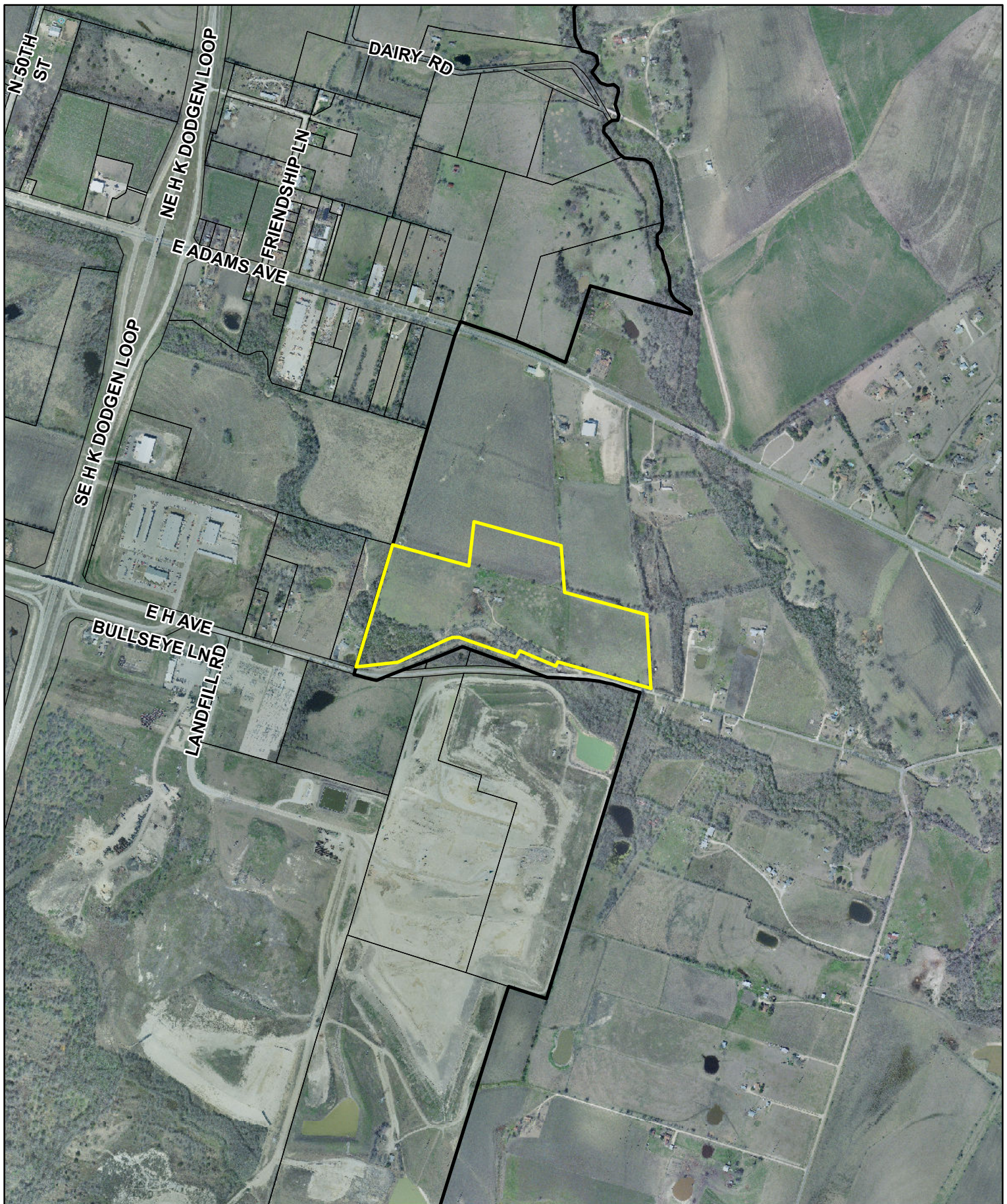


1 inch = 500 feet

**DISCLAIMER:**

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.





**39 Acres of City-owned land located  
on E Ave H (formerly Little Flock Rd)**

County Property ID: 55861

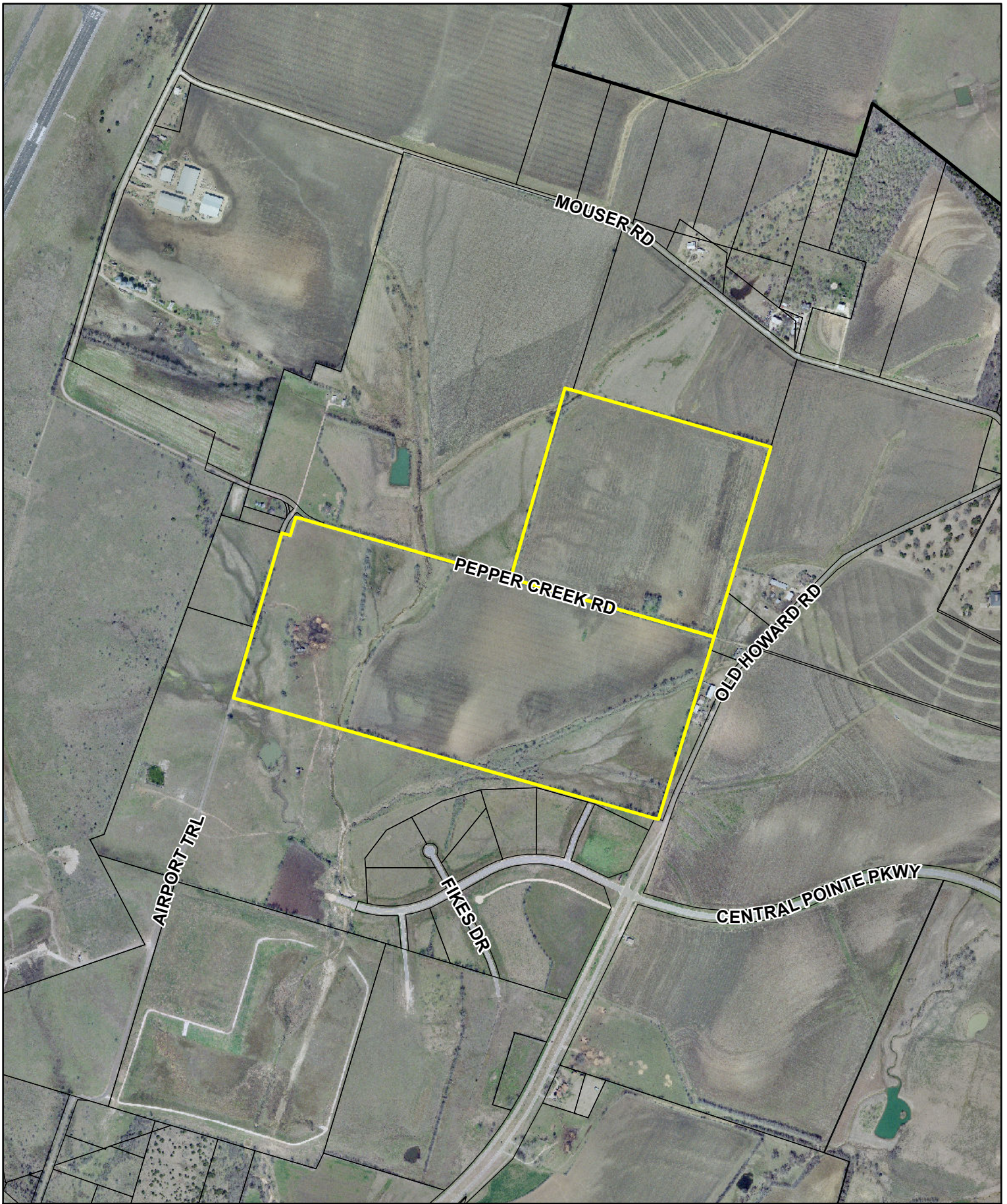


1 inch = 1,000 feet

**DISCLAIMER:**

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.





**164 Acres of City-owned land  
located on Old Howard Road**

County Property ID: 46568, 354521



1 inch = 1,000 feet

**DISCLAIMER:**

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.





**Approx location of 3.7 Acres of City-owned  
land located at the SE corner of the Service  
Center property on East Avenue H**  
County Property ID: Part of 2204



1 inch = 500 feet

**DISCLAIMER:**

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



RESOLUTION NO. 2016-8460-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF FOUR LEASE AGREEMENTS OF CITY-OWNED LAND FOR AGRICULTURAL PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City currently owns and leases multiple properties for agricultural use and there are four leases which expire December 31, 2016;

**Whereas**, Staff requests Council authorize one-year lease renewals with the following individuals:

- Edward Brenek, Jr. – lease of approximately 8.164 acres of City owned land located east of Wilson Park for \$30 per acre, per year (Exhibit ‘A’);
- Edward Brenek, Jr. - lease of approximately 39 acres of City owned land located on Little Flock Road for \$51 per acre, per year (Exhibit ‘B’);
- Grisham Farms - lease of approximately 164 acres of City owned land located on Old Howard Road for \$45.73 per acre, per year (Exhibit ‘C’); and
- Monique Rincones - lease of approximately 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H for \$50 per acre, per year (Exhibit ‘D’);

**Whereas**, the City has previously leased property to all of the above tenants and finds them to be responsible lessees;

**Whereas**, all lease agreements will allow for a 30-day termination clause should the lessee or the City desire to terminate the lease;

**Whereas**, the properties located within the Reinvestment Zone (Edward Brenek, Jr. - approximately 8.164 acres of City owned land located east of Wilson Park and Grisham Farms - approximately 164 acres of City owned land located on Old Howard Road) will be deposited into Account No. 795-0000-461-0253;

**Whereas**, the property located within the City (Edward Brenek, Jr. - approximately 39 acres of City owned land located on Little Flock Road and Monique Rincones - approximately 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H) will be deposited into Account 110-0000-461-0253; 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, after approval as to form by the City Attorney, to execute one-year lease agreements for agricultural purposes with the following individuals:

- Edward Brenek, Jr. – lease of approximately 8.164 acres of City owned land located east of Wilson Park for \$30 per acre, per year (Exhibit ‘A’);
- Edward Brenek, Jr. - lease of approximately 39 acres of City owned land located on Little Flock Road for \$51 per acre, per year (Exhibit ‘B’);
- Grisham Farms - lease of approximately 164 acres of City owned land located on Old Howard Road for \$45.73 per acre, per year (Exhibit ‘C’); and
- Monique Rincones - lease of approximately 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H for \$50 per acre, per year (Exhibit ‘D’);

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(P)  
Consent Agenda  
Page 1 of 1

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

Sharon Rostovich, Airport Director  
Jonathan Graham, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one year extension to the lease agreement with Craig Caddell, Central Texas Flight Training, for the rental of a 3,640 square foot hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** Approval of the item will extend the lease with Central Texas Flight Training for one year through December 31, 2017.

On December 15, 2011, the City approved a five year lease with five one year renewal options with Craig Caddell, Central Texas Flight Training, for the purpose of operating a flight school and an aircraft rental business at Draughon-Miller Central Texas Regional Airport. The lease will expire December 31, 2016.

Staff recommends a one year extension to the lease at the rate of \$500 per month be approved to run through December 31, 2017.

**FISCAL IMPACT:** Annual lease revenue of \$6,000 for rental of the 3,640 square foot hangar will be deposited into account 110-0000-446-3528.

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2016-8461-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE LEASE AGREEMENT WITH CRAIG CADDELL, CENTRAL TEXAS FLIGHT TRAINING, AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT FOR THE OPERATION OF A FLIGHT TRAINING AND AIRCRAFT RENTAL BUSINESS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Central Texas Flight Training currently leases a 3,640 square foot hangar at the Draughon-Miller Central Texas Regional Airport for the purpose of operating a flight school and an aircraft rental business;

**Whereas,** on December 15, 2011, Council authorized a five-year lease agreement with Craig Caddell, Central Texas Flight Training - this lease expires December 31, 2016;

**Whereas,** Staff recommends Council authorize a one-year renewal to the lease agreement at the rate of \$500 per month – the lease will run from January 1, 2017 through December 31, 2017;

**Whereas,** all lease agreements will allow for a 30-day termination clause should the lessee or the City desire to terminate the lease;

**Whereas,** the annual lease revenue will be received into Account No. 110-0000-446-3528; 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, after approval as to form by the City Attorney, to execute a one-year renewal to the lease agreement with Craig Caddell, Central Texas Flight Training, for the rental of a 3,640 square foot hangar for the purpose of operating a flight training and aircraft rental business at the Draughon-Miller Central Texas Regional Airport from January 1, 2017 through December 31, 2017.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(Q)  
Consent Agenda  
Page 1 of 1

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

Ashley Williams, Director of General Services  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the rejection of all bids received for facility lighting upgrades at select buildings/parking lots on September 22, 2016.

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

**ITEM SUMMARY:** Authorization of the rejection of the facility lighting upgrades at select buildings/parking lots on September 22, 2016, will allow staff to pursue alternate funding sources for completing facility lighting upgrade projects.

On September 22, 2016, the City received three proposals from Amos Electric Supply Co., Inc., R.K. Bass Electric, Inc., and Bluebonnet Electrical Services, Inc. for facility lighting upgrades at select buildings/parking lots. Shortly after bids were opened staff identified alternate funding through the State Energy Conservation Office's LoanStar program, to perform energy efficient improvement projects. Among other projects lighting upgrades at the select buildings/parking lots under this bid are included.

Per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids.

If Council authorizes the rejection of bids, staff anticipates including these projects in the SECO LoanStar program projects.

**FISCAL IMPACT:** There is no fiscal impact related to this item.

**ATTACHMENTS:**

[Bid Tabulations](#)  
[Resolution](#)

Tabulation of Bids Received  
 on September 22, 2016 at 2:00 p.m.  
 Facility Lighting Upgrades at Select Buildings/Parking Lots  
 Bid# 24-01-16

	Bidders		
	Amos Electric Supply Co., Inc. Temple, TX	R.K. Bass Electric, Inc. Harker Heights, TX	Bluebonnet Electrical Services, Inc. Temple, TX
Description			
Base Bid: Temple Police Department First and Second Floor	\$51,169.50	\$104,708.00	\$81,550.99
Add Alternate (AA1): Temple Police Department Third Floor and Maintenance Building	\$35,322.44	\$53,302.00	\$45,305.52
Add Alternate (AA2): Service Center	\$402,359.56	\$149,641.00	\$116,446.40
Add Alternate (AA3): Clarence Martin Gym Building	\$1,031.25	\$1,361.00	\$980.00
Add Alternate (AA4): Sammon's Park Golf Course	\$4,067.13	\$5,752.00	\$3,169.60
Add Alternate (AA5): Santa Fe Depot	\$2,773.13	\$1,641.00	\$4,092.48
Add Alternate (AA6): Blackmon Center	\$16,620.88	\$20,419.00	\$19,532.80
Add Alternate (AA7): FTC (Code Enforcement)	\$6,512.56	\$8,409.00	\$8,915.20
<b>Base Bid + Add Alternates #AA1 thru #AA7</b>	<b>\$519,856.45</b>	<b>\$345,233.00</b>	<b>\$279,992.99</b>
Acknowledge Addendum (2)	Yes	Yes	1 addenda acknowledged
Bid Bond	Yes	Yes	Cashier's Check
Bond Requirement Affidavit	Yes	Yes	No
Credit Check Authorization	Yes	Yes	Yes

RESOLUTION NO. 2016-8462-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING ALL BIDS RECEIVED ON SEPTEMBER 22, 2016 FOR FACILITY LIGHTING UPGRADES AT SELECT BUILDINGS/PARKING LOTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 22 2016, the City received three proposals from Amos Electric Supply Co., Inc., R.K. Bass Electric, Inc., and Bluebonnet Electrical Services, Inc. for facility lighting upgrades at select buildings/parking lots;

**Whereas**, immediately after bids were opened, Staff identified alternate funding through the State Energy Conservation Office's LoanStar Program, to perform energy efficient improvement projects;

**Whereas**, per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids; and

**Whereas**, Staff recommends Council reject the bids received on September 22, 2016 for facility lighting upgrades at select buildings/parking lots – the rejection of these bids will allow Staff to pursue alternate funding sources for completing facility lighting upgrade projects;

**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 rejects the bids received on September 22, 2016 for facility lighting upgrades at select buildings/parking lots.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(R)  
Consent Agenda  
Page 1 of 3

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

Sandra Esqueda, Director of Human Resources  
Denny Hainley, HR Generalist

**ITEM DESCRIPTION:** Consider adopting a resolution establishing rates for substitute Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution thereto for calendar year 2017.

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

**ITEM SUMMARY:** Previously the trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare. City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plan(s) offered through the City in order to receive the City's contribution. These rates are not available until the late Fall of each year, so at this time Council needs to adopt substitute Medicare supplement rates for retirees for 2017. The rates for substitute Medicare supplement insurance run from January 1<sup>st</sup> through December 31<sup>st</sup> of each year while rates for our active employees and non Medicare eligible retirees run from October 1<sup>st</sup> through September 30<sup>th</sup> of each year.

The Personnel Policies and Procedures Manual states that the City will pay an amount established during the budget process for substitute Medicare Supplement insurance for Medicare eligible retirees who have at least 25 years of continuous service with the City of Temple. On November 3, 2016, the City received proposals for Group Medicare Supplement and Prescription Drug Benefits. The Request for Proposals (RFP) indicated that the contract would be for a one year term with the option for four 1-year renewals. Scott & White Health Plan was the only respondent to the RFP in 2016.

Scott & White Health Plan, offers SeniorCare as its substitute Medicare supplement. SeniorCare offers eleven Medicare supplement plans to over age 65 retirees through the City. SeniorCare will also continue to offer a dental plan through Delta. The additional dental plan cost will be paid by the retiree only. In FY 2010-2011, the City Policy regarding contributions was amended to state that the City will pay an amount toward retiree insurance to be determined each fiscal year. The FY 2017 budget included funding in the amount of \$102 to contribute towards the cost of substitute Medicare Supplemental insurance. Staff recommends that Council authorize a contribution of 50% toward all plans up to a maximum contribution of \$102.



The new monthly premium recommendations for 2017 are as follows:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	Senior Select – No Rx	\$0.00	\$0.00	\$0.00
B	Senior Select – Value Rx	\$71.20	\$35.60	\$35.60
C	Senior Preferred – No Rx	\$90.00	\$45.00	\$45.00
D	Senior Preferred – Basic Rx	\$166.40	\$ 83.20	\$83.20
E	Senior Preferred – Enhanced Rx	\$215.60	\$102.00	\$113.60
F	Senior VIP – No Rx	\$130.00	\$65.00	\$65.00
G	Senior VIP – Basic Rx	\$206.40	\$102.00	\$104.40
H	Senior VIP – Enhanced Rx	\$255.60	\$102.00	\$153.60
I	Senior Premium– No Rx	\$183.00	\$91.50	\$91.50
J	Senior Premium – Basic Rx	\$259.40	\$102.00	\$157.40
K	Senior Premium – Enhanced Rx	\$308.60	\$102.00	\$206.60
L	Dental Plan	\$13.00	\$0.00	\$13.00

**FISCAL IMPACT:** Budgeted amount: \$165,110 in account 110-2700-515-1231\*  
Estimated amount for FY 16-17: \$87,016\*\*.

\* Budgeted amount includes funding for all retirees' insurance. This includes retiree medical insurance for those under age 65.

\*\* Maximum contribution during FY 2017 for the new plan costs calculated as \$102 x 66 Medicare eligible retirees (as of 10/01/16) x nine months (Jan - Sept) = \$60,588.00; the number of retirees could change over the course of the year. The cost incurred for the Medicare Supplemental insurance from October through December is estimated to be \$26,428.

**ATTACHMENTS:**

[Senior Care Benefit Comparison – 2017 vs 2016 \(Medical and Prescription Benefits\)  
Resolution](#)



# City of Temple



## Senior Care Benefit Comparison - 2017 versus 2016



Medical	2016		2017	
	Preferred	VIP	Preferred	VIP
Diagnostic Tests, X-Rays, Lab Services & Radiology Services (a separate office visit copay may apply)	\$15	\$5	\$15	\$10

Medical	2016		2017	
	Select	VIP	Select	VIP
Inpatient Hospital	\$325 per day for days 1-5	\$100 per admit	\$375 per day for days 1-5	\$200 per day for days 1-5
Ambulance	\$100	\$50	no change	\$60
Emergency	\$200	\$100	no change	\$125
Doctor Office Visit - PCP/Specialist	\$20 / \$50	\$5 / \$5	no change	\$10 / \$10
Eyewear (1 pair of glasses every 2 Routine Vision Exam	not covered	not covered	not covered	\$125
	not covered	\$5	\$20	\$10

Medical	2016		2017	
	Preferred	Premium	Preferred	Premium
Eyewear (1 pair of glasses every 2 years)	\$15	\$15	\$125	\$125

All other plan provisions for Select, Preferred, VIP, and Premium

No Change for 2017 from 2016

# City of Temple



## Senior Care Benefit Comparison - 2017 versus 2016



Prescription	2016			2017		
	Value RX	Basic RX	Enhanced RX	Value RX	Basic RX	Enhanced RX
Initial Coverage Amount	\$3,310	\$3,310	\$3,310	\$3,700	\$3,700	\$3,700
Deductible	\$235	\$0	\$0	\$250 All Tiers	\$100 Tiers (3-5)	\$50 Tiers (3-5)
Copays during Initial Coverage Period:						
Tier 1 - Preferred Generic Drugs	\$10	\$4	\$2	\$10	\$4	\$2
Tier 2 - Non-Preferred Generic Drugs	\$20	\$15	\$10	\$20	\$20	\$12
Tier 3 - Preferred Brand Drugs	\$45	\$45	\$45	\$45	\$47	\$47
Tier 4 - Non-Preferred Brand Drugs	37%	\$95	\$85	\$90	\$100	\$95
Tier 5 - Specialty Drugs	27%	33%	33%	28%	31%	32%
After Initial Coverage You Pay:						
Generic Drugs	58%	58%	\$4	51%	51%	\$4
Other Generic Drugs	58%	58%	58%	51%	51%	51%
Brand Drugs	45%	45%	45%	40%	40%	40%
Total Out-Of-Pocket You Pay Before Catastrophic Coverage	\$4,850	\$4,850	\$4,850	\$4,950	\$4,950	\$4,950
Catastrophic Coverage Amounts You Pay the Greater of:	5% or	5% or	5% or	5% or	5% or	5% or
Generic Drugs (including brand drugs treated as generic)	\$2.95	\$2.95	\$2.95	\$3.30	\$3.30	\$3.30
All other Drugs	\$7.40	\$7.40	\$7.40	\$8.25	\$8.25	\$8.25

S:\GBS-SL Office\Clients\_DMS Working Documents\_DMS\City of Temple\2017 Senior Care\_RFP Responses\Analysis\Temple\_SeniorCare\_2017 Benefit Comparison\_Pharmacy

RESOLUTION NO. 2016-8463-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, ESTABLISHING RATES FOR SUBSTITUTE MEDICARE SUPPLEMENT INSURANCE FOR CITY OF TEMPLE RETIREES AND AUTHORIZING THE CITY'S CONTRIBUTION FOR CALENDAR YEAR 2017; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, previously the Trustees of the City of Temple Employee Benefits Trust adopted rates for health and dental insurance for all active employees and retirees not eligible for Medicare - City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plans offered through the City in order to receive the City's contribution;

**Whereas**, the Personnel Policies and Procedures Manual states that the City will pay an amount established during the budget process for substitute Medicare supplement insurance for Medicare eligible retirees who have at least twenty-five years of continuous service with the City of Temple;

**Whereas**, Scott & White Health Plan offers SeniorCare as its substitute Medicare supplement and in 2016, SeniorCare offered eleven Medicare supplement plans to over age 65 retirees through the City and will continue to offer those same plans in 2017 - SeniorCare will also continue to offer a dental plan through Delta Dental to retirees;

**Whereas**, on November 3, 2016, the City received proposals for Group Medicare Supplement and Prescription Drug Benefits - the Request for Proposals indicated that the contract would be for a one-year term with the option for four additional 1-year renewals if so agreed to by both parties, with Scott & White Health Plan being the only respondent to the Request for Proposals;

**Whereas**, the fiscal year 2017 budget included funding in the amount of \$102 per eligible employee to contribute towards the cost of substitute Medicare Supplemental insurance and those funds are available in Account No. 110-2700-515-1231; 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 establishes rates for substitute Medicare supplement insurance for City of Temple retirees as set forth in Exhibit 'A' attached hereto and incorporated herein for all purposes and authorizes the City's contribution for calendar year 2017.



**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Trustee

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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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 2016-2017.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2016-2017 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$130,495.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2017 BUDGET**  
**December 1, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-4000-555-2225		Capital < \$5,000 / Books & Periodicals	\$ 1,500	
110-0000-314-1917		Reserve for MacGregor Trust / Reserve for MacGregor Trust		\$ 1,500
To appropriate MacGregor Trust Funds for the purchase of history books.				
561-0000-311-0112		Reserve for Encumbrance - Prior Year	\$ 29,998	
561-5400-535-6925	100980	Capital - Bonds / WW Line Replacement - Bird Creek, Phase III		\$ 29,998
To correct the carry forward entry from FY 16 for an invoice for services performed in FY 16 received on 11/08/2016 after all year end entries were recorded.				
110-3500-552-2221		Capital < \$5,000 / Computer Equipment	\$ 2,200	
110-1900-519-2610		Contracted Services / Telephone/Communications	\$ 7,500	
110-3500-552-2511		Other Services / Printing/Publication		\$ 4,850
110-3270-551-2513		Other Services / Special Services		\$ 3,000
110-3224-551-2513		Other Services / Special Services		\$ 1,000
110-3260-551-2513		Other Services / Special Services		\$ 850
To reallocate funding for the purchase a network switch and to cover the monthly costs for a fiber network through Grande Communications at the Parks Annex located at Thornton Lane.				
110-0000-358-1110		Undesignated Fund Balance	\$ 89,297	
110-0000-452-0456		Administrative Fees / Security Fees		\$ 89,297
To appropriate Municipal Court Security Fees for the security officer position dedicated to the Municipal Court.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 130,495</b>	<b>\$ 130,495</b>
<b>GENERAL 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>Judgments &amp; Damages</b> Contingency			\$ 5,257	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			-	
Net Balance of Judgments & Damages Contingency Account			\$ 5,257	
Beginning <b>Compensation</b> Contingency			\$ 560,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			-	
Net Balance of Compensation Contingency Account			\$ 560,000	
<b>Net Balance Council Contingency</b>			<b>\$ 565,257</b>	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2017 BUDGET**  
**December 1, 2016**

		APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit      Credit
WATER & SEWER FUND			
		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	\$    112,500
		Added to Compensation Contingency	-
		Taken From Compensation Contingency	-
		Net Balance of Compensation Contingency Account	\$    112,500
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$    162,500</b>
HOTEL/MOTEL TAX FUND			
		Beginning <b>Contingency</b> Balance	\$      -
		Added to Contingency Sweep Account	-
		Carry forward from Prior Year	-
		Taken From Contingency	-
		Net Balance of Contingency Account	\$      -
		Beginning <b>Compensation</b> Contingency	\$    28,300
		Added to Compensation Contingency	-
		Taken From Compensation Contingency	-
		Net Balance of Compensation Contingency Account	\$    28,300
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$    28,300</b>
DRAINAGE FUND			
		Beginning <b>Contingency</b> Balance	\$      -
		Added to Contingency Sweep Account	-
		Carry forward from Prior Year	-
		Taken From Contingency	-
		Net Balance of Contingency Account	\$      -
		Beginning <b>Compensation</b> Contingency	\$    24,300
		Added to Compensation Contingency	-
		Taken From Compensation Contingency	-
		Net Balance of Compensation Contingency Account	\$    24,300
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$    24,300</b>
FED/STATE GRANT FUND			
		Beginning <b>Contingency</b> Balance	\$      -
		Carry forward from Prior Year	-
		Added to Contingency Sweep Account	-
		Taken From Contingency	-
		<b>Net Balance Fed/State Grant Fund Contingency</b>	<b>\$      -</b>

RESOLUTION NO. 2016-8464-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2016-2017 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 26<sup>th</sup> day of August, 2016, the City Council approved a budget for the 2016-2017 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2016-2017 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 2016-2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

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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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #6(T)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution supporting the Temple Housing Authority's down payment assistance program with a City contribution of \$12,500 and authorizing execution of a Memorandum of Agreement with the Temple Housing Authority.

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

**ITEM SUMMARY:** THA received \$30,000 in down payment assistance funding from the City of Temple in March of 2014. With those funds, THA has provided down payment assistance to four qualified homebuyers. THA currently has \$12,500 remaining with \$5,000 of that amount committed.

THA would like to continue the flexibility in using City of Temple funding between their in "in-house" program and Texas Department of Housing and Community Affairs (TDHCA) grants as needed by qualified homebuyers.

As with previous years, THA will be responsible for qualifying the recipients. Furthermore, the Memorandum of Agreement provides:

- The City will contribute the \$12,500 in lump sum, and that when combined with the \$12,500 currently remaining, will be disbursed to 5 homebuyers at a funding level of \$5,000 each.
- The funds will be used for City of Temple housing projects.
- THA will provide quarterly reports to the City of summarizing the distribution of the City funds.
- THA will ensure the homes meet building codes and TDHCA requirements, as applicable.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval allocating \$12,500 from Designated Capital Projects-Unallocated, account 110-0000-352-13-45 to Temple Housing Authority - Down Payment Assistance Program, account 351-6100-571-2661.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY **2017****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
351-6100-571-26-61		Affordable Housing - THA	\$ 12,500	
351-0000-490-25-82		Transfer In - General Fund	12,500	
110-9100-591-81-51		Transfer Out - Desg Cap Proj	12,500	
110-0000-352-13-45		Desg Cap Proj - Unallocated		12,500
		<b>Do not post</b>		
<b>TOTAL.....</b>			<b>\$ 37,500</b>	<b>\$ 12,500</b>

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

To appropriate funding for the Temple Housing Authority's down payment assistance program and TDHCA grant match.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/1/2016

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, SUPPORTING THE TEMPLE HOUSING AUTHORITY'S DOWN PAYMENT ASSISTANCE PROGRAM WITH A CITY CONTRIBUTION OF \$12,500, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE TEMPLE HOUSING AUTHORITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Housing Authority ("THA") received \$30,000 in down payment assistance funding from the City of Temple in March 2014 which was used to provide down payment assistance to four qualified homebuyers - THA currently has \$12,500 remaining with \$5,000 of that amount committed;

**Whereas**, THA would like to continue the flexibility in using City of Temple funding between their "in-house" program and the Texas Department of Housing and Community Affairs ("TDHCA") grants as needed by qualified homebuyers;

**Whereas**, as with previous years, THA will be responsible for qualifying all recipients of all grants;

**Whereas**, Staff recommends Council authorize a Memorandum of Agreement with the THA which provides that:

- the City will contribute the \$12,500 in lump sum, and that when combined with the \$12,500 currently remaining, will be disbursed to 5 homebuyers at a funding level of \$5,000 each;
- the funds will be used only for City of Temple housing projects;
- THA will provide quarterly reports to the City summarizing the distribution of the City funds; and
- THA will ensure the homes meet building codes and TDHCA requirements, as applicable;

**Whereas**, funds are available for this agreement, but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 351-1000-571-2661; 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 supports the Temple Housing Authority's Down Payment Assistance Program with a City contribution of \$12,500 and authorizes execution of a Memorandum of Agreement between the City of Temple and the Temple Housing Authority.

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

**Part 3:** The City Council authorizes an amendment to the fiscal year 2017 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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #7  
Regular Agenda  
Page 1 of 1

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

Floyd Mitchell, Police Chief

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Corporal, Sergeant, and Lieutenant classifications of certified police officers.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented on first reading; with second and final reading set for December 15, 2016.

**ITEM SUMMARY:** Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Police Department, and prescribe by ordinance the number of positions in each classification. Increased need for supervisory and administrative oversight in the Police Department requires increasing the number of positions in the Sergeant and Lieutenant ranks to provide efficient, effective public safety services. At the same time, a decrease in the number of positions in the Corporal ranks is necessary to align the number of these positions with current Departmental staffing needs.

The Police Chief requests the addition of two Sergeant, and two Lieutenant positions, and the concurrent elimination of four Corporal positions from the current classification ordinance.

Currently, there are five Lieutenant, and sixteen Sergeant positions. The requested increase to seven Lieutenant, and eighteen Sergeant positions will increase essential administrative and supervisory oversight within the Department, consistent with current staffing needs.

There are currently twenty-two positions in the Corporal rank. The creation of two additional Lieutenant, and two additional Sergeant positions will result in the promotion of four Corporals to the rank of Sergeant. Elimination of the four Corporal positions concurrent with these promotions is requested to decrease the number of positions in the Corporal rank from twenty-two to eighteen, to align the number of Corporal positions with current Departmental staffing needs.

**FISCAL IMPACT:** Additional funding in a net amount of \$215,389 is included in the FY 2017 Operating Budget of the Police Department for the two new Sergeant positions, two new Lieutenant positions, and the elimination of four Corporal positions. The net amount includes funding for vehicles, equipment and other operation costs associated with these staffing changes.

### **ATTACHMENTS:**

[Ordinance](#)



ORDINANCE NO. 2016-4814

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CLASSIFICATIONS OF CORPORAL, SERGEANT, AND LIEUTENANT OF CERTIFIED POLICE OFFICERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Chapter 143 of the Local Government Code requires that the City Council establish by ordinance, the number of positions in each classification for the Temple Police Department;

**Whereas**, an increased need for supervisory and administrative oversight in the Police Department requires an increase in the number of positions in the Sergeant and Lieutenant ranks to provide efficient, effective public safety services - at the same time, a decrease in the number of positions in the Corporal ranks is necessary to align the number of these positions with current Departmental staffing needs;

**Whereas**, Staff recommends that Council authorize two positions in the rank of Sergeant and two positions in the rank of Lieutenant, as well as eliminate four positions in the rank of Corporal from the current classifications;

**Whereas**, currently, there are five Lieutenant positions and sixteen Sergeant positions – this request will increase the number of Lieutenant positions to seven and the number of Sergeant positions to eighteen - this increase will allow for an increase in essential administrative and supervisory oversight within the Department, consistent with current Departmental staffing needs;

**Whereas**, currently there are twenty-two positions in the rank of Corporal – with the creation of two additional Lieutenant positions and two additional Sergeant positions, this will result in the promotion of four Corporals to the rank of Sergeant;

**Whereas**, the elimination of the four Corporal positions concurrent with these promotions, will decrease the number of positions in the Corporal rank from twenty-two to eighteen, and this will align the number of Corporal positions with current Departmental staffing needs;

**Whereas**, additional funding in the net amount of \$215,389 is included in the fiscal year 2017 Operating Budget of the Police Department for the two new Sergeant positions, two new Lieutenant positions, and the elimination of four Corporal positions;

**Whereas**, the net amount includes funding for vehicles, equipment and other operation costs associated with these staffing changes; and

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

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

**Part 1:** Council establishes the following Classifications and the Number of Positions of Certified Police Officers for civil service positions in the Police Department:

**CLASSIFICATIONS AND POSITIONS  
OF CERTIFIED POLICE OFFICERS**

**I. UNCLASSIFIED POSITIONS**

**A. *POLICE CHIEF* – 1 Position**

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as the Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

**B. *DEPUTY CHIEF* – 2 Positions**

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

**II. CLASSIFIED POSITIONS**

**A. *LIEUTENANT* – 7 Positions**

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay, every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

**B. *SERGEANT* – 18 Positions**

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Corporal in the Department for at least 2 years. In addition to base pay, every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

**C. *CORPORAL* – 18 Positions**

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least 2 years. In addition to

base pay, every Corporal having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* – 104 Positions

1. *POLICE OFFICER*: Only TCOLE certified personnel in this state shall occupy this classification upon completion of their probationary status.
2. *PROBATIONARY POLICE OFFICER*: Only TCOLE certified personnel in this state shall occupy this classification upon the end of their probationary status. Upon successful completion of all aspects of the Probationary position, the Probationary employee shall automatically advance to the Police Officer position.

Probationary police officers, hired on a probationary status for the period prescribed by law, may be hired only in such numbers as, together with Cadet police officers, will not exceed the vacancies in the total authorization for Police Officers and shall, during their period of probation, receive the pay allotted to them by the budget.

3. *CADET POLICE OFFICER*: An employee not certified in this state shall start in this classification. Upon successful completion of the requirements for certification by the Texas Commission on Law Enforcement, the Cadet shall automatically advance to the Probationary position. Cadet police officers may be hired only in such numbers as, together with Probationary police officers, will not exceed the vacancies in the total authorization for Police Officers and shall, during the period of time that they occupy this position, receive the pay allotted to them by the budget.

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

**Part 4:** This ordinance shall take effect December 15, 2016.

**Part 5:** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on First Reading and Public Hearing on the 1<sup>st</sup> day of **December, 2016**.

**PASSED AND APPROVED** on Second Reading on the **15<sup>th</sup> day of December, 2016.**

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #8  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 5.184 acres and located on Marlandwood Road between South 5<sup>th</sup> Street and Lowes Drive as City of Temple Tax Abatement Reinvestment Zone Number 34 for commercial/industrial tax abatement.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented on first reading; with second and final reading set for December 15, 2016.

**ITEM SUMMARY:** The proposed ordinance designates a tract of land consisting of approximately 5.184 acres and located on Marlandwood Road between South 5<sup>th</sup> Street and Lowes Drive as Tax Abatement Reinvestment Zone Number 34 for commercial/industrial tax abatement.

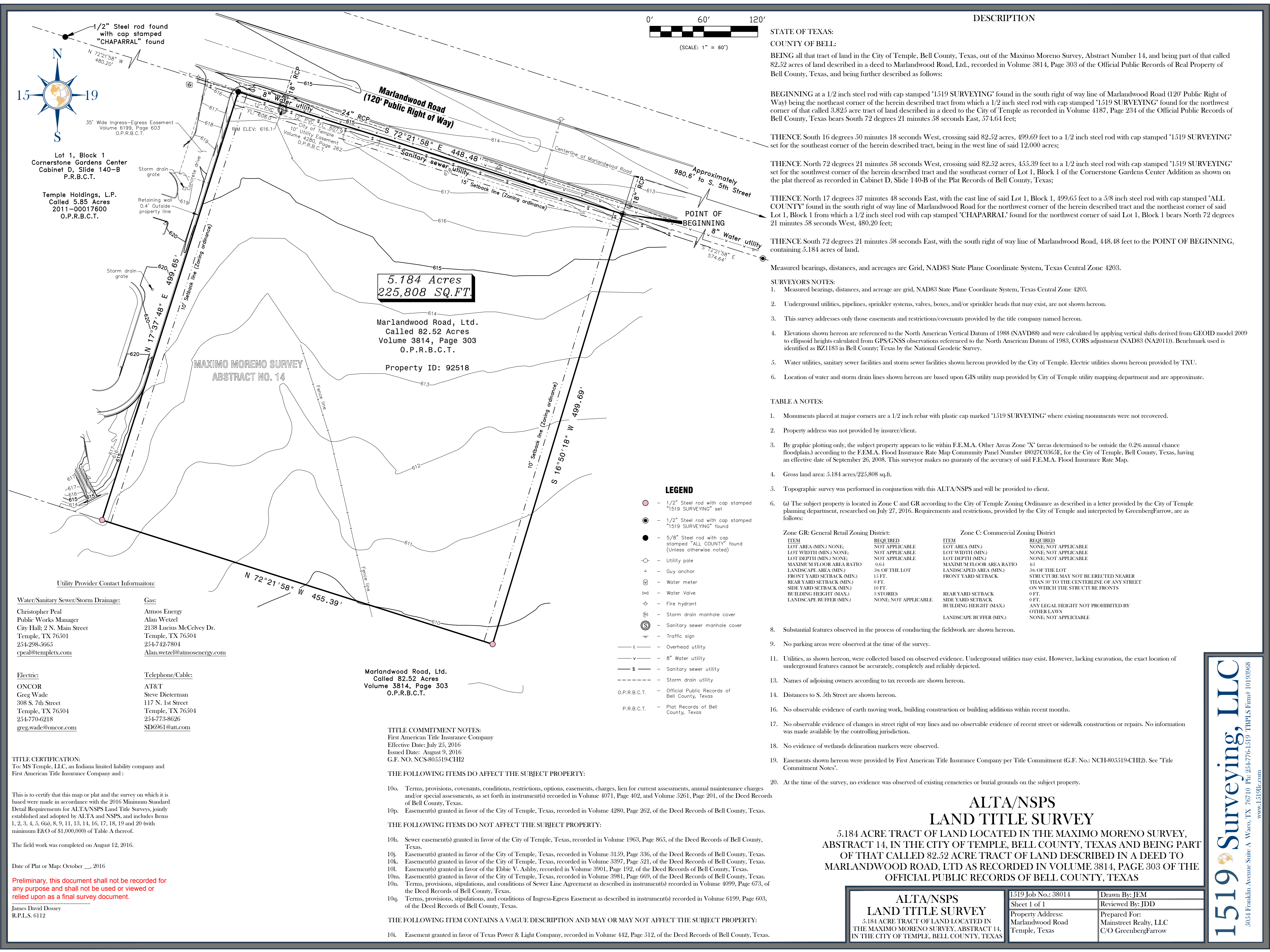
The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. We anticipate bringing a tax abatement agreement for proposed improvements to the property for Council's consideration at the December 15, 2016 meeting.

**FISCAL IMPACT:** None at this time

### **ATTACHMENTS:**

[Survey](#)  
[Ordinance](#)





DESCRIPTION

STATE OF TEXAS:  
COUNTY OF BELL:  
BEING all that tract of land in the City of Temple, Bell County, Texas, out of the Maximo Moreno Survey, Abstract Number 14, and being part of that called 82.52 acres of land described in a deed to Marlandwood Road, Ltd., recorded in Volume 3814, Page 303 of the Official Public Records of Real Property of Bell County, Texas, and being further described as follows:

BEGINNING at a 1/2 inch steel rod with cap stamped "1519 SURVEYING" found in the south right of way line of Marlandwood Road (120' Public Right of Way) being the northeast corner of the herein described tract from which a 1/2 inch steel rod with cap stamped "1519 SURVEYING" found for the northwest corner of that called 3.825 acre tract of land described in a deed to the City of Temple as recorded in Volume 4187, Page 234 of the Official Public Records of Bell County, Texas bears South 72 degrees 21 minutes 58 seconds East, 574.64 feet;

THENCE South 16 degrees 50 minutes 18 seconds West, crossing said 82.52 acres, 499.69 feet to a 1/2 inch steel rod with cap stamped "1519 SURVEYING" set for the southeast corner of the herein described tract, being in the west line of said 12.000 acres;

THENCE North 72 degrees 21 minutes 58 seconds West, crossing said 82.52 acres, 455.39 feet to a 1/2 inch steel rod with cap stamped "1519 SURVEYING" set for the southwest corner of the herein described tract and the southeast corner of Lot 1, Block 1 of the Cornerstone Gardens Center Addition as shown on the plat thereof as recorded in Cabinet D, Slide 140-B of the Plat Records of Bell County, Texas;

THENCE North 17 degrees 37 minutes 48 seconds East, with the east line of said Lot 1, Block 1, 499.65 feet to a 5/8 inch steel rod with cap stamped "ALL COUNTY" found in the south right of way line of Marlandwood Road for the northwest corner of the herein described tract and the northeast corner of said Lot 1, Block 1 from which a 1/2 inch steel rod with cap stamped "CHAPARRAL" found for the northwest corner of said Lot 1, Block 1 bears North 72 degrees 21 minutes 58 seconds West, 480.20 feet;

THENCE South 72 degrees 21 minutes 58 seconds East, with the south right of way line of Marlandwood Road, 448.48 feet to the POINT OF BEGINNING, containing 5.184 acres of land.

Measured bearings, distances, and acreages are Grid, NAD83 State Plane Coordinate System, Texas Central Zone 4203.

- SURVEYORS NOTES:
- Measured bearings, distances, and acreage are grid, NAD83 State Plane Coordinate System, Texas Central Zone 4203.
  - Underground utilities, pipelines, sprinkler systems, valves, boxes, and/or sprinkler heads that may exist, are not shown hereon.
  - This survey addresses only those easements and restrictions/covenants provided by the title company named hereon.
  - Elevations shown hereon are referenced to the North American Vertical Datum of 1988 (NAVD88) and were calculated by applying vertical shifts derived from GEOD model 2009 to ellipsoid heights calculated from GPS/GNSS observations referenced to the North American Datum of 1983, CORS adjustment (NAD83 (NA2011)). Benchmark used is identified as BZ1183 in Bell County; Texas by the National Geodetic Survey.
  - Water utilities, sanitary sewer facilities and storm sewer facilities shown hereon provided by the City of Temple. Electric utilities shown hereon provided by TXU.
  - Location of water and storm drain lines shown hereon are based upon GIS utility map provided by City of Temple utility mapping department and are approximate.

TABLE A NOTES:

- Monuments placed at major corners are a 1/2 inch rebar with plastic cap marked "1519 SURVEYING" where existing monuments were not recovered.
- Property address was not provided by insurer/client.
- By graphic plotting only, the subject property appears to lie within F.E.M.A. Other Areas Zone "X" (areas determined to be outside the 0.2% annual chance floodplain.) according to the F.E.M.A. Flood Insurance Rate Map Community Panel Number 48027C0365E, for the City of Temple, Bell County, Texas, having an effective date of September 26, 2008. This surveyor makes no guaranty of the accuracy of said F.E.M.A. Flood Insurance Rate Map.
- Gross land area: 5.184 acres/225,808 sq.ft.
- Topographic survey was performed in conjunction with this ALTA/NSPS and will be provided to client.
- (a) The subject property is located in Zone C and GR according to the City of Temple Zoning Ordinance as described in a letter provided by the City of Temple planning department, researched on July 27, 2016. Requirements and restrictions, provided by the City of Temple and interpreted by GreenbergFarrow, are as follows:

Zone GR: General Retail Zoning District:		Zone C: Commercial Zoning District	
ITEM	REQUIRED	ITEM	REQUIRED
LOT AREA (MIN.)	NONE	LOT AREA (MIN.)	NONE; NOT APPLICABLE
LOT WIDTH (MIN.)	NONE	LOT WIDTH (MIN.)	NONE; NOT APPLICABLE
LOT DEPTH (MIN.)	NONE	LOT DEPTH (MIN.)	NONE; NOT APPLICABLE
MAXIMUM FLOOR AREA RATIO	0.61	MAXIMUM FLOOR AREA RATIO	4:1
LANDSCAPE AREA (MIN.)	5% OF THE LOT	LANDSCAPE AREA (MIN.)	5% OF THE LOT
FRONT YARD SETBACK (MIN.)	15 FT.	FRONT YARD SETBACK	STRUCTURE MAY NOT BE ERRECTED NEARER THAN 30' TO THE CENTERLINE OF ANY STREET ON WHICH THE STRUCTURE FRONTS
REAR YARD SETBACK (MIN.)	0 FT.	REAR YARD SETBACK	0 FT.
SIDE YARD SETBACK (MIN.)	10 FT.	SIDE YARD SETBACK	0 FT.
BUILDING HEIGHT (MAX.)	3 STORIES	BUILDING HEIGHT (MAX.)	ANY LEGAL HEIGHT NOT PROHIBITED BY OTHER LAWS
LANDSCAPE BUFFER (MIN.)	NONE; NOT APPLICABLE	LANDSCAPE BUFFER (MIN.)	NONE; NOT APPLICABLE
- Substantial features observed in the process of conducting the fieldwork are shown hereon.
- No parking areas were observed at the time of the survey.
- Utilities, as shown hereon, were collected based on observed evidence. Underground utilities may exist. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted.
- Names of adjoining owners according to tax records are shown hereon.
- Distances to S. 5th Street are shown hereon.
- No observable evidence of earth moving work, building construction or building additions within recent months.
- No observable evidence of changes in street right of way lines and no observable evidence of recent street or sidewalk construction or repairs. No information was made available by the controlling jurisdiction.
- No evidence of wetlands delineation markers were observed.
- Easements shown hereon were provided by First American Title Insurance Company per Title Commitment (G.F. No.: NCH-805519-CHI2). See "Title Commitment Notes".
- At the time of the survey, no evidence was observed of existing cemeteries or burial grounds on the subject property.

ALTA/NSPS  
LAND TITLE SURVEY

5.184 ACRE TRACT OF LAND LOCATED IN THE MAXIMO MORENO SURVEY, ABSTRACT 14, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND BEING PART OF THAT CALLED 82.52 ACRE TRACT OF LAND DESCRIBED IN A DEED TO MARLANDWOOD ROAD, LTD AS RECORDED IN VOLUME 3814, PAGE 303 OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS

ALTA/NSPS LAND TITLE SURVEY 5.184 ACRE TRACT OF LAND LOCATED IN THE MAXIMO MORENO SURVEY, ABSTRACT 14, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS	1519 Job No.: 38014 Sheet 1 of 1 Property Address: Marlandwood Road Temple, Texas	Drawn By: JEM Reviewed By: JDD Prepared For: Mainstreet Realty, LLC C/O GreenbergFarrow
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Utility Provider Contact Information:

Water/Sanitary Sewer/Storm Drainage:	Gas:
Christopher Peal Public Works Manager City Hall; 2 N. Main Street Temple, TX 76501 254-298-5665 cpeal@templetx.com	Atmos Energy Alan Wetzel 2138 Lucius McCelvey Dr. Temple, TX 76504 254-742-7804 Alan.wetzel@atmosenergy.com
Electric:	Telephone/Cable:
ONCOR Greg Wade 308 S. 7th Street Temple, TX 76504 254-770-6218 greg.wade@oncor.com	AT&T Steve Dieterman 117 N. 1st Street Temple, TX 76504 254-773-8626 SD6961@att.com

TITLE CERTIFICATION:  
To: MS Temple, LLC, an Indiana limited liability company and  
First American Title Insurance Company and :

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 8, 9, 11, 13, 14, 16, 17, 18, 19 and 20 (with minimum E&O of \$1,000,000) of Table A thereof.

The field work was completed on August 12, 2016.

Date of Plat or Map: October \_\_, 2016

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

James David Dossey  
R.P.L.S. 6112

TITLE COMMITMENT NOTES:  
First American Title Insurance Company  
Effective Date: July 25, 2016  
Issued Date: August 9, 2016  
G.F. NO. NCS-805519-CHI2

THE FOLLOWING ITEMS DO AFFECT THE SUBJECT PROPERTY:

- Terms, provisions, covenants, conditions, restrictions, options, easements, charges, lien for current assessments, annual maintenance charges and/or special assessments, as set forth in instrument(s) recorded in Volume 4071, Page 402, and Volume 3261, Page 201, of the Deed Records of Bell County, Texas.
- Easement(s) granted in favor of the City of Temple, Texas, recorded in Volume 4280, Page 262, of the Deed Records of Bell County, Texas.

THE FOLLOWING ITEMS DO NOT AFFECT THE SUBJECT PROPERTY:

- Sewer easement(s) granted in favor of the City of Temple, Texas, recorded in Volume 1963, Page 865, of the Deed Records of Bell County, Texas.
- Easement(s) granted in favor of the City of Temple, Texas, recorded in Volume 3159, Page 336, of the Deed Records of Bell County, Texas.
- Easement(s) granted in favor of the City of Temple, Texas, recorded in Volume 3397, Page 321, of the Deed Records of Bell County, Texas.
- Easement(s) granted in favor of the Ebbie V. Ashby, recorded in Volume 3901, Page 192, of the Deed Records of Bell County, Texas.
- Easement(s) granted in favor of the City of Temple, Texas, recorded in Volume 3981, Page 669, of the Deed Records of Bell County, Texas.
- Terms, provisions, stipulations, and conditions of Sewer Line Agreement as described in instrument(s) recorded in Volume 4099, Page 673, of the Deed Records of Bell County, Texas.
- Terms, provisions, stipulations, and conditions of Ingress-Egress Easement as described in instrument(s) recorded in Volume 6199, Page 603, of the Deed Records of Bell County, Texas.

THE FOLLOWING ITEM CONTAINS A VAGUE DESCRIPTION AND MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY:

- Easement granted in favor of Texas Power & Light Company, recorded in Volume 442, Page 512, of the Deed Records of Bell County, Texas.

ORDINANCE NO. 2016-4815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A TRACT OF LAND CONSISTING OF APPROXIMATELY 5.184 ACRES LOCATED ON MARLANDWOOD ROAD BETWEEN SOUTH 5<sup>TH</sup> STREET AND LOWES DRIVE, AS CITY OF TEMPLE TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-FOUR FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council of the City of Temple, Texas (“City”), desires to promote the development or redevelopment of a certain geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code;

**Whereas**, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

**Whereas**, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement; and

**Whereas**, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

**Part 1:** The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**Part 2:** The City, after conducting such hearings and having heard such evidence and testimony has made the following findings and determinations based on the testimony presented to it:

**A.** That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

**B.** That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER THIRTY-FOUR") should be approximately 5.184 acres located on Marlandwood Road between South 5<sup>th</sup> Street and Lowes Drive, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

**C.** That creation of REINVESTMENT ZONE NUMBER THIRTY-FOUR will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical.

**D.** That REINVESTMENT ZONE NUMBER THIRTY-FOUR meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City."

**E.** That REINVESTMENT ZONE NUMBER THIRTY-FOUR meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

**Part 3:** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 5.184 acres located on Marlandwood Road between South 5<sup>th</sup> Street and Lowes Drive, Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Thirty-Four, City of Temple, Texas.

**Part 4:** The REINVESTMENT ZONE shall take effect on December 15, 2016.

**Part 5:** To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

**A.** Be located wholly within the Zone as established herein;

**B.** Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

**C.** Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

**D.** Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Part 6:** Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

**Part 7:** Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

**A.** Listing the kind, number and location of all proposed improvements of the property;

**B.** Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

**C.** Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

**D.** Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

**Part 8: Severance clause.** 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 9: Effective date.** 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 10: Sunset provision.** The designation of Tax Abatement Reinvestment Zone Number Thirty-Four shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

**Part 11: Open Meeting Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading on the 1<sup>st</sup> day of **December**, 2016.

PASSED AND APPROVED on Second and Final Reading and Public Hearing on the 15<sup>th</sup> day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #9  
Regular Agenda  
Page 1 of 3

### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Dessie Redmond, Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-17-01: Consider adopting an ordinance authorizing a rezoning from the Agricultural zoning district to the Commercial zoning district on 1.89 +/- acres situated in the City of Temple, Bell County, Texas, located at 5890 West Adams Avenue.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their November 7, 2016 meeting, the Planning & Zoning (P&Z) Commission voted eight to zero to recommend approval of the proposed rezoning as presented by staff.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from the AG zoning district to the C zoning district:

1. The proposed zoning is compatible with surrounding zoning and anticipated commercial uses along this section of West Adams Avenue;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The subject property contains a 1.89 +/- acre tract, (Exhibit A) which is being proposed for rezoning from the AG zoning district to the C zoning district, which would match the current zoning of the adjacent lot that is also under the same property ownership. The property is currently undeveloped.

This rezoning request is a companion file to a final plat that has been submitted to the Planning Department. The plat and rezoning would consolidate the site into a single lot with consistent C zoning. The plat is a one lot, one block minor plat with no requested exceptions. Therefore, the plat can be approved administratively.

It is anticipated the property will eventually be developed with retail uses. There are a number of residential and non-residential uses that are permitted by right in the C zoning district. A Use Comparison Summary Table is located in the attachments.

The property to the north is part of the Scott & White West Campus Subdivision. Currently, the portion of the Scott & White Campus that abuts the subject property is vacant. The property to the east is unplatted, vacant land. To the south is a city-owned parcel with the Pepper Creek trailhead. The Pepper Creek trail abuts the property to the west (Surround Properties & Uses Table).



**COMPREHENSIVE PLAN (CP) COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached (Comprehensive Plan Compliance Summary Table).

**Future Land Use Map (CP Map 3.1)**

The subject property is entirely within the Auto-Urban Residential character district. This character district is intended for smaller single-family lots. Bufferyard requirements and design standards are also needed to provide adequate separation and buffering from other less intensive uses and to ensure their compatibility. This rezoning request does not comply with the Auto-Urban Residential character district. However, the Pepper Creek trail abuts the property to the west and provides a vegetative buffer to the existing residential uses to the west of the property. While there are no immediate plans to develop the property for commercial uses, if approved, the zoning would be in place to accommodate future market trends to allow development along the West Adams Avenue corridor.

**Thoroughfare Plan (CP Map 5.2)**

The subject property currently does not have direct access. However, as mentioned previously, this rezoning request is a companion file with a submitted plat that proposes to combine the abutting lot to the east of subject property. Therefore, after completing the plat process, the property may be accessed off of West Adams Avenue or North Kegley Road. Both West Adams Avenue and this section of North Kegley Road are designated as arterials in the city's Thorough Fare plan; therefore, a 6-foot sidewalk will be required on both sides of each road. A note on the plat addresses this requirement.

**Availability of Public Facilities (CP Goal 4.1)**

Sewer is available to the subject property through an existing 30-inch sewer line that abuts the property to the west. There is no direct water line access to the subject property. However, once the plat process is completed water will be available through a line in West Adams Road.

**Temple Trails Master Plan Map and Sidewalks Ordinance**

The Trails Master Plan identifies an existing city-wide spine trail along West Adams Avenue. The request is in compliance with the Trails Master Plan.

**DEVELOPMENT REGULATIONS:** A comparison summary table for non-residential dimensional standards in the AG & C zoning districts is located in the attachments (Non-Residential Dimensional Standards Comparison Table).

**PUBLIC NOTICE:** Three property owners within 200-feet of the subject property were sent notice of the public hearing as required by state law and city ordinance. As of Tuesday, November 15, 2016, zero returned notices have been received.

The newspaper printed notice of the public hearing on October 27, 2016, in accordance with state law and local ordinance.

**CITY COUNCIL MEETING SCHEDULE:** This rezoning is scheduled for the first reading on December 1, 2016 and a second reading on December 15, 2016.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos

Surveyor Sketch (Exhibit A)

Aerial Map / Utility Map

Zoning Map / Future Land Use and Character Map

Thoroughfare & Trails Map / Notification Map

Use Comparison Summary Table

Surrounding Property & Uses Table / Comprehensive Plan Compliance Summary Table / Non-Residential Dimensional Standards Comparison Table

November 7, 2016 P&Z Commission meeting excerpt  
Ordinance





Location Key



Aerial image



Site Photos



Location of sign posting along W. Adams Ave. on adjacent site to the east of subject property



Property to the north: Scott & White West Campus



Site Photos

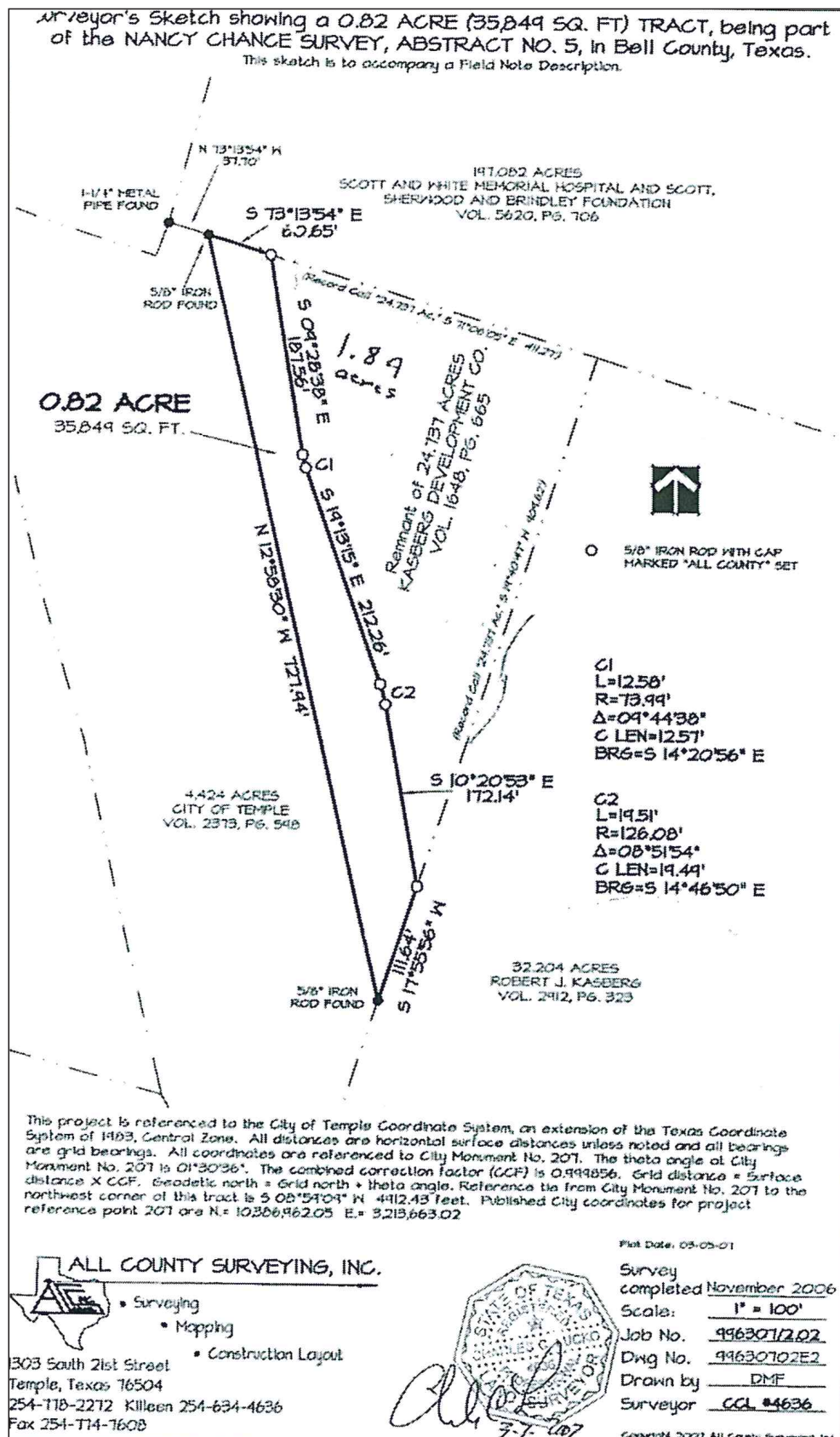


Property to the south and west: Pepper Creek Trail

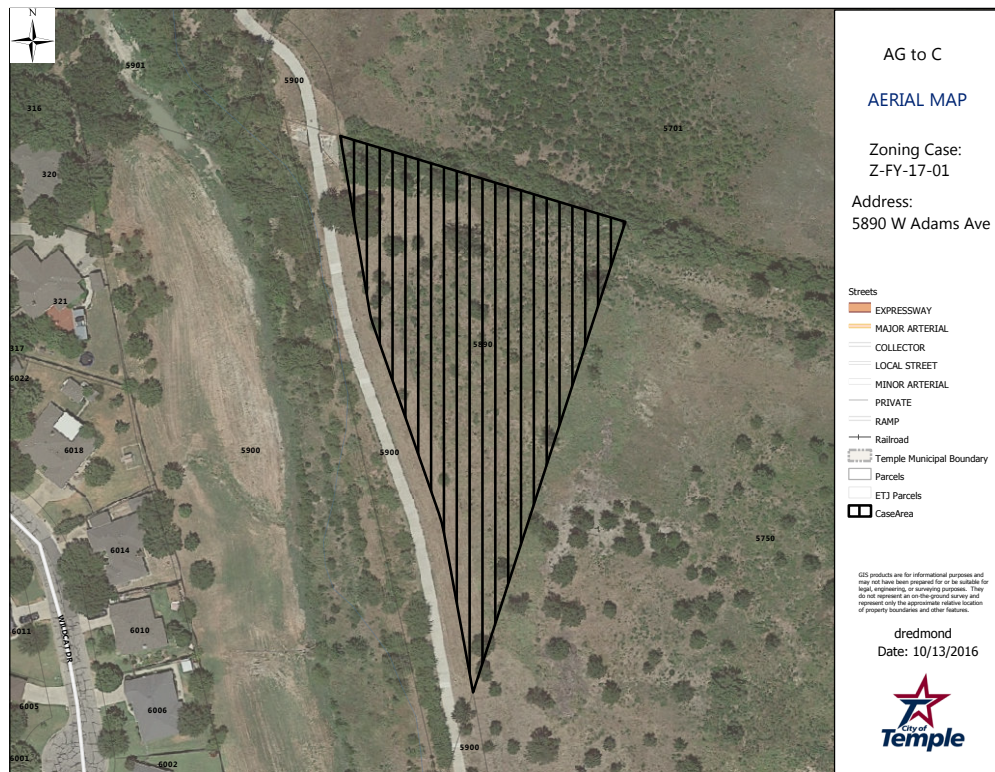


Property to the east: vacant

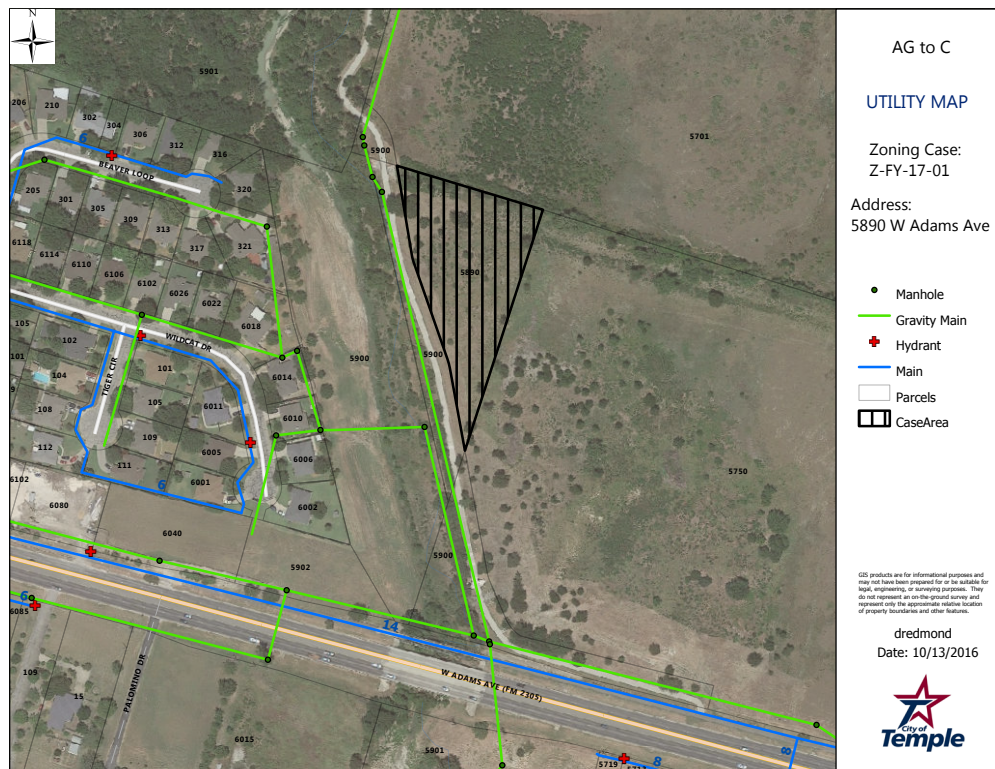




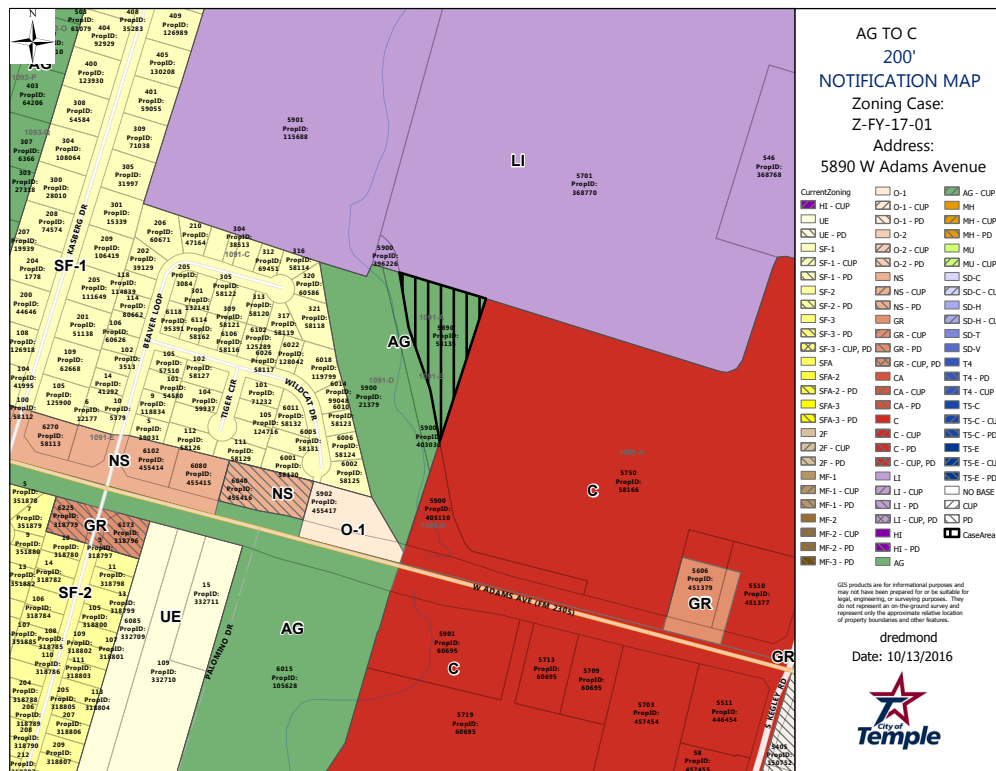
Surveyor Sketch (Exhibit A)



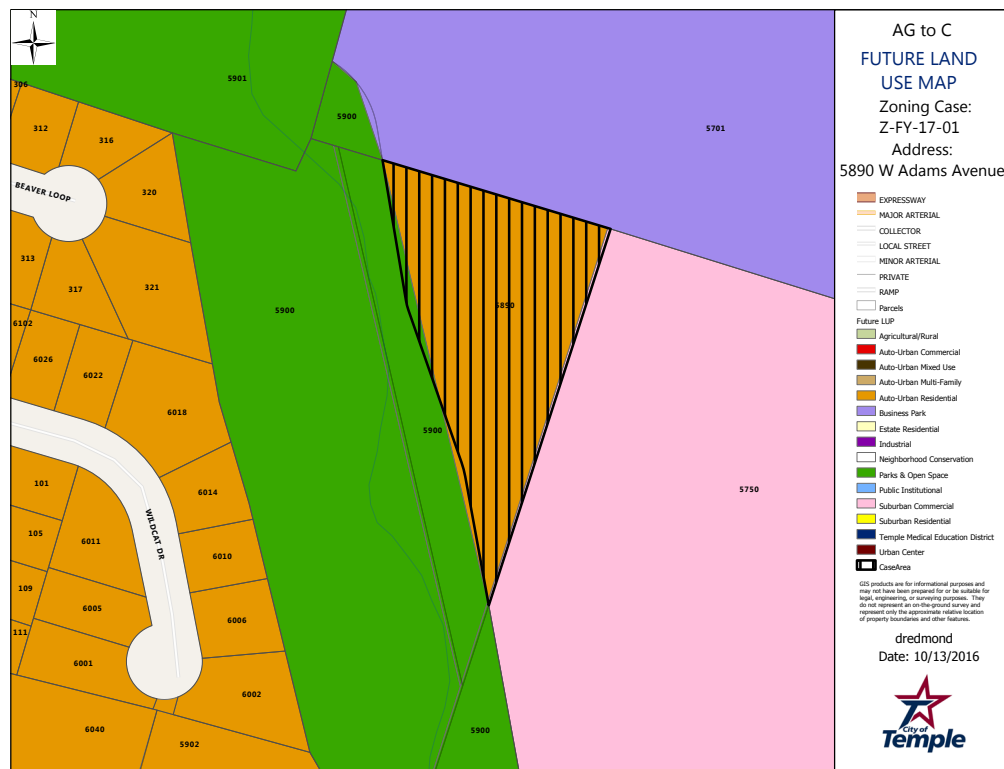
Aerial Map



Utility Map

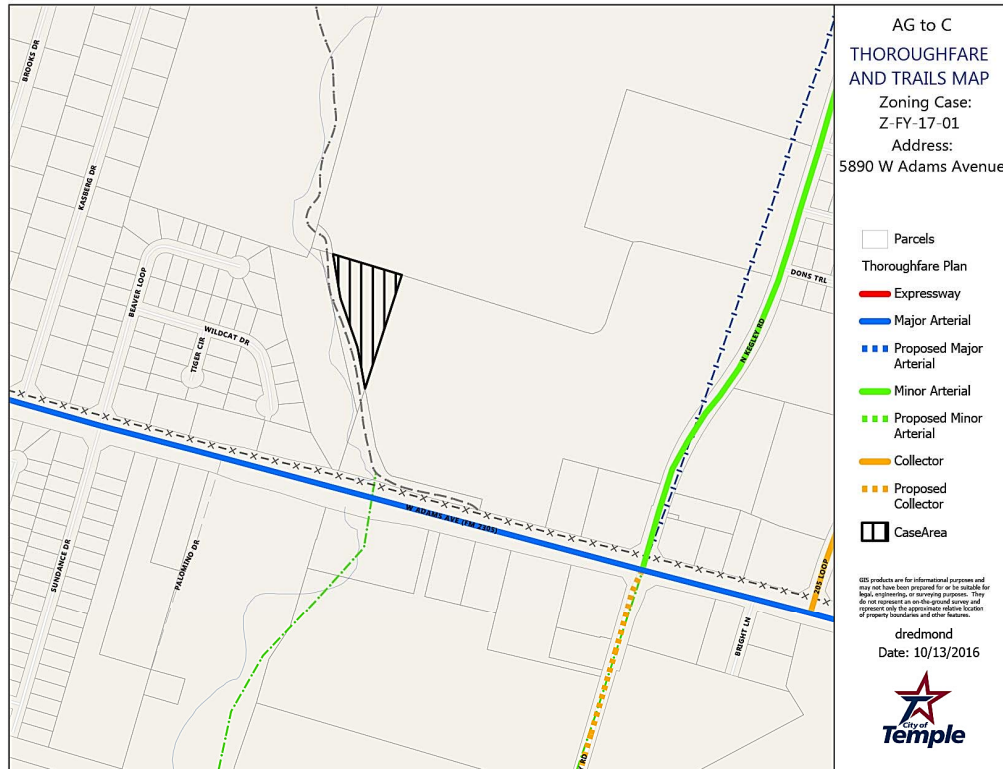


## Zoning Map

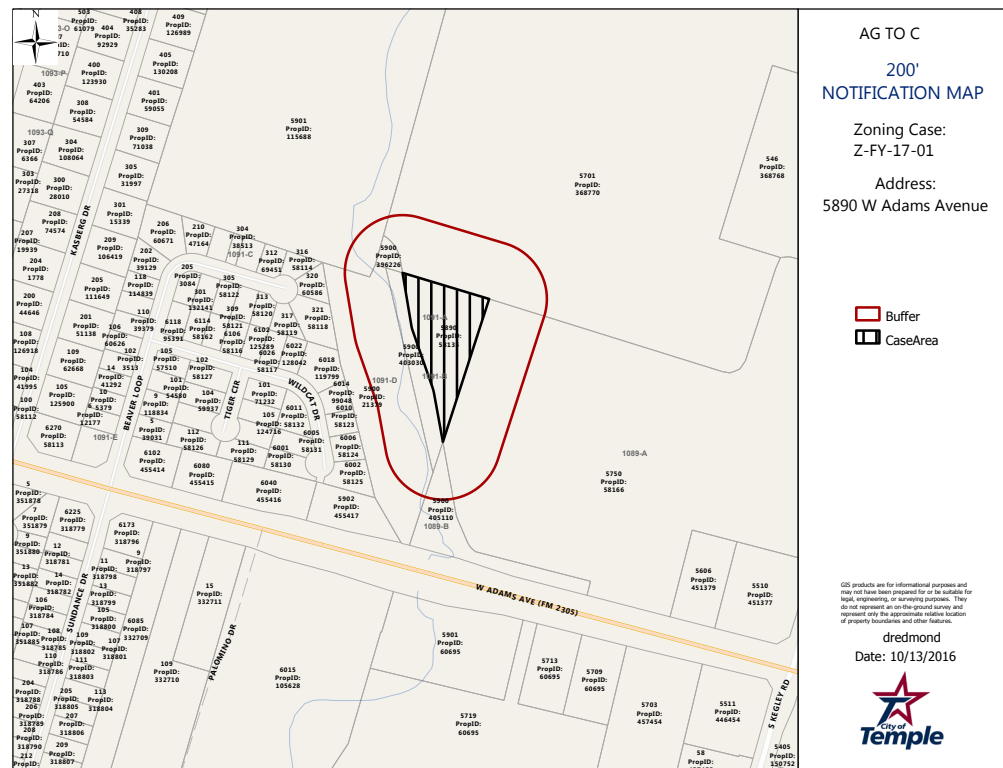


## Future Land Use Character Map





Thoroughfare & Trails Map



Notification Map

**Use Comparison Summary Table**

	<b>Existing Agriculture</b>	<b>Proposed Commercial</b>
<b>Residential Uses</b>	Single-family dwelling *Home for the aged Industrialized housing	Single-family dwelling Home for the aged Industrialized housing
<b>Agricultural Uses</b>	Farm, Ranch or Orchard	Farm, Ranch or Orchard
<b>Commercial Uses</b>	None	Cabinet shop Maintenance & repair service for building Paint shop Open storage of furniture, appliances or machinery
<b>Education &amp; Institutional</b>	Place of worship *Pre-school	Place of worship Pre-school
<b>Industrial Uses</b>	*Asphalt or concrete batching plant (temporary)	*Asphalt or concrete batching plant (temporary) Laboratory Medical, dental, scientific or research
<b>Overnight Accommodations</b>	*Recreational vehicle park	Hotel or motel
<b>Recreational Uses</b>	Park or Playground Zoo	Park or Playground *Zoo Alcoholic beverage sales for on-premise consumption: beer and wine only less than 75% revenue from alcohol
<b>Restaurant Uses</b>	None	Restaurant (drive-in & non-drive-in)
<b>Retail &amp; Service Uses</b>	*Exercise gym	Alcohol beverage sales, off-premise consumption, beer and wine store Exercise gym
<b>Transportation Uses</b>	*Airport or landing field	*Airport or landing field Emergency vehicle service
<b>Utility &amp; Service Uses</b>	Fire station Sewage treatment plant	Fire station
<b>Vehicle Service Uses</b>	None	Auto leasing, rental *Auto storage or auto auction Truck sales

\*Conditional Use Permit required



**Surrounding Properties & Uses Table**

Direction	FLUP	Zoning	Current Land Use
Site	Auto-Urban Residential	AG	vacant
North	Business Park	LI	Scott & White West Campus
South	Parks & Open Space	C	Pepper Creek Trail
West	Parks & Open Space	AG	Pepper Creek Trail
East	Suburban Commercial	C	vacant

**Comprehensive Plan Compliance Summary Table**

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	No
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalk Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

**Non-Residential Dimensional Standards Comparison**

	Existing Agricultural	Proposed Commercial
<b>Minimum Lot Size</b>	N/A	N/A
<b>Minimum Lot Width</b>	N/A	N/A
<b>Minimum Lot Depth</b>	N/A	N/A
<b>Front Setback</b>	50 ft	*
<b>Side Setback</b>	20 ft	0*
<b>Side Setback (corner)</b>	15 ft	10 ft
<b>Rear Setback</b>	10 ft	0*
<b>Max Building Height</b>	3 stories	ALH

N/A = use permitted but standard does not apply

ALH = any legal height not prohibited by other laws

\* = See Section 4.4 Measurements & Special Cases

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING**

**MONDAY, NOVEMBER 7, 2016**

**ACTION ITEMS**

**Item 3: P-FY-16-44 – Consider and take action on the amended Preliminary Plat of Legacy Ranch Phase II, an 89.09 +/- acres, 143 lot, 13-block, residential and nonresidential subdivision, including a requested exception to the Unified Development Code, Section 8.2.1.D.4.b. projection of streets regarding openings every 1,000 feet, and an exception to the park land dedication with a condition of an approval, located in the northwest corner of FM 1741, South 31st Street, and West FM 93, in the City of Temple, Bell County, Texas.**

Ms. Redmond stated the description Chair Rhoads read for this item was taken from the Staff Report description which differed from the posted Agenda description.

The applicant is Patrick Johnson on behalf Skyward Development and Monty Clark on behalf of Clark & Fuller. Mr. Clark is in attendance.

This item is scheduled to go forward to City Council for a Resolution reading on December 1, 2016.

The applicant is requesting exceptions to the UDC Section 8.2.1.D.4.b, Projection of Streets regarding street openings every 1,000 feet. The existing railroad to the north sets some constraints on the property which is why the exception is being requested.

Also, an exception to the park land dedication with a condition of approval is requested.

The preliminary plat was reviewed by the Development Review Committee (DRC) on August 22 and 25 and was deemed administratively complete on October 26, 2016.

In 2014 a zoning change was requested from Agricultural (AG) to Planned Development-General Retail (PD-GR). This was approved by City Council.

Wastewater and water are available to the site.

The two bounding roadways, FM 1741/South 31st Street and FM 93 are major arterials as designated in the Thorough Fare Master Plan. This designation requires a six-foot sidewalk which will be noted on the plat.

City Council is the final plat authority since the applicant is requesting exceptions.

Plat maps shown. Tracts A through D (in green) are proposed to be Homeowner Association (HOA) maintained tracts.

Aerial and topo/utility maps shown.

Staff recommends approval of the amended preliminary plat of Legacy Ranch Phase II, subject to:

City Council's approval of the requested exceptions (UDC, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1,000 feet); and

Park land dedication with the following condition:

The design with value statements for the private park be submitted prior to the final plat process and approved by Council. A possible future exception can only be approved for the single family portion of the plat. Multi-family will be required to pay the park land dedication fee at \$225 per dwelling with a possible 50% credit given for any on-site recreational amenities (pool, trail, fitness area).

Chair Roads asked about the exception for the street openings.

Ms. Redmond explained the exception is for streets that are accessed into the subdivision, which are Legacy Ranch Drive and King Ranch Drive. Due to the railroad location, a northerly access road is not possible at this time. However, one access off of 31st Street and one off of FM 93 is possible.

The railroad is not active at this time.

Mr. Monty Clark, Clark & Fuller Engineers, 215 North 9th Street, Temple, Texas, stated they tried to stick with the original plat the Commission saw in the past. The roads are 31-foot, back-of-curb to back-of-curb roads which are wider.

The railroad to the north has no provision to cross it.

Utilities and a road are being stubbed out to the northern right-of-way for future extension.

Future possible access openings, interior shared drives and non-accessed easements have been discussed with TxDOT.

Retail will be on South 31st and multi-family for FM 93.

Commissioner Crisp made a motion to approve Item 3, P-FY-16-44, as presented, and Commissioner Jones made a second.

Motion passed: (8:0)  
One Vacancy

ORDINANCE NO. 2016-4816  
(Z-FY-17-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO COMMERCIAL ZONING DISTRICT ON APPROXIMATELY 1.89 ACRES, LOCATED AT 5890 WEST ADAMS AVENUE, TEMPLE, BELL COUNTY, TEXAS; 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 rezoning from the Agricultural zoning district to the Commercial zoning district on approximately 1.89 acres situated in the City of Temple, Bell County, Texas, located at 5890 West Adams Avenue, as outlined in the surveyor's sketch as Exhibit 'A,' and field notes attached hereto, and made a part hereof for all purposes.

**Part 2:** Staff recommends approval for a rezoning from the Agricultural zoning district to the Commercial zoning district.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on First Reading and Public Hearing on the **1st** day of **December**, 2016.

**PASSED AND APPROVED** on Second Reading on the **15<sup>th</sup>** day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #10  
Regular Agenda  
Page 1 of 2

### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Lynn Barrett, Assistant Director of Planning

**ITEM DESCRIPTION:** I-FY-17-01 – Consider action on a resolution for an appeal of standards to Section 6.75(J) of the Unified Development Code to allow a roof sign within the I-35 Corridor Overlay at 2410 Wilson Place.

**ITEM SUMMARY:** The project is located in the I-35 Corridor Overlay District, Freeway Retail/Commercial Sub-District.

The applicant's business, Best Quality Meat and Barbecue, has moved to an existing structure along South General Bruce Drive, which they have significantly improved. The business has been rendered effectively invisible during I-35 access road construction when the intersection with 49<sup>th</sup> Street was reconfigured and Wilson Place Road effectively removed.

The requested 4 foot high by 16 foot wide (4x16) roof sign is an alternative to a wall sign, which cannot be displayed on the front of the building due to its window placement and porch overhang. The proposed sign will serve to identify the restaurant, which is sited 20 feet across a driveway from the access road. Constructing a freestanding sign compliant with I-35 standards would be problematic for the applicant, and there appears to be no suitable location, likely seriously impacting traffic flow in the business' parking area.

According to Sec. 7.6 of the UDC, which are the general sign standards for the city, the purpose of the sign code is to "promote the efficient transfer of information in sign messages so that:

1. Those signs that provide messages and information most needed and sought by the public are given priorities
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or services;
4. A person or group is not arbitrarily denied the use of the sight lines from the public street right-of-way for communication purposes."

The applicant has requested an appeal to the following UDC 1-35 Overlay signage standards:

### ***Sec. 6.7.5.J.7. Prohibited Sign Types***

- a. Roof Signs are prohibited



A 64-square foot roof sign is requested to provide visibility to the building from the I-35 Access Road with its recently reconfigured intersection is currently still under construction in front of the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their November 21, 2016 meeting, the Planning & Zoning Commission will consider the appeal as submitted.

**STAFF RECOMMENDATION:** Staff recommends approval of the appeal as submitted based upon the following:

- A roof sign is necessitated as an alternative to a wall sign on the existing building
- The requested roof sign would provide clarity in identifying the business which is located at an angle to the changed roadway and intersection
- Alternatives do not appear to be supported for other allowed types of signage on site
- Staff supports the 64-square foot roof sign because it provides visibility from I-35 and the access road as an acceptable alternative due to the limitations present on the subject property

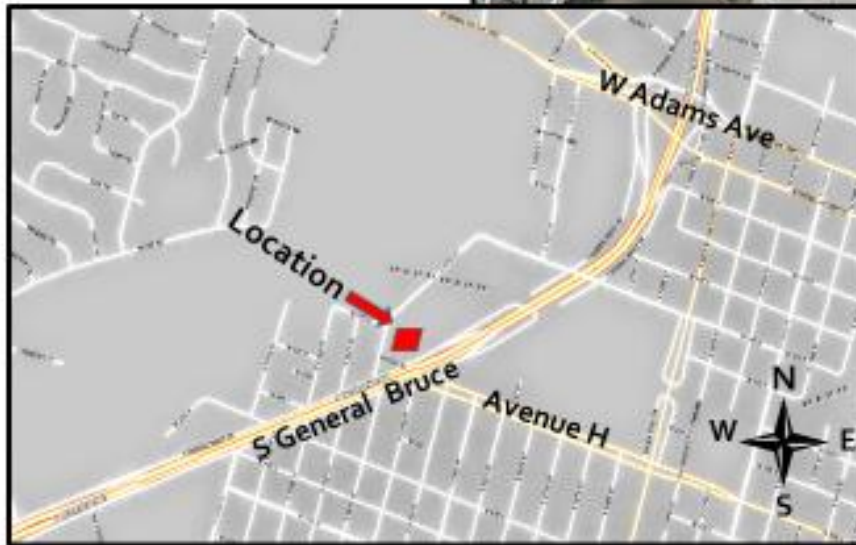
**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Location and Vicinity Map](#)  
[Sign Plan Exhibit](#)  
[Site Photos](#)  
[Resolution](#)

# *Best Quality Meats and BBQ I-35 Sign Appeal*

Location Map



Vicinity Map



**BEST QUALITY MEAT**  
**& BBQ**  
*Getcha Some!* 254-899-0202

48.00"

192.00"

96.08"

143.97"

2410 Wilson Pl  
Temple, Texas 76504  
254-899-0202

4'x16' metal sign















RESOLUTION NO. 2016-8465-R

[PLANNING NO. I-FY-17-01]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS TO SECTION 6.75(J) OF THE UNIFIED DEVELOPMENT CODE RELATED TO ALLOWING A ROOF SIGN IN THE I-35 CORRIDOR OVERLAY ZONING DISTRICT ON PROPERTY LOCATED AT 2410 WILSON PLACE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant's business, Best Quality Meat and Barbecue, is located in an existing structure along South General Bruce Drive, which they have significantly improved;

**Whereas**, this business has been rendered effectively invisible during the I-35 access road construction when the intersection at 49<sup>th</sup> Street was reconfigured and Wilson Place Road effectively removed;

**Whereas**, the applicant has requested a 4-foot high by 16-foot wide roof sign which cannot be displayed on the front of the building due to the window placement and porch overhang - the proposed sign will serve to identify the restaurant, which is sited 20-feet across a driveway from the access road;

**Whereas**, constructing a freestanding sign compliant with the I-35 standards would likely impact traffic flow in the business' parking area;

**Whereas**, at its November 21, 2016 meeting, the Planning and Zoning Commission will consider the appeal and if approved, Staff will recommend Council approve the appeal based upon the following:

- a roof sign is necessitated as an alternative to a wall sign on the existing building;
- a roof sign would provide clarity in identifying the business which is located at an angle to the changed roadway and intersection;
- alternatives do not appear to be supported for other allowed types of signage on site;
- Staff supports the 64-square foot roof sign because it will provide visibility from I-35 and the access road as an acceptable alternative due to the limitations present on the subject property; and

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

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

**Part 1:** The City Council authorizes an appeal of standards to Section 6.75(j) of the Unified Development Code allowing a roof sign within the I-35 Corridor Overlay Zoning District for an existing structure located at 2410 Wilson Place.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1<sup>st</sup>** day of **December**, 2016.

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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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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12/01/16  
Item #11  
Regular Agenda  
Page 1 of 2

### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Dessie Redmond, Planner

**ITEM DESCRIPTION:** P-FY-16-44: Consider adopting a resolution approving the amended Preliminary Plat of Legacy Ranch Phase II, an 89.09 +/- acres, 143-lot, 13-block, residential and non-residential subdivision, including a requested exception to the Unified Development Code (UDC), Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet and an exception to the park land dedication with a condition of approval, located at the northwest corner of FM 1741 (South 31<sup>st</sup> Street) and West FM 93 in the City of Temple, Bell County, Texas.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their November 7, 2016 meeting, the Planning & Zoning (P&Z) Commission voted eight to zero to recommend approval of the proposed amended preliminary plat as presented by staff.

During the meeting the P&Z Commission asked for clarification on the exception for street openings. Staff explained the exception is for streets that are used as access into the subdivision. These access streets are Legacy Ranch Drive and King Ranch Drive. Due to the railroad location, a northerly access road is not possible at this time.

The applicant, Mr. Monty Clark, Clark & Fuller, PLLC, stated they designed this revised layout similar to the original plat approval in 2014. The roads are 31 feet wide from back-of-curb to back-of-curb, which are wider than the 2014 proposal. He also stated they currently do not plan to cross the inactive railroad to the north. Additionally, there have been discussions with Texas Department of Transportation (TxDOT) about possible future access openings, interior shared drives and non-access easements. Mr. Clark stated that retail is planned along South 31<sup>st</sup> Street and multi-family along West FM 93.

**STAFF RECOMMENDATION:** Staff recommends approval of the amended Preliminary Plat of Legacy Ranch, subject to City Council's approval of the applicant's requested exception to UDC, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet and a requested exception to the park land dedication with the following condition:

The design with value statements for the private park be submitted prior to the final plat process and approved by Council. A possible future exception can only be approved for the single family portion of the plat. Multi-family will be required to pay the park land dedication fee at \$225 per dwelling with a possible 50% credit given for any on-site recreational amenities (pool, trail, fitness area).

**ITEM SUMMARY:** The Development Review Committee (DRC) reviewed the amended Preliminary Plat of Legacy Ranch Phase II on August 22 and 25, 2016. It was deemed administratively complete on October 26, 2016.

In the spring of 2014, the Preliminary Plat of Legacy Ranch and an associated rezoning from Agriculture to Planned Development District – General Retail was recommended for approval by the P&Z Commission and voted for approval by City Council. During the DRC review, staff discussed the designation of the proposed north/south street (King Ranch Drive) as a ‘collector’ designation due to the 60 foot right-of-way width. This designation requires a 4 foot wide sidewalk along one side of the street. The 2014 Preliminary Plat included the same designation for the north/south street and the same request for an exception to the UDC, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet that is currently being requested. Within this Section of the UDC, it states, “An exception in accordance with the procedure set forth in 3.6.7 may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare or railroad prevents its implementation.” Due to this site location, the manmade barrier applies as the railroad abuts the property to the north. In the fall of 2014, Legacy Ranch Phase I Final Plat was also approved by City Council and currently is a Valero.

City Council will be the final plat authority since the applicant requests an exception to UDC, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet and an exception to the park land dedication with a condition of approval. Included in the attachments is a letter of requested exception submitted by the applicant. The City Council first reading for this plat is December 1<sup>st</sup> and a second reading on December 15, 2016. Staff anticipates a future final plat submittal which would also be reviewed by the P&Z Commission and City Council.

**CITY COUNCIL MEETING SCHEDULE:** This preliminary plat amendment is scheduled for a first reading on December 1, 2016.

**FISCAL IMPACT:** Not Applicable

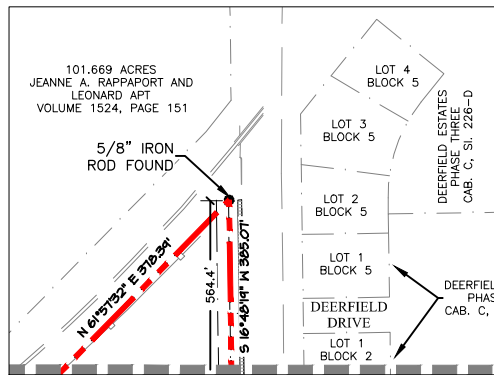
**ATTACHMENTS:**

[Amended Preliminary Plat](#)  
[Applicant's Letter of Requested Exception](#)  
[November 7, 2016 P&Z Commission meeting excerpts](#)  
[Resolution](#)



## ADJOINER INFORMATION:

RESIDENCES AT D'ANTONI'S CROSSING		
BLOCK	LOT	OWNER
1	1	ARNOLD DEVELOPMENT, LP
1	2	ARNOLD DEVELOPMENT, LP
1	3	ARNOLD DEVELOPMENT, LP
1	4	BEADNELL, MICHAEL AND DIANA
1	5	ARNOLD, BOBBY HOMES LTD
1	6	ARNOLD, BOBBY HOMES LTD
1	7	ARNOLD DEVELOPMENT, LP
1	8	ARNOLD DEVELOPMENT, LP
1	9	ARNOLD DEVELOPMENT, LP
1	10	ARNOLD DEVELOPMENT, LP
1	11	HEOPT, STEVEN ETUX EUGENA D.
1	12	BINGHAM, GENE H. AND HANETTA L.
DEERFIELD ESTATES - PHASE I		
BLOCK	LOT	OWNER
1	1	GIDDEN, BARRY
1	2	MILLER, RAY AND PHYLUS
1	3	EPERSON, WILLIAM J. JR. ETUX VIRGINIA L.
1	4	TALLEY, IRRIN ETUX AVONDA J.
1	5	GARCIA, TRENO ETUX MARTHA
1	6	N/A
1	7	ROSS, ACIE KEITH ETUX MELISSA LINDA
DEERFIELD ESTATES - PHASE II		
BLOCK	LOT	OWNER
1	1	GIDDEN, BARRY P.
1	2	HARMEL, R. DAREN ETUX KAROMY S
DEERFIELD ESTATES - PHASE III		
BLOCK	LOT	OWNER
1	1	RIDDLE, BILLY AND MILDRED
1	2	GOINS, FARY W.
1	3	COX, PAUL H. ETUX AMY B.



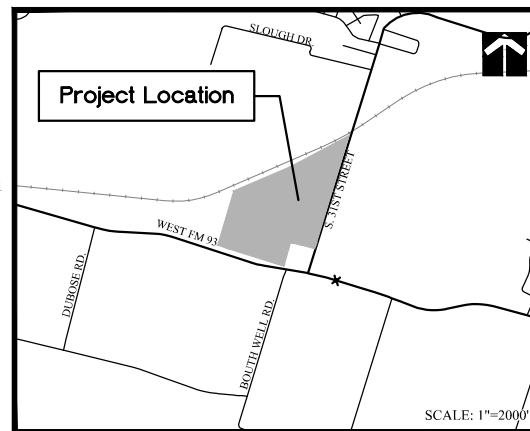
## BUILDING LINES AND EASEMENTS:

(UNLESS OTHERWISE NOTED)

25' FRONT BUILDING LINE  
15' SIDE STREET BUILDING LINE  
7.5' SIDE BUILDING LINE  
10' REAR BUILDING LINE

10' UTILITY EASEMENT ALONG ALL ROADS

MATCH LINE



SITE VICINITY MAP

## DEVELOPMENT STATISTICS:

TOTAL ACREAGE: 89.09 ACRES

TOTAL DEVELOPED LOTS: 143

BLOCK	LOT	ACRES
1	1	17
1	2	17
1	3	7
1	4	22
1	5	11
1	6	16
1	7	16
1	8	16
1	9	17
1	10	1
1	11	1
1	12	1
1	13	1
TRACT A		2.54 ACRES
TRACT B		0.68 ACRES
TRACT C		0.61 ACRES
TRACT D		0.56 ACRES

CUL-DE-SAC RADIUS  
ROUNDABOUT RADIUS MAJOR  
ROUNDABOUT RADIUS MINOR

LINE TABLE		
LINE	LENGTH	BEARING
L1	1389.689	N16° 37' 33.39"E
L2	1504.240	S73° 22' 26.61"E
L3	130.930	S73° 22' 26.61"E
L4	73.549	S73° 22' 26.61"E
L5	1381.250	S16° 37' 38.73"W
L6	1239.984	S73° 22' 26.61"E
L7	163.314	N16° 37' 33.39"E
L8	138.191	N23° 35' 02.04"W
L9	1398.215	N66° 24' 57.96"E
L10	180.938	N23° 35' 02.04"W
L11	2.257	N23° 35' 02.04"W
L12	33.642	N16° 37' 30.18"E
L13	363.115	N16° 30' 42.79"E

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE
C1	50.00	156.36	100.00	179°10'51"
C2	50.00	261.80	50.00	300°00'00"
C3	275.00	192.99	189.06	40°12'35"
C4	225.00	157.90	154.68	40°12'35"
C5	50.00	235.62	70.71	270°00'00"
C6	280.00	175.81	172.94	35°58'33"
C7	220.00	148.55	145.75	38°41'18"
C8	225.00	202.38	195.63	51°32'12"
C9	175.00	152.32	147.56	49°52'15"
C10	475.00	213.57	211.77	25°45'40"
C11	525.00	236.05	234.06	25°45'40"
C12	525.00	187.14	186.15	20°25'23"
C13	475.00	169.31	168.42	20°25'23"
C14	375.00	77.17	77.04	11°47'28"
C15	425.00	87.46	87.31	11°47'28"
C16	175.00	152.42	147.65	49°54'15"
C17	225.00	195.97	189.84	49°54'15"
C18	50.00	156.24	100.00	179°02'03"
C19	575.00	92.52	92.42	9°13'08"
C20	625.00	242.94	241.41	22°16'14"

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE
C21	575.00	223.50	222.10	22°16'14"
C22	625.00	100.56	100.45	9°13'08"
C23	575.00	92.52	92.42	9°13'08"
C24	625.00	242.94	241.41	22°16'14"
C25	575.00	223.50	222.10	22°16'14"
C26	625.00	100.56	100.45	9°13'08"
C27	600.00	96.54	96.44	9°13'08"
C28	600.00	233.22	231.75	22°16'14"
C29	600.00	233.22	231.75	22°16'14"
C30	600.00	96.54	96.44	9°13'08"
C31	250.00	175.45	171.87	40°12'35"
C32	250.00	175.45	171.87	40°12'35"
C33	200.00	200.15	191.90	57°20'16"
C34	500.00	224.81	222.92	25°45'40"
C35	500.00	178.23	177.28	20°25'23"
C36	400.00	82.32	82.17	11°47'28"
C37	200.00	174.20	168.74	49°54'15"

## DEVELOPER:

SKYWARD DEVELOPMENT INC.  
5297 SOUTH 31ST SUITE 109, TEMPLE, TEXAS 76502

## REGISTERED PROFESSIONAL LAND SURVEYOR:

ALL COUNTY SURVEYING, INC.  
1303 S. 21ST STREET, TEMPLE, TEXAS 76504

## REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC  
215 N. MAIN STREET, TEMPLE, TEXAS 76501

## OWNER:

PATRICK JOHNSON  
(254) 742-1072

## GENERAL NOTES:

- STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF TEMPLE'S DRAINAGE ORDINANCE.
- BASED ON INFORMATION AVAILABLE FROM THE FIRM RATE MAP NUMBER 48027C0345E, DATED SEPTEMBER 26, 2008, THE SUBJECT PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA".
- A 4' SIDEWALK WITH ACCESSIBLE CROSSING WILL BE REQUIRED ALONG ONE SIDE OF KING RANCH DRIVE AND LEGACY RANCH DRIVE.
- A 6' SIDEWALK WILL BE REQUIRED ALONG ONE SIDE OF FM 1741/SOUTH 31ST STREET AND FM 93.

## SURVEYOR'S FIELD NOTES FOR LEGACY RANCH, PHASE TWO, BEING:

89.09ACRES, BEING PART OF THE REDDING ROBERTS SURVEY ABSTRACT NO. 692, IN BELL COUNTY TEXAS AND BEING A REMAINDER OF A CALLED 92.191 ACRE TRACT CONVEYED TO SKYWARD DEVELOPMENT, INC. IN DOCUMENT NO. 2016-00010590, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

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.



10-17-16  
MONTY L. CLARK  
REGISTRATION NUMBER 90894

STATE OF TEXAS

COUNTY OF BELL

SKYWARD DEVELOPMENT, INC., OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS LEGACY RANCH, PHASE TWO, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

SKYWARD DEVELOPMENT, INC.  
5297 SOUTH 31ST SUITE 109  
TEMPLE, TEXAS 76502

PATRICK JOHNSON, DIRECTOR

STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PATRICK JOHNSON, AS DIRECTOR OF SKYWARD DEVELOPMENT, INC., 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 THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

NOTARY PUBLIC, STATE OF TEXAS

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CHAIRPERSON

SECRETARY, PLANNING &amp; ZONING

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 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 AS SHOWN HEREON.

CHARLES C. LUCKO, R.P.L.S.  
REGISTRATION NO. 4636  
DATE SURVEYED: JULY 15, 2013

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF LEGACY RANCH II, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

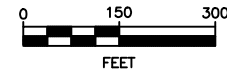
WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY SECRETARY

AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016 A. D.

BY: \_\_\_\_\_  
BELL COUNTY TAX APPRAISAL DISTRICT

LEGACY RANCH PHASE II  
NEW RESIDENTIAL DEVELOPMENT  
PRELIMINARY PLAT AMENDMENT

CITY OF TEMPLE, TEXAS



Project No: 161687.00  
Plot Date: 10-17-16  
Designed By: MLC  
Drawn By: LLW



215 North Main  
Temple, Texas 76501  
(254) 899-0899  
Fax (254) 899-0901  
[www.clark-fuller.com](http://www.clark-fuller.com)  
Firm No: F-10384

October 28, 2016

Dessie E. Redmond, MURP & MLA  
City Planner  
City of Temple, Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

**Re: Case #: P-FY-14-11**  
**Legacy Ranch**  
**Temple, Bell County, Texas**

Dear Ms. Redmond,

This letter requests an exception to the Uniform Development Code, section 8.2.1.D.4.b regarding street openings. This section of the code states that there must be openings at a minimum of every 1,000 feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision.

The code goes on to say that an exception may be granted to this requirement if a natural or manmade barrier, such as a railroad, prevents its implementation. Even though the entire western border of this property is 2,000', the actual length of Brasada Lane along the western border of the tract is less than 700'. We are respectfully requesting an exception to section 8.2.1.D.4.b.

If you should have any questions regarding the above items, please call at (254) 899-0899.

Sincerely,

Monty Clark, P.E., C.P.E.S.C.  
Clark & Fuller, PLLC.



10.28.16

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, NOVEMBER 7, 2016**

**ACTION ITEMS**

**Item 3: P-FY-16-44 – Consider and take action on the amended Preliminary Plat of Legacy Ranch Phase II, an 89.09 +/- acres, 143 lot, 13-block, residential and nonresidential subdivision, including a requested exception to the Unified Development Code, Section 8.2.1.D.4.b. projection of streets regarding openings every 1,000 feet, and an exception to the park land dedication with a condition of an approval, located in the northwest corner of FM 1741, South 31st Street, and West FM 93, in the City of Temple, Bell County, Texas.**

Ms. Redmond stated the description Chair Rhoads read for this item was taken from the Staff Report description which differed from the posted Agenda description.

The applicant is Patrick Johnson on behalf Skyward Development and Monty Clark on behalf of Clark & Fuller. Mr. Clark is in attendance.

This item is scheduled to go forward to City Council for a Resolution reading on December 1, 2016.

The applicant is requesting exceptions to the UDC Section 8.2.1.D.4.b, Projection of Streets regarding street openings every 1,000 feet. The existing railroad to the north sets some constraints on the property which is why the exception is being requested.

Also, an exception to the park land dedication with a condition of approval is requested.

The preliminary plat was reviewed by the Development Review Committee (DRC) on August 22 and 25 and was deemed administratively complete on October 26, 2016.

In 2014 a zoning change was requested from Agricultural (AG) to Planned Development-General Retail (PD-GR). This was approved by City Council.

Wastewater and water are available to the site.

The two bounding roadways, FM 1741/South 31st Street and FM 93 are major arterials as designated in the Thorough Fare Master Plan. This designation requires a six-foot sidewalk which will be noted on the plat.

City Council is the final plat authority since the applicant is requesting exceptions.

Plat maps shown. Tracts A through D (in green) are proposed to be Homeowner Association (HOA) maintained tracts.

Aerial and topo/utility maps shown.

Staff recommends approval of the amended preliminary plat of Legacy Ranch Phase II, subject to:

City Council's approval of the requested exceptions (UDC, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1,000 feet); and

Park land dedication with the following condition:

The design with value statements for the private park be submitted prior to the final plat process and approved by Council. A possible future exception can only be approved for the single family portion of the plat. Multi-family will be required to pay the park land dedication fee at \$225 per dwelling with a possible 50% credit given for any on-site recreational amenities (pool, trail, fitness area).

Chair Roads asked about the exception for the street openings.

Ms. Redmond explained the exception is for streets that are accessed into the subdivision, which are Legacy Ranch Drive and King Ranch Drive. Due to the railroad location, a northerly access road is not possible at this time. However, one access off of 31st Street and one off of FM 93 is possible.

The railroad is not active at this time.

Mr. Monty Clark, Clark & Fuller Engineers, 215 North 9th Street, Temple, Texas, stated they tried to stick with the original plat the Commission saw in the past. The roads are 31-foot, back-of-curb to back-of-curb roads which are wider.

The railroad to the north has no provision to cross it.

Utilities and a road are being stubbed out to the northern right-of-way for future extension.

Future possible access openings, interior shared drives and non-accessed easements have been discussed with TxDOT.

Retail will be on South 31st and multi-family for FM 93.

Commissioner Crisp made a motion to approve Item 3, P-FY-16-44, as presented, and Commissioner Jones made a second.

Motion passed: (8:0)

One Vacancy



RESOLUTION NO. 2016-8466-R

(PLANNING NO. P-FY-16-44)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE AMENDED PRELIMINARY PLAT OF LEGACY RANCH, PHASE II, AN APPROXIMATE 89.09 ACRE, 143 LOT, 13 BLOCK RESIDENTIAL AND NONRESIDENTIAL SUBDIVISION LOCATED AT THE NORTHWEST CORNER OF FM 1741 AND WEST FM 93 WITH A REQUESTED EXCEPTION TO THE UNIFIED DEVELOPMENT CODE RELATED TO SECTION 8.2.1.D.4.B; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on November 7, 2016, the Planning and Zoning Commission recommended approval of the proposed amended preliminary plat of Legacy Ranch, Phase II, an approximate 89.09 acres, 143 lot, 13 block, residential and non-residential subdivision, located at the northwest corner of FM 1741 (South 31st Street) and West FM 93 in the City of Temple, Bell County, Texas, with a requested exception to the Unified Development Code, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet and an exception to the park land dedication with a condition of approval; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the amended preliminary plat of Legacy Ranch, Phase II.

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

**Part 1:** The City Council approves the amended preliminary plat of Legacy Ranch, Phase II, an approximate 89.09 acres, 143 lot, 13 block, residential and non-residential subdivision, located at the northwest corner of FM 1741 (South 31<sup>st</sup> Street) and West FM 93 in the City of Temple, Bell County, Texas, with a requested exception to the Unified Development Code, Section 8.2.1.D.4.b: Projection of Streets, regarding street openings every 1000 feet and an exception to the park land dedication with a condition of approval.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 1<sup>st</sup> day of **December**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney