

#### **MEETING OF THE**

#### TEMPLE CITY COUNCIL

#### MUNICIPAL BUILDING

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

> THURSDAY, JANUARY 5, 2017 5:00 P.M. REGULAR MEETING AGENDA

# I. CALL TO ORDER

- 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.

# <u>III. PUBLIC HEARING - BUDGET</u>

3. 2017-8501-R: PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant 2016/17 substantial amendment to the adopted Planned Year 2016 Annual Action Plan and Budget, and notice of thirty day public comment period December 2 – December 31, 2016.

# **IV. CONSENT AGENDA**

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

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

#### **Minutes**

- (A) December 15, 2016 Special and Regular Meeting
- (B) December 16, 2016 Special Called Meeting

#### Contracts, Leases, & Bids

- (C) 2017-8502-R: Consider adopting a resolution authorizing a construction contract with Skyblue Utilities, Inc., of Kingsland, in an amount not to exceed \$671,258.87 for construction of the North 5<sup>th</sup> Street to Jackson Creek Utility Replacement.
- (D) 2017-8503-R: Consider adopting a resolution authorizing a contract with the Greater Temple-Belton Foundation for Animal Care to administer a spay and neuter voucher program for the City of Temple Animal Shelter.
- (E) 2017-8504-R: Consider adopting a resolution authorizing an amendment to the 2013 Cost Sharing Agreement with Kiella Land Investments, Ltd. for the Westfield Boulevard Extension.
- (F) 2017-8505-R: Consider adopting a resolution authorizing a professional services agreement with Energy Systems Associates, Inc. of Round Rock, in an amount not to exceed \$300,000 for the design and construction administration of mechanical and electrical improvements at select City facilities.
- (G) 2017-8506-R: A-FY-17-01: Consider adopting a resolution authorizing abandonment of an 11,582 square foot (0.266 +/- acre) portion of the 25-foot wide public trail easement described in the agreement recorded as Instrument No. 2010-00005861, Official Records Bell County, Texas.
- (H) 2017-8507-R: Consider adopting a resolution authorizing a two-year lease with Edward Brenek for lease of approximately 18.76 acres of City-owned land located at 1440 Bob White Road.

# V. REGULAR AGENDA

#### ORDINANCES - FIRST READING/PUBLIC HEARING

- 5. 2017-4817: FIRST READING PUBLIC HEARING Consider an ordinance adopting the Temple Parks and Recreation Youth Standards of Care.
- 6. 2017-4818: FIRST READING PUBLIC HEARING TMED-FY-17-01 Consider adopting an ordinance amending Ordinance No. 2016-4749, for a TMED Planned Development District site plan on .85 +/- acres, Lot 11, Block 1, Highline Addition, to allow for a drive-through restaurant located at 2110 South 31st Street, as well as to amend the overall development/site plan to consider allowing a public sidewalk in lieu of a private trail.
- 7. 2017-4819: FIRST READING PUBLIC HEARING Consider adopting an ordinance reapproving the extension of the life of City of Temple Tax Increment Financing Reinvestment Zone Number One to December 31, 2062.

#### **RESOLUTIONS**

8. 2017-8508-R: Consider adopting a resolution authorizing a deductive change order to the Prairie View Road Phase 1 contract with R.T. Schneider Construction Company, Ltd., of Belton in the amount of \$375,398.75.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:40 PM, on Friday, December 16, 2016.

City Secretary, TRMC



01/05/17 Item #3 Regular Agenda Page 1 of 2

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

Ashley Williams, Director of General Services

<u>ITEM DESCRIPTION:</u> PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant 2016/17 substantial amendment to the adopted Planned Year 2016 Annual Action Plan and Budget, and notice of thirty day public comment period December 2 – December 31, 2016.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt resolution as presented in item description.

### 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:

2016-17 CDBG Funding	Program Income Received	Prior Funding Reallocation	Total
\$410,971	•		\$425,918
	ture Improvements Improvements on	\$ 57,500 \$100,000 \$118,418 \$ 70,000 \$ 80,000 <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 on December 1, 2016 was 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.

<u>FISCAL IMPACT:</u> 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:**

Resolution

#### RESOLUTION NO. 2016-8501-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 SUBSTANTIAL AMENDMENT TO THE ADOPTED PLAN YEAR 2016 ANNUAL ACTION PLAN AND BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, a public hearing was held on August 18, 2016, to receive public comment on the adopted 2016-2017 Annual Action Plan;

Whereas, the Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the Community Development Block Grant (CDBG) program;

**Whereas,** the City of Temple received \$410,971 as part of the 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;

Whereas, over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons and the current plan allocated \$100,000 for infrastructure related projects;

**Whereas,** Staff recommends Council approve a substantial amendment, which requires a public comment period of not less than thirty days before adoption - the substantial amendments are related to the following sidewalk/transportation enhancements:

- Infrastructure Improvements: Main Street Program
  - o 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
  - Neighborhood Revitalization/Code Compliance is intended to provide an integrated approach to community redevelopment by building connections between our Code Compliance and Community Development programs as well as by 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;

Whereas, all other funding allocations will remain the same;

**Whereas**, the funds currently allocated to Infrastructure Improvements will be reallocated to the Main Street Program and to the Neighborhood Revitalization/Code Compliance Program; and

Whereas, the City Council has considered the matter and deems it in the public interest to adopt the Community Development Block Grant 2016/2017 substantial amendment to the adopted Plan Year 2016 Annual Action Plan and Budget.

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

<u>Part 1:</u> The City Council adopts the Community Development Block Grant 2016/17 substantial amendment to the adopted Plan Year 2016 Annual Action Plan and Budget, as outlined above.

<u>Part 2:</u> 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 on this the 5<sup>th</sup> day of **January**, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
I agy Dangagan	Warda Landana
Lacy Borgeson City Secretary	Kayla Landeros City Attorney
City Secretary	City Attorney



01/05/17 Item #4(A-B) Consent Agenda Page 1 of 1

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

Lacy Borgeson, City Secretary

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

- (A) December 15, 2016 Special and Regular Meeting
- (B) December 16, 2016 Special Called Meeting

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

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

FISCAL IMPACT: N/A

#### **ATTACHMENTS:**

December 15, 2016 Special and Regular Meeting December 16, 2016 Special Called Meeting



01/05/17 Item #4(C) Consent Agenda Page 1 of 1

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

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with Skyblue Utilities, Inc., of Kingsland, in an amount not to exceed \$671,258.87 for construction of the North 5<sup>th</sup> Street to Jackson Creek Utility Replacement.

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

<u>ITEM SUMMARY:</u> The water and wastewater lines in the alley east of North 5<sup>th</sup> Street between Elm and King Streets are failing and require replacement. An additional wastewater line in the alley east of North 3<sup>rd</sup> Street between Elm Street and Jackson Creek requires replacement. The proposed utility replacements comprise approximately 3,935 linear feet of 6-inch and 8-inch PVC wastewater line and 1,540 linear feet of 6-inch PVC water line.

Eight bids were received on December 6<sup>th</sup>. Per the attached Bid Tabulation, Skyblue submitted the low bid in the amount of \$671,258.87. The opinion of probable construction cost was \$930,000. BSP Engineers, Inc. recommends awarding construction to the low bidder, Skyblue, in their attached letter. Construction time allotted for the project is 210 calendar days.

**FISCAL IMPACT:** Funding for the construction contract with Skyblue Utilities in the amount of \$671,258.87 will be appropriated in account 520-5900-535-6361, project #101193, as follows:

Remaining Project Funds	\$ 0
SkyBlue Utilities, Inc. Contract	(671,259)
Encumbered/Committed to Date	(109,298)
Project Budget	\$ 780,557

#### **ATTACHMENTS:**

Engineer's Recommendation Bid Tabulation Project Map Resolution **Temple** 15 West Central Avenue Temple, Texas 76501 V: (254) 774.9611 **Waco** 4800 Lakewood Dr., Ste. 4 Waco, Texas 76710 V: (254) 756.1610

www.bspengineers.com

Hutto 210 Hwy. 79, Ste. 101 Hutto, Texas 78634 V: (512) 759.2500



December 9, 2016

City of Temple, Engineering Attn.: Don Bond 3210 East Ave. H, Bldg. A Temple, Texas 76501

Re: City of Temple, North 5th to Jackson Creek Utility Replacement Project

Dear Mr. Bond,

We have reviewed the bids for the above referenced project and Skyblue Utilities, Inc. submitted a qualified low bid of \$671,258.87. Please see the enclosed Bid Tabulation Sheet for detailed information. We have contacted three of the references they provided in their qualifications statement. Through their positive responses and our own personal experience, we believe that Skyblue Utilities, Inc. is qualified and can provide the water and wastewater improvements as required in this project.

The total cumulative difference is 16% between the two lowest bids. Skyblue's numbers, when compared to the next lowest bidder in each of the four major bid categories, are as follows:

- 1. General Items within 21%
- 2. Roadway Improvements within 10%
- 3. Wastewater Improvements within 8%
- 4. Water Improvements within %12

We are recommending that you award the contract to Skyblue Utilities, Inc. They are a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,

BSP Engineers, Inc.

Anthony D. Beach, P.E.

**ATTACHMENTS:** Bid Tabulation Sheet



BSP ENGINEERS PROJECT NO: 162278.00 BID DATE: December 6, 2016 BID TIME: 2:00 PM

**BID TABULATION REPORT** CLIENT: City of Temple
DESCRIPTION: North 5th to Jackson Creek Utility Replacement Project Bid# 54-01-17

				BIDDERS																	
General Items				Skyblue	Jtilities, Inc.		McLean Con	strution, Inc.	B-Corp Utilitie	es, Inc.		Wolff Constru	uction, LP	Bell Contra	actors, Inc.	Bruce Flanigan Con	struction, Inc.	merson Construction	n Company, Inc.	TTG Utilities	s, LP
Item No. Item Description		Quantity	Unit	Unit Cost	Tot	tal	Unit Cost	Total	Unit Cost	Total		Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
<ol> <li>Mobilization, Bonds, Permit</li> </ol>	s, and Insurance	100%	LS	\$ 15,000.00	\$ 1	15,000.00 \$	41,066.00	\$ 41,066.00 \$	31,792.00 \$	31,792.00	\$	33,880.00	\$ 33,880.00 \$	27,400.00	\$ 27,400.00	\$ 54,072.00 \$	54,072.00	45,200.00 \$	45,200.00	\$ 21,450.00 \$	21,450.00
2 Preparation of Right-of-War	/	41	STA	\$ 562.50	\$ 2	23,062.50 \$	2,344.00	\$ 96,104.00 \$	440.00 \$	18,040.00	\$	295.00	\$ 12,095.00 \$	1,200.00	\$ 49,200.00	\$ 1,472.00 \$	60,352.00	1,695.00 \$	69,495.00	\$ 705.00 \$	28,905.00
3 Trench Safety Plan		100%	LS	\$ 1,875.00	\$	1,875.00 \$	1,650.00	\$ 1,650.00 \$	12,784.00 \$	12,784.00	\$	9,930.00	\$ 9,930.00 \$	7,100.00	\$ 7,100.00	\$ 14,534.00 \$	14,534.00	16,950.00 \$	16,950.00	\$ 14,150.00 \$	14,150.00
4 Locate all Existing Utilities		100%	LS	\$ 8,750.00	\$	8,750.00 \$	39,317.00	\$ 39,317.00 \$	6,000.00 \$	6,000.00	\$	6,075.00	\$ 6,075.00 \$	5,300.00	\$ 5,300.00	\$ 32,102.00 \$	32,102.00	5,650.00 \$	5,650.00	\$ 17,600.00 \$	17,600.00
TOTAL BID GENERAL					\$ 4	18,687.50		\$ 178,137.00	\$	68,616.00			\$ 61,980.00		\$ 89,000.00	\$	161,060.00	\$	137,295.00	\$	82,105.00
Roadway Improvements																					
Item No. Item Description		Quantity	Unit	Unit Cost	Tot	tal	Unit Cost	Total	Unit Cost	Total		Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
5 Saw Cut and Remove Exist	ing HMAC Pavement Surface	1450	SY	\$ 1.88	\$	2,726.00 \$	40.50	\$ 58,725.00 \$	3.00 \$	4,350.00	\$	9.29	\$ 13,470.50 \$	9.90	\$ 14,355.00	\$ 10.90 \$	15,805.00 \$	11.30 \$	16,385.00	\$ 3.40 \$	4,930.00
6 Demolish and Remove Exist	ting Concrete Laydown Curb	225	LF	\$ 6.25	\$	1,406.25 \$	20.50	\$ 4,612.50 \$	6.65 \$	1,496.25	\$	8.36	\$ 1,881.00 \$	11.30	\$ 2,542.50	\$ 10.00 \$	2,250.00	8.00 \$	1,800.00	\$ 14.00 \$	3,150.00
7 Install Concrete Laydown C	urb	225	LF	\$ 31.25	\$	7,031.25 \$	35.00	\$ 7,875.00 \$	15.00 \$	3,375.00	\$	22.60	\$ 5,085.00 \$	17.40	\$ 3,915.00	\$ 51.70 \$	11,632.50 \$	22.60 \$	5,085.00	\$ 31.00 \$	6,975.00
8 Install Pavement Replacem	ent w/2" Min. HMAC Type D Pavement Surface	1450	SY	\$ 26.25	\$ 3	38,062.50 \$	38.20	\$ 55,390.00 \$	28.89 \$	41,890.50	* \$	118.40	\$ 171,680.00 \$	38.00		\$ 33.80 \$	49,010.00 \$	37.50 \$	54,375.00	\$ 46.00 \$	66,700.00
9 Prepare Subgrade for 12' V	Vide Pavement Replacement	280	SY	\$ 10.00		2,800.00 \$	7.50		12.96 \$	3,628.80	\$	11.90	\$ 3,332.00 \$	8.80		\$ 10.20 \$	2,856.00 \$	11.30 \$	3,164.00		5,600.00
10 Install 12' Wide Pavement F	Replacement with 6" Crushed Limestone Base	280	SY			4,200.00 \$	15.50		29.96 \$	8,388.80	\$	27.40		21.00		\$ 39.40 \$	11.032.00 \$	29.00 \$	8,120.00		7,000.00
TOTAL BID ROADWAY IN	IPROVEMENTS		•		\$ 5	56,226.00		\$ 133,042.50	\$	63,129.35		5	\$ 203,120.50		\$ 84,256.50	\$	92,585.50	\$	88,929.00	\$	94,355.00
Wastewater Improvements																					
Item No. Item Description		Quantity	Unit	Unit Cost	Tot	tal	Unit Cost	Total	Unit Cost	Total		Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
11 Demolish and Remove Exist	ting Concrete Flatwork and Riprap	300	SF	\$ 2.50	\$	750.00 \$	24.50	\$ 7,350.00 \$	5.60 \$	1,680.00	\$	8.81	\$ 2,643.00 \$	13.00	\$ 3,900.00	\$ 10.90 \$	3,270.00 \$	14.00 \$	4,200.00	\$ 17.00 \$	5,100.00
12 Demolish and Remove Exist	ting Concrete Sewer Manhole	6	EA	\$ 875.00	\$	5,250.00 \$	5,477.00	\$ 32,862.00 \$	423.67 \$	2,542.02	\$	1,660.00	\$ 9,960.00 \$	990.00	\$ 5,940.00	\$ 450.00 \$	2,700.00	3,955.00 \$	23,730.00	\$ 750.00 \$	4,500.00
Construct 4' Diameter Pre-	cast Concrete Eccentric Sanitary Sewer Manhole (0-6																				
13 feet flowline depth)		10	EA	\$ 3,283.19	\$ 3	32,831.90 \$	2,669.00	\$ 26,690.00 \$	4,150.80 \$	41,508.00	\$	3,283.00	\$ 32,830.00 \$	2,500.00	\$ 25,000.00	\$ 2,480.00 \$	24,800.00	2,712.00 \$	27,120.00	\$ 3,000.00 \$	30,000.00
Construct 4' Diameter Pre-	cast Concrete Eccentric Sanitary Sewer Manhole																				
14 (greater than 6 feet flowline	depth)	4	EA	\$ 4,294.06	\$ 1	17,176.24 \$	3,599.00	\$ 14,396.00 \$	4,376.25 \$	17,505.00	\$	4,482.00	\$ 17,928.00 \$	3,400.00	\$ 13,600.00	\$ 3,841.00 \$	15,364.00	4,052.00 \$	16,208.00	\$ 4,600.00 \$	18,400.00
Construct 4' Diameter Pre-	cast Concrete Eccentric Sanitary Sewer Manhole with																				
15 Water Tight Frame and Cov	ver er	2	EA	\$ 3,446.25	\$	6,892.50 \$	3,453.00	\$ 6,906.00 \$	5,656.50 \$	11,313.00	\$	3,456.00	\$ 6,912.00 \$	2,600.00	\$ 5,200.00	\$ 2,874.00 \$	5,748.00	3,026.00 \$	6,052.00	\$ 3,200.00 \$	6,400.00
16 Install 6" SDR 26 ASTM 22	41 PVC Wastewater Main	1720	LF	\$ 75.18	\$ 12	29,309.60 \$	146.50	\$ 251,980.00 \$	94.87 \$	163,176.40	\$	68.10	\$ 117,132.00 \$	99.30	\$ 170,796.00	\$ 178.10 \$	306,332.00 \$	75.00 \$	129,000.00	\$ 86.00 \$	147,920.00
17 Install 6" SDR 26 PVC Was	tewater Main	1559	LF	\$ 75.23	\$ 11	17,283.57 \$	105.50	\$ 164,474.50 \$	84.58 \$	131,860.22	\$	67.90	\$ 105,856.10 \$	95.10	\$ 148,260.90	\$ 92.20 \$	143,739.80 \$	74.00 \$	115,366.00	\$ 57.00 \$	88,863.00
18 Install 8" SDR 26 ASTM 22	41 PVC Wastewater Main	656	LF	\$ 84.13	\$ 5	55,189.28 \$	98.00	\$ 64,288.00 \$	59.03 \$	38,723.68	\$	70.20	\$ 46,051.20 \$	120.00		\$ 84.20 \$	55,235.20 \$	82.00 \$	53,792.00		46,576.00
19 Install Wastewater Single S	ervice with Cleanout at ROW	87	EA	\$ 912.13	\$ 7	79,355.31 \$	1,521.00	\$ 132,327.00 \$	1,197.15 \$	104,152.05	\$	762.00	\$ 66,294.00 \$	1,800.00	\$ 156,600.00	\$ 1,710.00 \$	148,770.00	1,441.00 \$	125,367.00	\$ 1,150.00 \$	100,050.00
20 Install Concrete Rip-Rap		100	SF	\$ 8.75	\$	875.00 \$	39.00	\$ 3,900.00 \$	10.54 \$	1,054.00	\$	20.00	\$ 2,000.00 \$	24.00	\$ 2,400.00	\$ 18.70 \$	1,870.00 \$	12.00 \$	1,200.00	\$ 46.00 \$	4,600.00
21 Provide Testing		100%	LS	\$ 3,125.00	\$	3,125.00 \$	3,000.00	\$ 3,000.00 \$	2,364.00 \$	2,364.00	\$	5,755.00	\$ 5,755.00 \$	4,100.00	\$ 4,100.00	\$ 26,492.00 \$	26,492.00	5,650.00 \$	5,650.00	\$ 14,300.00 \$	14,300.00
TOTAL BID WASTEWATE	R IMPROVEMENTS				\$ 44	18,038.40		\$ 708,173.50	\$	515,878.37		\$	\$ 413,361.30		\$ 614,516.90	\$	734,321.00	\$	507,685.00	\$	466,709.00
Water Improvements																					
Item No. Item Description		Quantity	Unit	Unit Cost	Tot	tal	Unit Cost	Total	Unit Cost	Total		Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
22 Connect to Existing Water I	Main	4	EA	\$ 3,768.06	\$ 1	15,072.24 \$	1,905.00	\$ 7,620.00 \$	2,634.25 \$	10,537.00	\$	1,340.00	\$ 5,360.00 \$	1,300.00	\$ 5,200.00	\$ 4,324.00 \$	17,296.00	2,042.00 \$	8,168.00	\$ 1,750.00 \$	7,000.00
23 Install New 6" PVC Class 1	50 C900 Water Main	1540	LF	\$ 23.16		35,666.40 \$	49.50		45.09 \$	69,438.60	\$	60.50		76.60		\$ 75.80 \$	116,732.00 \$	61.00 \$	93,940.00		60,060.00
24 Install Miscellaneous MJ Fit	tings	3500	LB			8,120.00 \$	14.50		1.57 \$	5,495.00	\$	0.77		2.50		\$ 1.50 \$	5,250.00		7,000.00		32,375.00
25 Install 4" MJ Gate Valve	¥	1	EA			986.18 \$	991.00		815.00 \$	815.00	\$	595.00		640.00		\$ 1,058.00 \$	1,058.00		738.00		660.00
26 Install 6" MJ Gate Valve		6	EA			7,097.58 \$	1,196.00		922.00 \$	5,532.00	\$	698.00		810.00		\$ 1,058.00 \$	6,348.00		5,184.00		4,380.00
27 Install 8" MJ Gate Valve		1	EA	\$ 1,611.68		1,611.68 \$	1,621.00		1,505.00 \$	1,505.00	\$	994.00		1,200.00		\$ 1,283.00 \$	1,283.00		1,178.00		1,060.00
28 Fire Hydrant		1	EA	\$ 4,038.38		4,038.38 \$	4,522.00		3,795.00 \$	3,795.00	\$	3,195.00		3,400.00		\$ 5,312.00 \$	5,312.00		3,436.00		3,660.00
29 Install 1" Short Side Single	Water Service Connection	16	EA	\$ 1,104.32		17.669.12 \$	1,314.00		716.44 \$	11.463.04	\$	713.00	\$ 11,408.00 \$	1,700.00		\$ 751.00 \$	12.016.00	952.00 \$	15.232.00		12.560.00
30 Install 1" Long Side Single		17	EA	\$ 1,502.67		25.545.39 \$	1,709.00		1.307.53 \$	22,228.01	\$	1.074.00	\$ 18,258.00 \$	2,000.00	\$ 34,000.00	\$ 845.00 \$	14.365.00	2.003.00 \$	34.051.00		18,700.00
31 All Testing per TCEQ and C		1	LS			2.500.00 \$	2.782.00	\$ 2.782.00 \$	2.772.00 \$	2.772.00	\$	2.590.00	\$ 2.590.00 \$	4.200.00	\$ 4,200,00	\$ 1.543.00 \$	1.543.00	5.650.00 \$	5.650.00	\$ 4.500.00 \$	4.500.00
	,			, _,,,,,,,,	+-	,	_,00	,, φ	_, ψ	_,50	+ -	_,	_,, ψ	.,00	, .,,	, ., ψ	.,	, ψ	2,222.00	, ., v	.,

\$ 133,580.65

\$ 781,204.37 \*\*

\$ 142,453.00

\$ 820,914.80

\$ 207,414.00

\$ 995,187.40

\$ 181,203.00

\$ 1,169,169.50

\$ 174,577.00

\$ 908,486.00

\$ 144,955.00

\$ 788,124.00

#### Bid Tabulation Notes:

TOTAL BID AMOUNT

TOTAL BID SANITARY SEWER IMPROVEMENTS

- B-Corp Utilities, Inc. Bid Item 8 yielded an incorrect calculation for the total amount bid given the unit cost. The bid tabulation documents the correct total bid cost for this item. Due to the incorrect calculations for Bid Item 8 provided by B-Corp Utilities, Inc., the Total Bid Amount was incorrect. The bid tabulation documents the correct Total Amount Bid.

**BID SUMMARY Bidders** Skyblue Utilities, Inc. McLean Construction, Inc. Total Bid \$671,258.87 \$1,221,122.00 B-Corp Utilities, Inc. \$781,204.37 Wolff Construction, LP
Bell Contractors, Inc.
Bruce Flanigan Construction, Inc. \$820,914.80 \$995,187.40 \$1,169,169.50 Emerson Construction Company, Inc. TTG Utilities, LP \$908,486.00 \$788,124.00

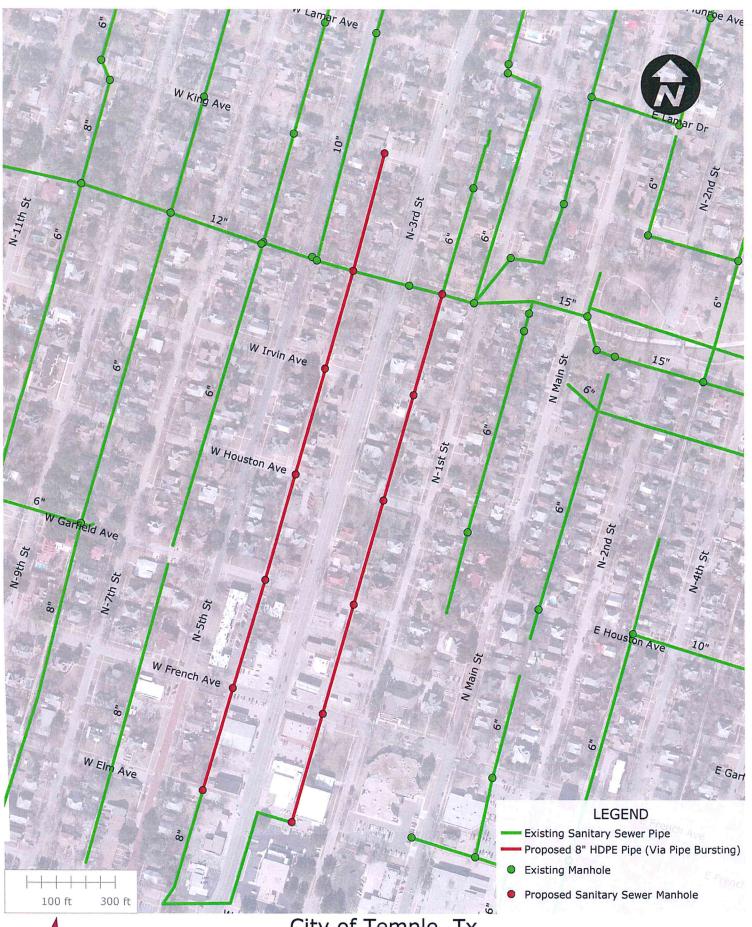


\$ 201,769.00

\$ 1,221,122.00

\$ 118,306.97

\$ 671,258.87





City of Temple, Tx
Wastewater Main Replacement
North 5th to Jackson Creek



#### **RESOLUTION NO. 2016-8502-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SKYBLUE UTILITIES, INC. OF KINGSLAND, TEXAS, IN AN AMOUNT NOT TO EXCEED \$671,258.87 FOR CONSTRUCTION OF THE NORTH  $5^{\rm TH}$  STREET TO JACKSON CREEK UTILITY REPLACEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the water and wastewater lines in the alley east of North 5<sup>th</sup> Street between Elm and King Streets are failing and require replacement along with an additional wastewater line in the alley east of North 3<sup>rd</sup> Street between Elm Street and Jackson Creek;

Whereas, the proposed utility replacements include approximately 3,935 linear feet of 6-inch and 8-inch PVC wastewater line and approximately 1,540 linear feet of 6-inch PVC water line;

**Whereas,** on December 6, 2016, eight bids were received for this project with Skyblue Utilities submitting the low bid in the amount of \$671,258.87;

**Whereas,** Staff and the City's engineer recommend Council authorize a construction contract with Skyblue Utilities, Inc. in an amount not to exceed \$671,258.87, for the construction of the North 5<sup>th</sup> Street to Jackson Creek Utility Replacement project.

**Whereas,** funding for this construction contract will be Account No. 520-5900-535-6361, Project No. 101193; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Skyblue Utilities, Inc. of Kingsland, Texas in an amount not to exceed \$671,258.87, for the construction of the North 5<sup>th</sup> Street to Jackson Creek Utility Replacement project.

<u>Part 2:</u> 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 5<sup>th</sup> day of **January**, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



01/05/17 Item #4(D) Consent Agenda Page 1 of 1

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

Brynn Myers, Assistant City Manager Walter Hetzel, Animal Services Manager

**ITEM DESCRIPTION**: Consider adopting a resolution authorizing a contract with the Greater Temple-Belton Foundation for Animal Care to administer a spay and neuter voucher program for the City of Temple Animal Shelter.

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

<u>ITEM SUMMARY:</u> Since 2005, the City of Temple Animal Shelter has participated in a spay and neuter program administered by the Ida Ollife Foundation. In 2014, the Ida Ollife Foundation disbanded and a new foundation was established, the Greater Temple-Belton Foundation for Animal Care ("Foundation"). The Foundation desired to continue the spay and neuter voucher program and in November of 2014, the City Council authorized an agreement with the Foundation to administer the program.

Under the agreement, the City of Temple collects \$45.00 for each adopted animal which has either already been spayed or neutered by the Foundation or for which a spay and neuter voucher is purchased at the time of adoption and passes those funds through to the Foundation on a quarterly basis. The Foundation uses these funds for reasonable and necessary expenses for the purposes of administering the spay and neuter voucher program. The Foundation enters into a contract with one or more qualified veterinarians to perform spay and neuter services for animals adopted from the City of Temple Animal Shelter in exchange for a voucher purchased at the time of adoption.

The Foundation desires to continue the spay and neuter voucher program and Staff recommends renewing the agreement. The term of the contract is one year and will begin retroactively on October 1, 2016 and continue through September 30, 2017.

FISCAL IMPACT: The City collected \$19,500 in fees during FY 2016.

#### ATTACHMENTS:

Resolution

#### RESOLUTION NO. <u>2016-8503-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE GREATER TEMPLE-BELTON FOUNDATION FOR ANIMAL CARE TO ADMINISTER A SPAY AND NEUTER VOUCHER PROGRAM FOR THE CITY OF TEMPLE ANIMAL SHELTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas,** since 2005, the City of Temple Animal Shelter has participated in a spay and neuter program administered by the Ida Ollife Foundation;

**Whereas,** in 2014, the Ida Ollife Foundation disbanded and a new foundation was established called the Greater Temple-Belton Foundation for Animal Care (the "Foundation") - Council authorized the continuation of this spay and neuter voucher program in November, 2015;

Whereas, under this agreement, the City of Temple will collect \$45 for each adopted animal which has either already been spayed or neutered by the Foundation or for which a spay and/or neuter voucher is purchased at the time of adoption – these funds will pass through to the Foundation on a quarterly basis and the Foundation will use the funds for reasonable and necessary expenses of administering the spay and neuter voucher program;

Whereas, the Foundation will enter into a contract with one or more qualified veterinarians to perform spay and neuter services for those animals adopted from the City of Temple Animal Shelter in exchange for a voucher purchased at the time of adoption;

Whereas, the Foundation desires to continue the spay and neuter voucher program and Staff recommends Council authorize a contract with the Greater Temple-Belton Foundation for Animal Care, beginning retroactively on October 1, 2016 and continuing through September 30, 2017; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a contract with the Greater Temple-Belton Foundation for Animal Care, to administer a spay and neuter program for the City of Temple Animal Shelter.

<u>Part 2:</u> 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 5<sup>th</sup> day of **January**, 2017. THE CITY OF TEMPLE, TEXAS DANIEL A. DUNN, Mayor ATTEST: APPROVED AS TO FORM: Kayla Landeros

City Attorney

Lacy Borgeson City Secretary



01/05/17 Item #4(E) Consent Agenda Page 1 of 2

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

Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing an amendment to the 2013 Cost Sharing Agreement with Kiella Land Investments, Ltd. for the Westfield Boulevard Extension.

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

ITEM SUMMARY: In November, 2013, the City entered into a Cost Sharing Agreement with Kiella Land Investments, Ltd. (the "Developer") related to an extension of Westfield Boulevard in West Temple. The Agreement required Developer to donate and convey right-of-way for the extension of Westfield Boulevard from Stonehollow Drive to Prairie View Road. Developer also agreed to pay a cash contribution to the City in the amount of \$325,000 to assist with the design and construction of the Westfield Boulevard extension. Developer further agreed to use its best efforts to acquire and convey to the City right of way for the future extension of Westfield Boulevard from Prairie View Road to State Highway 36/Airport Road.

The City agreed to apply a credit to the Developer's cash contribution in the amount of \$14,000 an acre for a portion of the right-of-way conveyed to the City for the extension of Westfield Boulevard from Stonehollow Drive to Prairie View Road. The City agreed to apply an additional credit to Developer's cash contribution if Developer acquires and conveys to the City the right-of-way required for the future extension of Westfield Boulevard to State Highway 36/Airport Road. Developer would receive a credit of \$20,000 an acre for any right-of-way conveyed to the City and needed for the future extension.

Developer agreed to pay to the City its cash contribution in four equal payments of \$81,250. Any credits earned by the Developer would be applied to the next payment due to the City. For example, credits earned by the Developer by December 31, 2013 were applied to the Developer's payment due on January 1, 2014. To date, the Developer has earned \$180,300 in credits. Therefore, as of January 1, 2017, Developer still owes to the City \$144,700.

Pursuant to the Agreement, the Developer's next payment was due on January 1, 2017. Developer is in the process of acquiring the necessary right-of-way for the extension of Westfield Boulevard to State Highway 36/Airport Road. Developer is working with the City's engineers to finalize the amount of right-of-way needed for the extension and has requested that the City amend the agreement to extend the last payment due date from January 1, 2017 to January 1, 2018.

# **FISCAL IMPACT**: The financial details of the agreement are shown below:

Developer participation for Westfield Boulevard extension	\$ 325,000
Credits applied to developer's cash contribution for ROW	(180,300)
Amount due by developer January 1, 2018	\$ 144,700

The additional amount due by developer of \$144,700 can be reduced as outline in the agreement based on additional ROW acquired for the extension of Westfield Boulevard to State Highway 36/Airport Road acquired by January 2, 1018.

### **ATTACHMENTS**:

Resolution

#### **RESOLUTION NO. 2016-8504-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE 2013 COST SHARING AGREEMENT WITH KIELLA LAND INVESTMENTS, LTD., FOR THE WESTFIELD BOULEVARD EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

\_\_\_\_\_

Whereas, in November, 2013, the City entered into a Cost Sharing Agreement with Kiella Land Investments, Ltd. (the "Developer") related to the extension of Westfield Boulevard in West Temple - the Agreement required Developer to donate and convey right-of-way for the extension of Westfield Boulevard from Stonehollow Drive to Prairie View Road;

Whereas, Developer agreed to pay a cash contribution to the City in the amount of \$325,000 to assist with the design and construction of the Westfield Boulevard extension - Developer further agreed to use its best efforts to acquire and convey to the City, right of way for the future extension of Westfield Boulevard from Prairie View Road to State Highway 36/Airport Road;

Whereas, the City agreed to apply a credit to the Developer's cash contribution in the amount of \$14,000 an acre for a portion of the right-of-way conveyed to the City for the extension of Westfield Boulevard from Stonehollow Drive to Prairie View Road;

Whereas, the City also agreed to apply an additional credit to Developer's cash contribution if Developer acquires and conveys to the City, the right-of-way required for the future extension of Westfield Boulevard to State Highway 36/Airport Road - Developer will receive a credit of \$20,000 an acre for any right-of-way conveyed to the City and needed for that future extension;

**Whereas,** Developer agreed to pay to the City its cash contribution in four equal payments of \$81,250 and any credits earned by the Developer have been applied to the next payment due to the City – to date, the Developer has earned \$180,300 in credits and as of January 1, 2017 still owed to the City \$144,700;

Whereas, pursuant to the Agreement, Developer's next payment is due on January 1, 2017 and Developer is in the process of acquiring the necessary right-of-way for the extension of Westfield Boulevard to State Highway 36/Airport Road;

Whereas, Developer is working with the City's engineers to finalize the amount of right-of-way needed for the extension and has requested that the City amend the agreement to extend the last payment due date from January 1, 2017 to January 1, 2018;

Whereas, the additional amount due by developer can be reduced as outlined in the agreement based on additional right-of-way acquired for the extension of Westfield Boulevard to State Highway 36/Airport Road acquired by January 1, 2018; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to the 2013 Cost Sharing Agreement with Kiella Land Investments, Ltd. for the Westfield Boulevard Extension.

<u>Part 2:</u> 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 5<sup>th</sup> day of **January**, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN MAYOR
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson City Secretary	Kayla Landeros City Attorney



01/05/17 Item #4(F) Consent Agenda Page 1 of 2

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

Brynn Myers, Assistant City Manager Ashley Williams, Director of General Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a professional services agreement with Energy Systems Associates, Inc. of Round Rock, in an amount not to exceed \$300,000 for the design and construction administration of mechanical and electrical improvements at select City facilities.

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

<u>ITEM SUMMARY:</u> The project consists of mechanical and electrical improvements recommended through the ASHRAE Level II Energy Audit performed in the summer and fall of 2016. The projects will be funded through the State Energy Conservation Office (SECO) LoanSTAR Revolving Loan Program.

Consultant services recommended under this professional services agreement include:

	Total \$300.000
Construction/Installation	60,000
Bid Opening & Negotiations	15,000
Construction Documents	120,000
Design Development	60,000
Schematic Design	\$ 45,000

Funding approval should be announced late January 2017. In order to have equipment ordered and installed before the cooling season the City needs to proceed with design. The proposed schedule is as follows:

- Design completed by the time SECO approval is granted end of January 2017
- Bid and Contractor contract award by beginning of March 2017
- Equipment shipped, received and stored by end of April 2017
- Lighting installation complete by end of May 2017
- HVAC installation substantially complete by May 2017
- Final inspection, project close-out by end of June 2017

The engineer's opinion of probably cost for construction is \$2,700,000.

01/05/17 Item #4(F) Consent Agenda Page 2 of 2

<u>FISCAL IMPACT:</u> On November 3, 2016, Council authorized the submission of a loan application and acceptance of funding through the State Energy Conservation Office – LoanSTAR program to implement energy related facility improvement projects in an amount not to exceed of \$3,000,000. The professional services agreement with Energy Systems Associates, Inc. in the amount not to exceed \$300,000 will be funded with the proceeds from the LoanSTAR program.

#### **ATTACHMENTS:**

Engineer's Proposal Resolution

### ESA Energy Systems Associates, Inc.

1111 N. IH35, Suite 212 Phone: (512) 258-0547 Round Rock, Texas 78664 email: jbrown@esa-engineers.com

#### **PROPOSAL**

to

CITY OF TEMPLE 2 North Main St, Suite 106 Temple, Texas 76501

Ashley Williams – General Services Manager (254) 298-5607

November 1, 2016

ESA Energy Systems Associates, Inc., (Engineer) proposes to provide HVAC, Energy Management Controls, and Lighting Systems engineering design services to City of Temple, Texas (Owner) for a renovation construction project generally described as:

Twenty-Nine (29) Buildings located in and around the City of Temple, Texas. Buildings included in this project are listed on page 3 of this Proposal.

**Engineer** proposes to provide professional design engineering services in all phases of the projects to which the resulting contractual agreement shall apply, serve as **Owner**'s representative in communications with mechanical/electrical/controls contractors for the projects, participate in planning and coordination meetings with parties involved in the construction process (Owner, Mechanical Contractor, Lighting Contractor) and give consultation and advice during the installation of designed HVAC, Energy Management Controls, and Lighting systems.

**Engineer** further proposes to make all necessary visits to the project site, obtain required details regarding the selected site conditions from utility suppliers, and collect information from local governing authorities as necessary for preparation of a complete and accurately designed project as well as for installation of fully functioning systems.

The services proposed do not include certain additional services such as provision of special consultants and/or contractors required by unanticipated discoveries or requests from **Owner** and/or **Contractors**, and other items as depicted in standard Architectural/ Engineering contractual agreement terms.

**Owner**, by acceptance of this proposal, agrees to provide all needed information regarding **Owner**'s objectives and criteria, standard specification preferences, performance criteria and budgetary limitations.

# ESA Energy Systems Associates, Inc.

1111 N. IH35, Suite 212 Phone: (512) 258-0547 Round Rock, Texas 78664 email: jbrown@esa-engineers.com

Preliminary description of the projects have been provided through completion of a State of Texas Energy Conservation Office sponsored LoanSTAR Loan Program application.

The proposed design sequence and scheduled payment percentages are as follows:

	% of total design fee
Schematic Design	15%
Design Development	20%
Construction Documents	40%
Bid Opening & Negotiations	5%
Construction/Installation	20%

The proposed cost for these design services will be determined based upon a percentage of **Total Construction Cost**.

#### Ten Percent (10%) of Total Construction Cost

<u>Preliminary estimated fee</u> for these design services is calculated based upon a total construction cost *not to exceed* \$3 million dollars as <u>approved by the City of Temple</u> Administrative Board. Estimated total fee for services will be:

#### Three Hundred Thousand Dollars (\$300,000)

It is understood that **Owner** is considering addition of projects not included within the LoanSTAR Loan Program report, and that those additional projects will be designed by **Engineer** or will be subcontracted by **Engineer** to a consultant specializing in that specific field of work. Fee's for those additional project designs will be paid to **Engineer** only if that work is designed or subcontracted for design through **Engineer**'s offices.

Design fees will be revised after Project Bid Opening and **Owner** approved Change Orders to reflect actual contracted installation costs.

Reimbursable expenses for mileage will be charged at State rates. Printing and binding charges will be charged at cost.

ESA Energy Systems Associates, Inc.		City of Temple	
James W. Brown, P.E. 11-01-16	Туре	e or Print Name	Date
President		Type or Print Title	
- Paragraph - Para		Signature	
Proposal for City of Temple-Design	11/1/2016		Page 2 of 3

# Buildings Included:

Facility	Building Area
Name	
	(SF)
Animal Shelter	9,495
Santa Fe	25,726
Mayborn Conv. Center	40,440
Library	72,200
Police Station	48,234
Historic Post Office	14,544
City Hall/Municipal Bldg	48,144
Summit Family Fitness	15,997
Service Center A	13,109
Service Center B	21,650
Service Center C	15,768
Central Fire Station	17,243
Fire Station #8	14,932
Fire Station #2	6,109
Fire Station #3	7,632
Fire Station #4	6,494
Fire Station #5	7,476
Fire Station #6	5,592
Fire Station #7	7,968
Gober Party House	4,314
Blackmon Center	3,880
PARD Annex/Luna Bldg	3,022
PARD Shop	9,909
Code Enforcement	3,276
Municipal Court	15,168
Clarence Martin Gym	21,880
Sammons Club House	5,680
Sammons Indoor Pool	6,610
Reed Aviation Airport	5,832
TOTAL:	478,324
AVERAGE:	16,494

### RESOLUTION NO. <u>2016-8505-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ESA ENERGY SYSTEMS ASSOCIATES, INC. OF ROUND ROCK, TEXAS, IN AN AMOUNT NOT TO EXCEED \$300,000, FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF MECHANICAL AND ELECTRICAL IMPROVEMENTS AT SELECT CITY FACILITIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, several City facilities are in need of mechanical and electrical improvements and this project consists of recommended improvements through the ASHRAE Level II Energy Audit performed in the summer and fall of 2016;

**Whereas,** these projects will be funded through the State Energy Conservation Office (SECO) LoanSTAR Revolving Loan Program and funding approval should be announced late January 2017;

Whereas, Staff recommends Council authorize a professional services agreement with ESA Energy Systems Associates, Inc., in an amount not to exceed \$300,000 for the design and construction administration of mechanical and electrical improvements at select city facilities;

Whereas, on November 3, 2016, Council authorized the submission of a loan application and acceptance of funding through the State Energy Conservation Office – LoanSTAR program to implement energy related facility improvement projects in an amount not to exceed \$3,000,000 – this agreement will be funded with the proceeds from the LoanSTAR program; and

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

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

**Part 1:** 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 ESA Energy Systems Associates, Inc., in an amount not to exceed \$300,000 for the design and construction administration of mechanical and electrical improvements at select city facilities.

<u>Part 2:</u> 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 5<sup>th</sup> day of **January**, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



01/05/17 Item #4(G) Consent Agenda Page 1 of 1

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** A-FY-17-01: Consider adopting a resolution authorizing abandonment of an 11,582 square foot (0.266 +/- acre) portion of the 25-foot wide public trail easement described in the agreement recorded as Instrument No. 2010-00005861, Official Records Bell County, Texas.

**STAFF RECOMMENDATION:** Staff recommends approval of the abandonment of an 11,582 square foot (0.266 +/- acre) portion of the 25-foot wide public trail easement described in the agreement recorded in Instrument No. 2010-00005861, Official Records Bell County, Texas, as more particularly described in Exhibit A.

<u>ITEM SUMMARY:</u> The applicant, Pacheco Koch, LLC, has submitted the request to provide full-trail connectivity and accessibility from the existing Friars Creek Trail to South 5<sup>th</sup> Street as well as to future development of the property within a reconfigured easement. The new easement alignment will be dedicated by the recordation of the companion Bell Tower Apartment Final Plat (P-FY-17-06), which is currently in review by the Development Review Committee. When scheduled, the Planning & Zoning Commission is anticipated to be the final plat authority, since no exceptions to the UDC are being requested.

Planning staff has contacted all public and private service providers, including the Parks & Recreation Department, and confirmed that the trail easement may be abandoned.

FISCAL IMPACT: None

#### **ATTACHMENTS:**

Surveyor Sketch & Field Notes (Exhibit A) Resolution

#### Trail Easement Abandonment Maximo Moreno Survey, Abstract No. 14, Temple, Bell County Texas

BEING, an 11,582 square foot (0.266 acre) tract of land located in the Maximo Moreno Survey, Abstract No. 14, in the City of Temple, Bell County Texas, being a portion of that parcel described in Easement Agreement for Tail, as recorded in Instrument No. 2010-00005861, Official Records Bell County Texas (ORBCT), being part of that called 19.812 acre tract described by Special Warranty Deed recorded in Instrument No. 2016-00018136, ORBCT, and part of Lot 1, Block 1, Aikins Plat, an Addition to the City of Temple Texas, as recorded in Year 2016, Plat 85, Plat Records Bell County Texas, and Dedication Instrument No. 2016-00030180, ORBCT, said 11,582 square foot tract being more particularly described as follows:

BEGINNING at a the northeast corner of said Lot 1, being the easterly southeast corner for said 19.812 acre tract and being on the west right of way for South 5<sup>TH</sup> Street, a variable width right of way; said point being centerline of said Trail parcel, from said point a found ½-inch iron rod for the easterly southeast corner of said Lot 1, bears South West, 136 feet and a found ½-inch iron rod for the easterly northeast corner of said 19.812 acre tract bears North West, 156 feet;

THENCE, South 16 degrees, 23 minutes, 06 seconds West with said right of way line, a distance of 12.51 feet to a point for corner;

THENCE, North 76 degrees, 17 minutes, 12 seconds West, leaving said right of way and with the south line of said Trail Parcel, a distance of 450.09 feet to a point for corner;

THENCE, North 13 degrees, 34 minutes, 12 seconds East, a distance of 12.50 feet to a point for corner;

THENCE, North 76 degrees, 17 minutes, 12 seconds West a distance of 25.13 feet to a point for corner;

THENCE, North 13 degrees, 34 minutes, 12 seconds East, a distance of 12.50 feet to a point for corner;

THENCE, South 76 degrees, 17 minutes, 12 seconds East, a distance of 476.44 feet to a point for corner on the aforesaid west right of way for South 5<sup>TH</sup> Street;

THENCE, South 16 degrees, 22 minutes, 50 seconds West, with said right of way, a distance of 12.51 feet to the POINT OF BEGINNING.

CONTAINING 11,582 square feet (0.266 acre) of land, more or less.

Bearing system and coordinates for this exhibit are based the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202

The undersigned, Registered Professional Land Surveyor, hereby declares that the foregoing description accurately sets out the metes and bounds of the tract described.

Paul Hubert

Registered Professional Land Surveyor No.1942

Pacheco Koch Consulting Engineers, Inc.

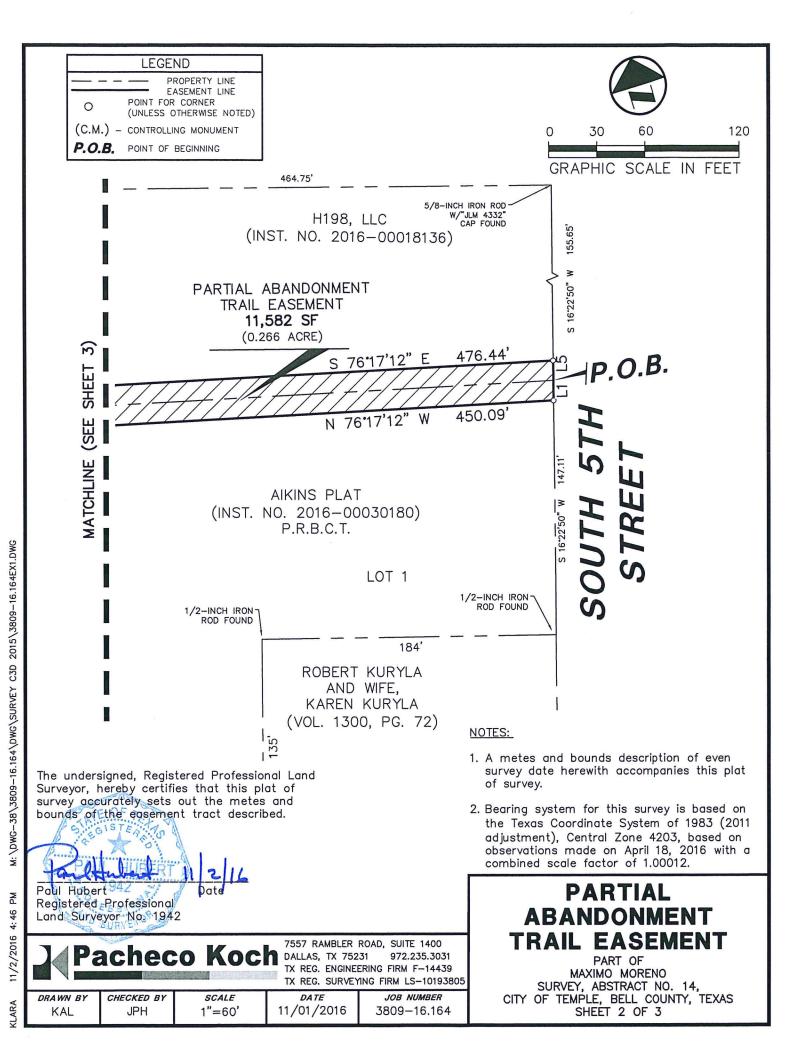
Pacheco Koch, LLC

7557 Rambler Road, Suite 1400, Dallas TX 75231

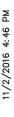
(972) 235-3031

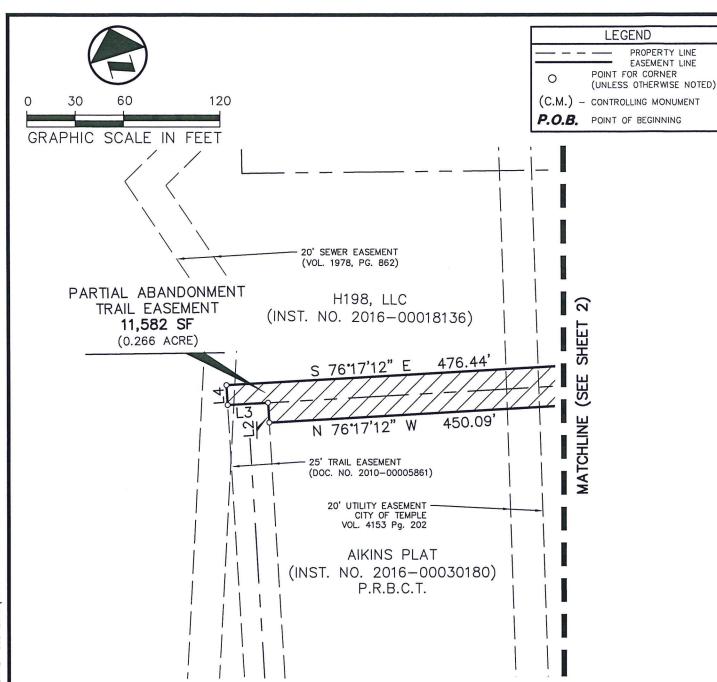
TX Reg. Surveying Firm LS-10193805 (DALLAS, LLC)

3809-16.164.doc









LINE TABLE			
LINE	BEARING	LENGTH	
L1	S 16°22'50" W	12.51'	
L2	N 13'34'12" E	12.50'	
L3	N 76°17'12" W	25.13'	
L4	N 13°34'12" E	12.53'	
L5	S 16°22'50" W	12.51'	

# Pacheco Koch DALLAS, TX 75231

7557 RAMBLER ROAD, SUITE 1400 972.235.3031 TX REG. ENGINEERING FIRM F-14439 TX REG. SURVEYING FIRM LS-10193805

DRAWN BY CHECKED BY SCALE DATE JOB NUMBER **JPH** 1"=60" NOV. 2016 3809-16.164 KAL

#### NOTES:

- 1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
- 2. Bearing system for this survey is based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone 4203, based on observations made on April 18, 2016 with a combined scale factor of 1.00012.

# PARTIAL **ABANDONMENT** TRAIL EASEMENT

PART OF MAXIMO MORENO SURVEY, ABSTRACT NO. 14, CITY OF TEMPLE, BELL COUNTY, TEXAS SHEET 3 OF 3

#### **RESOLUTION NO. 2016-8506-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT OF AN APPROXIMATELY 11,582 SQUARE FOOT PORTION OF A 25-FOOT WIDE PUBLIC TRAIL EASEMENT DESCRIBED IN THE AGREEMENT RECORDED AS INSTRUMENT NO. 2010-00005861, OFFICIAL RECORDS OF BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

\_\_\_\_\_

**Whereas**, the applicant, Pacheco Koch, LLC, has submitted a request for abandonment of an approximately 11,582 square foot portion of a 25-foot wide public trail easement which will provide full-trail connectivity and accessibility from the existing Friars Creek Trail to South 5<sup>th</sup> Street as well as to the future development of the property within a reconfigured easement;

Whereas, the new easement alignment will be dedicated by the recordation of the companion Bell Tower Apartment Final Plat (P-FY-17-06), which is currently in review by the Development Review Committee - it is anticipated that the Planning and Zoning Commission will be the final plat authority, since no exceptions to the Unified Development Code are being requested; and

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

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

<u>Part 1:</u> The City of Temple, Texas authorizes the abandonment of an approximately 11,582 square foot portion of a 25-foot wide public trail easement described in the agreement recorded as Instrument No. 2010-00005861, Official Records of Bell County, Texas, attached hereto as Exhibit 'A.'

<u>Part 2:</u> Upon request, the City of Temple will provide a copy of this resolution and any other evidence of abandonment of the easement, which may be reasonably required.

**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 on the 5<sup>th</sup> day of January, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney

	Notary Public, State of Texas
This instrument was acknowledged by Daniel A. Dunn, Mayor of the City of Temp	before me on the day of January, 2017, by ble, Texas.
COUNTY OF BELL §	
STATE OF TEXAS §	

# **Return Recorded Document to:**

City Attorney's Office 2 North Main Street, Suite 308 Temple, TX 76501



01/05/17 Item #4(H) Consent Agenda Page 1 of 1

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

Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a two-year lease with Edward Brenek for lease of approximately 18.76 acres of City-owned land located at 1440 Bob White Road.

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

**ITEM SUMMARY:** Edward Brenek has requested a lease renewal of the approximately 18.76 acres of City-owned property located at 1440 Bob White Road. His current lease expires January 31, 2017.

Mr. Brenek will use the property (depicted in the attached map) for farming purposes. The lease term will run from February 1, 2017 to January 31, 2019. Mr. Brenek will pay \$51.00 per acre, per year.

**FISCAL IMPACT:** Annual lease revenues above totaling \$956.76 will be deposited into account 110-0000-461-0253.

#### **ATTACHMENTS:**

Map Resolution





# 1440 Bob White Rd

County Property ID: 22732



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.

#### **RESOLUTION NO. 2016-8507-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO-YEAR LEASE RENEWAL WITH EDWARD BRENEK, JR. FOR LEASE OF CITY-OWNED LAND LOCATED AT 1440 BOB WHITE ROAD, FOR AGRICULTURAL PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, the City currently owns and leases multiple properties for agricultural use and the lease for City-owned property located at 1440 Bob White Road expires January 31, 2017;

Whereas, Staff requests Council authorize a two-year lease renewal with Edward Brenek, Jr. for lease of approximately 18.76 acres of City owned land located at 1440 Bob White Road, as depicted on the attached map referred to as Exhibit 'A;'

**Whereas,** the City has previously leased property to this tenant and finds him to be responsible lessee;

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

**Whereas,** annual lease revenue associated with this lease will be deposited into Account No. 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a two-year lease agreement for agricultural purposes with Edward Brenek, Jr. for lease of approximately 18.76 acres of City-owned land located at 1440 Bob White Road.

<u>Part 2:</u> 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 5<sup>th</sup> day of January, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



# **COUNCIL AGENDA ITEM MEMORANDUM**

01/05/17 Item #5 Regular Agenda Page 1 of 2

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

Kevin Beavers, Parks and Recreation Director

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Consider an ordinance adopting the Temple Parks and Recreation Youth Standards of Care.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented on first reading; with second and final reading on January 19, 2017.

**ITEM SUMMARY:** On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Recreation Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the City or Temple standards include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program
- Ensuring that criminal background checks will be conducted on prospective youth program employees
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of one leader per 20 participants for children five years to 13 years of age.

- Assuring parents that they will be notified immediately if a:
  - (1) participant is injured
  - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness)
  - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Confirming that all program sites will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year.
- Requiring the Parks and Recreation Director to provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

In 2016, average daily enrolled attendance at the afterschool sites increased from 300 children to 313. The summer camp average enrolled attendance increased from 257 to 265. All training and inspection requirements were met.

Each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations believed to be necessary to change the Child Care Ordinance. City Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care.

We are not recommending any changes to the current (and proposed) Child Care Ordinance.

**FISCAL IMPACT:** None

#### ATTACHMENTS:

2016 Child Care Standards Report 2017 Child Care Standards Ordinance

# Parks and Recreation Services Department Child Care Standards Annual Report 2016

Throughout the 2016 school year, the City of Temple Parks and Recreation Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, four Belton I.S.D campuses and St. Mary's Catholic School. The department also organized two summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidaze) for children ranging from 5 to 13 at the Wilson Recreation Center.

## **After School Programs**

The after-school programs run concurrent with each of the schools including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and school holidays, the program is offered from 7am – 6pm at Wilson Park Recreation Center.

The children are provided with a quality recreation program that includes activities such as tutoring and dedicated homework//educational sessions, arts and crafts, athletics, gym games, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Program Coordinator and Recreation Specialist.

<b>Location</b>	<b>Attendance (daily average)</b>	
	2015	2016
Thornton Elementary	31	26
Western Hills	14	16
Kennedy Powell	43	40
Cater	20	22
Lakewood	45	48
Pirtle	44	51
Tarver	43	44
St. Mary's	17	20
High Point	43	46

#### **Camps**

Summer camps included Camp Heatwave, which took place at the Wilson Park Recreation Center and Camp Horizon which was held at Tarver Elementary School. Camp Heatwave and Horizon were 11 week programs. Both camps were staffed with part-time recreation leaders and supervised by a full-time Recreation Specialist and a Recreation Coordinator. Because of numerous waitlisted children seeking participation in our camps the Department is looking into a third site for camp at Kennedy-Powell Elementary School. The same staffing format also occurred at Camp Holidaze and Camp Adventure

The summer camp schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children at Camp Heatwave were provided a lunch and an afternoon snack from the Temple I.S.D. summer lunch program.

Each participant submitted a signed waiver, registration form and emergency contact information.

Camp Name	Attendance (dai	<u>ly average)</u>
	<u>2015</u>	2016
Camp Holidaze (Christmas Break)	60	54
Camp Adventure (Spring Break)	91	59
Camp Heatwave (Summer Camp)	165	123
Camp Horizon(Summer Camp)	92	69
Camp Harmony		73

#### **Scholarships**

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Recreation Services Advisory Board, 31 participants received aid in the form of reduced fees.

After School Program

- 1 75% reduced (Parents paid \$10 per child, weekly)
- 1 50% reduced (Parents paid \$20 per child, weekly)
- 3 20% reduced (Parents paid \$32 per child, weekly)

# Camp Heatwave, Quest, Horizon

- 1 95% reduced (Parents paid \$3.5 per child, weekly)
- 2 90% reduced (Parents paid \$7 per child, weekly)
- 1 80% reduced (Parents paid \$14 per child, weekly)
- 8 75% reduced (Parents paid \$17.50 per child, weekly)
- 4 60% reduced (Parents paid \$28 per child, weekly)
- 6 50% reduced (Parents paid \$35 per child, weekly)
- 2 30% reduced (Parents paid \$49 per child, weekly)
- 2 25% reduced (Parents paid \$52.50 per child, weekly)

At the beginning of the 2012-2013 school year, the Parks and Recreation Advisory Board adopted new guidelines for scholarships.

#### <u>Inspection Schedule</u>

The Wilson Recreation Center and all after school sites were inspected in April, May and December 2016 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in October, 2016.

All school sites were inspected by the Fire Marshall.

#### **Training**

Per the adopted Childcare Standards, all staff are CPR/First Aid trained within one year of their hire date. Training occurs twice each year.

All staff who worked with children attended a minimum of 12 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

# Recommendations

No recommendations at this time.

# TEMPLE YOUTH PROGRAMS' STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Recreation Department will operate the City's Youth Programs.

#### General Administration

#### 1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs ("Program") to which these Standards will apply are the programs held at the Wilson Recreation Center and other "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Recreation Website www.templeparks.com.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
  - (1) felony or a misdemeanor classified as an offense against a person or family;
  - (2) felony or misdemeanor classified as public indecency;
  - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - (4) offense involving moral turpitude;
  - (5) offense that would potentially put the City of Temple at risk.

#### 2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Recreation Department of the City of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Recreation or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Recreation
- H. Program Coordinator or Coordinator: City of Temple, Parks and Recreation Department fulltime recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Recreation Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City's Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Recreation Department part-time employee who has been assigned responsibility to conduct the City's Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Recreation Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.
- 3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
  - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
  - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
  - (1) pre-summer check in May of each year
  - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

#### 4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
  - (1) name, address, home telephone number;
  - (2) name and address of parents and telephone during program hours;
  - (3) names and telephone numbers of people to whom the child can be released;
  - (4) statement of the child's special problems or needs;
  - (5) proof of residency when appropriate;

- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

## 5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

# Staffing-Responsibilities and Training

# 6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Recreation Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years' experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple, but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

## 7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.

C. Coordinators are responsible to plan, implement, and evaluate programs.

## 8. Recreation Leader ("Leader") Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Recreation Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

#### 9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- D. A leader must be with participants at all times or aware of the participants location.

## 10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

## **Operations**

#### 11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 14 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

#### 12. Notification

- A. Parents must be notified immediately if:
  - (1) Participant is injured; or
  - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

#### 13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

#### 14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
  - (1) alternating active and passive activities,
  - (2) opportunity for individual and group activities, and
  - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
  - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
  - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.

- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

#### 15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
  - (1) Temple ambulance or emergency medical services.
  - (2) Temple Police Department.
  - (3) Temple Fire Department.
  - (4) Poison Control.
  - (5) The telephone number for the site itself.
  - (6) Numbers at which parents may be reached.

#### 16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

#### Facility Standards

#### 17. Safety

A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.

- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- H. The list of Program sites will be provided to the Bell County Health District- Environmental Health Division so that the Health Division can conduct health inspection(s).

#### 18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

#### 19. Health

A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

## B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

#### C. Toilet Facilities

(1) The Program site will have inside toilets located and equipped so children

- can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

#### D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.
- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance

#### ORDINANCE NO. 2016-4817

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE TEMPLE YOUTHS' PROGRAM STANDARDS OF CARE POLICY FROM THE PARKS AND RECREATION DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 19, 2004, City Council first adopted the Standards of Care for youth programs sponsored by the Parks and Recreation Department which were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS);

Whereas, one of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually – the purpose is to assure the community that when they place their child/children in one of the City of Temple's programs, the facilities are safe, a background check has been conducted on the Staff, and they are properly trained for any program they conduct;

Whereas, in 2016, the average daily attendance at the afterschool sites increased from a daily average of 300 children to 313 with the summer camp average rising from 257 to 265 in 2016;

Whereas, the Temple Youths' Program Standards of Care policy, attached hereto as Exhibit 'A,' outlines several key elements including the average daily attendance at all afterschool sites;

Whereas, each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations Staff believes is necessary to change the Child Care Ordinance – Staff is not recommending any changes to the current (and proposed) Child Care Ordinance at this time; 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:

<u>Part 1:</u> The City Council adopts the Temple Youths' Program Standards of Care Policy from the Temple Parks and Recreation Department, which is required by the Texas Department of Protective and Regulatory Services and which assures the community that the City of Temple's facilities are safe, a background check has been conducted on the Staff and they are properly trained for any program they conduct, as outlined in Exhibit 'A' attached hereto and incorporated herein for all purposes.

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

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

<u>Part 4</u>: 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.

<u>Part 5</u>: 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 5<sup>th</sup> day of **January**, 2017.

PASSED AND APPROVED on Second Reading on the 19th day of January, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, MAYOR
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



# CITY COUNCIL ITEM MEMORANDUM

01/05/17 Item #6 Regular Agenda Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING – TMED-FY-17-01 – Consider adopting an ordinance amending Ordinance No. 2016-4749, for a TMED Planned Development District site plan on .85 +/- acres, Lot 11, Block 1, Highline Addition, to allow for a drive-through restaurant located at 2110 South 31st Street, as well as to amend the overall development/site plan to consider allowing a public sidewalk in lieu of a private trail.

<u>PLANNING & ZONING COMMISSION RECOMMENDATION</u>: At their December 6, 2016 meeting, P&Z voted unanimously to recommend approval per staff recommendation.

**STAFF RECOMMENDATION**: Staff recommends approval of the site plan amendments as proposed with the following conditions:

- That the sidewalk is 6 feet wide for consistency with:
  - 1. The other Scott Boulevard sidewalk required by the developer; and
  - 2. The Trails Master Plan minimum width
- That the length of the sidewalk extends to either:
  - 1. The drainage channel per the Proposed Sidewalk Exhibit; or
  - 2. As far west as the sidewalk can be extended with the estimated \$100,000 budget
    - The cost of replacing the two driveways at 1850 and 2002 Scott Boulevard could change based on ADA sloping requirements

<u>ITEM SUMMARY</u>: The horizontal mixed use project called "The District" was approved by City Council on February 4, 2016 through a Planned Development District rezoning (apartments zoned PD-T5-e and retail PD-T5-c). The overall project consists of 40.389 acres of apartments to the west and retail to the east.

#### POTBELLY SANDWICH SHOP (LOT 11)

Drive-through restaurant windows are prohibited in the TMED (Temple Medical Education District) T5-c zoning district. The original PD zoning ordinance and accompanying site plan included an exception to the drive-through prohibition to allow them on three other restaurant lots; however, no drive-through was approved for Lot 11 (shown on 3b of the site plan) and, therefore, the addition of a 4<sup>th</sup> drive-through within the development constitutes as a substantive site plan change requiring City Council approval. The proposed Potbelly restaurant will comply with the following condition specified by the PD Ordinance:

• Each restaurant with a drive-through must provide at least 150 square feet of outdoor dining space (1500 sf is proposed on Lot 11)

#### SIDEWALK IN LIEU OF TRAIL

The Council-approved trail along the drainage connecting the apartments currently under construction to S. 37<sup>th</sup> Street was interpreted to meet the Trails Master Plan implementation requirement for new TMED development at that location. Ultimately, that originally-proposed trail would provide additional pedestrian connectivity to Jaycee Park that is also along Scott Boulevard to the west of the development and has been slated for \$1.1 million worth of park bond-funded improvements this winter. While the developer of The District has indicated that they could still build the trail, they have proposed and discussed a sidewalk alternative that staff believes would provide a greater public benefit than the private trail would. The following is a summary of the trail proposal:

- Build a sidewalk in front of the Candlewood Suites Hotel (1850 Scott Boulevard) and the office building lot immediately to the west (2002 Scott Boulevard) per attached Proposed Sidewalk Exhibit
- By City Code, a 4-foot sidewalk would be required since Scott Boulevard is considered a Collector
  - 1. However, staff is recommending a 6-foot sidewalk to match width on developer's property to the east and to comply with Trails Master Plan minimum width
  - 2. An estimated 880 linear feet of sidewalk
  - 3. Estimated cost of \$100,000, which would include the reconstruction of the driveways for both 1850 and 2002 Scott Boulevard.
  - 4. Estimated trails cost is \$80,000

In order to ultimately provide a pedestrian connection to Jaycee Park, the following sidewalk connections would have to be constructed by others:

- 1. In front of the creek/drainage channel
- 2. In front of lot at 2102 Scott Blvd. (owner would be responsible for adding a sidewalk when that property is developed in the future)
- 3. A crosswalk and/or other pedestrian facilities to allow for safe crossing of Scott to Jaycee Park Staff is working with Finance to try to finding funding sources for the other phases of the sidewalk.

<u>Development Review Committee:</u> The Design Review Committee (DRC) reviewed the proposed Development Plan at their November 21, 2016 meeting. All questions by DRC members were adequately addressed by the applicant.

<u>PUBLIC NOTICE:</u> Seven notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property (Six went to the developer, who still owns the other retail lots and one went to Baylor Scott & White Hospital). As of Friday December 2, 2016 zero responses had been returned.

#### **ATTACHMENTS:**

**Location Map** 

Revised Overall Retail Site Plan (Including Potbelly on "Lot 3b")

Conceptual Potbelly Site Plan

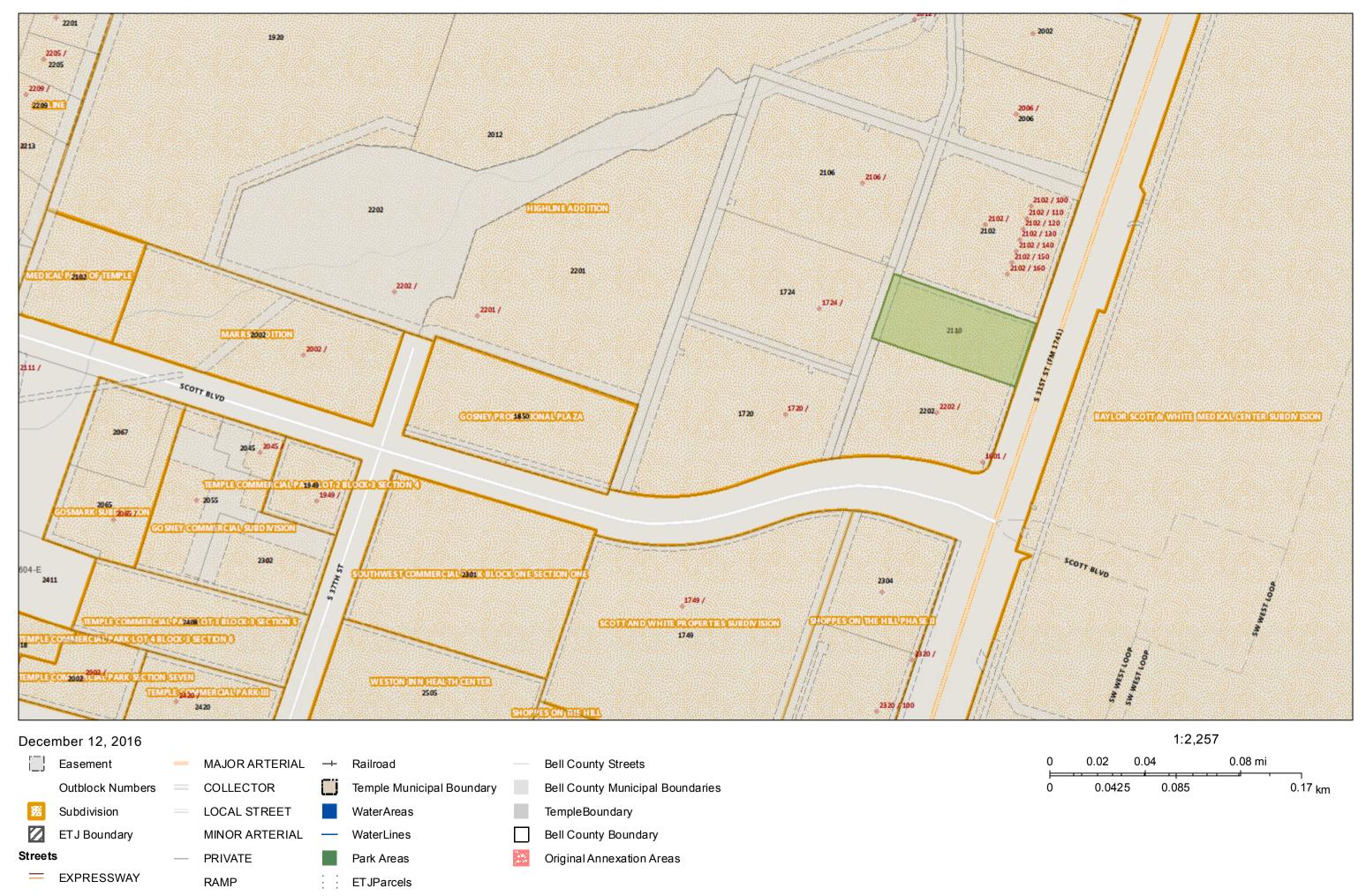
Proposed Sidewalk Exhibit

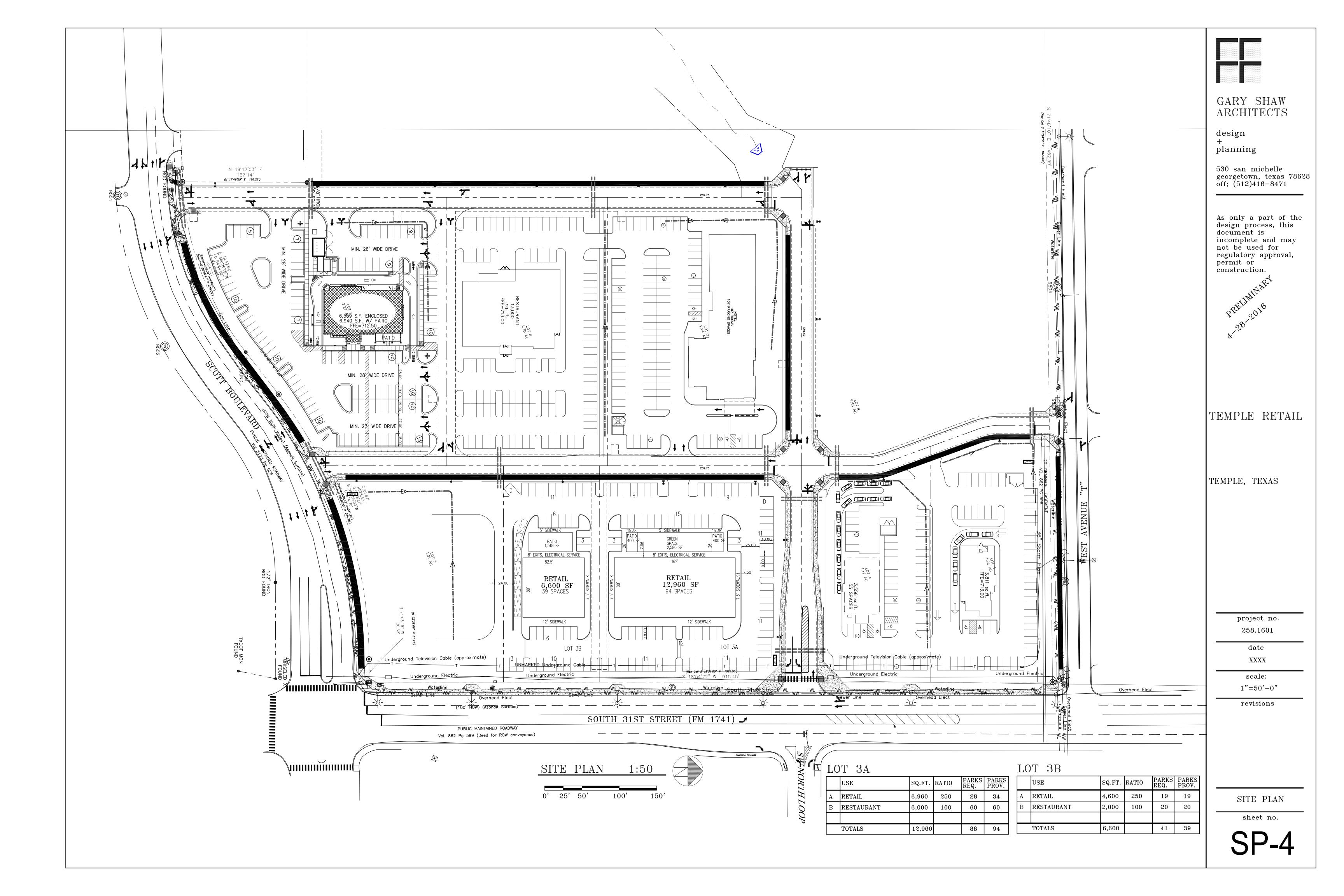
**Notification Map** 

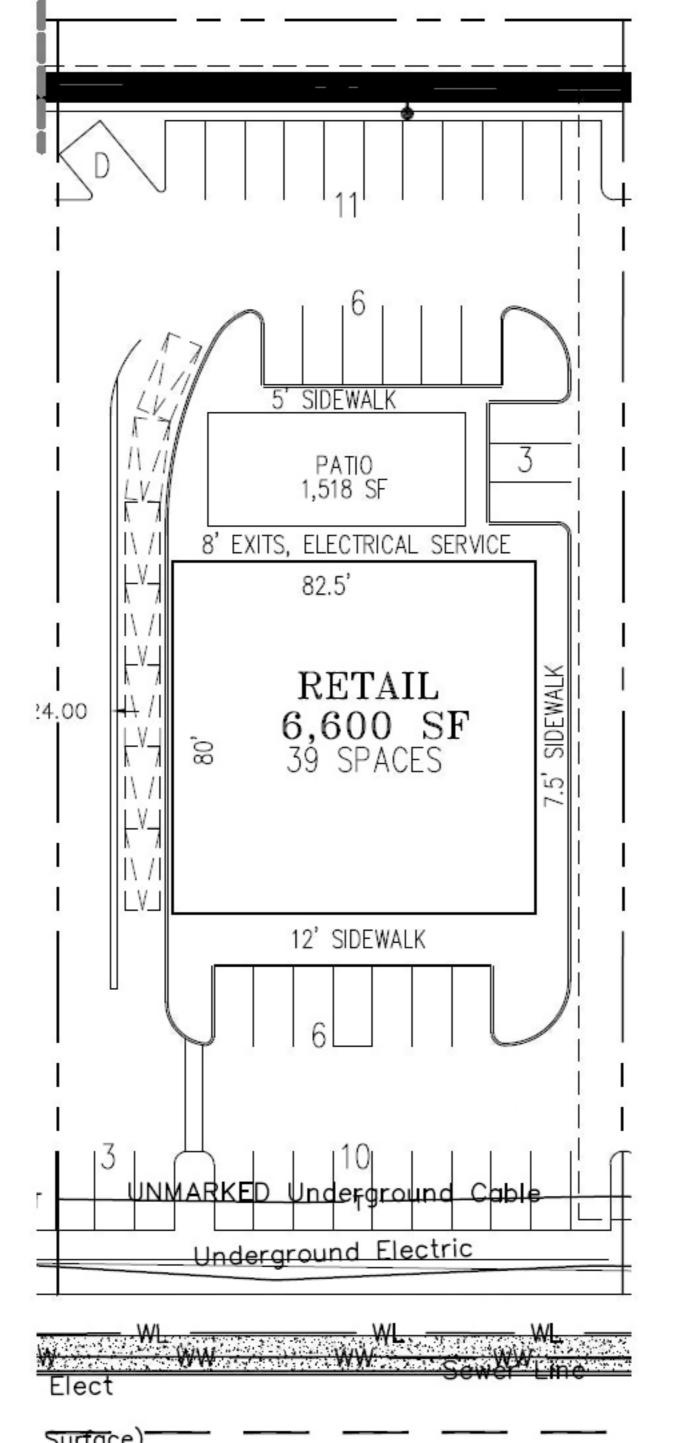
P&Z Excerpt (December 6, 2016)

Ordinance No. 2016-4749 (The District PD Ordinance and Site Plan)

# Potbelly Sandwich Shop Location Map

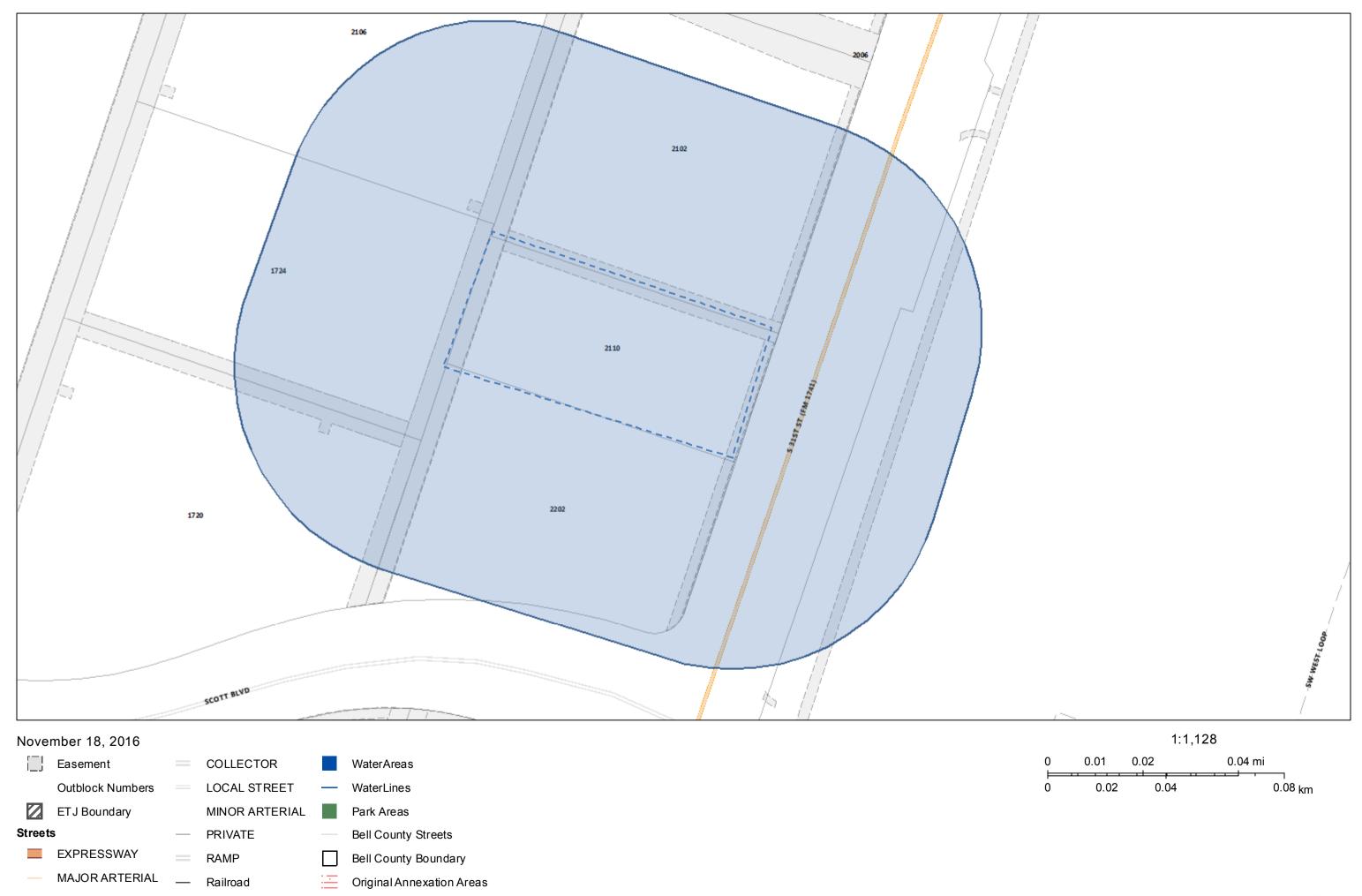








# 2110 S. 31st Street Site Plan Amendment-Notification Map



#### **EXCERPTS FROM THE**

#### **PLANNING & ZONING COMMISSION MEETING**

#### MONDAY, December 6, 2016

#### **ACTION ITEMS**

Item 2: TMED-FY-17-01 – Hold a public hearing to consider and recommend action to amend Ordinance No. 2016-4749, for a TMED Planned Development District site plan on .85 +/- acres, Lot 11, Block 1, Highline Addition, to allow for a drive-through restaurant located at 2110 South 31st Street, as well as to amend the overall development site plan to consider allowing a public sidewalk in lieu of a private trail.

Mr. Brian Chandler, Director of Planning, stated there were two parts to this request. The first part is to allow a drive-through at the subject property location (Lot 3B platted as Lot 11) by approving an amendment to the original site plan.

The site plan with building footprint shown. The building is 6,600 square feet and will be occupied by multiple tenants.

Another site plan is shown with an outdoor patio space of greater than 1,500 square feet which exceeds the Planned Development District Ordinance.

Current aerial site plan is shown.

The applicant will need to comply with the landscaping and proposed architectural standards of the Unified Development Code (UDC) and as approved in the Planned Development District Ordinance.

Part two of the request is a public sidewalk in lieu of a private trail.

Aerial site plan is shown for with the proposed private trail which would essentially connect the 200 plus apartment project with the South 37th Street stub-out road adjacent to the Candlewood Suites Hotel.

Another aerial shows what the area looks like currently with the preserved trees and the drainage easement. Whether developed as a trail or not, the trees are to remain.

The applicant is proposing a sidewalk in lieu of the proposed trail for connectivity. A six foot sidewalk is proposed along Scott Boulevard (in orange) for pedestrian connectivity all the way to the drainage area, which requires a Waters of the US Permit. The applicant has received this permit through the Army Corps of Engineers for the detention pond and the drainage work (indicated in the red-lined area).

The drainage portion (blue-lined area) requiring a Waters of the US Permit that would be outside of the scope of what the developer is requesting.

The green-lined area abuts another lot and upon future development a sidewalk will be required there. The City would need to provide pedestrian crossing from that sidewalk down to the leg of the Jaycee Park.

This proposal would implement the Trails Master Plan (TMP) as part of the Temple Medical Education District (TMED) standards for new development. The TMP does show a trail along Scott Boulevard connecting to Jaycee Park.

Cost estimates have been provided by the applicant/developer comparing the trail costs of \$80,000 for a decomposed granite trail, tree work, etc., and the sidewalk construction of \$100,000 which is higher than the actual trail costs due to unknown expenditures for the reconstruction of driveways for Candlewood Suites and the office building to the west to meet ADA requirements.

The Thoroughfare Plan designates Scott Boulevard as a collector which requires a four-foot wide sidewalk, except in TMED it requires a six-foot wide trail.

Jaycee Park Master Plan is shown. Jaycee Park is funded for bond improvements (\$1.1 million estimate).

Additional view of the "Trail" and Candlewood Suites and how the connectivity would be proposed.

The office building located at 2002 Scott Boulevard would also be affected, if approved.

Development Review Committee (DRC) reviewed this site plan on November 21, 2016 and the applicant has adequately addressed all comments.

Seven notices were mailed in accordance with all state and local regulations with zero notices returned in agreement or in disagreement.

Staff recommendation is approval with the following conditions:

That the sidewalk is six-feet wide for consistency with:

The other Scott Boulevard sidewalk required by the developer; and

The Trails Master Plan minimum width; and

That the length of the sidewalk extends to either:

The drainage channel per the Proposed Sidewalk Exhibit; or

As far west as the estimated \$100,000 will go:

The cost of the two driveways at 1850 and 2002 Scott Boulevard could change based on ADA sloping requirements

Mr. Chandler explained Candlewood Suites may have been built around 2005-2006 which predates TMED and is not actually located within the TMED. Mr. Chandler is unsure why the sidewalk was not required for Candlewood Suites at the time of construction.

Chair Rhoads explains the time limits procedure in order for everyone in attendance to have an opportunity to speak.

The public hearing was opened.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 2, TMED-FY-17-01, and Commissioner Ward made a second.

Motion passed: (8:0) Vice-Chair Fettig absent



# ORDINANCE NO. 2016-4749

(PLANNING NO. Z-FY-16-03)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING REZONING FROM T4 TO PD-T5-e AND FROM T5-c TO PD-T5-c TO ACCOMMODATE A COMBINATION OF MULTIPLE-FAMILY AND NONRESIDENTIAL DEVELOPMENT ON APPROXIMATELY 40.389 ACRES OF LAND IN THE TEMPLE MEDICAL AND EDUCATIONAL DISTRICT, BEING A PART OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT THE  $31^{ST}$ **NORTHWEST** CORNER OF SOUTH **STREET** AND **SCOTT** BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

<u>Part 1</u>: The City Council approves rezoning from T4 General Urban Zone to Planned Development T5e-Neighborhood Edge Zone (PD-T5-e) and from T5-c Urban Center Zone (T5-c) to Planned Development T5-c Urban Center Zone (PD-T5-c) to accommodate a combination of multiple-family and nonresidential development in the Temple Medical and Educational District (TMED) on approximately 40.389 acres of land, being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31<sup>st</sup> Street and Scott Boulevard, and more particularly described in Exhibit A.

<u>Part 2:</u> The City Council approves the PD-T5-e and PD-T5-c districts described in Exhibit A, subject to applicable TMED standards, with the exceptions and conditions listed as follows:

# Multiple-Family Phase (PD-T5-e) Exceptions:

- 1. Setback Dimensional Standards (Sec. 6.3.5.B)
  - a. Maximum 12' front yard setback and maximum 30' side yard setback are waived to allow the configuration shown in Exhibit B, Site/Landscaping Plan.
- 2. Building Configuration (Sec. 6.3.5.D)
  - a. Minimum 14' building story height is reduced to 10'6".
- 3. Alleys (Sec. 6.3.8.3.b)
  - a. Requirement for parking areas and garages to be accessed by rear alleys is waived.
- 4. Public Frontage Standards (Sec. 6.3.11.B.5)
  - a. Six-foot street yard planting strip may be located behind the 6' sidewalk to accommodate utilities.
- 5. Materials Required (Sec. 6.3.13.B)
  - a. The limit of 20% cementitious siding per façade plane is waived to allow materials as shown in Exhibit C, Apartment Elevations.

- 6. Building Design (Sec. 6.3.13.D)
  - a. Minimum 5:12 roof pitch is reduced to 4:12.
- 7. Parking and Garage Standards (Sec. 6.3.14)
  - a. Minimum of 1 enclosed garage space per 2 units is reduced to 1 space per 3.25 units.
- 8. Private Property Common Area Standards (Sec. 6.3.15.E)
  - a. The multiple-family phase will provide the alternative amenities listed as follows: new trees, swimming pool, grill house, pool water feature, dog wash station, benches, trail, club house, office center, and exercise facility.

# Multi-Family Phase (PD-T5-e) Conditions:

- 1. Private Property Common Area Standards (Sec. 6.3.15.E)
  - a. The multiple-family development will include approximately 22,826 sf of common area, exceeding the required minimum area of approximately 18,600 sf.
- 2. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
- 3. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.

# Nonresidential Phase (PD-T5-c) Exceptions:

- 1. Setback Dimensional Standards (Sec. 6.3.5.B)
  - a. Maximum 12' front yard setback is waived to allow configurations shown in Exhibit B, Site/Landscaping Plan.
- 2. Building Configuration (Sec. 6.3.5.D)
  - a. Two-story minimum building height is waived.
- 3. Use Standards (Sec. 6.3.6.D)
  - a. Prohibition of commercial surface parking lot is waived.
  - b. Prohibition of drive-through lane for restaurant is waived for Tracts 1, 2, 4, 5 and 6.
- 4. Specific Use Standards (Sec. 6.3.6.E)
  - a. Development may exceed maximum 10,000 sf gross floor area.
- 5. Block Perimeter (Sec. 6.3.7.C)
  - a. Maximum block perimeter standard of 2,000 sf is waived.
- 6. Parking Lot Landscaping (Sec. 6.3.10.D)
  - a. Requirement for one landscape parking island per 10 parking spaces is reduced to one island per 12 spaces.
- 7. Parking Lot Screen (Sec. 6.3.10.E)
  - a. Parking lot screening is waived.
- 8. Public Frontage Standards (Sec. 6.3.11)
  - a. Trees may be clustered instead of being regularly spaced. (Sec. 6.3.11.D.1)
  - b. Six-foot street yard planting strip may be located behind the 8' sidewalk. (Sec. 6.3.11.D.2)
  - c. Requirement for groundcover in street yard planting strip is waived. (6.3.11.D.2)
- 9. Architectural Standards (Sec. 6.3.13.D)
  - a. For horizontal articulation, the minimum offset per 50' building façade length is reduced from 5' to 2'.
  - b. Windows and doors for transparency are waived for public-facing façades for the hotel site.

# 10. Signage (Sec. 6.3.16.C)

- a. Wall Signs
  - i. Multi-tenant signs are limited to 1 wall sign per façade of tenant's premises (3' tall x 80% of maximum of façade length of tenant space).
  - ii. Single-tenant signs are limited to 1 wall sign per façade (sign area not to exceed 25% of elevation area).

## b. Monument Signs

- i. One 25' tall project multi-tenant monument sign is allowed at the South 31st Street entrance.
- ii. One 20' tall multi-tenant monument sign is allowed at the West Avenue T entrance, and one 20' tall multi-tenant monument sign is allowed at the Scott Boulevard entrance.
- iii. No more than 1 single-tenant or multi-tenant 10' tall monument sign is permitted for each individual lot.
- c. Approved sign standards are illustrated in Exhibit D, Wall Sign Specifications and Monument Sign Elevations.

# Nonresidential Phase (PD-T5-c) Conditions:

- 1. Each restaurant with a drive-through lane must provide at least 150 sf of outdoor dining space.
- 2. For buildings located at public street corners (on Tracts 1 and 4):
  - a. The building must have a parapet or vertical roof element that is at least 3' higher than the top of parapet height or roof height.
  - b. The length of the parapet or roof element must be at least 15% of the length of the façade on the side of the building that has the main entrance.
- 3. Multi-tenant project signs may not exceed 25' in height.
- 4. Development must achieve substantial compliance with the approved plans shown in Exhibits B, C, and D.
- 5. The Planning Director is authorized to approve minor changes. Substantial changes require approval by City Council.
- <u>Part 3:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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.

<u>Part 6</u>: 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 21st day of January, 2016.

PASSED AND APPROVED on Second Reading on the 4th day of February, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

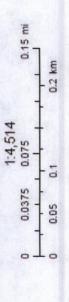
City Secretary

\*

APPROVED AS TO FORM:

Kayla Landeros City Attorney

# TIMED/TS TMED/SD-H 4001 T23W W2 Exhibit A Z-FY- -03 Zoning Map 1822 (TMED Planned Development 1817 Urban Center Zone) PD-T5-c 2401 (TMED Planned Development Neighborhood Edge Zone) PD-T5-e 2013 2102 2010 2014 2110 2106 2217 2110 2105 2101 2105 2225 2109





**OVERALL MASTER PLAN** 

31st and Scott Boulevard Temple, Texas

Job #: 14243.00 File Name: SP-9 Overall.psd Date: 12.01.2015 Drawn by: JWW

HIGHLINE KAN ISTAN GROUP



2808 Fairmount Street, Suite 300 Dallas, Texas 75201 | 214,303 1500

3300 West 7th Street, Suite 110 Fort Worth, Texas 76107 | 817.303.1500

**Exhibit C: Apartment Elevations** 



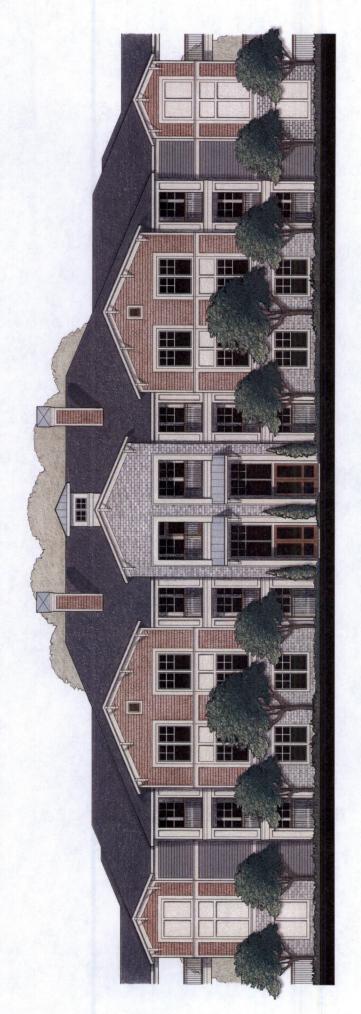
TYPICAL APARTMENT BUILDING SIDE VIEW



TYPICAL APARTMENT BUILDING FRONT VIEW

# ARYA TEMPLE APARTMENTS Mucasey & Associates, Architects November 17, 2015

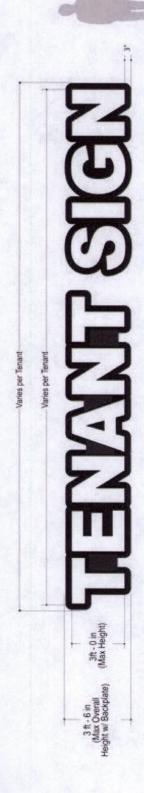
**Exhibit C: Apartment Elevations** 



# AMENITY CENTER FRONT ELEVATION

Arya Temple Apartments Mucasey & Associates, Architects December 1, 2015

## **Exhibit D: Wall Sign Specifications**



Front-Lit Channel Letters w/ Backplate, Raceway Mounted • Front View

SCALE: 3/16" = 1-0"

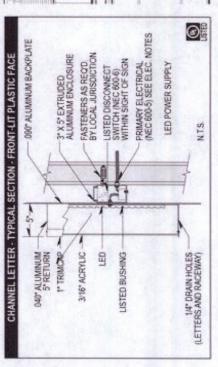
Varies per Tenartup to 80% of Facade length) ONE (PER FACADE Letters- 3' - 0' / Backplate- 3' - 6" Varies per Tenant. Black Jewelite Black Gloss Max. Allowed Height: Overall Length: Fotal Sq.Ft.: QUANTITY: Trimcap: Returns:

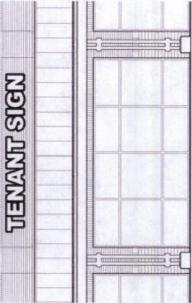
7328 White Plex First-surface translucent vinyl: Face:

Painted to match Building, TBD TBD, per client artwork WHITE LEDS Illumination: Backplate: Raceway:

NOTES:

- Raceway Mounted
- WHITE interiors for increased illumination
- All paint two-stage automotive polyurethane





Typical Elevation

ELECTRICAL NOTES FSC DOES NOT provide primary describtants as son. Power to the sign must be done by a Remand electrical contractor or homeway electrical contractor or homeway to be contractor or home and service to home a fine view Line, Geound, and the contractor or homeway than Ceound.



The Delinct Tomple Team

Start Code: 8:2015 Last Royanon Jobs: 92J7099 Crawroy # RGJ7059-test

Design Rig House Sales Rep Bub Strobook

3



10212 METRIC BOULEVARD, AUSTIN, TEXAS 78758 • 1-800-327-1104 / 512-494-0002 / www.fsgi.com

Chart Approval

## **Exhibit D: Monument Sign Elevations**



B SECONDARY PYLONS SCALE: 1/4"

Fabricate and install two (2) Primary Pylons built to UL specifications;

- Welded tubular steel framework with .090 aluminum plate;
- · Dual Steel supports set in 3000psi concrete to grade;
- · Tenant Cabinets finished in Matthews brushed aluminum polyurethane; lamped with

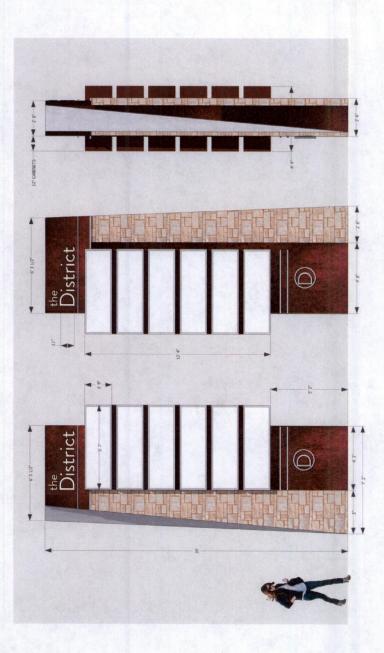
high output fluorescents; Faces to be white #7328 plex overlaid with 3M\*\* translucent

vinyls per client;

- Austin White Limestone veneer over pole covers;
- · [the District] to routed-out and backed with #7328 white plex; White High Output

fluorescent lamping;

- Square tubular aluminum accent-rails and logo finished MP brushed aluminum;
- Matthews Corten-steel finish on faces/sidewalls;
- · Electrical requirement: 120v to be supplied at sign site by others;





LEXINGTON HILLS 2430 CROMWELL DR. AUSTIN, TEXAS 78741

Start Date:7/18/15 Last Revision: Job#:92J7059 Drawing #:92J7059bv1s1

CLIENT APPROVAL Design Rep.
BEN ANGLIN
Sales Rep.
BOB STROBECK

			REVISIONS
		WM/DD/YY	REMARKS
CLIENT APPROVAL. APPROVAL: There revereed and approved the sign details on this drawing for fabrication and entitliation. DATE	-		
	2	-1-1-	***
	e	-1-1-	
	4	/-/-	***
LANDLOKID APPROVAL APPROVAL I have reversed and approved the ugn details on this drawing for fabrication and installation. URLIE	5	11	

100

8

## **Exhibit D: Monument Sign Elevations**



Fabricate and install two (4) Pad Mon

Welded tubular steel framework with .090 alu

· Dual Steel supports set in 3000psi concrete to grade;

· Tenant Cabinets to have reverse-pan faces (.090) aluminum finished in Matthews

white, and overlaid with 3M" opaque vinyls per client;

 Two monuments to have single-user faces, and two mon (each side); Tenant Cabinets to be externally illuminated w/ Gooseneck lamps (x4 per monu-

Austin White Limestone veneer over pole covers and planter-base;

· [the District] to be face-lit channel letters w/ #7328 white plex faces and white

trimcapping; Sidewalls finished MP black; White LED illumination; Letters flush moun

to cabinet;

Square tubular aluminum accent-rails and .25" routed letters finished MP brushed

· Matthews Corten-steel finish on cabinet sidewalls and pole cover (inner section);;

· Electrical requirement: 120v to be supplied at sign site by others;



NOTE. DUE TO MONITOR AND PRINTER SETTINGS, COLORS SHOWN ARE APPROXIMATIONS ONLY. PLEASE REFER TO MANUFACTURER'S SAMPLES AND PANTONE CHART FOR ACCURATE COLOR REPRESENTATION:

REMARKS
---------

100

0

Start Date:7/18/15 Last Revision: Job#:92.17059 Drawing #:92.17059cv1s1 LEXINGTON HILLS 2430 CROMWELL DR. AUSTIN, TEXAS 78741

Design Rep. BEN ANGLIN Sales Rep. BOB STROBECK

LANDLORD APPROVAL APPROVAL I have reviewed and approved B

### ORDINANCE NO. 2016-4818

### (PLANNING NO. TMED-FY-17-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2016-4749 FOR A TEMPLE MEDICAL EDUCATION DISTRICT PLANNED DEVELOPMENT DISTRICT SITE PLAN ON APPROXIMATELY .85 ACRES, LOT 11, BLOCK 1, HIGHLINE ADDITION, TO ALLOW FOR A DRIVE-THROUGH RESTAURANT LOCATED AT 2110 SOUTH 31<sup>ST</sup> STREET; AND AUTHORIZING THE AMENDMENT OF THE OVERALL DEVELOPMENT/SITE PLAN TO CONSIDER ALLOWING A PUBLIC SIDEWALK IN LIEU OF A PRIVATE TRAIL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the horizontal mixed use project called "The District" was approved by Council on February 4, 2016 through a Planned Development District rezoning – the overall project consists of approximately 40.389 acres of apartments to the west and retail to the east;

Whereas, the retail property is currently zoned TMED (Temple Medical Education District) T5-c, which prohibits drive-through restaurant windows – the original Planned Development zoning and accompanying development/site plan included an exception to the drive-through prohibition to allow them on three other restaurant lots, however, no drive-through was approved for Lot 11 and, therefore, the addition of a 4<sup>th</sup> drive-through within the development constitutes as a substantive site plan change requiring Council approval;

**Whereas,** the proposed drive-through restaurant will comply with the required conditions specified by the Planned Development Ordinance, which states that each restaurant with a drive-through must provide at least 150 square feet of outdoor dining space, and therefore Staff recommends Council approve the addition of a 4<sup>th</sup> drive-through within the development;

**Whereas,** the Council-approved trail along the drainage channel connecting the apartments to South 37<sup>th</sup> Street was interpreted to meet the Trails Master Plan implementation requirement for new TMED development at that location;

Whereas, Staff believes the sidewalk would provide a greater public benefit than the private trail by creating additional pedestrian connectivity to Jaycee Park to the west;

**Whereas,** at its December 6, 2016 meeting, the Planning & Zoning Commission recommended approval of the amended site plan; and

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

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

<u>Part 1:</u> The City Council amends Ordinance No. 2016-4749, for a TMED Planned Development District site plan on approximately .85 acres, Lot 11, Block 1, Highline Addition, to allow for a drive-through restaurant located at 2110 South 31<sup>st</sup> Street attached hereto as Exhibit A (Restaurant Site Plan).

<u>Part 2:</u> The City Council amends the overall development/site plan to consider allowing a public sidewalk in lieu of a private trail, and more particularly described in the site plan attached hereto as Exhibit B (Proposed Sidewalk Exhibit) with the following conditions:

- That the sidewalk is 6 feet wide for consistency with:
  - 1. The other Scott Boulevard sidewalk required by the developer; and
  - 2. The Trails Master Plan minimum width.
- That the length of the sidewalk extends to either:
  - 1. The drainage channel per Exhibit B; or
  - 2. As far west as the sidewalk can be extended with the estimated \$100,000 budget
    - The cost of replacing the two driveways at 1850 and 2002 Scott Boulevard could change based on ADA sloping requirements.

<u>Part 3:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

<u>Part 4</u>: 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.

<u>Part 5</u>: 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.

<u>Part 6</u>: 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 5<sup>th</sup> day of **January**, 2017.

PASSED AND APPROVED on Second Reading on the 19th day of January, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/05/17 Item #7 Regular Agenda Page 1 of 3

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

Kayla Landeros, City Attorney

<u>ITEM DESCRIPTION</u>: FIRST READING – PUBLIC HEARING - Consider adopting an ordinance reapproving the extension of the life of City of Temple Tax Increment Financing Reinvestment Zone Number One to December 31, 2062.

**STAFF RECOMMENDATION:** Conduct a public hearing and adopt ordinance as presented on first reading; with second and final reading on January 19, 2017.

<u>ITEM SUMMARY</u>: In September 1982, the City Council approved an ordinance creating the City of Temple Tax Increment Financing Reinvestment Zone #1 ("TIFRZ#1" or the "Zone") as authorized by Texas Tax Code Chapter 311. The original termination date for TIFRZ#1, as set forth in Ordinance No. 1457 (attached to this Memorandum), was December 31, 2022.

In 2010, though Ordinance No. 2010-4404, the City Council extended the life of TIFRZ#1 for an additional forty years and set the new termination date at December 31, 2062. Council committed to contributing 100% of the City's taxes levied on the increased value of taxable real property within the boundaries of TIFRZ#1 through the new termination date of December 31, 2062. On the same date, Council also expanded the boundaries of the Zone to include the Temple Medical and Education District.

Several taxing entities, including Temple College, Elm Creek Watershed Authority, and Temple Independent School District agreed to contribute 100% of their taxes levied on the increased value of taxable real property within the boundaries of TIFRZ#1 into the City's tax increment fund through December 31, 2062. Bell County agreed to contribute 100% of its taxes through December 31, 2042. Elm Creek and Bell County agreed to participate in the expanded area of the Zone, however TISD was prohibited by State law from doing so.

The Zone benefits significantly from TISD's participation which currently accounts for approximately 60% of the revenue generated for the Zone fund. TISD is able to participate at this level because the State of Texas recognizes the school district's participation and fills the gap in property tax funding through State funding. The amount of funding received by TISD from the State is dependent upon the district's property tax values. To calculate school district property values, the State Comptroller determines the total taxable value of all property in the school district. The total taxable value of property is then used to calculate State funding for the district. The higher the total taxable value of property, the lower the State funding and vice versa.

The State recognizes TISD's participation in TIFRZ#1 when it calculates the total taxable value for the district. Once that value is determined, the State then subtracts the "tax increment base" from the total taxable value. The tax increment base is the total taxable value of real property taxable by TISD and located in the Zone for the year in which the Zone was designated. For our purposes, that year is 1982. The tax increment base is then subtracted from the total taxable value of real property to determine the "captured appraised value." The captured appraised value is the "increment" generated by increases in real property values occurring since 1982. The captured appraised value is then subtracted from the total taxable value and this number sets the new total taxable value for TISD. This lower number generates more State funding for the district.

Without the State's recognition of TISD's participation in the Zone, TISD would be unable to contribute 100% of its taxes levied on the increased value of taxable real property in the Zone. TISD would be paying a large sum of its property taxes to the Zone fund without being made whole by the State.

The process for calculating school district property values, as explained above, is set forth in Texas Government Code Section 403.302. This section allows the calculation above to be made for TISD through December 31, 2022, which was the original termination date of the Zone.

In 2011, an amendment to Section 403.302 was passed by the Legislature. The amendment applies only to a reinvestment zone created by a municipality that has a population of 70,000 or less and is located in a county in which all or part of a military installation is located. Temple's population in the 2010 Census was 66,102 and it is located in Bell County where Fort Hood is based.

The amendment allows the State to continue making TISD whole for its participation in the Zone if "on or after January 1, 2017, the municipality adopts an ordinance designating a termination date for the zone that is later than the termination date designated in the ordinance creating the zone." The ordinance creating the Zone stated that the Zone would terminate on December 31, 2022. The 2010 ordinance changed the termination date to 2062. Council has already adopted an ordinance which sets forth a termination date later than the termination date designated in the 1982 ordinance. However, to meet the requirements of Section 403.302, Council must take a similar action *after January 1, 2017*. For this reason, Staff is requesting that Council reapprove the extension of the life of TIFRZ#1 to December 31, 2062. This action should fulfill the requirements of Section 403.302 and continue to allow the State to recognize TISD's participation in the Zone when calculating the district's State funding.

01/05/17 Item #7 Regular Agenda Page 3 of 3

**FISCAL IMPACT**: TISD's contribution to the Zone for FY 2016 was \$14,753,907 and is estimated to be \$13,137,164 in FY 2017. As noted above, approving this ordinance will allow the State to continue recognizing TISD participation in the Zone when calculating the district's State Funding and allow TISD's continued contribution to the Zone beyond 2022.

### **ATTACHMENTS**:

Ordinance

### ORDINANCE NO. 2016-4819

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REAPPROVING THE EXTENSION OF THE LIFE OF THE CITY OF TEMPLE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 TO DECEMBER 31, 2062; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

**Whereas**, in September 1982, the City Council approved an ordinance creating the City of Temple Tax Increment Financing Reinvestment Zone #1 ("TIFRZ#1" or the "Zone") as authorized by Texas Tax Code Chapter 311 - The original termination date for TIFRZ#1, as set forth in Ordinance No. 1457 was December 31, 2022;

Whereas, in 2010, through Ordinance No. 2010-4404, the City Council extended the life of TIFRZ#1 for an additional forty years and set the new termination date at December 31, 2062 – in that same Ordinance, Council committed to contributing 100% of the City's taxes levied on the increased value of taxable real property within the boundaries of TIFRZ#1 through the new termination date of December 31, 2062;

Whereas, several taxing entities, including Temple College, Elm Creek Watershed Authority, and Temple Independent School District agreed to contribute 100% of their taxes levied on the increased value of taxable real property within the boundaries of TIFRZ#1 into the City's tax increment fund through December 31, 2062 - Bell County agreed to contribute 100% of its taxes through December 31, 2042;

Whereas, the Zone benefits significantly from TISD's participation which currently accounts for approximately 60% of the revenue generated for the Zone fund - TISD is able to participate at this level because the State of Texas recognizes the school district's participation and fills the gap in property tax funding through State funding;

Whereas, without the State's recognition of TISD's participation in the Zone, TISD would be unable to contribute 100% of its taxes levied on the increased value of taxable real property in the Zone because TISD would pay a large sum of its property taxes to the Zone fund without being made whole by the State;

Whereas, the process for calculating school district property values is set forth in Texas Government Code Section 403.302 which allows the calculations to be made for TISD through December 31, 2022, which was the original termination date of the Zone;

Whereas, in 2011, an amendment to Section 403.302 was passed by the Legislature which applies only to a reinvestment zone created by a municipality that has a population of 70,000 or less and is located in a county in which all or part of a military installation is located - Temple's population in the 2010 Census was 66,102 and it is located in Bell County where Fort Hood is based;

Whereas, the amendment allows the State to continue making TISD whole for its participation in the Zone if "on or after January 1, 2017, the municipality adopts an ordinance designating a termination date for the zone that is later than the termination date designated in the ordinance creating the zone;"

Whereas, the original ordinance creating the Zone stated that the Zone would terminate on December 31, 2022 and the 2010 ordinance changed the termination date to 2062;

Whereas, Council has already adopted an ordinance which sets forth a termination date later than the termination date designated in the 1982 ordinance, however, to meet the requirements of Section 403.302, Council must take a similar action after January 1, 2017;

Whereas, for this reason, Staff recommends Council reapprove the extension of the life of TIFRZ#1 to December 31, 2062 which should fulfill the requirements of Section 403.302 and continue to allow the State to recognize TISD's participation in the Zone when calculating the district's State funding;

Whereas, the Council finds that reapproving the extension of the life of the TIFRZ#1 is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

### Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas That:

- <u>Part 1:</u> Findings. The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.
- <u>Part 2:</u> The City Council reapproves extending the life of the City of Temple Tax Increment Financing Reinvestment Zone Number One through December 31, 2062.
- <u>Part 3:</u> Copies to Taxing Units. The City Secretary shall provide a copy of this resolution to each taxing unit that taxes real property located in the Zone.
- <u>Part 4:</u> Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.
- <u>Part 5:</u> 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.

<u>Part 6:</u> Open Meetings. 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 and Public Hearing on the **5**<sup>th</sup> day of **January**, 2017.

PASSED AND APPROVED on Second Reading on the 19th day of January, 2017.

THOSED HIVE HIT INC VE	on become reading on the 15 day of bandary, 2017.
	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney



### **COUNCIL AGENDA ITEM MEMORANDUM**

01/05/17 Item #8 Consent Agenda Page 1 of 2

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

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a deductive change order to the Prairie View Road Phase 1 contract with R.T. Schneider Construction Company, Ltd., of Belton in the amount of \$375,398.75.

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

<u>ITEM SUMMARY:</u> On December 18, 2014, Council authorized a construction with RTS to construct Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road (Map attached).

The attached change order resolves the final contract amount. The original construction contract amount was \$7,689,762.90. Previous change orders totaled \$338,311.54, or 4.4% of the original contract amount. Change Order #11 represents items not used for the project and decreases the contract by \$375,398.75, or 4.9% of the original amount. The net change in the contract is a deduction of \$37,087.21, or 0.48% of the original amount.

The change order also includes time to extend the contract to cover additional items requested by the City toward the end of the project, as well as processing of the final change order. The engineering consultant has reviewed the change order and recommends approval.

Original Contract Amount	\$ 7,689,762.90
Previous Net Change in Contract Amount	\$ 338,311.54
Proposed Change in Contract Amount	<b>\$</b> (375,398.75)
Revised Contract Amount	<u>\$7,652,675.69</u>

<u>FISCAL IMPACT:</u> Funds for deductive Change Order #11 with RT Schneider Construction Company in the amount of \$375,398.75 will be realized in project #100984, as follows:

_	561-5	200-535-6862	365-	3400-531-6862		Total
Project Budget	\$	742,450	\$	8,427,414	\$	9,169,864
Encumbered/Committed to Date		(742,450)		(8,425,228)	(	9,167,678)
RT Schneider Construction CO #11		50,444		324,955		375,399
Remaining Project Funds	\$	50,444	\$	327,141	\$	377,585

01/05/17 Item #8 Consent Agenda Page 2 of 2

<u>ATTACHMENTS:</u>
Change Order Form & Engineer's Recommendation Project Map Resolution



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

### KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS
Texas Firm F-510

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

December 8, 2016

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

Re:

City of Temple, Texas Prairie View Road Phase 1

Dear Mr. Wilson:

Attached are signed copies of Change Order #11 (Final). This Change Order included final bid item quantities adjustments used for completing construction of this project and a Net Change in Contract Amount in the amount of (\$375,398.75). Substantial Completion for this project occurred on August 1, 2016 and punch list items were completed on December 7, 2016 by RT Schneider Construction Co., LTD. The improved road was opened to traffic on August 1, 2016. Therefore Contract Time is adjusted on this Change Order to reflect the Final Completion of Date December 7, 2016. We have reviewed the Change Order #11 (Final) and recommend a Net Change in Contract Amount in the amount of (\$375,398.75).

Sincerely,

Michael C. Newman, P.E., CFM

MCN/mcn

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD

2013-128-40

### **CHANGE ORDER - FINAL**

PROJECT: Prairie View Ph.1 Roadway Improvements

OWNER: City of Temple

CONTRACTOR: RT Schneider Construction Co LTD

ENGINEER: Kasberg, Patrick & Associates

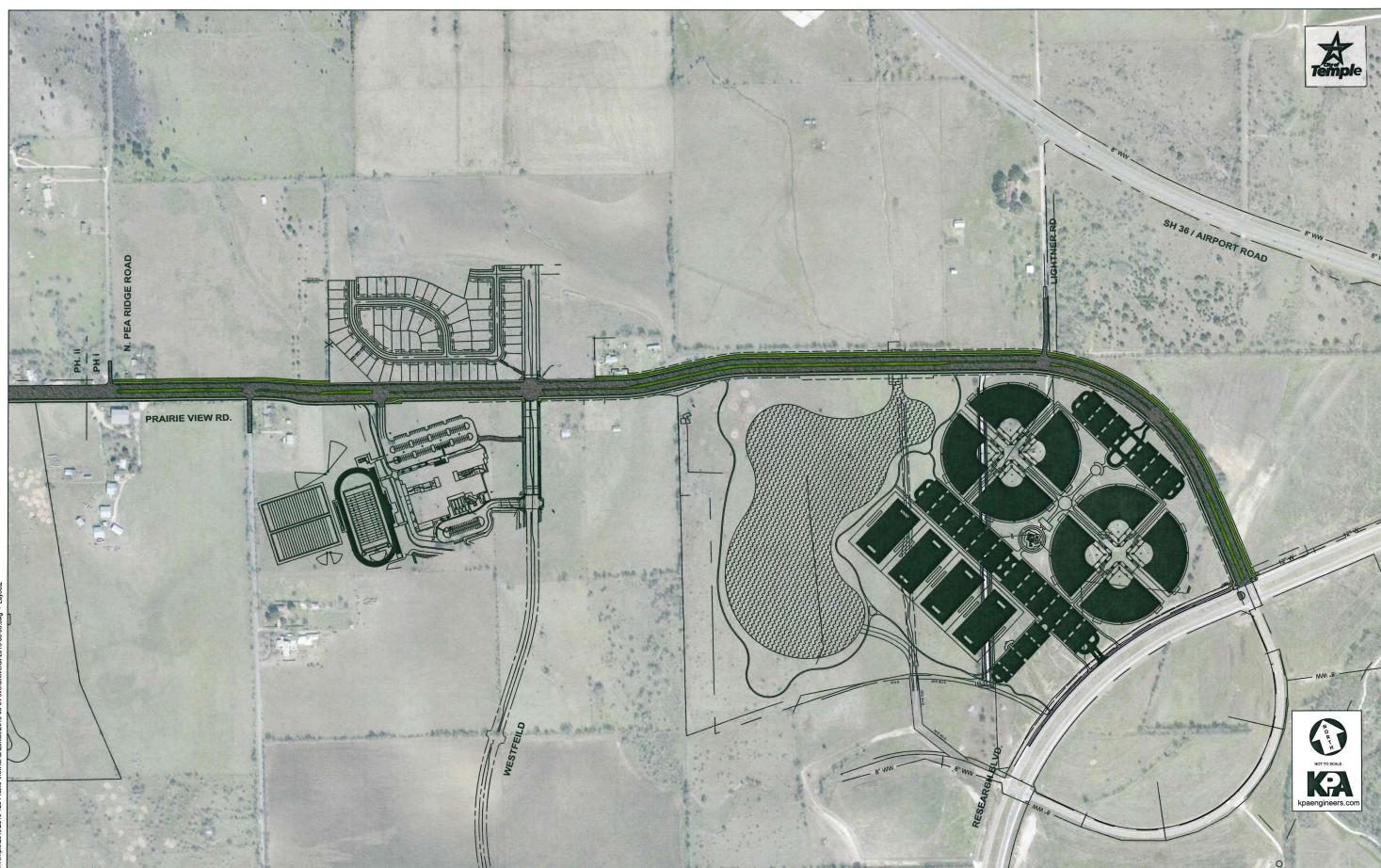
CHANGE ORDER #: 11

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:							
based on f	inal quantities.						
Add:	•						
Item	Description	Quantity	Unit	U	nit Price	Ext	ended Amount
D-24	4" Yellow Gore Thermo Plastic Striping	210	LF		1.10	\$	231.00
D-25	4" Single White Solid Thermo Plastic Striping	1,096	LF	\$	0.42	\$	460.32
D-28	White Crosswalk Thermo Plastic Striping	314	LF	\$	18.70	\$	5,871.80
D-31	White "ONLY" Thermo Plastic Striping	10	EA	\$	550.00	\$	5,500.00
D-33	Install Median Pavers	743	SF	\$	11.00	\$	8,173.00
- 00				Add '		\$	20,236.12
							,
Delete:							
Item	Description	Quantity	Unit	U	nit Price	Ext	ended Amount
A-14	Furnish & Install 5-Strand Barbed Wire Fence	4,482	LF	\$	5.50	\$	24,651.00
A-15	Furnish & Install New Fence Corner Brace Post	15	EA	\$	495.00	\$	7,425.00
A-16	Furnish & Install New Galvanized Tube Access Gate	7	EA	\$	842.00	\$	5,894.00
A-17	Demobilization in the event of a delay of Work	1	EA	\$	6,100.00	\$	6,100.00
A-18	Mobilization in the event of a delay of Work	1	EA	\$	7,665.00	\$	7,665.00
B-1	48" Class III Reinforced Concrete Pipe	39	LF	\$	199.50	\$	7,780.50
B-2	36" Class III Reinforced Concrete Pipe	164	LF	\$	136.50	\$	22,386.00
B-3	30" Class III Reinforced Concrete Pipe	60	LF	\$	97.00	\$	5,820.00
B-4	24" Class III Reinforced Concrete Pipe	153	LF	\$	81.38	\$	12,451.14
B-5	18" Class III Reinforced Concrete Pipe	307	LF	\$	70.77	\$	21,726.39
D-3	18" CMP Driveway Culverts	5	EA	\$	4,725.00	\$	23,625.00
D-9	Compact Select Fill Roadway	1,667	CY	\$	18.00	\$	30,006.00
D-14	2" Type "C" HMAC with Prime & Tack Coat	2,753	SY	\$	10.50	\$	28,906.50
D-23	4" Double Yellow Solid Thermo Plastic Striping	110	LF	\$	1.20	\$	132.00
D-26	4" White Skip (Dash) Thermo Plastic Striping,	1,520	LF	\$	0.22	\$	334.40
D-27	24" White Stop Bar Thermo Plastic Striping	25	LF	\$	5.50	\$	137.50
D-29	White Directional Arrow Thermo Plastic Striping	31	EA	\$	50.00	\$	1,550.00
D-30	8' wide Type III Barricade	10	EA	\$	580.00	\$	5,800.00
D-32	White Bicycle Lane Emblem Thermo Plastic Striping	98	EA	\$	126.50	\$	12,397.00
D.Z13	4" Type B HMAC	2,753	SY	\$	17.80	\$	49,003.40
E-12	Miscellaneous Class A Concrete	300	CY	\$	238.00	\$	71,400.00
F-5	12-inch Diameter PVC Water Line, including Thrust	656	LF	\$	55.34	\$	36,303.04
F-6	2-inch Diameter PVC Water Line, including Thrust	38	LF	\$	34.75	\$	1,320.50
F-7	Install Standard Fire Hydrant Assembly, Including	1	EA	\$	3,885.00	\$	3,885.00
F-13	12-Inch Gate Valve	2	EA	\$	2,205.00	\$	4,410.00
F-16	12" Plug	3	EA	\$	493.50	\$	1,480.50
F-19	12" x 12" Cross	1	EA	\$	1,575.00	\$	1,575.00
F-23	12" 22.5° Bend	î	EA	\$	493.50	\$	493.50
F-26	Connect to Existing 2" Water Line	î	EA	\$	976.50	\$	976.50
120	The state of the s	•		-	ct Total	\$	395,634.87
				CI	undan Takel	•	(275 200 75)
				Change C	rder Total	\$	(375,398.75)

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

<b>A</b> 220 211
\$ 338,311.
\$ (375,398.
\$ 7,652,675.
330 days
222 days
141 days
693 days
December 10, 2015
December 7, 2016

Recommended By:		Recommended by:  Muld Chum 12/8/2016
Project Manager (City Staff)	Date	Architect/Engineer Date
Agreed to:		Approved by City of Temple:
Contractor	Date	Jonathan Graham, City Manager Date
Approved as to form:		Approved by Finance Department
City Attorney's Office	Date	Finance Date



### **RESOLUTION NO. 2016-8508-R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$375,398.75, TO THE CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD OF BELTON, TEXAS FOR CONSTRUCTION SERVICES REQUIRED FOR STREET IMPROVEMENTS RELATED TO THE PRAIRIE VIEW ROAD, PHASE I PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

\_\_\_\_\_

**Whereas,** on December 18, 2014, Council authorized a construction contract with R.T. Schneider Construction Co., Ltd. for construction of Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road;

**Whereas,** this deductive change order resolves the final contract amount in which the original construction contract amount was \$7,689,762.90 – all previous change orders totaled \$338,311.54, or 4.4% of the original contract amount and the net change in the contract is a deduction of \$37,087.21, or 0.48% of the original amount;

Whereas, Staff and the City's engineer have reviewed this deductive change order and recommends Council approve the deductive change order amount of \$375,398.75 for construction services related to Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road;

**Whereas,** funding for this deductive change order will be realized in Account No. 561-5200-535-6862 and Account No. 365-3400-531-6862, Project No. 100984; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a deductive change order in the amount of \$375,398.75, to the construction contract with R.T. Schneider Construction Company, Ltd of Belton, Texas for construction services related to Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road.

<u>Part 2:</u> 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 5th day of January, 2017.

	THE CITY OF TEMPLE, TEXAS
	DANIEL A. DUNN, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Kayla Landeros
City Secretary	City Attorney