



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, MARCH 16, 2017
3:30 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 16, 2017.
2. Update on the recycling program.
3. Discuss the process for fulfilling the position of city manager, including the appointment of an interim city manager.

Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

4. Receive a presentation regarding a proposed Outside Agency Funding Policy.

5:00 P.M.
MUNICIPAL BUILDING
2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX

TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. CONSENT AGENDA

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

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

Minutes

- (A) [March 2, 2017 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2017-8566-R](#): Consider adopting a resolution authorizing the purchase and installation of exercise equipment at the Summit Recreation Center from Marathon Fitness of Sugar Land in the amount of \$30,818.90.
- (C) [2017-8567-R](#): Consider adopting a resolution authorizing additional funds for the purchase of an easement necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs associated with the purchase, in the estimated amount of \$1,000.

- (D) [2017-8568-R](#): Consider adopting a resolution authorizing the purchase of two rights of way necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase in an estimated amount of \$131,000.
- (E) [2017-8569-R](#): Consider adopting a resolution authorizing the purchase of one property necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs and relocation costs associated with the purchase, in an estimated amount of \$49,100.
- (F) [2017-8570-R](#): Consider adopting a resolution authorizing the purchase of three Solid Waste Collection diesel-powered automated refuse trucks from various vendors at a total cost of \$589,608.
- (1) One 2018 Freightliner M2-106 cab-chassis with G&H roll off body from Houston Freightliner, Inc. of Houston in the amount of \$135,706;
 - (2) One 2018 Freightliner M2-106 cab-chassis from Houston Freightliner, Inc. of Houston in the amount of \$83,283; one Hood Model 7000 knuckle boom loader from Industrial Disposal Supply Company of Plano in the amount of \$87,930; for a total truck cost of \$171,213.
 - (3) One 2017 Autocar ACX64 cab-chassis with Dadee Scorpion Residential Truck body from Chastang Enterprises, dba Chastang Ford/Autocar of Houston in the amount of \$282,689.
- (G) [2017-8571-R](#): Consider adopting a resolution authorizing a construction contract with Louie Minor Construction, LLC of Belton, in the amount of \$58,500 for the installation of a trail at Oak Creek Park.
- (H) [2017-8572-R](#): Consider adopting a resolution authorizing a change order to the construction contract with Playcraft Systems, a division of Krauss Craft, Inc., of Grants Pass, OR, in the amount of \$57,870.89 for the purchase and installation of artificial turf system under the play system at Oak Creek Park.
- (I) [2017-8573-R](#): Consider adopting a resolution authorizing a construction contract with The Playwell Group, Inc. of Dallas in the amount of \$74,603.03 for the reconstruction of playscape components and shade structure at Jefferson Neighborhood Park.
- (J) [2017-8574-R](#): Consider adopting a resolution authorizing a construction contract with Tecta America Austin, LLC of Pflugerville, in an estimated amount of \$64,699 for roof replacements at the Moody Depot and Gober Party House, and repairs at the Historic Post Office.
- (K) [2017-8575-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple, in an amount not to exceed \$655,378.87 to design the Williamson Creek Trunk Sewer Improvements.

- (L) [2017-8576-R](#): Consider adopting a resolution authorizing an Economic Development Agreement between the City of Temple and Temple Independent School District for the conveyance of a 0.692 acre tract of land legally described as Lot 2, Block 2 of the Final Plat of Santa Fe Plaza West and for a monetary grant in the amount of \$240,000.
- (M) [2017-8577-R](#): Consider adopting a resolution authorizing an Economic Development Agreement between the City of Temple and the Temple Economic Development Corporation for the conveyance of a 0.830 acre tract of land legally described as Lot 4, Block 2 of the Final Plat of Santa Fe Plaza West and for a monetary grant in the amount of \$160,000.
- (N) [2017-8578-R](#): Consider adopting a resolution authorizing a landscape maintenance agreement with the Texas Department of Transportation for the maintenance of landscaping associated with an improvement project on Texas State Highway 317 from FM 2305 south to the City limit.
- (O) [2017-8579-R](#): Consider adopting a resolution authorizing a Lease Agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas, to be used for the City's recycling operations.
- (P) [2017-8580-R](#): Consider adopting a resolution authorizing an interlocal agreement with National Cooperative Purchasing Alliance to enable the City to utilize contracts competitively procured by NCPA.
- (Q) [2017-8581-R](#): Consider adopting a resolution ratifying a Possession and Use Agreement for two rights of way and two temporary construction easements necessary for the construction of the Kegley Road/West Adams Avenue Intersection and authorizing the payment of the consideration for the Possession and Use Agreement and credit towards acquisition of the rights of way and temporary construction easements, in an amount not to exceed \$100,000.
- (R) [2017-8582-R](#): Consider adopting a resolution authorizing a lease agreement between the City and Utility Aviation, Inc., regarding two hangars (#20 & 26) at Draughon-Miller Central Texas Regional Airport.
- (S) [2017-8583-R](#): Consider adopting a resolution authorizing the repairs and refurbishment of Fire Engine #5 by Metro Fire Apparatus Specialist, Inc. of Houston in an estimated amount of \$193,452.

Ordinances – Second & Final Reading

- (T) [2017-4832](#): SECOND READING – Consider adopting an ordinance amending Ordinance Number 2016-4796 which amended the Code of Ordinances, Chapter 2, Article II, “Code of Ethics,” to change the effective date of the ordinance to October 1, 2017.

- (U) [2017-4834](#): SECOND READING – Z-FY-17-12: Consider adopting an ordinance amending the existing Planned Development district (Ordinance 2008-4263), decreasing the Planned Development-General Retail portion from 12.2 +/- acres to 5.48 +/- acres and increasing the Planned Development Single Family Two portion from 38.5 +/- acres to 45.20 +/- acres for a total 50.7± acres located at 276 West FM 93, the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14.
- (V) [2017-4835](#): SECOND READING – Z-FY-17-14: Consider adopting an ordinance authorizing a rezoning from Office-One zoning district to General Retail zoning district on a 2.770 +/- acres and Office-One to Planned Development-General Retail on a 2.142 +/- acres, portion of a 4.912 +/- tract of land, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 6490 West Adams Avenue.

Misc.

- (W) [2017-8584-R](#): Consider approving a resolution dedicating a 20-foot public sewer easement on a portion of City-owned property, adjacent to Tract H, of the Carriage House Trails, Phase II, subdivision, establishing a waste water utility easement.
- (X) [2017-8585-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

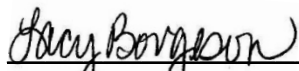
IV. REGULAR AGENDA

RESOLUTIONS

- 4. [2017-8586-R](#): Consider adopting a resolution authorizing a services agreement between the City of Temple and Balcones Resources, Inc., for recyclable materials processing and marketing.

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 1:30 PM, on Friday, March 10, 2017.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 2, 2017 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[March 2, 2017 Special and Regular Meeting](#)



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(B)
Consent Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase and installation of exercise equipment at the Summit Recreation Center from Marathon Fitness of Sugar Land in the amount of \$30,818.90.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase will provide for the purchase of four Precor RBK 835 recumbent bikes, three Precor 835 EFX elliptical trainers, and seven audio entertainment caps, including freight and installation from Marathon Fitness. The units that these seven pieces of new exercise equipment will be replacing have reached the end of their useful life.

Marathon Fitness has been awarded contract #502-16 by the BuyBoard, the contract of which supports this purchase. Contracts awarded by the BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for this equipment has been appropriated in the FY17 Operating Budget in account 110-3250-551-2220.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND INSTALLATION OF EXERCISE EQUIPMENT AT THE SUMMIT RECREATION CENTER, IN THE AMOUNT OF \$30,818.90 FROM MARATHON FITNESS OF SUGARLAND, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this purchase for the Summit Recreation Center will provide four Precor RBK recumbent bikes, three Precor 835 EFX elliptical trainers, and seven audio entertainment caps which will replace exercise equipment which has reached the end of their useful life;

Whereas, Marathon Fitness of Sugarland, Texas, has been awarded a BuyBoard Local Government Online Purchasing Cooperative contract which supports this purchase in the amount of \$30,818.90 including freight and installation;

Whereas, all purchases through the BuyBoard Local Government Online Purchasing Cooperative meet the governmental competitive bid requirements under State law;

Whereas, funding for this equipment purchase is available in Account No. 110-3250-551-2220; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase and installation of exercise equipment for the Summit Recreation Center, in the amount of \$30,818.90, from Marathon Fitness of Sugarland, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative.

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

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing additional funds for the purchase of an easement necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs associated with the purchase, in the estimated amount of \$1,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for Phase 4 of the proposed Bird Creek Interceptor project. The design requires the acquisition of easements for wastewater utilities and temporary construction easements from several property owners, including the property situated at 2402 South 61st Street in Temple. An appraisal was performed on the parcel and an offer was presented to the property owner in November 2015. In February 2016, the property owner presented a counter offer based upon its own appraisal. Staff has reached a settlement agreement with the property owner. At its April 7, 2016 meeting, Council authorized the purchase of the necessary easements and closing costs in an amount not to exceed \$89,000 and \$4,500 in additional funds at its December 15, 2016 meeting. However, there has been an additional necessary expense associated with the purchase of the easement. Closing has not yet taken place. Staff is asking for authorization of additional funds to purchase the necessary easement and pay closing costs in an estimated amount of \$1,000.

FISCAL IMPACT: Funding is appropriated for the purchase of an easement necessary for the construction of the Bird Creek Interceptor in account 520-5900-535-6110, project #101213.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ADDITIONAL FUNDS FOR THE PURCHASE OF AN EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE BIRD CREEK INTERCEPTOR PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THIS PURCHASE IN AN AMOUNT NOT TO EXCEED \$1,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for Phase 4 of the proposed Bird Creek Interceptor project which requires the acquisition of easements for wastewater utilities and temporary construction easements from several property owners, including the property situated at 2402 South 61st Street in Temple;

Whereas, an appraisal was performed on the parcel and an offer was presented to the property owner in November, 2015, and in February, 2016, the property owner presented a counter offer based upon its own appraisal;

Whereas, Staff reached an agreement with the property owner and at its April 7, 2016 meeting, Council authorized the purchase of the necessary easements and the payment of associated closing costs, in an amount not to exceed \$89,000 – Council also authorized additional funds in an amount not to exceed \$4,500 at its December 15, 2016 meeting;

Whereas, there has been an additional necessary expense associated with the purchase of this easement and Staff recommends Council authorize additional funds to purchase the necessary easement and authorize the payment of closing costs in an amount not to exceed \$1,000;

Whereas, funding for the additional funds necessary for the acquisition of an easement required for construction of Phase 4 of the Bird Creek Interceptor project is appropriated in Account No. 520-5900-535-6110, Project No. 101213; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes additional funds for the purchase of an easement from property located at 2402 South 61st Street which is necessary for the construction of the Bird Creek Interceptor project and authorizes closing costs associated with the purchase, in an amount not to exceed \$1,000.

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

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(D)
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two rights of way necessary for the expansion of Old Howard Road and Moores Mill Road and authorizing closing costs associated with the purchase in an estimated amount of \$131,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

The City has acquired six rights of way and has reached agreements with five property owners. Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year. At this time, Staff is asking for authorization to purchase two rights of way and pay closing costs in an estimated amount of \$131,000.

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

6614 N. General Bruce Drive – Bell CAD ID #30372
1674 Moores Mill Road—Bell CAD ID #210653

FISCAL IMPACT: Funding for the purchase of this property necessary for the expansion of Old Howard Road from Central Pointe Parkway to Moores Mill Road, as well as an expansion of Moores Mill Road from Old Howard Road to IH-35, is appropriated in account 795-9800-531-6863, project #101000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO RIGHTS OF WAY NECESSARY FOR THE EXPANSION OF OLD HOWARD ROAD AND MOORES MILL ROAD; AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THE PURCHASES IN AN ESTIMATED AMOUNT OF \$131,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, appraisals have been performed on all of the parcels, and offers have been made to several of the property owners based upon those appraisals with the remaining offers to be presented in the coming weeks;

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

Whereas, the City has acquired six rights of way and has reached agreements with five property owners - Staff is actively negotiating with each of the remaining property owners and hopes to reach agreements with each of them this fiscal year;

Whereas, Staff recommends Council authorize the purchase of two rights of way on properties located at 6614 North General Bruce Drive and 1674 Moores Mill Road and the payment of closing costs, in an amount not to exceed \$131,000;

Whereas, funding for the purchase of these two rights of way is available in Account No. 795-9800-531-6863, Project No. 101000; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of two rights of way on properties located at 6614 North General Bruce Drive and 1674 Moores Mill Road, which are necessary for the expansion of Old Howard Road and Moores Mill Road, and authorizes the payment of closing costs associated with these two rights of way purchases, in an amount not to exceed \$131,000.

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

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one property necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds and authorizing closing costs and relocation costs associated with the purchase, in an estimated amount of \$49,100.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The development of the Santa Fe Market Trail project is in conjunction with the recently developed Downtown Master Plan. The Santa Fe Market Trail project will extend from the future Santa Fe Plaza east to Martin Luther King, Jr. Drive.

In February 2016, Council entered into a services agreement with Stateside Right of Way Services, LLC ("Stateside") for land acquisition and relocation services for approximately 20 tracts of land. As the design phase of this project progressed, the Parks & Recreation Department and the Project Committee for the Reinvestment Zone No. 1 Board requested that six additional parcels be acquired for use in the project. Council entered into a second services agreement for these six parcels in December 2016.

Appraisals have been performed on all of the parcels and the City has made offers to the owners. Council approved the acquisition of one property at its March 2, 2017 meeting. The City has reached an agreement with another property owner. In addition to the acquisition, this property owner is entitled to relocation benefits for personal property, up to \$1,600. Stateside has been actively negotiating with the remaining owners.

Staff is seeking authorization to complete the purchase of the following property and pay necessary closing costs and relocation costs, in an estimated amount of \$49,100. The property to be acquired is 212 South Martin Luther King Jr. Drive (Bell CAD ID #78437).

FISCAL IMPACT: Funding is available for the purchase of 212 South Martin Luther King Jr. Drive, which is necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds, in an amount of \$49,100 in account 795-9500-531-6566, project #101262.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE PROPERTY NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE MARKET TRAIL/MLK FIELDS FESTIVAL GROUNDS; AUTHORIZING CLOSING COSTS AND RELOCATION COSTS ASSOCIATED WITH THE PURCHASE IN AN AMOUNT NOT TO EXCEED \$49,100; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the development of the Santa Fe Market Trail project is in conjunction with the recently developed Downtown Master Plan and will extend from the future Santa Fe Plaza east to Martin Luther King, Jr. Drive;

Whereas, in February 2016, Council entered into a services agreement with Stateside Right of Way Services, LLC (“Stateside”) for land acquisition and relocation services for approximately 20 tracts of land - as the design phase progressed, the Parks & Recreation Department and the Project Committee for the Reinvestment Zone No. 1 Board requested 6 additional parcels be acquired for use in the project;

Whereas, appraisals have been performed on all of the parcels and the City has made offers to the owners – Council authorized the acquisition of one property at its March 2, 2017 City Council meeting and the City has since reached an agreement with another property owner;

Whereas, in addition to the acquisition of this property, the property owner is entitled to relocation benefits for personal property, up to \$1,600 - Stateside has been actively negotiating with the remaining owners;

Whereas, Staff recommends Council authorize the purchase of the property located at 212 South Martin Luther King, Jr. Drive, Temple, Texas, and authorize the payment of any necessary closing costs, in an amount not to exceed \$49,100;

Whereas, funding for the purchase of this property is available in Account No. 795-9500-531-6566, Project No. 101262; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of the property located at 212 South Martin Luther King Jr. Drive, Temple, Texas, and authorizes the payment of any necessary closing costs and relocation expenses associated with this purchase, in an amount not to exceed \$49,100, which is necessary for the construction of the proposed Santa Fe Market Trail/MLK Fields festival grounds.

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

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Kirk Scopac, Fleet Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of three Solid Waste Collection diesel-powered automated refuse trucks from various vendors at a total cost of \$589,608.

- (1) One 2018 Freightliner M2-106 cab-chassis with G&H roll off body from Houston Freightliner, Inc. of Houston in the amount of \$135,706;
- (2) One 2018 Freightliner M2-106 cab-chassis from Houston Freightliner, Inc. of Houston in the amount of \$83,283; one Hood Model 7000 knuckle boom loader from Industrial Disposal Supply Company of Plano in the amount of \$87,930; for a total truck cost of \$171,213.
- (3) One 2017 Autocar ACX64 cab-chassis with Dadee Scorpion Residential Truck body from Chastang Enterprises, dba Chastang Ford/Autocar of Houston in the amount of \$282,689.

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

ITEM SUMMARY: Currently the Public Works Solid Waste Services Division has three automated trucks that have been identified for routine replacement by the Fleet Services Director in the annual vehicle replacement review. These trucks are used daily in the pickup and disposal of refuse on a routine basis throughout the City.

The roll-off truck that will be purchased will replace an existing 11 year old front line truck and then will be moved into a backup status for two additional years. The brush truck that will be purchased will replace an existing 10 year old front line brush truck and then will be moved into a backup status for two additional years. The residential truck that will be purchased will replace an existing six year old front line truck and then will be moved in to backup status for two additional years.

On February 2, 2017, Council received a workshop briefing regarding the City's alternative fuel program. In an effort to maintain a diversified and reliable solid waste fleet, staff recommends the purchase of diesel vehicles this year.

The proposed purchase will use contracts procured by Houston-Galveston Area Cooperative (H-GAC) (all purchases from Houston Freightliner and Chastang Enterprises) and BuyBoard (purchase from Industrial Disposal Supply Company). All contracts awarded by H-GAC and BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding is appropriated for the purchase of three Solid Waste Collection diesel powered automated refuse trucks in the amount of \$589,608 in account 110-5900-540-6222 as show below:

	2018 Freightliner Roll-Off	2018 Freightliner Brush Truck	2017 Autocar Residential Truck	
	Project 101552	Project 101550	Project 101549	Total
Project Budget	\$169,955	\$200,000	\$322,700	\$692,655
Encumbered/Committed to Date	-	-	-	-
Houston Freightliner	(135,706)	(83,283)	-	(218,989)
Industrial Disposal Supply Company	-	(87,930)	-	(87,930)
Chastang Bayou	-	-	(282,689)	(282,689)
Remaining Project Funds	<u>\$34,249</u>	<u>\$28,787</u>	<u>\$40,011</u>	<u>\$103,047</u>

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THREE SOLID WASTE COLLECTION DIESEL-POWERED AUTOMATED REFUSE TRUCKS FROM VARIOUS VENDORS, IN THE TOTAL AMOUNT OF \$589,608; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Public Works Solid Waste Services Division has three automated trucks that have been identified for routine replacement by the Fleet Services Director in the annual vehicle replacement review which are used daily in the pickup and disposal of refuse on a routine basis throughout the City;

Whereas, the proposed purchase includes a 2018 Freightliner M2-106 cab-chassis with G&H Roll Off Body from Houston Freightliner of Houston, Texas, in the amount of \$135,706, and will replace an existing 11 year old front line truck which will be moved to backup status for two additional years;

Whereas, the proposed purchase includes a 2018 Freightliner M2-106 cab-chassis from Houston Freightliner Inc. of Houston, Texas, in the amount of \$83,283, and one Hood Model 7000 knuckle boom loader from Industrial Disposal Supply Company of Plano, Texas, in the amount of \$87,939, and will replace an existing 10 year old front line brush truck which will be moved to backup status for two additional years;

Whereas, the proposed purchase includes a 2017 Autocar ACX64 cab-chassis with Dadee Scorpion Residential Truck body from Chastang Enterprises, dba Chastang Ford/Autocar of Houston, Texas, in the amount of \$282,689, and will replace an existing 6 year old front line truck which will be moved to backup status for two additional years;

Whereas, on February 2, 2017, Council received a workshop briefing regarding the City's alternative fuel program and in an effort to maintain a diversified and reliable solid waste fleet, Staff recommends Council authorize the purchase of the above outlined solid waste collection diesel powered automated refuse trucks;

Whereas, the proposed purchases from Houston Freightliner and Chastang Enterprises will use contracts procured by Houston-Galveston Area Cooperative and the proposed purchases from Industrial Disposal Supply Company will use a contract procured by BuyBoard Local Government Online Purchasing Cooperative - all contracts awarded by Houston-Galveston Area Cooperative and BuyBoard Local Government Online Purchasing Cooperative have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding for the purchase of three Solid Waste Collection trucks is appropriated in the following accounts:

- 2018 Freightliner Roll-Off Truck: Account No. 110-5900-540-6222, Project No. 101552;
- 2018 Freightliner Brush Truck: Account No. 110-5900-540-6222, Project No. 101550; and
- 2017 Autocar Residential Truck: Account No. 110-5900-540-6222, Project No. 101549; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the purchase of three Solid Waste Collection diesel-powered automated refuse trucks from various vendors in the amount of \$589,608.

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

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(G)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Louie Minor Construction, LLC of Belton in the amount of \$58,500 for the installation of a trail at Oak Creek Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was improvements at Oak Creek Park, located at 2304 Forest Trail. On January 19, 2017, Council authorized the purchase and installation of a play system with shade structure. This portion of the project includes the installation of an approximately 1,400 linear feet 6-foot wide trail along with other concrete work needed for a pavilion, exercise stations, and benches.

As shown on the attached bid tabulation, on March 2, 2017, seven bids were received for the trail installation with bids ranging from \$58,500 to \$96,720. The low bidder is Louie Minor Construction, LLC of Belton in the amount of \$58,500. Louie Minor Construction, LLC has previously performed demolition work for the City and staff was pleased with their performance. References were checked related to concrete work, and based on the feedback received, staff is comfortable recommending Louie Minor Construction for the project.

The proposed contract will allow for 90 calendar days for construction. It is anticipated that the improvements to Oak Creek Park will all be completed by the summer of 2017. This resolution will also waive any construction permit fees associated with the project.

FISCAL IMPACT: Funding for the contract with Louie Minor Construction, LLC in the amount of \$58,500 is appropriated in account 362-3500-552-6410, project #101319, as follows:

Project Budget	\$ 458,415
Encumbered/Committed to Date	(185,211)
Louie Minor Construction, LLC	(58,500)
Playcraft Systems Change Order	(57,871)
Remaining Project Funds	\$ 156,833

ATTACHMENTS:

[Bid Tabulation](#)
[Resolution](#)

**Tabulation of Bids Received
on March 2, 2017 at 2:00 p.m.
Oak Creek Park Trail
Bid# 35-02-17**

Description	Bidders						
	Wilson Construction Services, LLC Belton, TX	Choice Builders, LLC Temple, TX	Louie Minor Construction, LLC Belton, TX	TCB Construction, Inc Austin, TX	Dixon Paving, Inc Belton, TX	Yoko Excavating, LLC Belton, TX	Quality W Contractors, LLC Waco, TX
Mobilization and bonding	\$7,000.00	\$5,000.00	\$8,106.41	\$5,000.00	\$3,000.00	\$6,750.00	\$6,281.00
Furnish/install 6' wide concrete sidewalk	\$33.00 per LF \$46,530.00 Total	\$47.00 per LF \$66,270.00 Total	\$21.14 per LF \$29,813.71 Total	\$34.50 per LF \$48,645.00 Total	\$30.00 per LF \$42,300.00 Total	\$28.45 per LF \$40,114.50 Total	\$30.00 per LF \$42,300.00 Total
Furnish/install 4' wide concrete connector	\$24.00 per LF \$2,880.00 Total	\$28.00 per LF \$3,360.00 Total	\$30.59 per LF \$3,671.21 Total	\$23.00 per LF \$2,760.00 Total	\$16.00 per LF \$1,920.00 Total	\$19.00 per LF \$2,280.00 Total	\$31.00 per LF \$3,720.00 Total
Furnish/install 1-22' diameter pavilion foundation	\$4,840.00	\$6,000.00	\$2,701.21	\$4,480.00	\$4,600.00	\$4,035.00	\$4,679.00
Furnish/install 4-15'x15' concrete life station pads	\$5,400.00	\$9,000.00	\$3,739.21	\$6,600.00	\$4,500.00	\$9,558.00	\$6,077.00
Furnish/install 1-4'x10' and 3-4'x7' bench pads	\$1,240.00	\$1,000.00	\$2,187.21	\$744.00	\$2,400.00	\$3,055.36	\$1,186.00
Furnish/install 1 accessible curb ramp	\$1,500.00	\$1,500.00	\$1,856.21	\$1,500.00	\$2,400.00	\$1,000.00	\$2,032.00
Furnish/install 2-12" Keystone retaining curb/walls	\$2,000.00	\$1,600.00	\$2,106.21	\$1,820.00	\$3,600.00	\$3,300.00	\$2,077.00
Remove park sign and existing trash receptacle	\$100.00	\$190.00	\$1,356.21	\$250.00	\$500.00	\$1,200.00	\$343.00
Remove existing pine tree and stump	\$300.00	\$300.00	\$1,356.21	\$250.00	\$500.00	\$250.00	\$523.00
Seed all exposed soils upon completion	\$600.00	\$2,500.00	\$1,606.20	\$500.00	\$2,800.00	\$1,857.14	\$1,091.00
Total Base Bid	\$72,390.00	\$96,720.00	\$58,500.00	\$72,549.00	\$68,520.00	\$73,400.00	\$70,309.00
Acknowledge Addendum (1)	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5% Bid Bond	Yes	Yes	\$3,300 (5.6%)	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	No	Yes	Yes	Yes

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH LOUIE MINOR CONSTRUCTION, LLC OF BELTON, TEXAS, IN THE AMOUNT OF \$58,500 FOR THE INSTALLATION OF A TRAIL AT OAK CREEK PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was improvements at Oak Creek Park, located at 2304 Forest Trail;

Whereas, on January 19, 2017, Council authorized the purchase and installation of a play system with shade structure and the next portion of the project includes the installation of an approximately 1,400 linear foot, 6-foot wide trail with a waiver of construction permit fees associated with the installation;

Whereas, on March 2, 2017, seven bids were received for the trail installation with the low bidder being Louie Minor Construction, LLC of Belton in the amount of \$58,500 - Louie Minor Construction, LLC has previously performed demolition work for the City and Staff was pleased with their performance;

Whereas, Staff checked references related to concrete work, and based on the feedback received, Staff is comfortable recommending Louie Minor Construction for the project;

Whereas, Staff recommends Council authorize a construction contract with Louie Minor Construction LLC of Belton, Texas in the amount of \$58,500 for the installation of a trail at Oak Creek Park;

Whereas, funding for the construction contract is appropriated in Account No. 362-3500-552-6410, Project No. 101319; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Louie Minor Construction, LLC of Belton, in the amount of \$58,500, for the installation of a trail at Oak Creek Park.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(H)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order to the construction contract with Playcraft Systems, a division of Krauss Craft, Inc., of Grants Pass, OR, in the amount of \$57,870.89 for the purchase and installation of artificial turf system under the play system at Oak Creek Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was improving the playscape at Oak Creek Park, located at 2304 Forest Trail. On January 19, 2017, Council authorized the purchase and installation of a play system with shade structure. Instead of a typical mulch fall safe surface, staff is recommending the installation of an artificial fall safe turf system.

As shown on the attached schematic, the proposed artificial turf fall safe system will tie into the farm-themed playground. Consistent with the original play system, the turf system purchase and installation will be supported by The Cooperative Purchasing Network (TCPN) contract #R5201. TCPN contracts are competitively procured and meet the statutory procurement requirements for Texas municipalities.

It is anticipated that the improvements to Oak Creek Park will all be completed by the summer of 2017. This resolution will also waive any construction permit fees associated with the project.

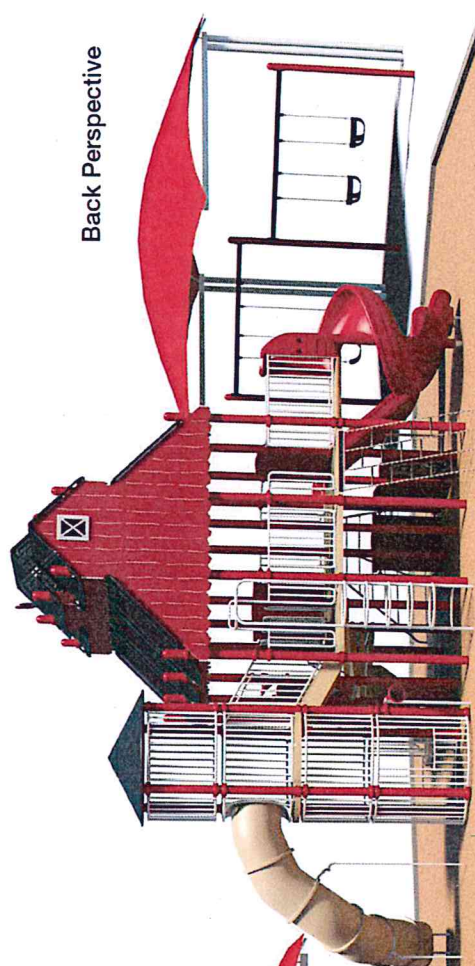
FISCAL IMPACT: Funding for the change order with Playcraft Systems in the amount of \$57,870.89, is appropriated in account 362-3500-552-6410, project #101319, as follows:

Project Budget	\$	458,415
Encumbered/Committed to Date		(185,211)
Louie Minor Construction, LLC		(58,500)
Playcraft Systems Change Order		(57,871)
Remaining Project Funds	\$	156,833

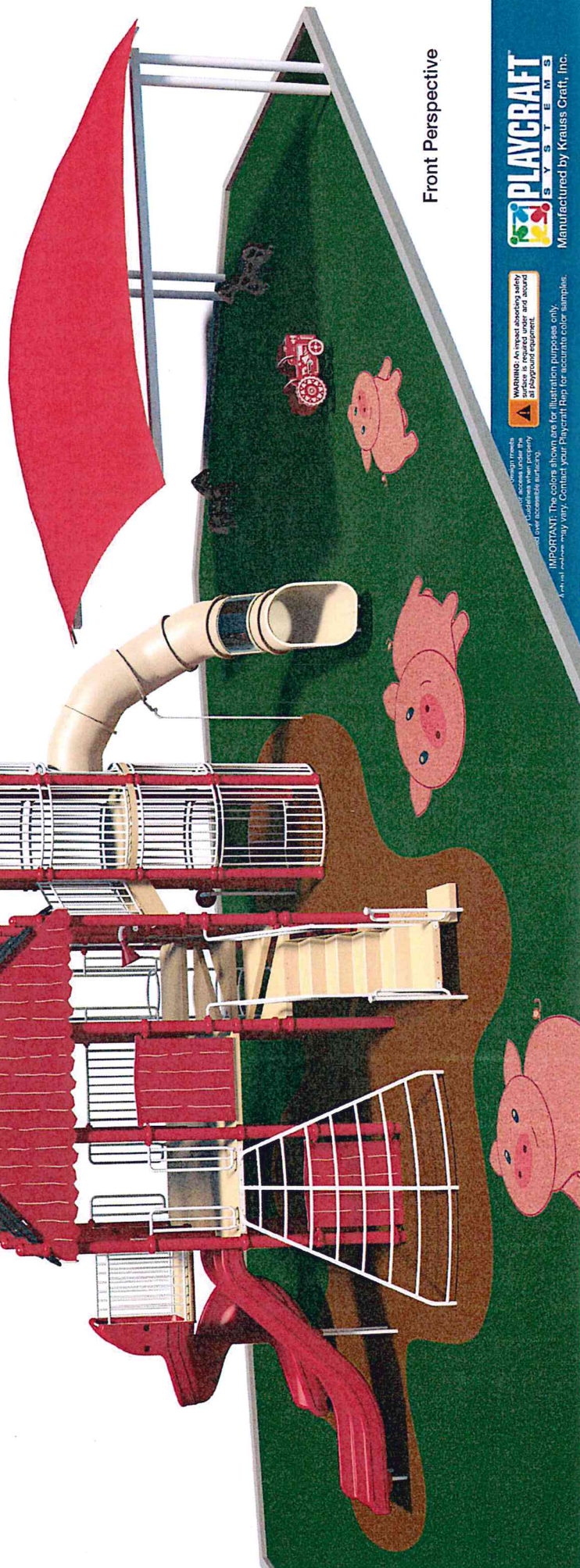
ATTACHMENTS:

Artificial Turf Fall Safe System Schematic
Resolution

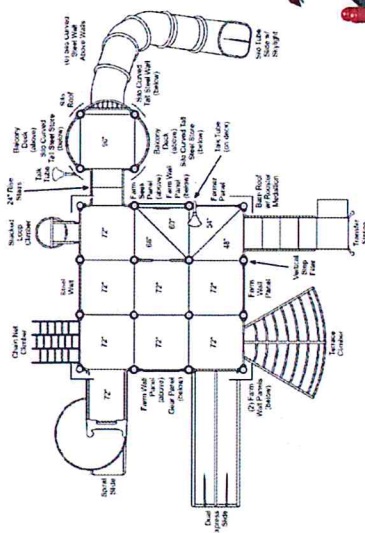
Back Perspective



Front Perspective



Top View



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH PLAYCRAFT SYSTEMS, A DIVISION OF KRAUSS CRAFT, INC., OF GRANTS PASS, OREGON, IN THE AMOUNT OF \$57,870.89, FOR THE PURCHASE AND INSTALLATION OF AN ARTIFICIAL TURF SYSTEM UNDER THE PLAY SYSTEM AT OAK CREEK PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was improving the playscape at Oak Creek Park, located at 2304 Forest Trail;

Whereas, on January 19, 2017, Council authorized the purchase and installation of a play system with shade structure and instead of a typical mulch fall safe surface, Staff recommends the installation of an artificial fall safe turf system;

Whereas, consistent with the original play system approval, Staff will utilize The Cooperative Purchasing Network (TCPN) Contract No. R5201 for the purchase and installation of an artificial turf system, which meets the statutory procurement requirements for Texas municipalities;

Whereas, it is anticipated that the improvements to Oak Creek Park will all be completed by the summer of 2017 - this Resolution will also waive any construction permit fees associated with the project;

Whereas, Staff recommends Council authorize a change order to the construction contract with Playcraft Systems, a division of Krauss Craft, Inc., of Grants Pass, OR, for the purchase and installation of an artificial turf system under the play system at Oak Creek Park, in the amount of \$57,870.89;

Whereas, funding for this change order is appropriated in Account No. 362-3500-552-6410, Project No. 101319; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a change order to the construction contract with Playcraft Systems, a division of Krauss Craft, Inc., of Grants Pass, Oregon, in the amount of \$57,870.89, for the purchase and installation of an artificial turf system under the play system at Oak Creek Park.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks & Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with The Playwell Group, Inc. of Dallas in the amount of \$74,603.03 for the reconstruction of playscape components and shade structure at Jefferson Neighborhood Park.

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

ITEM SUMMARY: Authorization of this agreement will allow for the reconstruction of the playscape components and shade structure that were destroyed by a fire on January 29, 2017, at Jefferson Neighborhood Park, located at 2310 Monticello Road.

Council originally authorized the construction of the playscape and shade structure on September 19, 2015, at a cost of \$189,857.62 utilizing the services of The Playwell Group, Inc. The facility was originally placed into service in the spring of 2016. The reconstruction involves removal, disposal, and reinstallation of the damaged playscape components and shade structure.

Staff is recommending the utilization of a BuyBoard Contract #512-16 for this contract. Contracts awarded by the BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

It is anticipated that the reconstruction project will be complete by July 2017.

FISCAL IMPACT: A claim for the cost of the project will be submitted to TML as a claim against the City's property insurance policy. Insurance will reimburse the cost of reconstruction after we meet the City's \$5,000 deductible. The City will receive \$69,604 in insurance proceeds. Funding for the project is available in account 110-3500-522-2516 in the amount of \$74,604 as follows:

Jefferson Park Playground Replacement	
110-3500-552-2516	
n/a	
Project Budget-Insurance Deductible	\$5,000
Budget Adjustment-Insurance Proceeds	69,604
The Playwell Group, Inc.	(74,604)
Remaining Project Funds	\$0

ATTACHMENTS:
[Budget Adjustment
Resolution](#)

FY **2017****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
110-3500-552-25-16		Other Services / Judgments & Damages	\$ 69,604		
110-0000-461-05-54		Insurance Claims / Insurance Claims	69,604		
TOTAL.....			\$ 139,208	\$ -	

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

To appropriate the anticipated insurance proceeds to be received from TML in the amount of \$69,603.03 for damages to Jefferson Park playground that occurred in January 2017.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

03/16/17

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH THE PLAYWELL GROUP, INC., OF DALLAS, TEXAS, IN THE AMOUNT OF \$74,603.03 FOR THE RECONSTRUCTION OF PLAYScape COMPONENTS AND SHADE STRUCTURE AT JEFFERSON NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 19, 2015, Council authorized the construction of a playscape and shade structure at Jefferson Neighborhood Park, located at 2310 Monticello Road and originally placed into service in the spring of 2016;

Whereas, on January 29, 2017, the playscape components and shade structure were destroyed by a fire and the reconstruction involves removal, disposal, and reinstallation of the damaged playscape components and shade structure;

Whereas, Staff recommends Council authorize a construction contract with The Playwell Group, Inc. in the amount of \$74,603.03, utilizing a BuyBoard Contract No. 512-16 - contracts awarded through the BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, a claim for the cost of the project will be submitted to the City's insurance carrier as a claim against the City's property insurance policy – the City will receive \$69,604 in insurance proceeds, minus the City's \$5,000 deductible

Whereas, funding is available for this project but an adjustment to the fiscal year 2017 budget must be approved to appropriate funds into Account No. 110-3500-522-2516; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with The Playwell Group Inc. of Dallas, Texas, in the amount of \$74,603.03, utilizing the BuyBoard Local Government Online Purchasing Cooperative for the reconstruction of playscape components and shade structure at Jefferson Neighborhood Park.

Part 3: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, Director of General Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Tecta America Austin, LLC of Pflugerville, in an estimated amount of \$64,699 for roof replacements at the Moody Depot and Gober Party House, and repairs at the Historic Post Office.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The project entails the replacement and repair of roofs at the following facilities that were damaged in a hail storm.

Facility	Address	Cost
Moody Depot - replacement	315 W Ave B	\$ 33,461
Payment & Performance Bond (Moody Depot)		720
Gober Party House - replacement	1516 W Ave H	21,977
Payment & Performance Bond (Gober Party House)		720
Historic Post Office - repairs	101 N Main St	7,701
Payment & Performance Bond (Historic Post Office)		120
TOTAL		\$ 64,699

Tecta America Austin, LLC of Pflugerville was identified through National Cooperative Purchasing Alliance, a national government purchasing cooperative.

Staff has worked closely with Tecta America through this process and recommends approval of this contract.

FISCAL IMPACT: In July 2015, Council authorized a budget adjustment in the amount of \$224,230 to recognize insurance proceeds, as well as, anticipated proceeds from Texas Municipal League related to hail damage that occurred during May 2013 to several City facilities.

The FY 2017 General Fund carry forward budget adjustment included \$161,240 for roof repairs to the City facilities that still need to be repaired, including Moody Depot. Funding is available for roof replacements and repairs at the Gober Party House and Historic Post Office in the FY2017 Operating Budget.

Funding for the roof repairs at these facilities is appropriated as shown below:

	Moody Depot	Gober Party House & Historic Post Office	
	240-7000-551-6310	110-5924-519-6310	Total
	Project 101447	Project 101516	
Project Budget	\$36,847	\$70,000	\$106,847
Tecta America - Roof Replacements/Repairs	(34,181)	(30,518)	(64,699)
Remaining Project Funds	\$2,666	\$39,482	\$42,148

ATTACHMENTS:

[NCPA – Certified Letter
Resolution](#)



March 9, 2017

City of Temple Texas

Attn: Ashley Williams

RE: Gober Party House Reroof
NCPA RQN Proposal #: 2017- 4090841110

As per the request for pricing verification of the Tecta America Austin, LLC Project (RQN 2017-4090841110), we have reviewed the removal of the 7000 sq. ft. shingles for Gober party House located in the City of Temple, Texas submitted by Russell Johnson of Tecta America Austin, LLC per their proposal dated March 8, 2017.

We reviewed the proposal which included removal of existing shingles, inspecting existing wood decking and installing new shingles. In addition, a one (1) year workmanship warranty is provided which meets the minimum NCPA requirement of one year.

We reviewed the scopes of work and line item classifications and compared them to the NCPA line items as contracted with Tecta America's NCPA Contract # 02-20 plus any approved addendums. These line items are listed on the attached certified estimate and the Tecta America approved unit pricing for the line item numbers listed.

As a result of our perusal, we have found the proposal consistent with our review and we recommend certifying the pricing verification for the attached estimate. If there are any further questions, please do not hesitate to contact me.

Sincerely,

Jon Symko

*Facilities Solutions Contract Consultant
& Compliance Officer*

Qualifying & Securing Customers for Life

Direct: 832.914.4499

Fax: 888.543.6515

jsymko@ncpa.us | www.NCPA.us | [@NCPAJON](https://twitter.com/NCPAJON)



TECTA / NCPA Contract #: 02-20

NCPA RQN #2017-4090841110

PROJECT: City of Temple Texas Gober Party House Reroof

VENDOR LINE ITEM SCOPE

NCPA LINE ITEM WORK/PRODUCT DESCRIPTION

ITEM #1	Remove composition shingles and felts to decking (test for asbestos prior to removal)
ITEM #2	Shingles, fiberglass, Class A, 25-year strip shingles, slopes 3:12 or greater

NCPA ITEM #	UNIT MSMT	NCPA AMT/UNIT	UNIT AMT	
C.1.1	SF	\$0.43	7000	\$3,010.00
C.1.4	SF	\$3.00	7000	\$21,000.00

TOTAL ROOFING	\$24,010.00
SALES TAX	\$0.00
BOND	\$720.00
TOTAL NCPA SELL PRICE:	\$24,730.00

ACTUAL SELL PRICE:	\$21,977.00
Bond	\$720.00
Sales Tax	0.00

ACTUAL SELL PRICE W/SALES TAX & BOND	\$22,697.00
---	--------------------



March 9, 2017

City of Temple Texas

Attn: Ashley Williams

RE: Historic Post Office Repair
NCPA RQN Proposal #: 2017-3180309123

As per the request for pricing verification of the Tecta America Austin, LLC Project (RQN 2017-3180309123), we have reviewed the repair of the 1000 linear ft. of roofing for the Historic Post Office located in the City of Temple, Texas submitted by Russell Johnson of Tecta America Austin, LLC per their proposal dated March 8, 2017.

We reviewed the proposal which included repairing and cleaning of existing roof surface and installing tape product over seams. In addition, a one (1) year workmanship warranty is provided which meets the minimum NCPA requirement of one year.

We reviewed the scopes of work and line item classifications and compared them to the NCPA line items as contracted with Tecta America's NCPA Contract # 02-20 plus any approved addendums. These line items are listed on the attached certified estimate and the Tecta America approved unit pricing for the line item numbers listed.

As a result of our perusal, we have found the proposal consistent with our review and we recommend certifying the pricing verification for the attached estimate. If there are any further questions, please do not hesitate to contact me.

Sincerely,

Jon Symko
*Facilities Solutions Contract Consultant
& Compliance Officer*
Qualifying & Securing Customers for Life
Direct: 832.914.4499
Fax: 888.543.6515
jsymko@ncpa.us | www.NCPA.us | [@NCPAJON](https://twitter.com/NCPAJON)



TECTA / NCPA Contract #: 02-20

NCPA RQN #2017-3180309123

PROJECT: City of Temple Texas Historic Post Office Repair

VENDOR LINE ITEM SCOPE

	NCPA LINE ITEM WORK/PRODUCT DESCRIPTION
ITEM #1	Clean and prime metal for self-adhereing tape
ITEM #2	Install self adhered tape to metal surface

NCPA ITEM #	UNIT MSMT	NCPA AMT/UNIT	UNIT AMT	
F.1.38	Lnft	\$2.25	1000	\$2,250.00
F.1.39	Lnft	\$6.00	1000	\$6,000.00
TOTAL ROOFING				\$8,250.00
SALES TAX				\$0.00
BOND				\$120.00
TOTAL NCPA SELL PRICE:				\$8,370.00
ACTUAL SELL PRICE:				\$7,701.00
Bond				\$120.00
Sales Tax				0.00
ACTUAL SELL PRICE W/SALES TAX & BOND				\$7,821.00



March 9, 2017

City of Temple Texas

Attn: Ashley Williams

RE: Moody Depot Re-roof
NCPA RQN Proposal #: 2017-3011018147

As per the request for pricing verification of the Tecta America Austin, LLC Project (RQN 2017-3011018147), we have reviewed the removal and replacement of the 6000 linear ft. of roofing for the Moody Depot located in the City of Temple, Texas submitted by Russell Johnson of Tecta America Austin, LLC per their proposal dated March 7, 2017.

We reviewed the proposal which included removing, inspecting, cleaning and replacing existing roof surface and installing new panel metal roof. In addition, a one (1) year workmanship warranty is provided which meets the minimum NCPA requirement of one year.

We reviewed the scopes of work and line item classifications and compared them to the NCPA line items as contracted with Tecta America's NCPA Contract # 02-20 plus any approved addendums. These line items are listed on the attached certified estimate and the Tecta America approved unit pricing for the line item numbers listed.

As a result of our perusal, we have found the proposal consistent with our review and we recommend certifying the pricing verification for the attached estimate. If there are any further questions, please do not hesitate to contact me.

Sincerely,

Jon Symko
*Facilities Solutions Contract Consultant
& Compliance Officer*
Qualifying & Securing Customers for Life
Direct: 832.914.4499
Fax: 888.543.6515
jsymko@ncpa.us | www.NCPA.us | [@NCPAJON](https://twitter.com/NCPAJON)



TECTA / NCPA Contract #: 02-20

NCPA RQN #2017-3011018147

PROJECT: City of Temple Texas Moody Bldg. Reroof

VENDOR LINE ITEM SCOPE

	NCPA LINE ITEM WORK/PRODUCT DESCRIPTION
ITEM #1	Remove composition shingles and felts to decking (test for asbestos prior to removal)
ITEM #2	Peel-off backing
ITEM #3	26ga. Galvalume metal panel
ITEM #4	26ga. Galvalume metal edge
ITEM #5	26ga. Galvalume trim
ITEM #6	Construction projection management

NCPA ITEM #	UNIT MSMT	NCPA AMT/UNIT	UNIT AMT	
C.1.1	SF	\$0.43	6,000	\$2,580.00
C.1.7	SF	\$1.00	6,000	\$6,000.00
H.1.15	SQFT	\$3.65	6,000	\$21,900.00
H.1.16	LNFT	\$4.50	120	\$540.00
H.1.17	LNFT	\$6.00	240	\$1,440.00
L.1.15	DAY	\$1,000.00	2	\$2,000.00

TOTAL ROOFING \$34,460.00

SALES TAX \$0.00

BOND \$720.00

TOTAL NCPA SELL PRICE: \$35,180.00

ACTUAL SELL PRICE: \$33,461.00

Bond \$720.00

Sales Tax 0.00

ACTUAL SELL PRICE W/SALES TAX & BOND \$34,181.00

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TECTA AMERICA AUSTIN, LLC OF PFLUGERVILLE, TEXAS, IN THE AMOUNT OF \$64,699, FOR ROOF REPLACEMENTS AT THE MOODY DEPOT AND GOBER PARTY HOUSE, AND ROOF REPAIRS AT THE HISTORIC POST OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in May, 2013, several City buildings sustained damages as a result of a severe hail storm;

Whereas, on December 15, 2016, Council authorized the repair of fourteen roofs and Staff has identified two additional roofs which require replacement – those facilities are:

Moody Depot

Gober Party House

Whereas, Staff has also identified the Historic Post Office as an additional roof which requires repairs;

Whereas, Tecta America Austin, LLC of Pflugerville, Texas was identified through the National Cooperative Purchasing Alliance, a national purchasing cooperative;

Whereas, Staff has worked closely with Tecta America Austin through this process and recommends Council authorize a construction contract for roof replacement and repairs at the City facilities identified above;

Whereas, in July 2015, Council authorized a budget adjustment which recognized insurance proceeds, as well as, anticipated proceeds from Texas Municipal League related to hail damage that occurred during May 2013 to several City facilities;

Whereas, the fiscal year 2017 General Fund carry forward budget adjustments included funds for roof replacement at the Moody Depot and roof repairs to the Gober Party House and Historic Post Office – funding is available in the following accounts:

- Moody Depot - Account No. 240-7000-551-6310, Project No. 101447;
- Gober Party House – Account No. 110-5924-519-6310, Project No. 101516; and
- Historic Post Office – Account No. 110-5924-519-6310, Project No. 101516

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a construction contract with Tecta America Austin, LLC of Pflugerville, Texas, in the amount of \$64,699 for roof replacements at the Moody Depot and Gober Party House, and roof repairs at the Historic Post Office.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple, in an amount not to exceed \$655,378.87 to design the Williamson Creek Trunk Sewer Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 21, 2016, Council approved the Williamson Creek Basin Study to assess the condition of an aged 5 ½ mile primary wastewater interceptor line. This study was necessitated to consider recent and upcoming growth and development along the northern reaches of the basin, particularly with regard to ensuring that the system is properly sized and capable of continuing to provide adequate service to the fully built out contributing area. Study results concluded that the trunk sewer has significant aging, failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in three phases with Phase I being the most critical to rehabilitate. See the Project Map for an illustration.

This contract with Clark & Fuller is for 30% design for Phases I, II, and III and 100% design, bidding, and construction phase services for Phase I. The attached proposal from Clark & Fuller provides detailed information. Staff recommends authorizing the following scope of services and fees under this contract:

Phase I (30% design):

Surveying Services	\$ 32,550.00
Civil Engineer Design	<u>\$ 92,036.17</u>
Total	<u>\$124,586.17</u>

Phase II (30% design):

Surveying Services	\$ 44,000.00
Civil Engineer Design	<u>\$ 90,905.05</u>
Total	<u>\$134,905.05</u>

Phase III (30% design):

Surveying Services	\$ 33,000.00
Civil Engineer Design	\$ 55,009.47
Total	<u>\$ 88,009.47</u>

Phase I, II, and III 30% Design Total \$347,500.69

Upon completion of 30% design for the full project, 100% design for Phase I is recommended, with fees broken out as follows:

Phase I (100% design):

Civil Engineer Design & Permitting	\$ 214,751.06
Surveying Services	\$ 10,900.00
Bidding Project Phase	\$ 5,500.00
Construction Phase	\$ 30,678.72
Onsite Rep and Inspections	\$ 38,348.40
Temporary Construction Easements & Exhibits	<u>\$ 7,700.00</u>

Phase I 100% Design Total \$ 307,878.18

Total costs recommended under this contract total \$655,378.87. Time required for design of the project is 330 calendar days. For Phase I, the Engineer's Opinion of Probable Cost (OPC) is \$3,067,872.25 with an estimated construction time of 295 calendar days. The Engineer's OPC for total construction cost for all phases is \$8,135,428.33. Funding for Phase I construction is currently programmed in FY 2018. Funding for Phase II construction is currently programmed in FY 2021, and funding for Phase III construction is currently programmed in FY 2023.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate funding for the professional services agreement with Clark & Fuller for engineering services required to complete 30% design on the Williamson Creek Trunk Sewer Improvements Phases I, II and III, as well as 100% design of Phase I, in the amount of \$655,379. Funding for the professional services agreement is available due to reallocation of projects within the Water and Wastewater CIP. Funding will be appropriated in account 561-5400-535-6980, project #101628 as follows:

Project Budget	\$ -
Budget Adjustment	655,379
Clark & Fuller	(655,379)
Remaining Funds Available	<u>\$ -</u>

ATTACHMENTS:

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

March 1, 2017

City of Temple
Director of Public Works
Nicole Torralva, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501



Re: Revised Professional Services Proposal for the 2017 City of Temple Williamson Creek Trunk Sewer Improvements
Phase I, II, and III - 30% Design Services and Phase I - 100% Design and Construction Services

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the 2017 City of Temple Williamson Creek Trunk Sewer Improvements Phase I, II, and III - 30% Design Services and Phase I - 100% Design and Construction Services. (Please refer to attached maps and documents for further information).

The 30% and 100% Phase I projects will consist of approximately 3,840 linear feet of new 21" PVC Sanitary Trunk Sewer, 2,370 linear feet of new 24" PVC Sanitary Trunk Main, and 1,510 linear feet of 30" PVC Sanitary Trunk Sewer to be constructed to replace the undersized, aging, and failing Trunk Sewer. In addition, as part of this project, 30% Design Services of the Phase II and III Williamson Creek Trunk Sewer will be included to determine final vertical and horizontal alignments of approximately 10,553 linear feet of new PVC Trunk Sewer.

Clark & Fuller, PLLC will complete design topography surveys, 30% Phase I, II, & III trunk sewer designs. In addition, Clark & Fuller, PLLC will complete 100% Phase I construction document preparation, provide construction administration, daily on-site project representation and inspection services, and post construction record drawings.

The proposed timeline for the project design phase is 330 calendar days from the authorization of notice to proceed. Furthermore we estimate the contractor's time to construct Phase I to be 295 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering and Surveying Services, for the Phase I, II, and III - 30% Design Services, for a Lump Sum Amount not to exceed \$347,500.69. In addition, Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Inspection, and Surveying Services, for the Phase I - 100% Design and Construction Services, for a Lump Sum Amount not to exceed \$307,878.18. The total contract amount shall be provided for a Lump Sum Amount not to exceed \$655,378.87.

We estimate the total cost of the phase I construction to be \$3,067,872.25 and we estimate the total cost of construction including professional services and contingencies to be \$3,500,336.60. In addition, we estimate the total cost of Phase I, II, and III Construction to be \$8,135,428.33. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'MLC', is located below the 'Sincerely,' text.

Monty L. Clark, P.E., CPESC



EXHIBIT "A"**Professional Services Proposal for 2017 City of Temple
Williamson Creek Trunk Sewer Improvements
Phase I, II, and III - 30% Design Services
Phase I - 100% Design and Construction Services****Phase I - 30% Design Scope of Professional Services**

Topographic Surveying Services:	\$ 32,550.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 92,036.17
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Provide Miscellaneous Maps and Exhibit Drawings (If required)• Update SWMM Model to incorporate new design elevations and pipe diameters	

Phase II - 30% Design Scope of Professional Services

Topographic Surveying Services:	\$ 44,000.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 90,905.05
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Attendance at Property Owner/Neighborhood Meetings (If required)• Provide Miscellaneous Maps and Exhibit Drawings (If required)	

Phase III - 30% Design Scope of Professional Services

Topographic Surveying Services:	\$ 33,000.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys	
30% Civil Engineering Design Phase:	\$ 55,009.47
<ul style="list-style-type: none">• Research Existing Utilities• Prepare 30% Design Construction Documents and Determination of Final Sewer Alignments• Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff• Attendance at Property Owner/Neighborhood Meetings (If required)• Provide Miscellaneous Maps and Exhibit Drawings (If required)	

Phase I - 100% Design Scope of Professional Services

100% Civil Engineering Design & Permitting Services:	\$ 214,751.06
<ul style="list-style-type: none"> • Research Existing Utilities • Prepare 100% Design Construction Documents • Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction • Attend and Facilitate Project Coordination with the City Staff • Provide Miscellaneous Maps and Exhibit Drawings (If required) • Preliminary Waters of the U.S. (WOUS) Determination/Delineation • US Army Corps of Engineers (USACE) Consultation and Authorization (Permitting) • Preparation of TxDOT Utility Permit and Coordination • Preparation of City of Temple Floodplain Permit • Preparation of Railroad Permit 	
100% Construction Surveying Services:	\$ 10,900.00
<ul style="list-style-type: none"> • Provide Construction Staking 	
Project Bidding Phase:	\$ 5,500.00
<ul style="list-style-type: none"> • Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department • Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department • Attend and Facilitate a Pre-Bid Meeting • Respond to Contractors Request For Information • Prepare and Issue Necessary Addenda • Attendance at Bid Opening • Review Contractor Bids for conformance to Engineers Plans • Provide Bid Tabulation and Sealed Letter of Recommendation to Award Project • Provide Engineers Sealed Opinion of Probable Cost and Number of Days to Construct • Attendance at City of Temple Council Meeting for Construction Project Award 	
Construction Phase:	\$ 30,678.72
<ul style="list-style-type: none"> • Attend and facilitate a Pre-Construction Meeting • Review all Contractor Submittals • Provide Construction Administration and Project "Site" Visits to assist contractor with field construction questions • Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI's) • Review Contractor Applications for Payment and insure conformance with percentage of construction complete • Execute Necessary Change Orders • Monthly Contractor Review <ul style="list-style-type: none"> ○ Quality and Timeliness of Work ○ Cooperation with Project Team and General Public • Attend Final Project Inspection • Project Acceptance Letter • Provide Final Inspection Punch List • Prepare Record Drawings (Tolerance: 1' Horizontal and 0.25" vertical for critical elevations) 	
Daily Onsite Construction Project Representation and Inspection Services	\$ 38,348.40
Preparation of Temporary Construction Easements, Exhibit Drawings, and Field Notes	\$ 7,700.00
(We anticipate 7 Construction Easements at \$1,100.00 per Easement)	

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 120.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%



PRELIMINARY OPINION OF PROBABLE COST
Williamson Creek Wastewater Replacement Project

Date: 3-1-2017

Phase I - Trunk Sewer Replacement

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Clearing	STA.	\$ 1,500.00	65	\$ 97,500.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 175,000.00	100%	\$ 175,000.00
3. Traffic Control Plan & Implementation	L.S.	\$ 45,000.00	100%	\$ 45,000.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 28,950.00	100%	\$ 28,950.00
5. Bypass Pumping	L.S.	\$ 45,000.00	100%	\$ 45,000.00
6. Sawcut, Remove, and Replace HMAc Pavement	S.Y.	\$ 45.00	360	\$ 16,200.00
7. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 18,250.00	100%	\$ 18,250.00
8. Sawcut, Remove, and Replace Reinforced Concrete	S.Y.	\$ 65.00	454	\$ 29,510.00
9. Sawcut, Remove, and Replace Existing Curb and Gutter	L.F.	\$ 24.00	220	\$ 5,280.00
10. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,750.00	46	\$ 80,500.00
11. Furnish and Install New 4' Precast Manhole under 12' depth	EA.	\$ 4,850.00	10	\$ 48,500.00
12. Furnish and Install New 4' Precast Manhole over 12' depth	EA.	\$ 6,250.00	1	\$ 6,250.00
13. Furnish and Install New 4' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,285.00	15	\$ 79,275.00
14. Furnish and Install New 4' Precast Manhole with Watertight Lid Assembly over 12' depth	EA.	\$ 7,500.00	5	\$ 37,500.00
15. Furnish and Install New Internal Drop Connection	EA.	\$ 2,100.00	8	\$ 16,800.00
16. Furnish and Install New Connection to Existing Sanitary Sewer Main	EA.	\$ 3,750.00	19	\$ 71,250.00
17. Furnish and Install New 21" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 175.00	3840	\$ 672,000.00
18. Furnish and Install New 24" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 185.00	2370	\$ 438,450.00
19. Furnish and Install New 30" PVC Sanitary Sewer Main over 12' depth	L.F.	\$ 380.00	1510	\$ 573,800.00
20. Furnish and Install New 4" PVC Sanitary Sewer Main	L.F.	\$ 47.00	400	\$ 18,800.00
21. Furnish and Install New 28" Steel Encasement via Bore	L.F.	\$ 480.00	180	\$ 86,400.00
22. Testing per COT & TCEQ Requirements	L.S.	\$ 32,500.00	100%	\$ 32,500.00
23. Trench Safety Plan and Implementation	L.S.	\$ 45,000.00	100%	\$ 45,000.00

SUBTOTAL: \$ 2,667,715.00

15% CONSTRUCTION CONTINGENCY: \$ 400,157.25
TOTAL CONSTRUCTION: \$ 3,067,872.25

PHASE I - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 32,550.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 92,036.17

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 124,586.17

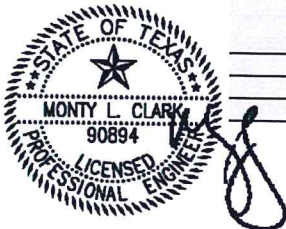
PHASE I - 100% DESIGN AND PROFESSIONAL SERVICES

100% CONSTRUCTION SURVEYING SERVICES: \$ 10,900.00
PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (7 @ \$1,100.00 EA. AS REQUIRED): \$ 7,700.00
100% CIVIL ENGINEERING DESIGN PHASE AND PERMITTING SERVICES: \$ 214,751.06
PROJECT BIDDING PHASE: \$ 5,500.00
CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR, TXDOT, & STAFF; PROPERTY OWNER MEETING ATTENDANCE AND PREPARATION OF AS BUILTS): \$ 30,678.72
DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 38,348.40

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 307,878.18

TOTAL CONSTRUCTION WITH PS&E: \$ 3,500,336.60

Not Included within this OPC:
 * Easement Procurement



3/1/2017



PRELIMINARY OPINION OF PROBABLE COST
Williamson Creek Wastewater Replacement Project

Date: 3-1-2017

Phase II - Trunk Sewer Replacement
Mobilization, Site Prep, and Traffic Control

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Cleaning	STA.	\$ 1,500.00	80	\$ 120,000.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 130,000.00	100%	\$ 130,000.00
3. Traffic Control Plan & Implementation	L.S.	\$ 27,500.00	100%	\$ 27,500.00
4. Storm Water Prevention Pollution Plan	L.S.	\$ 22,850.00	100%	\$ 22,850.00
5. Bypass Pumping	L.S.	\$ 45,000.00	100%	\$ 45,000.00
6. Sawcut, Remove, and Replace HMAC Pavement	S.Y.	\$ 45.00	990	\$ 44,550.00
7. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 19,500.00	100%	\$ 19,500.00
8. Demolish and Remove Existing Gravel Pavement	S.Y.	\$ 28.00	23	\$ 644.00
9. Remove and Replace Existing Fencing	L.F.	\$ 28.00	500	\$ 14,000.00
10. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,750.00	14	\$ 24,500.00
11. Furnish and Install New 4' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 5,285.00	1	\$ 5,285.00
12. Furnish and Install New 6' Precast Manhole under 12' depth	EA.	\$ 7,500.00	7	\$ 52,500.00
13. Furnish and Install New 6' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 8,250.00	11	\$ 90,750.00
14. Furnish and Install New Connection to Existing Sanitary Sewer Main	EA.	\$ 3,750.00	3	\$ 11,250.00
15. Furnish and Install New Internal Drop Connector	EA.	\$ 2,100.00	4	\$ 8,400.00
16. Furnish and Install New 30" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 230.00	335	\$ 77,050.00
17. Furnish and Install New 30" PVC Restrained Joint Sewer Main over 12' depth	L.F.	\$ 380.00	100	\$ 38,000.00
18. Furnish and Install New 36" PVC Sanitary Sewer Main under 12' depth	L.F.	\$ 295.00	6030	\$ 1,778,850.00
19. Furnish and Install New 48" Steel Encasement via Bore	L.F.	\$ 585.00	80	\$ 46,800.00
20. Testing per COT & TCEQ Requirements	L.S.	\$ 32,500.00	100%	\$ 32,500.00
21. Trench Safety Plan and Implementation	L.S.	\$ 45,000.00	100%	\$ 45,000.00

SUBTOTAL: \$2,634,929.00

15% CONSTRUCTION CONTINGENCY: \$ 395,239.35
TOTAL CONSTRUCTION: \$3,030,168.35

PHASE II - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 44,000.00
30% CIVIL ENGINEERING DESIGN SERVICES: \$ 90,905.05

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 134,905.05

PHASE II - 100% DESIGN AND PROFESSIONAL SERVICES -
SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT

100% CONSTRUCTION SURVEYING SERVICES: \$ 15,150.84
PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (12 @ \$1,100.00 EA. AS REQUIRED): \$ 13,200.00
100% CIVIL ENGINEERING DESIGN AND PERMITTING PHASE: \$ 190,900.61
PROJECT BIDDING PHASE: \$ 5,500.00
CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR & STAFF, PROPERTY OWNER MEETINGS, AND PREPARATION OF AS BUILTS): \$ 30,301.68
DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 37,950.00

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 293,003.13

TOTAL CONSTRUCTION WITH PS&E: \$3,458,076.53

Not Included within this OPC:
 * Easement Procurement



3/1/2017



PRELIMINARY OPINION OF PROBABLE COST
Williamson Creek Wastewater Replacement Project

Date: 3-1-2017

Phase III

Mobilization, Site Prep, and Traffic Control

Item Description

Item Description	Unit	Unit Cost	Quantity	Total
1. Preparation of Right of Way and Site Clearing	STA.	\$ 1,500.00	55	\$ 82,500.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 125,114.00	100%	\$ 125,114.00
4. Traffic Control Plan & Implementation	L.S.	\$ 25,000.00	100%	\$ 25,000.00
5. Storm Water Prevention Pollution Plan	L.S.	\$ 21,250.00	100%	\$ 21,250.00
6. Bypass Pumping	L.S.	\$ 47,500.00	100%	\$ 47,500.00
7. Sawcut, Remove, and Replace HMA Pavement	S.Y.	\$ 45.00	78.5	\$ 3,532.50
8. Disconnect, Cap, and Abandon Existing Utilities	L.S.	\$ 17,750.00	100%	\$ 17,750.00
9. Sawcut, Remove, and Replace Reinforced Concrete	S.Y.	\$ 65.00	5	\$ 325.00
10. Sawcut, Remove, and Replace Existing Curb and Gutter	L.F.	\$ 24.00	40	\$ 960.00
11. Remove and Replace Existing Fencing	L.F.	\$ 28.00	500	\$ 14,000.00
12. Demolish and Remove Existing Sanitary Sewer Manhole	EA.	\$ 1,750.00	9	\$ 15,750.00
13. Furnish and Install New 6' Precast Manhole under 12' depth	EA.	\$ 7,500.00	3	\$ 22,500.00
14. Furnish and Install New 6' Precast Manhole with Watertight Lid Assembly under 12' depth	EA.	\$ 8,250.00	7	\$ 57,750.00
15. Furnish and Install New 6' Precast Manhole with Watertight Lid Assembly over 12' depth	EA.	\$ 14,000.00	2	\$ 28,000.00
16. Furnish and Install Connection to Existing Sanitary Sewer Main	EA.	\$ 3,750.00	7	\$ 26,250.00
17. Furnish and Install New 36" PVC Sanitary Sewer Main	L.F.	\$ 295.00	4088	\$ 1,205,960.00
18. Testing per COT & TCEQ Requirements	L.S.	\$ 32,500.00	100%	\$ 32,500.00
19. Trench Safety Plan and Implementation	L.S.	\$ 45,000.00	100%	\$ 45,000.00

SUBTOTAL: \$1,771,641.50

15% CONSTRUCTION CONTINGENCY: \$ 265,746.23

TOTAL CONSTRUCTION: \$2,037,387.73

PHASE III - 30% DESIGN AND PROFESSIONAL SERVICES

TOPOGRAPHIC SURVEYING SERVICES: \$ 33,000.00

30% CIVIL ENGINEERING DESIGN SERVICES: \$ 55,009.47

TOTAL 30% DESIGN AND PROFESSIONAL SERVICES: \$ 88,009.47

PHASE III - 100% DESIGN AND PROFESSIONAL SERVICES -

SHOWN FOR INFORMATION PURPOSES ONLY NOT A PART OF THIS CONTRACT

100% CONSTRUCTION SURVEYING SERVICES: \$ 10,186.94

PREPARATION OF TEMPORARY CONSTRUCTION EASEMENTS (7 @ \$1,100.00 EA. AS REQUIRED): \$ 7,700.00

100% CIVIL ENGINEERING DESIGN AND PERMITTING PHASE: \$ 128,355.43

PROJECT BIDDING PHASE: \$ 3,500.00

CONSTRUCTION ADMINISTRATION SERVICES (COORDINATION WITH CONTRACTOR & STAFF, PROPERTY OWNER MEETINGS, AND PREPARATION OF AS BUILTS): \$ 20,373.88

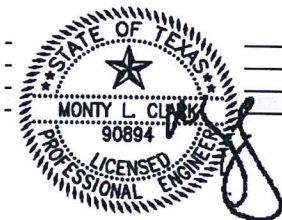
DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 25,467.35

TOTAL 100% DESIGN AND PROFESSIONAL SERVICES: \$ 195,583.59

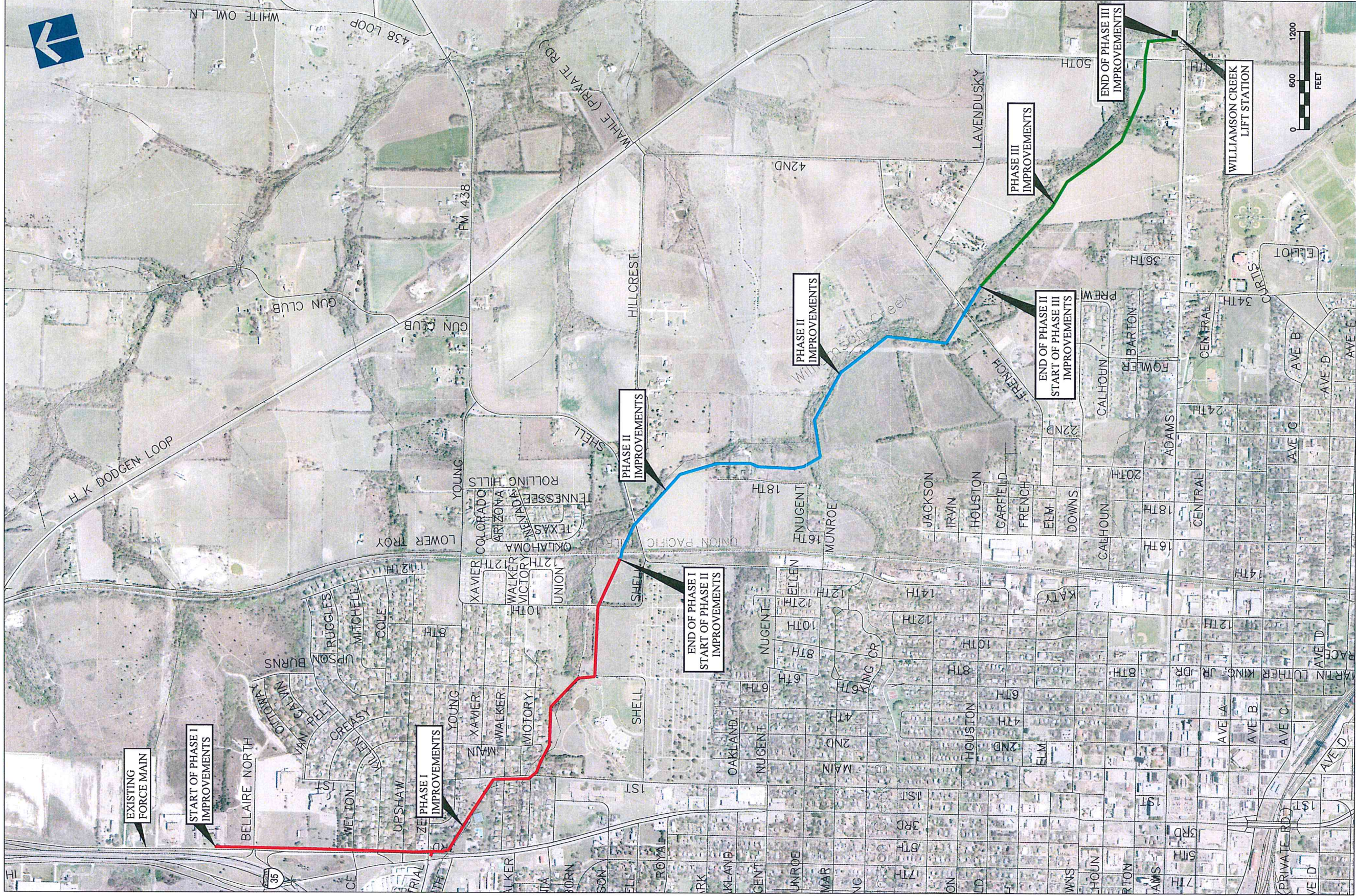
TOTAL CONSTRUCTION WITH PS&E: \$2,320,980.78

Not Included within this OPC:

*** Easement Procurement**



3/1/2017



MAP 6-1: PROPOSED TRUNK SEWER
IMPROVEMENTS PHASING MAP

	OPC	DAYS TO CONSTRUCT	DAYS TO DESIGN*
PHASE I	3.7 MILLION	310	295
PHASE II	3.5 MILLION	275	260
PHASE III	2.4 MILLION	210	240

* DOES NOT INCLUDE TIME TO ACQUIRE EASEMENTS
OR AGREEMENTS WITH PROPERTY OWNERS

CITY OF TEMPLE

WILLIAMSON CREEK TRUNK SEWER BASIN INVESTIGATION

FY 2017**BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+ -

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
561-5400-535-69-80	101628	WILLIAMSON CREEK TRUNK SEWER IMPROV.	\$ 655,379		
561-5100-535-69-67	101416	WTP - LAGOON #1		655,379	
TOTAL.....			\$ 655,379	\$ 655,379	

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

The WTP Lagoon (project # 101416) has been re-organized within the WTP Tasks and funded as project WTP Improvments - Task 3 Lagoon Improvements (project # 101614). This BA is reallocating the original WTP Lagoon funds to the Williamson Creek Trunk Sewer Improvements.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/16/2017

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$655,378.87 TO DESIGN THE WILLIAMSON CREEK TRUNK SEWER IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 21, 2016, Council approved the Williamson Creek Basin Study to assess the condition of an aged 5½ mile primary wastewater interceptor line;

Whereas, this study was necessitated to consider recent and upcoming growth and development along the northern reaches of the basin, particularly with regard to ensuring that the system is properly sized and capable of continuing to provide adequate service to the fully built out contributing area;

Whereas, the study concluded that the trunk sewer has significant aging, failures, and excessive amounts of infiltration with a recommendation to implement necessary upgrades and improvements in three phases with Phase I being the most critical to rehabilitate;

Whereas, Staff recommends Council authorize a professional services agreement with Clark & Fuller, PLLC for 30% design for Phases 1, 2 & 3 and 100% design, bidding, and construction phases for Phase 1, in an amount not to exceed \$655,378.87;

Whereas, funding is available for this agreement but an amendment to the fiscal year 2017 budget needs to be approved to transfer the funds to Account No. 561-5400-535-6980, Project No. 101628; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement with Clark & Fuller, PLLC, in an amount not to exceed \$655,378.87, to design the Williamson Creek Trunk Sewer Improvements.

Part 3: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Economic Development Agreement between the City of Temple and Temple Independent School District for the conveyance of a 0.692 acre tract of land legally described as Lot 2, Block 2 of the Final Plat of Santa Fe Plaza West and for a monetary grant in the amount of \$240,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TISD is in the design and planning stages for the construction of its administrative and training facility. The proposed facility will result in a major capital investment estimated at \$12,000,000 and will office approximately 130 TISD employees. TISD has requested that the City convey to it Lot 2, Block 2 of the Final Plat of Santa Fe Plaza West which consists of a 0.692 acre tract of land. TISD will construct the facility within the proposed Santa Fe Plaza area.

The City may convey the property to TISD pursuant to Chapter 272 of the Texas Local Government Code and Chapter 311 of the Texas Tax Code.

The City is also proposing a monetary grant, in an amount not to exceed \$240,000, to assist TISD with the construction of the facility. The monetary grant will be used to prepare the site for the construction of the facility. The monetary grant is authorized by Chapter 380 of the Local Government Code and by Ordinance No. 2016-4783, which is the City's local implementation of Chapter 380. TISD's construction of the facility will generate needed employment and economic development within the Downtown area.

Council previously authorized an Economic Development Agreement with TISD at its February 2, 2017 meeting. However, the resolution approved on February 2nd, did not include the monetary grant discussed above. For this reason, another resolution is required.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Santa Fe Plaza Project, Account 795-9500-531-6870, Project 101008, to fund the economic development agreement.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE AND TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE CONVEYANCE OF AN APPROXIMATELY 0.692 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 2, BLOCK 2 OF THE FINAL PLAT OF SANTA FE PLAZA WEST AND FOR A MONETARY GRANT IN AN AMOUNT NOT TO EXCEED \$240,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Independent School District (TISD) is in the design and planning stages for the construction of its administrative and training facility which will result in a major capital investment estimated at \$12,000,000 and will office approximately 130 TISD employees;

Whereas, TISD has requested that the City convey to it Lot 2, Block 2 of the Final Plat of Santa Fe Plaza West which consists of an approximately 0.692 acre tract of land on which TISD will construct the facility within the proposed Santa Fe Plaza area;

Whereas, the City may convey the property to TISD pursuant to Chapter 272 of the Texas Local Government Code and Chapter 311 of the Texas Tax Code;

Whereas, the City is also proposing a monetary grant in an amount not to exceed \$240,000, to assist TISD with the construction of the facility - this monetary grant will be used to prepare the site for the construction of the facility and is authorized by Chapter 380 of the Local Government Code and by Ordinance No. 2016-4783, which is the City's local implementation of Chapter 380;

Whereas, Council previously authorized an Economic Development Agreement with TISD at its February 2, 2017 meeting, however, the Resolution approved on that date did not include the monetary grant discussed above;

Whereas, TISD's construction of the facility will generate needed employment and economic development within the Downtown area;

Whereas, Staff recommends Council authorize an Economic Development Agreement between the City of Temple and TISD for the conveyance of an approximately 0.692 acre tract of land legally described as Lot 2, Block 2 of the Final Plat of Santa Fe Plaza West, and for a monetary grant in an amount not to exceed \$240,000;

Whereas, funds are available to fund the economic development agreement in the Reinvestment Zone No. 1 Financing Plan, Santa Fe Plaza Project, Account No. 795-9500-531-6870, Project No. 101008; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an Economic Development Agreement between the City of Temple and TISD for the conveyance of an approximately 0.692 acre tract of land legally described as Lot 2, Block 2 of the Final Plat of Santa Fe Plaza West and for a monetary grant in an amount not to exceed \$240,000.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Economic Development Agreement between the City of Temple and the Temple Economic Development Corporation for the conveyance of a 0.830 acre tract of land legally described as Lot 4, Block 2 of the Final Plat of Santa Fe Plaza West and for a monetary grant in the amount of \$160,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation (TEDC) is in the design and planning stages for the construction of the Temple Business Center. The proposed Business Center will house TEDC, the Temple Chamber of Commerce, and the Texas Workforce Commission. TEDC has requested that the City convey to it Lot 4, Block 2 of the Final Plat of Santa Fe Plaza West which consists of a 0.830 acre tract of land. TEDC will construct the Business Center within the planned Santa Fe Plaza area.

The City may convey the property to TEDC pursuant to Chapter 272 of the Texas Local Government Code and Chapter 311 of the Texas Tax Code.

The City is also proposing a monetary grant, in an amount not to exceed \$160,000, to assist TEDC with the construction of the Temple Business Center. The monetary grant will be used to prepare the site for the construction of the facility. The monetary grant is authorized by Chapter 380 of the Local Government Code and by Ordinance No. 2016-4783, which is the City's local implementation of Chapter 380. TEDC's construction of the facility will generate needed employment and economic development within the Downtown area.

The Agreement will also include a long term lease to TEDC of several parking spaces to be located on the east side of the Business Center.

Council previously authorized an Economic Development Agreement with TEDC at its February 2, 2017 meeting. However, the resolution approved on February 2nd, did not include the monetary grant discussed above. For this reason, another resolution is required.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Santa Fe Plaza Project, Account 795-9500-531-6870, Project 101008, to fund the economic development agreement.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONVEYANCE OF AN APPROXIMATELY 0.830 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 4, BLOCK 2 OF THE FINAL PLAT OF SANTA FE PLAZA WEST AND FOR A MONETARY GRANT IN AN AMOUNT NOT TO EXCEED \$160,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation (TEDC) is in the design and planning stages of the construction of the Temple Business Center which will house TEDC, the Temple Chamber of Commerce, and the Texas Workforce Commission;

Whereas, TEDC has requested that the City convey to it Lot 4, Block 2 of the Final Plat of Santa Fe Plaza West which consists of an approximately 0.830 acre tract of land on which TEDC will construct the Business Center within the planned Santa Fe Plaza area;

Whereas, the City may convey property to TEDC pursuant to Chapter 272 of the Texas Local Government Code and Chapter 311 of the Texas Tax Code;

Whereas, the City is also proposing a monetary grant in an amount not to exceed \$160,000, to assist TEDC with the construction of the facility - this monetary grant will be used to prepare the site for the construction of the facility and is authorized by Chapter 380 of the Local Government Code and by Ordinance No. 2016-4783, which is the City's local implementation of Chapter 380;

Whereas, Council previously authorized an Economic Development Agreement with TEDC at its February 2, 2017 meeting, however, the Resolution approved on that date did not include the monetary grant discussed above;

Whereas, TEDC's construction of the facility will generate needed employment and economic development within the Downtown area;

Whereas, the Agreement will also include a long term lease to TEDC of several parking spaces to be located on the east side of the Business Center;

Whereas, Staff recommends Council authorize an Economic Development Agreement between the City of Temple and TEDC for the conveyance of an approximately 0.830 acre tract of land on which TEDC will construct the Business Center within the planned Santa Fe Plaza area, and for a monetary grant in an amount not to exceed \$160,000;

Whereas, funds are available to fund the economic development agreement in the Reinvestment Zone No. 1 Financing Plan, Santa Fe Plaza Project, Account No. 795-9500-531-6870, Project No. 101008; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an Economic Development Agreement with the Temple Economic Development Corporation for the conveyance of an approximately 0.830 acre tract of land, legally described as Lot 4, Block 2 of the Final Plat of Santa Fe Plaza West, and for a monetary grant in an amount not to exceed \$160,000.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(N)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a landscape maintenance agreement with the Texas Department of Transportation for the maintenance of landscaping associated with an improvement project on Texas State Highway 317 from FM 2305 south to the City limit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation is in the process of improving Texas State Highway 317 from the existing two lanes to four lanes with raised medians within the City limits of Temple from FM 2305 south to the Leon River Bridge, approximately 1.8 miles. Construction of this project is scheduled to be completed in November of 2018.

This agreement will require the City of Temple to assume the maintenance of the landscaping and operation of the irrigation systems within this project area once construction is completed. Landscaping includes median planting of Crape Myrtles, Vitex, and sod, with an irrigation system for the establishment and supplemental watering of the plant materials.

The City shall maintain all landscape elements within the limits of the right of way including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape maintenance and irrigation system operation and maintenance. The estimated annual cost of this maintenance agreement is \$32,500.

FISCAL IMPACT: Funds for maintenance of landscaping associated with the improvement project on Texas State Highway 317 from FM 2305 south to the City limit in the amount of \$32,500 will be included in the **FY 2019 Proposed Operating Budget** in account 110-3500-552-2623 when filed in June 2018.

ATTACHMENTS:

[Agreement](#)
[Resolution](#)



Texas Department of Transportation

100 SOUTH LOOP DRIVE, WACO, TEXAS 76704-2858 | 254.867.2700 | WWW.TXDOT.GOV

JK
→ Nicole

January 31, 2017

RECEIVED

Mr. Jonathan Graham
City Manager
City of Temple
2 North Main St.
Temple, TX 76501

FEB 07 2017
City Manager's Office

CSJ 0398-04-059
Bell County – SH 317
Construction Project – Lp 121-FM 2305

Dear Mr. Graham:

Enclosed you will find the Landscape Maintenance Agreement between the city of Temple and the Texas Department of Transportation. Please attach a copy of the resolution (once passed by Council) to accompany this agreement and return them to me. I will have Mr. Littlefield, our District Engineer, sign the agreement and then a copy will be returned to you for your city records.

Although this SH 317 construction project is included in both the Belton and Temple city limits, obviously the city of Temple will only be responsible for the maintenance of the area within the Temple city limits which is from the Leon River Bridge north to FM 2305. It includes median plantings consisting of crape myrtles, vitex, and sod, with an irrigation system to support tree establishment. The plants will have a 12-month maintenance period covered under our TxDOT contract once they are planted. At the end of the contract, the city will be notified in writing at which point the maintenance shall become the sole responsibility of the city. At this time, the water bill shall be placed in the name of the city if the city wishes to continue providing supplemental water to the plant material. However, if the city feels the plants are established and can make it on their own, it is at the city's discretion to turn the irrigation system off and/or disconnect the meters.

I know it's been a couple of years since I visited with Kevin Beavers about this project, but I very much appreciate the willingness of the city of Temple to agree to maintain this project and thank you in your support of not only beautifying an entrance into your city, but also beautifying the right-of-way of the state of Texas.

Please do not hesitate to contact me should you have any questions, 254.867.2726.

Sincerely,

Betsy Pittman, R.L.A.
Waco District Landscape Architect
Texas Department of Transportation

Enclosure
Landscape Maintenance Agreement

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer

LANDSCAPE MAINTENANCE AGREEMENT

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

This AGREEMENT made this _____ day of _____, 2017, by and between the Texas Department of Transportation, hereinafter referred to as the "State," and the City of Temple, Bell County, Texas, acting by and through its duly authorized officers, hereinafter called the "City".

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the State and the City have entered into a Municipal Maintenance Agreement dated April 9, 2013, **the provisions of which are incorporated herein by reference**, and wherein the City has agreed to retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the department; and

WHEREAS, the State has existing and proposed landscape improvements, such as, but not limited to, the installation of tree, shrub, and turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on Attachment "A"; and

WHEREAS, the State will provide such landscape improvements, provided that the City agrees to be responsible for all required maintenance of the landscape improvements.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

Contract Period

This Agreement becomes effective upon the date of final execution by the State, and shall remain in effect until terminated or modified as hereinafter provided.

Coverage

This agreement prescribes the responsibilities of the State and the City relating to the installation and maintenance of landscape elements on non-controlled access state highways, as defined in the Municipal Maintenance Agreement, and described and graphically shown as “State Maintained and Operated” in that agreement.

Amendment

The parties agree that this agreement may be amended. Such amendments, to be effective, must be in writing and signed by both parties.

State's Responsibilities

The State shall install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents.

City's Responsibilities

The City may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. Any installations shall be performed in accordance with Texas Department of Transportation specifications and standards, and must be approved by the State in writing prior to any work being performed.

The City shall maintain all landscape elements within the limits of the right of way including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. All landscape elements must be maintained in a functional and aesthetically pleasing condition.

TERMINATION

It is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

Should the City terminate this agreement, as prescribed here above, the City shall, at the option of the State, reimburse any reasonable costs incurred by the State.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Temple on the _____ day of _____, year 2017, and the Texas Department of Transportation, on the _____ day of _____, year 2017.

ATTEST:

CITY OF TEMPLE
By _____
(Title of Signing Official)

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and the established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____
District Engineer

WACO
District

Attachments

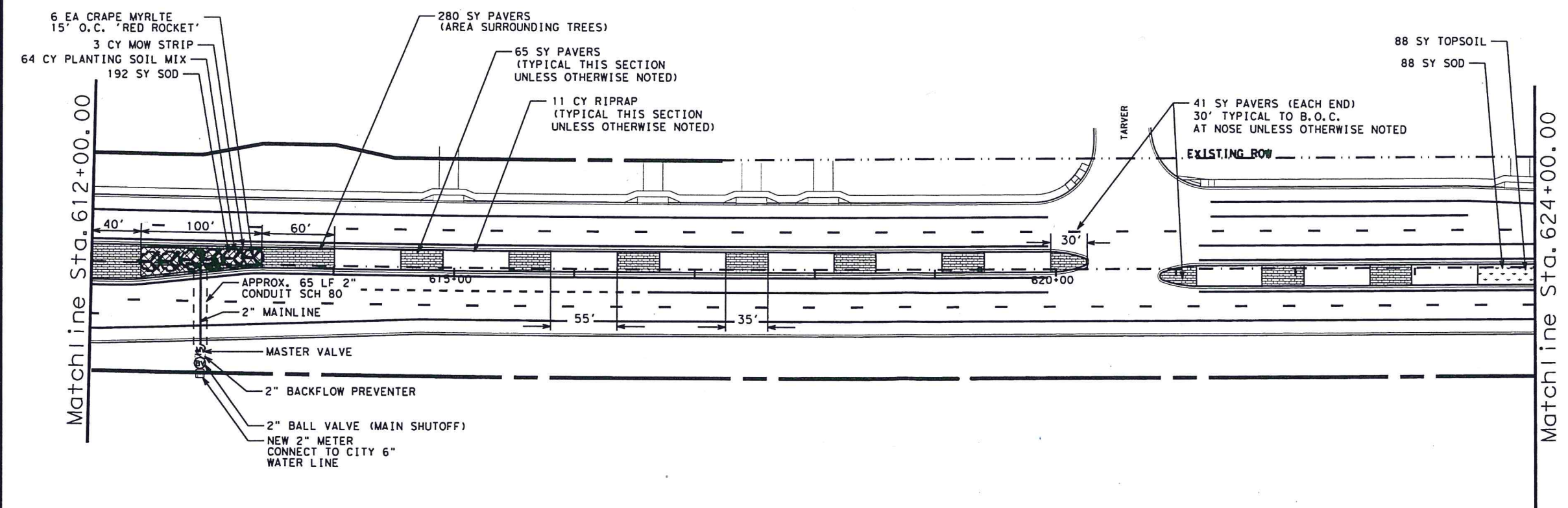
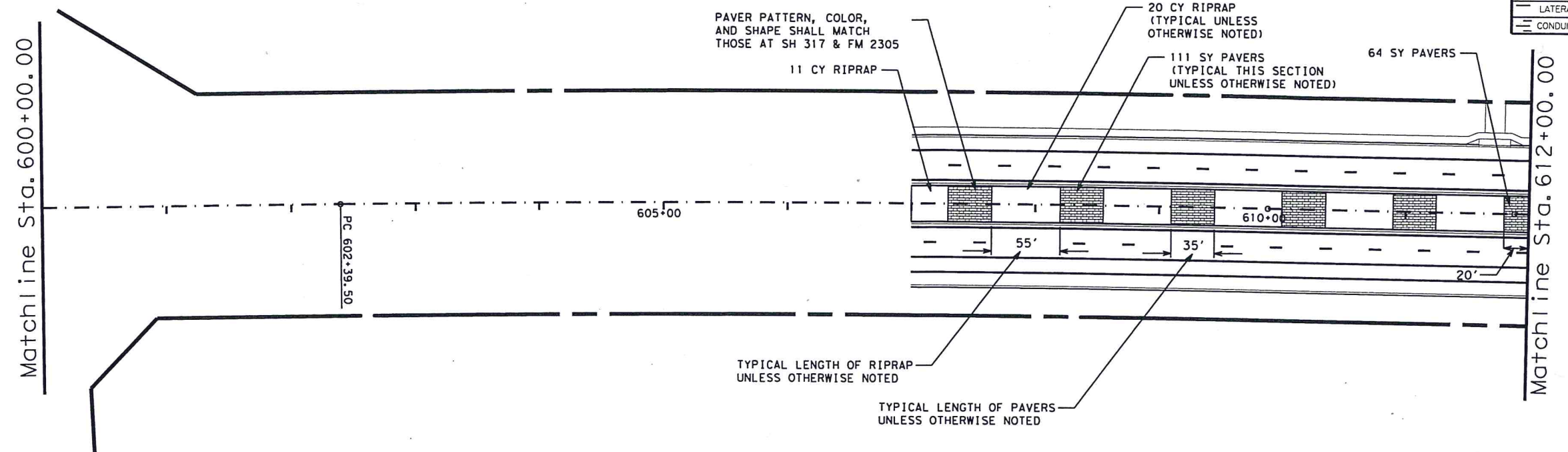
ESTIMATED QUANTITIES - STA 600+00 TO 624+00

ITEM	DESCRIPTION	UNIT	QTY.
0160-6006	FURNISHING AND PLACING TOPSOIL (3")	SY	88
0162-6002	BLOCK SODDING	SY	280
0192-6014	PLANT SOIL MIX (12")	CY	64
0192-6023	PLANT MATERIAL (15 GAL) (TREE) 'RED ROCKET'	EA	6
0432-6001	RIPRAP (CONC) (4 IN)	CY	221
0432-6047	RIPRAP (MOW STRIP) (6 IN)	CY	3
0528-6004	LANDSCAPE PAVERS	SY	1501

ESTIMATED SHEET QUANTITIES (IRR)

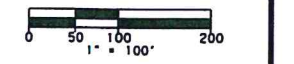
DESCRIPTION	QTY.	RECOMMENDED & DESIGNED MATERIAL TYPES
CONTROLLER	1	HUNTER NODE 100 ONE STATION BATTERY OPERATED
WATER METER	1	2"
BACKFLOW PREVENTER	1	FEBCO 2" DCA
BUBBLERS	6	RAINBIRD 1408 SERIES (1/TREE)
REMOTE CONTROL VALVE	1	RAINBIRD DV SERIES 1"
QUICK COUPLING VALVE	1	RAINBIRD 330 RC 3/4"
MAINLINE	68	2" : MIN. OF 18" OF COVER OVER TOP OF PIPE
LATERAL LINE	87	MIN. OF 12" OF COVER OVER TOP OF PIPE
CONDUIT UNDER ROADWAY	65	24" BELOW SURFACE OF PAVEMENT (4" PIPE SIZE)

* FOR CONTRACTOR'S INFORMATION ONLY



LANDSCAPE LAYOUT

STA. 600+00.00 ~ STA. 612+00.00
STA. 612+00.00 ~ STA. 624+00.00



SHEET 1 OF 5

FED. RD. DIV. NO.	AID PROJECT NO.	SHEET NO.
6		376
STATE	DIST.	COUNTY
TEXAS	WACO	BELL
CONT.	SECT.	JOB
0398	04	059
		SH 317

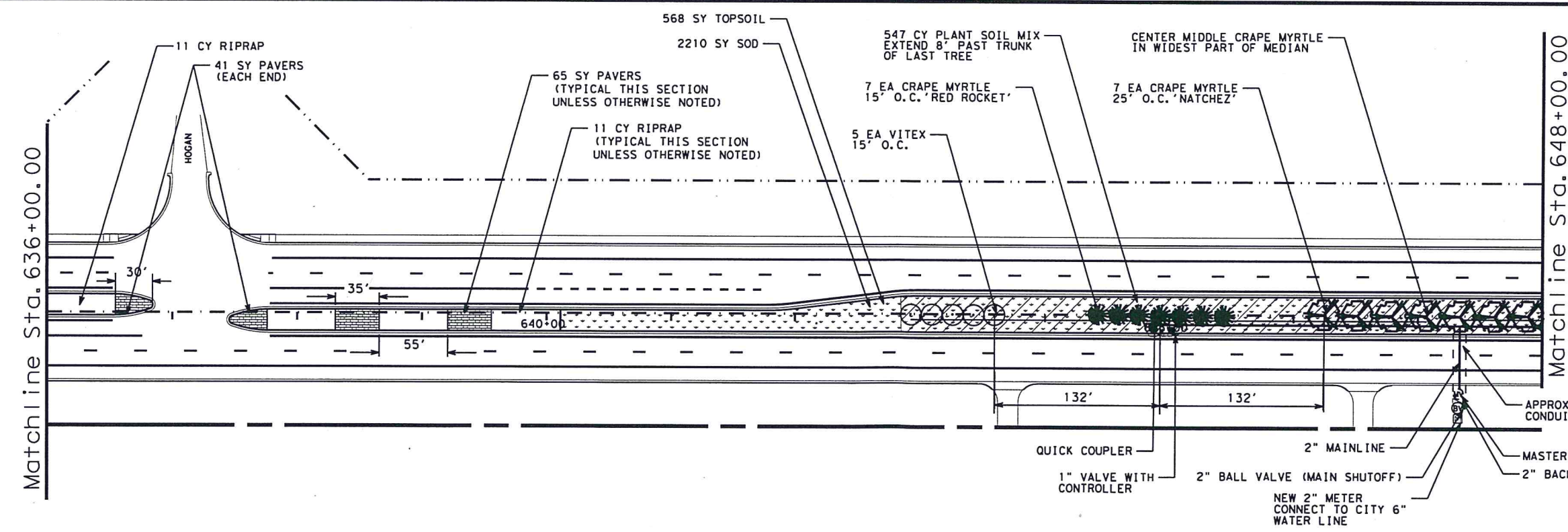
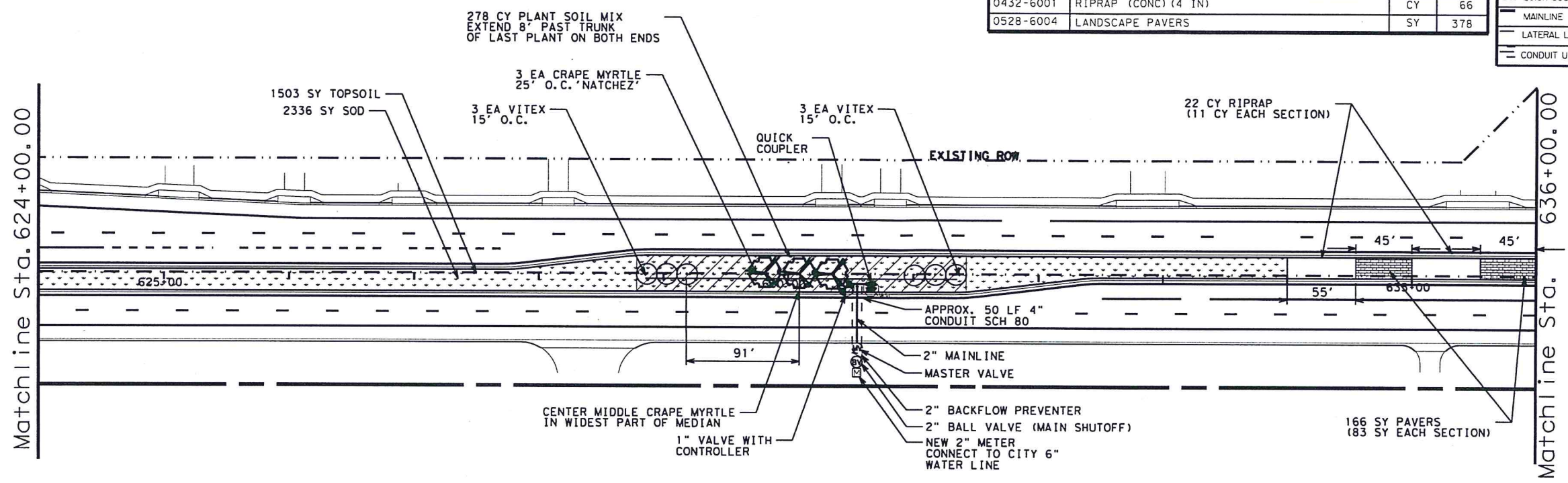
ESTIMATED QUANTITIES - STA 624+00 TO 648+00

ITEM	DESCRIPTION	UNIT	QTY.
0160-6006	FURNISHING AND PLACING TOPSOIL (3")	SY	2071
0162-6002	BLOCK SODDING	SY	4546
0192-6014	PLANT SOIL MIX (12")	CY	825
0192-6023	PLANT MATERIAL (15 GAL) (TREE) 'RED ROCKET'	EA	7
0192-6024	PLANT MATERIAL (30 GAL) (TREE) 'NATCHEZ'	EA	10
0192-6033	PLANT MATERIAL (15 GAL) (SHRUB)	EA	11
0432-6001	RIPRAP (CONC) (4 IN)	CY	66
0528-6004	LANDSCAPE PAVERS	SY	378

* ESTIMATED SHEET QUANTITIES (IRR)

DESCRIPTION	QTY.	RECOMMENDED & DESIGNED MATERIAL TYPES
CONTROLLER	2	HUNTER NODE 100 ONE STATION BATTERY OPERATED
WATER METER	2	2"
BACKFLOW PREVENTER	2	FEBCO 2" DCA
BUBBLERS	28	RAINBIRD 1408 SERIES (1/TREE)
REMOTE CONTROL VALVE	2	RAINBIRD DV SERIES 1"
QUICK COUPLING VALVE	2	RAINBIRD 330 RC 1/4"
MAINLINE	350	2" MIN. OF 18" OF COVER OVER TOP OF PIPE
LATERAL LINE	768	MIN. OF 12" OF COVER OVER TOP OF PIPE
CONDUIT UNDER ROADWAY	100	24" BELOW SURFACE OF PAVEMENT (4" PIPE SIZE)

* FOR CONTRACTOR'S INFORMATION ONLY



LANDSCAPE LAYOUT

STA. 624+00.00 ~ STA. 636+00.00
STA. 636+00.00 ~ STA. 648+00.00



SHEET 2 OF 5

FED. RD. DIV. NO.	AID PROJECT NO.	SHEET NO.
6		377
STATE	DIST.	COUNTY
TEXAS	WACO	BELL
CONT.	SECT.	JOB
0398	04	059
		SH 317

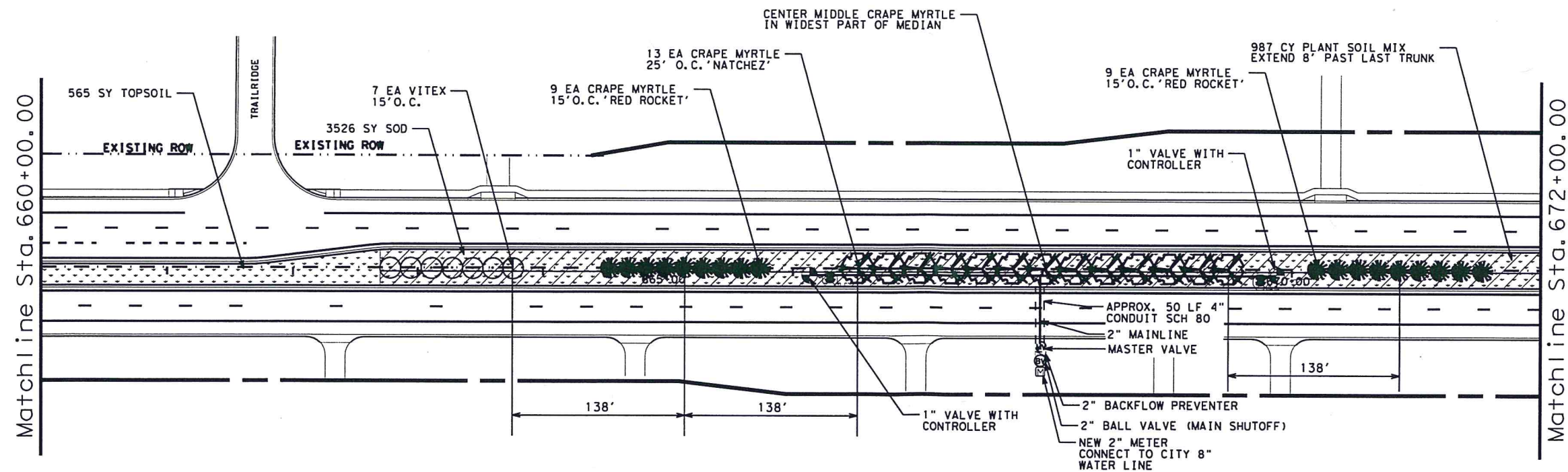
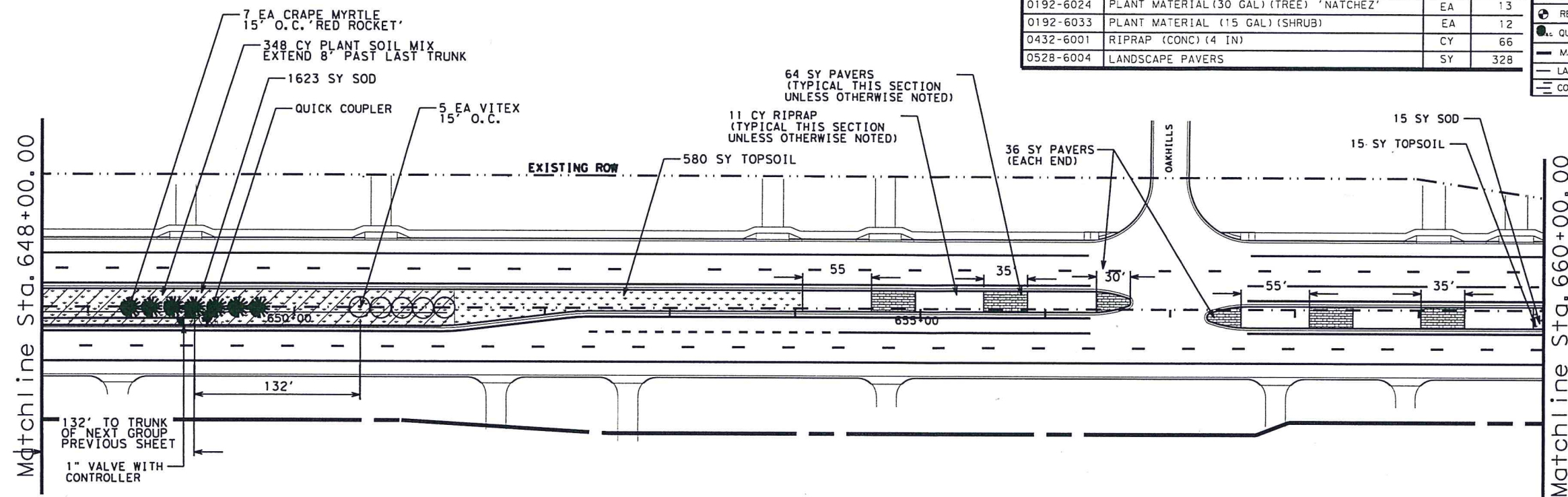
ESTIMATED QUANTITIES - STA 648+00 TO 672+00

ITEM	DESCRIPTION	UNIT	QTY.
0160-6006	FURNISHING AND PLACING TOPSOIL (3")	SY	1160
0162-6002	BLOCK SODDING	SY	5164
0192-6014	PLANT SOIL MIX (12")	CY	1335
0192-6023	PLANT MATERIAL (15 GAL) (TREE) 'RED ROCKET'	EA	25
0192-6024	PLANT MATERIAL (30 GAL) (TREE) 'NATCHEZ'	EA	13
0192-6033	PLANT MATERIAL (15 GAL) (SHRUB)	EA	12
0432-6001	RIPRAP (CONC) (4 IN)	CY	66
0528-6004	LANDSCAPE PAVERS	SY	328

* ESTIMATED SHEET QUANTITIES (IRR)

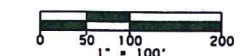
DESCRIPTION	QTY.	RECOMMENDED & DESIGNED MATERIAL TYPES
CONTROLLER	3	HUNTER NODE 100 ONE STATION BATTERY OPERATED
WATER METER	1	2"
BACKFLOW PREVENTER	1	FEBCO 2" DCA
BUBBLERS	50	RAINBIRD 140B SERIES (1/TREE)
REMOTE CONTROL VALVE	3	RAINBIRD DV SERIES 1"
QUICK COUPLING VALVE	3	RAINBIRD 330 RC 3/4"
MAINLINE	551	2" : MIN. OF 18" OF COVER OVER TOP OF PIPE
LATERAL LINE	1250	MIN. OF 12" OF COVER OVER TOP OF PIPE
CONDUIT UNDER ROADWAY	50	24" BELOW SURFACE OF PAVEMENT (4" PIPE SIZE)

* FOR CONTRACTOR'S INFORMATION ONLY



LANDSCAPE LAYOUT

STA. 648+00.00 ~ STA. 660+00.00
STA. 636+00.00 ~ STA. 672+00.00



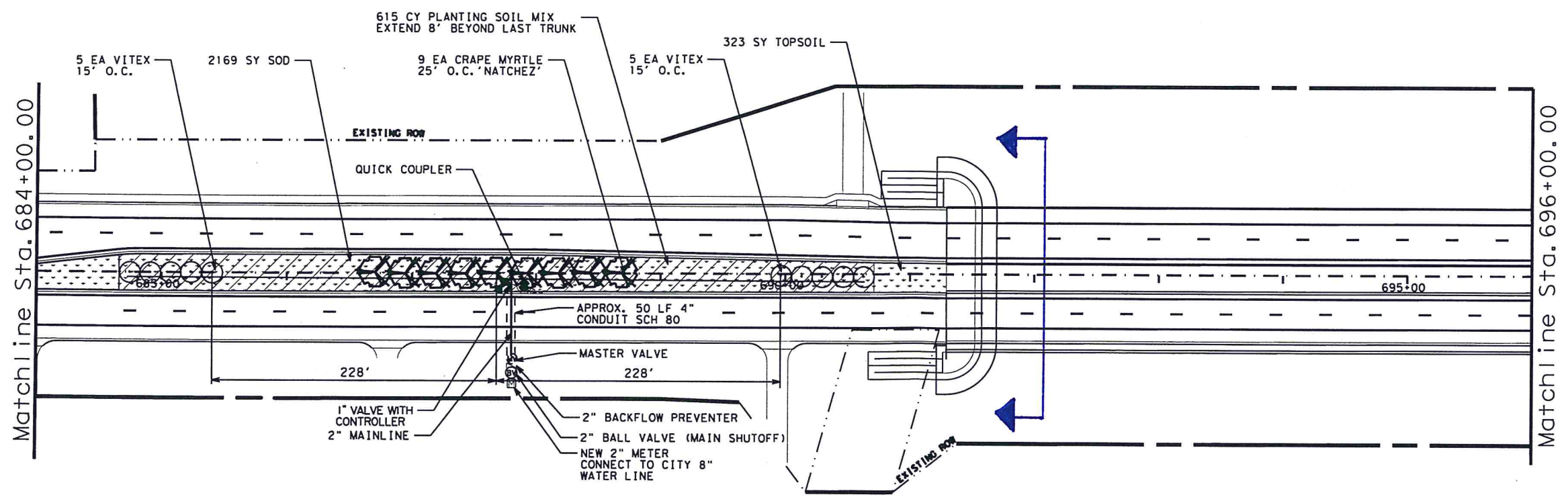
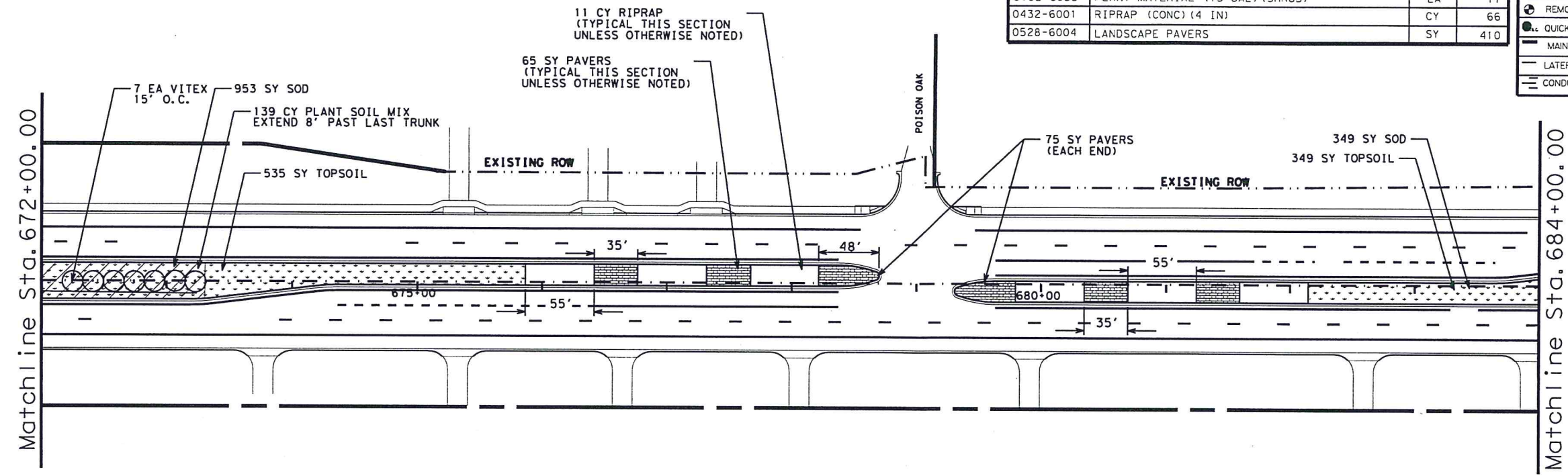
SHEET 3 OF 5

FED. RD. DIV. NO.	AID PROJECT NO.	SHEET NO.
6		378
STATE	DIST.	COUNTY
TEXAS	WACO	BELL
CONT.	SECT.	JOB
0398	04	059
		HIGHWAY NO.
		SH 317

ESTIMATED QUANTITIES - STA 672+00 TO 696+00			
ITEM	DESCRIPTION	UNIT	QTY.
0160-6006	FURNISHING AND PLACING TOPSOIL (3")	SY	1207
0162-6002	BLOCK SODDING	SY	3471
0192-6014	PLANT SOIL MIX (12")	CY	754
0192-6024	PLANT MATERIAL (30 GAL) (TREE) 'NATCHEZ'	EA	9
0192-6033	PLANT MATERIAL (15 GAL) (SHRUB)	EA	17
0432-6001	RIPRAP (CONC) (4 IN)	CY	66
0528-6004	LANDSCAPE PAVERS	SY	410

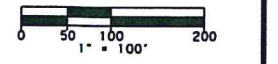
# ESTIMATED SHEET QUANTITIES (IRR)		
DESCRIPTION	QTY.	RECOMMENDED & DESIGNED MATERIAL TYPES
CONTROLLER	1	HUNTER NODE 100 ONE STATION BATTERY OPERATED
WATER METER	1	2"
BACKFLOW PREVENTER	1	FEBCO 2" DCA
BUBBLERS	26	RAINBIRD 1408 SERIES (1/TREE)
REMOTE CONTROL VALVE	1	RAINBIRD DV SERIES 1"
QUICK COUPLING VALVE	1	RAINBIRD 330 RC 3/4"
MAINLINE	56	2" MIN. OF 18" OF COVER OVER TOP OF PIPE
LATERAL LINE	713	MIN. OF 12" OF COVER OVER TOP OF PIPE
CONDUIT UNDER ROADWAY	50	24" BELOW SURFACE OF PAVEMENT (4" PIPE SIZE)

* FOR CONTRACTOR'S INFORMATION ONLY



LANDSCAPE LAYOUT

STA. 672+00.00 ~ STA. 684+00.00
STA. 684+00.00 ~ STA. 696+00.00



SHEET 4 OF 5

FED. RD. DIV. NO.	AID PROJECT NO.	SHEET NO.
6		379
STATE	DIST.	COUNTY
TEXAS	WACO	BELL
CONT.	SECT.	JOB
0398	04	059
		SH 317

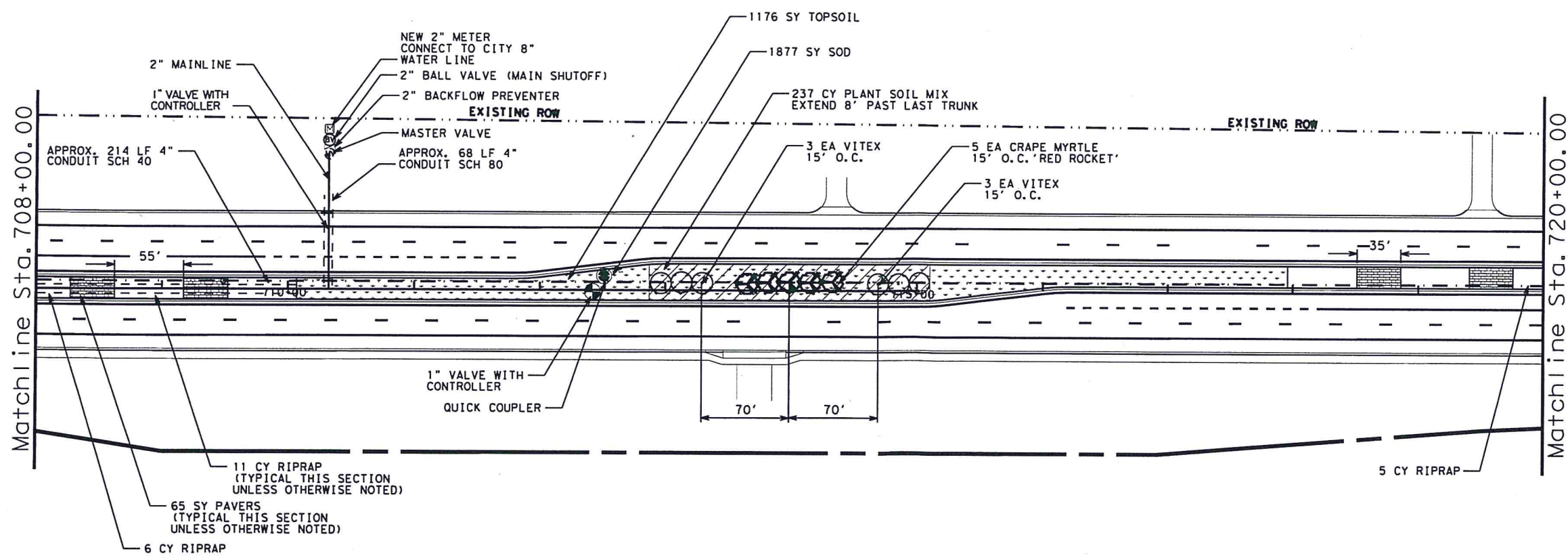
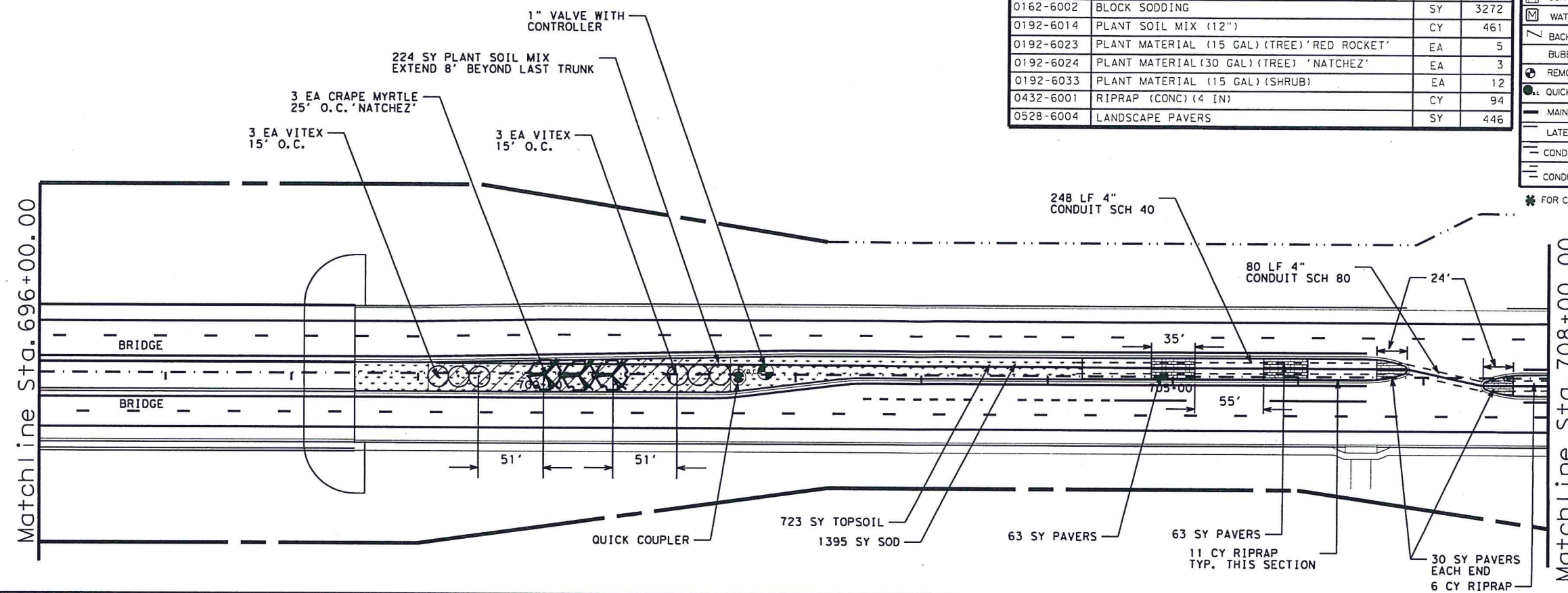
ESTIMATED QUANTITIES - STA 696+00 TO 720+00

ITEM	DESCRIPTION	UNIT	QTY.
0160-6006	FURNISHING AND PLACING TOPSOIL (3")	SY	1899
0162-6002	BLOCK SODDING	SY	3272
0192-6014	PLANT SOIL MIX (12")	CY	461
0192-6023	PLANT MATERIAL (15 GAL) (TREE) 'RED ROCKET'	EA	5
0192-6024	PLANT MATERIAL (30 GAL) (TREE) 'NATCHEZ'	EA	3
0192-6033	PLANT MATERIAL (15 GAL) (SHRUB)	EA	12
0432-6001	RIPRAP (CONC) (4 IN)	CY	94
0528-6004	LANDSCAPE PAVERS	SY	446

ESTIMATED SHEET QUANTITIES (IRR)

DESCRIPTION	QTY.	RECOMMENDED & DESIGNED MATERIAL TYPES
CONTROLLER	2	HUNTER NODE 100 ONE STATION BATTERY OPERATED
WATER METER	1	2"
BACKFLOW PREVENTER	1	FEBCO 2" DCA
BUBBLERS	20	RAINBIRD 1408 SERIES (1/TREE)
REMOTE CONTROL VALVE	2	RAINBIRD DV SERIES 1"
QUICK COUPLING VALVE	2	RAINBIRD 330 RC 3/4"
MAINLINE	1249	2" : MIN. OF 18" OF COVER OVER TOP OF PIPE
LATERAL LINE	522	MIN. OF 12" OF COVER OVER TOP OF PIPE
CONDUIT UNDER ROADWAY	148	24" BELOW SURFACE OF PAVEMENT (4" PIPE SIZE)
CONDUIT UNDER ROADWAY	462	12" BELOW SURFACE OF PAVERS (4" PIPE SIZE)

* FOR CONTRACTOR'S INFORMATION ONLY



LANDSCAPE LAYOUT

STA. 600+00.00 ~ STA. 612+00.00
STA. 612+00.00 ~ STA. 624+00.00



SHEET 5 OF 5

FED. RD. DIV. NO. 6	AID PROJECT NO. 380	SHEET NO. 380
STATE TEXAS	DIST. WACO	COUNTY BELL
CONT. 0398	SECT. 04	JOB 059
		HIGHWAY NO. SH 317

GENERAL PAVER NOTES:

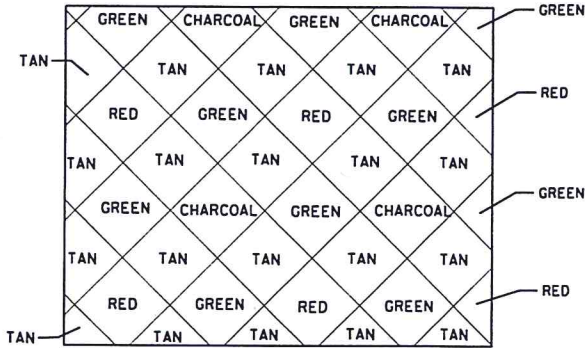
1. Reference Item 528, Colored Textured Concrete and Landscape Pavers, of the Texas Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges 2014 for specifications, dimensions, volumes and measurements not shown.
2. Locate and stake all underground conduits and utilities associated with but not limited to: power supply, lighting, signal wires and detectors, gas, electrical, telephone, fiber optics, etc.
3. Locate and stake existing ground boxes, inlets, culverts, manholes, etc. within the project area with a 4' wooden stake, painted orange. Maintain the stakes in place for duration of construction period of the contract. Remove stakes when directed.
4. Repair and/or replace of any damaged underground conduits or utilities, structures, pavement, riprap, equipment, materials, slopes, vegetation, surfaces, etc. at contractor's expense.

MATERIALS:

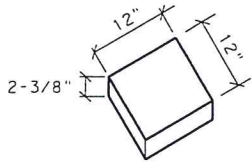
1. Use "Class B" concrete for concrete mow strip for pavers shown in detail. Concrete mow strip is paid for separately under Item 432-6047 RIPRAP (Mow Strip) (6 IN) CY.
2. Use portland cement treated base which meets the requirements of Item 276, Strength L. Portland cement treated base is incidental to Item 528.
3. Use bedding sand described in Item 528.2.2.2. Bedding sand is incidental to Item 528.
4. Use paver unit type and color type as shown. Submit sample unit for approval prior to construction with manufacture's information certifying that paver units:
 - a) meet the requirements of Item 528.2.2.1. Pavers.
 - b) are manufactured using accelerating plasticizer and an efflorescence reducer.
 - c) are manufactured by a standard process which provides a full range of each color in the specified color mix, with a minimum of 75% of the paver units containing a two color blend, on each pallet.
 - d) color pigment is synthetic iron oxide, alkali-resistant, light-fast, water insoluble, chemically-inert and weather resistant and conforms to ASTM C 979.
5. Use joint filling sand described in Item 528.2.2.3. Joint filling sand is incidental to Item 528.

CONSTRUCTION METHODS:

1. Locate and stake all items and/or limits of landscape pavers and related work in the field. Receive approval from Engineer prior to continuing.
2. Item 528.3.2.2., receive approval from Engineer before covering base material.
3. Immediately remove and replace paver units damaged during installation.
4. Item 528.3.2.5., complete a minimum of two sweepings of joint sand, complete additional sweepings to fill the joints to the approval of the Engineer. Leave surplus sand on the surface during construction period. Sweep and clean all excess joint sand, soil, foreign material, and/or stains from pavers as directed.



DETAIL OF PAVER COLOR LAYOUT
FROM FM 2305 TO LEON RIVER BRIDGE
PATTERN WILL RUN AT A 45 DEGREE ANGLE TO SH 317.

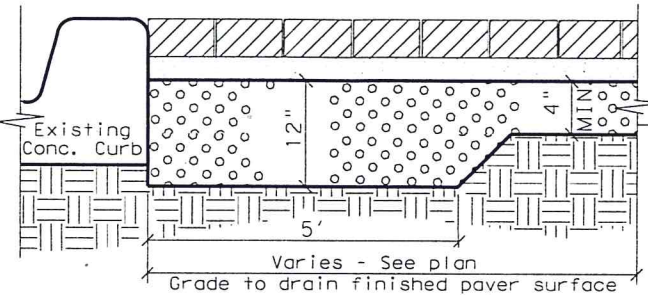


PAVER UNITS

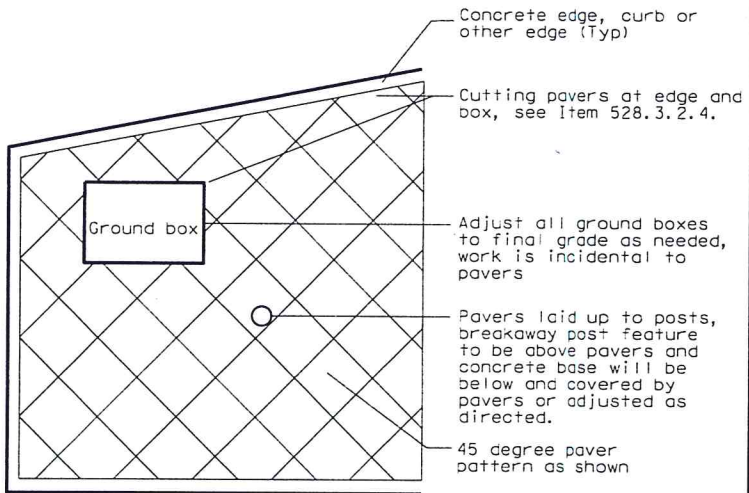
12"x 12" CITY STONE III
MANUFACTURED BY PAVESTONE
OR APPROVED EQUAL.

PAVER COLORS:

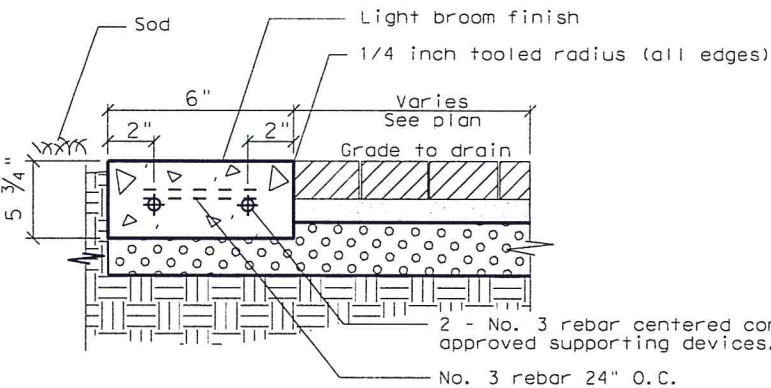
From FM 2305 to Leon River Bridge:
green, tan, red and charcoal
From Leon River Bridge to end of project:
Antique Red.



PORTLAND CEMENT TREATED BASE UNDER
PAVERS AT EXISTING CONCRETE CURB

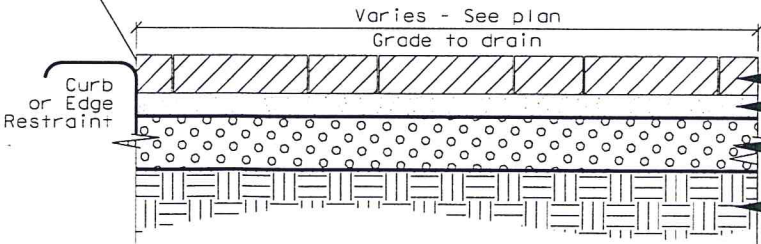


PAVER LAYOUT



CONCRETE EDGE FOR PAVERS (CL B RIPRAP)

Set top of paver units 1/4" above edge restraint



PAVERS ON PORTLAND CEMENT TREATED BASE

* IN PEDESTRIAN AREAS, CROSS SLOPE NOT TO EXCEED 2%



REQUIRED ITEMS:

- Item 432-6001 Riprap (CONC) (4IN) CY
- Item 432-6047 Riprap (MOWSTRIP) (6 IN) CY
- Item 528-6004 Landscape Paver SY

APPROVED EQUAL NOTE:

All materials for consideration as an "approved equal" must be submitted to the Engineer at the preconstruction meeting. Consideration for late submittals will only be for any materials, shown in plans, which become unavailable as required.

Texas Department of Transportation
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WACO DISTRICT

LANDSCAPE PAVER DETAILS

SHEET 1 OF 1

Details not to scale

FILE:	FED DIV	STATE	FEDERAL PROJECT NUMBER			SHEET
	6	TEXAS				381
REVISED:	DIST	COUNTY	CONTROL	SECT	JOB	HIGHWAY
	WAC	BELL	0398	04	059	SH 317

GENERAL IRRIGATION NOTES:

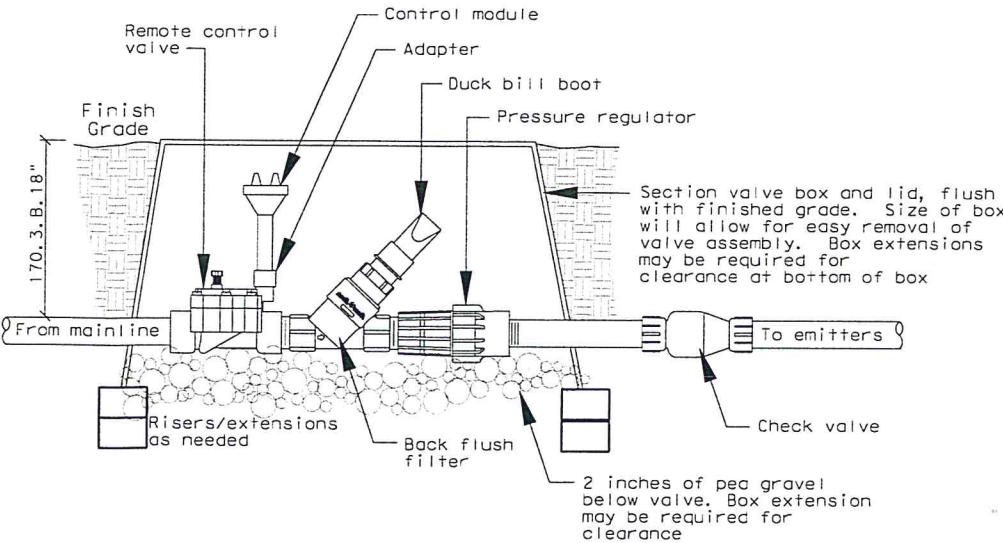
1. Reference Item 170, Irrigation System, of the Texas Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges 2014 for specifications, dimensions, volumes and measurements that are not shown.
2. Locate and stake all underground conduits and utilities associated with but not limited to: power supply, lighting, signal wires and detectors, gas, electrical, telephone, fiber optics, etc.
3. Locate and stake existing ground boxes, inlets, culverts, manholes, etc. within the project area with 4' wooden stakes, painted orange. Maintain the stakes in place during construction period of the contract. Remove stakes when directed.
4. Repair and/or replace damaged underground conduits or utilities structures, pavement, riprap, equipment, materials, slopes, vegetation, surfaces, etc. at contractor's expense.
5. The drawings are diagrammatic of the work to be performed. Changes may be required due to varying conditions or as directed.
6. See IRRIGATION DETAILS AND MATERIALS SHEET 3 OF 3 for materials specifications, sizes, and requirements.

CONSTRUCTION METHODS:

1. Locate and stake irrigation system and related work in the field. Locate all irrigation valves, mainlines, dripline, etc., for approval prior to installation. Any adjustments to work performed prior to approval will be incidental.
2. Obtain all permits, licenses, tests, and approvals. Pay any fees and deposits and install or arrange for all water meters and taps for installation and operation as applicable. Deposits will not be refunded by TxDOT. WATER METERS WILL BE PLACED IN NAME OF THE CONTRACTOR. The contractor will pay for monthly water charges throughout the contract period. Ensure water meter(s) remain operational and turned on through all phases of the contract.
3. Install backflow preventer(s) in the name of the contractor. Pay all charges, fees, tests, and coordination for any backflow preventer(s) testing at installation or annual inspection required by local entity through all phases of the contract.
4. Excavation and Trenching Item 170.3.2. Exercise care when excavating near trees. No mechanical trenching is permitted below the canopy of existing trees. Adjust trench path, bore, and/or excavate by hand to avoid damage to existing tree root system. Dig trenches straight and support pipe continuously on bottom of trench. Install pipe to an even grade. Keep trench bottom clean and smooth with all organic debris and sharp objects removed. Snake pipe in trench, to allow for expansion and contraction.
5. Boring Item 170.3.3. Stake boring and sleeve locations for engineer's approval. Bore pit will be minimum of 5 feet from edge of base material or pavement unless otherwise approved. The size of the bore will not exceed the diameter of the encasement by more than 1 inch. Cover or fill bore pit during non-scheduled work hours.
6. Encasement 170.3.5. Depth is 24 inches below roadway pavement surface. All encasement is continuous and will extend the full width of the pavement and 5' on each side thereof. Encasement is incidental to irrigation system. Install encasement same day as boring. Pipe and Valve Assembly 170.3.6. Do not install pipe when air temperature is below 40 degrees Fahrenheit. Cut pipe in a manner that will ensure a square cut. Remove burrs prior to installation so a clean, smooth unobstructed flow will be obtained.
7. Sprinkler Heads and Drip Tubing 170.3.7. Thoroughly flush all water lines before installing dripline as described in Item 170.3.10. Backfill and Compaction 170.3.12. Backfill to correct settling is incidental.

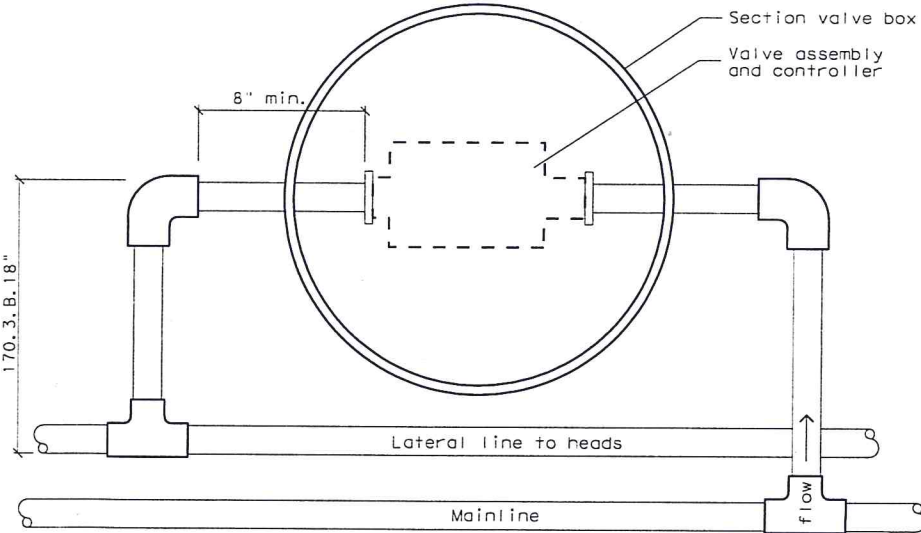
GUARANTEE AND ACCEPTANCE:

1. Maintenance period. Inspect irrigation system concurrently with, and subject to the same establishment/maintenance requirement periods under Items 192 and 193. During the installation, establishment, and maintenance, perform the following activities as a minimum and to the satisfaction of the Engineer and Landscape Architect:
A) Install and maintain the controller program to ensure the proper distribution of water (includes replacement of any batteries).
B) Inspect, repair, and/or replace any equipment that is found defective or may be damaged by other maintenance.
C) Make any adjustments that may become necessary to ensure the proper delivery of water to the plant material.
2. As-built drawings. Upon completion of the required maintenance period(s), the Engineer and Landscape Architect will make an inspection of the project. Furnish the Engineer and Landscape Architect a set of as-built drawings on reproducible 11x17 film base sheets. The base sheets will be verified that they are a true record of the project conditions. Show all valve locations on drawings by triangulation from a fixed object. Show any change to head location from a fixed object and any change to main and lateral lines.
3. Operating and maintenance data. Provide instructions covering full operation, care and maintenance of the equipment, including a schedule showing length of time each valve is open to provide determined amount of water, and instruct personnel designated by engineer in proper operation of the system.
4. Test the system for leakage in accordance with Item 170.3.11. Test and assure the proper electrical working order of the system to the satisfaction of the Engineer and Landscape Architect. Once the system has been accepted and the maintenance period is considered complete, the Contractor will put the meters in the name of the corresponding city.



Note: Temporary quick connect valves may be installed as needed in order to install plant material. See vegetative watering schedule notes on planting and establishment sheets. Temporary quick connect valves will be incidental.

REMOTE CONTROL VALVE ASSEMBLY



Note: see plan sheets for pipe and valve sizes.

PLAN OF PIPING TO SECTION VALVE



4/2/2015



Texas Department of Transportation
WACO DISTRICT

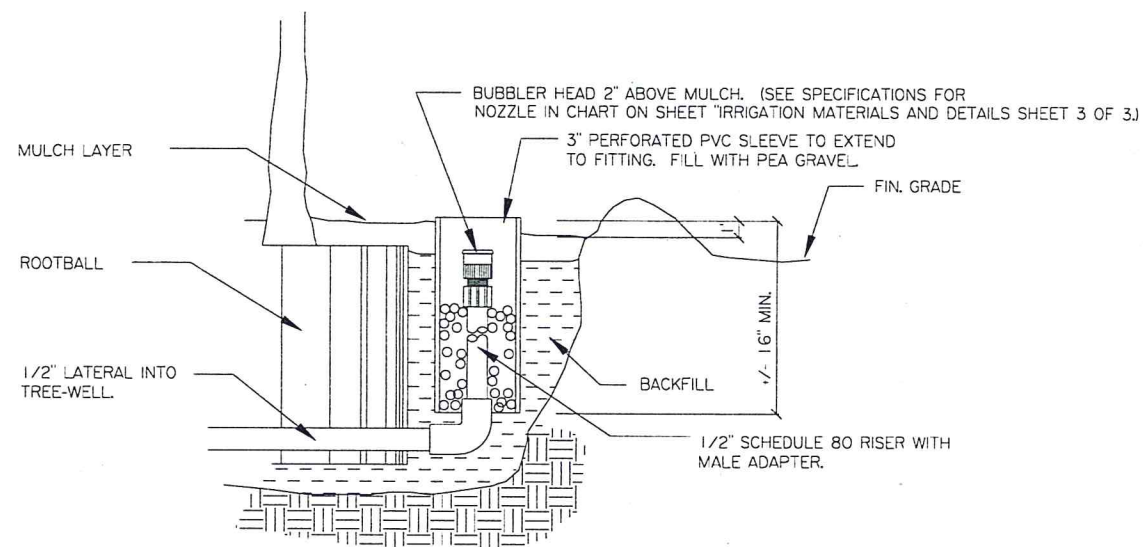
IRRIGATION DETAILS
AND MATERIALS
SHEET 1 OF 3

Details not to scale

FILE:	FED DIV	STATE	AID PROJECT NUMBER			SHEET
	6	TEXAS				382
ORIGINAL:	DIST	COUNTY	CONTROL	SECT	JOB	HIGHWAY
	WAC	BELL	0398	04	059	SH 317

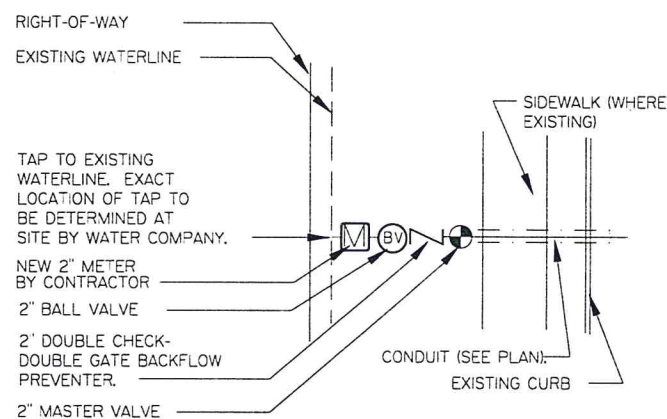
SHEET 7 OF 13

STD K-5



BUBBLER HEAD IN TREE-WELL

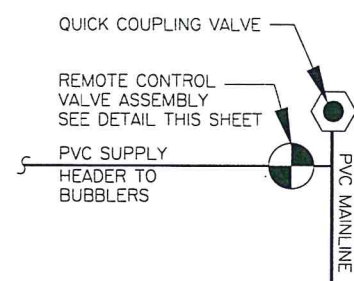
N.T.S.



METER LOCATION

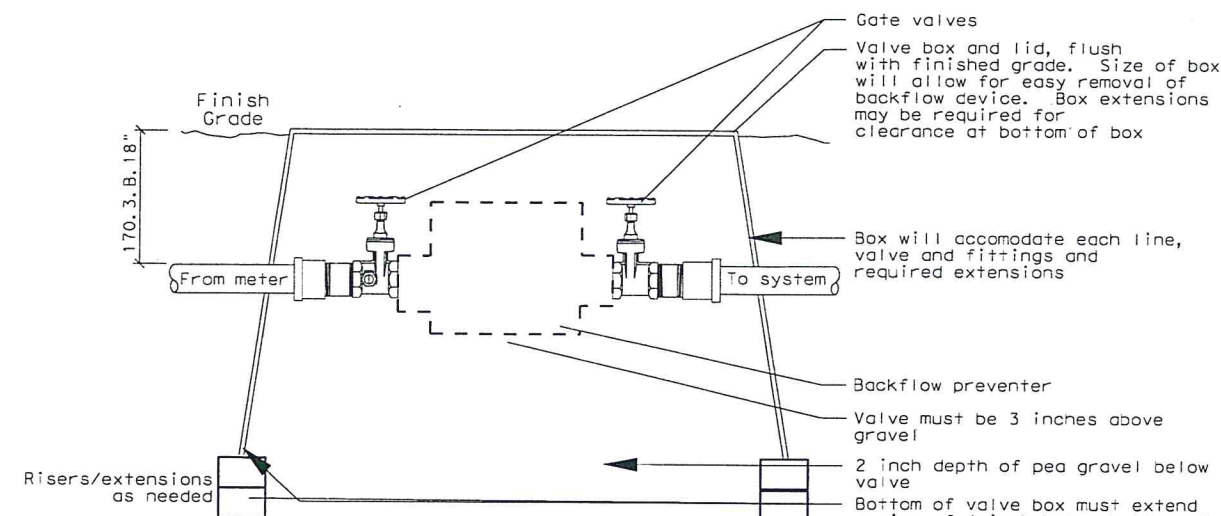
ALL VALVES ARE TYPICAL FOR EACH TAP

N.T.S.



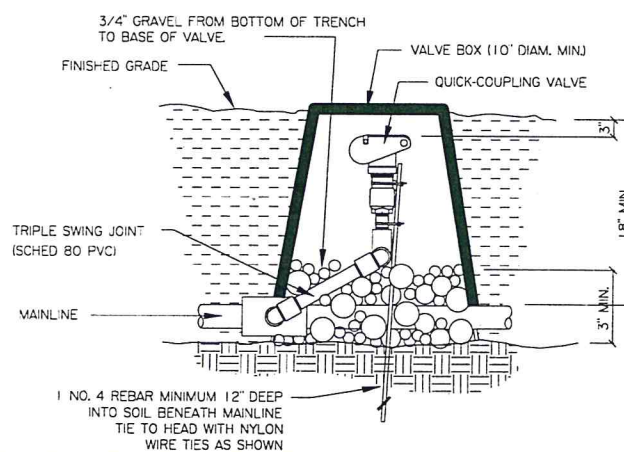
REMOTE CONTROL VALVE ASSEMBLY AND QUICK COUPLING VALVE LAYOUT

NOTE: IF MORE THAN ONE REMOTE CONTROL VALVE ASSEMBLIES ARE GROUPED TOGETHER, ONLY ONE QUICK COUPLING VALVE IS REQUIRED FOR EACH GROUP



Note: Type of backflow preventer per local code. Local code will have precedent over this detail

BACKFLOW PREVENTER - IN GROUND INSTALLATION
PREFERRED METHOD



QUICK COUPLING DEVICE

N.T.S.



4/2/2015



Texas Department of Transportation
WACO DISTRICT

IRRIGATION DETAILS
AND MATERIALS
SHEET 2 OF 3

Details not to scale

FILE:	FED DIV 6	STATE TEXAS	AID PROJECT NUMBER			SHEET 383
ORIGINAL:	DIST	COUNTY	CONTROL	SECT	JOB	HIGHWAY
	WAC	BELL	0398	04	059	SH 317

SHEET 8 OF 13

STD K-5

IRRIGATION MATERIALS SPECIFICATIONS

DESCRIPTION	* EXAMPLE OR EQUAL	SIZE	REMARKS
TAP/METER WITH BALL VALVE & WYE STRAINER	LOCAL CODE	2 inch minimum (6 ea)	LOCAL CODE MAY REQUIRE LARGER METER
REMOTE CONTROL VALVE ASSEMBLY INCLUDES: BACK FLUSH FILTER PRESSURE REGULATOR CHECK VALVE REMOTE CONTROL VALVE DUCK BILL BOOT CLOSE NIPPLES (1")	RAINBIRD XCZ-100-BFF with DV Valve RAINBIRD BFF 100 RAINBIRD PSI-M40X RAINBIRD CV100 RAINBIRD DV100 RAINBIRD DV100 RAINBIRD DBB	1 inch (9 ea)	
IRRIGATION HEADS	BUBBLERS:RAINBIRD #1408 SERIES OR HUNTER PRO-SPRAY SERIES, MPR/VAN NOZZLES	130 ea	(will allow pop-ups in place of tree bubblers)
CONTROL MODULE Programmable actuator with lithium battery	HUNTER NODE - 100	(9 ea)	
ADAPTER FOR RAINBIRD VALVE	RAINBIRD DC LATCHING SOLENOID		
BACKFLOW PREVENTER	APPROVED BY LOCAL CODE	2 inch (6 ea)	
<input type="checkbox"/> BACKFLOW PREVENTER ENCLOSURE "NOT" REQUIRED FOR THIS PROJECT <input checked="" type="checkbox"/> BACKFLOW PREVENTER ENCLOSURE REQUIRED FOR THIS PROJECT Enclosure will be approved and manufactured specifically for purpose of protecting backflow preventor. Enclosure will be vandal-resistant, lockable with the ability to be anchored to the ground. Enclosure lid will be completely removable. Enclosure size will provide access and clearance on all sides of backflow preventer. Locking mechanism will be approved. Provide locks and keys. All locks will use same keys unless otherwise directed. Keys will match master key provided to Landscape Architect. Locks may be integrated into enclosure.	APPROVED BY ENGINEER	APPROVED BY ENGINEER	PROVIDE FOUR(4) KEYS TO ENGINEER
PVC SCH 40 CONDUIT UNDER PAVERS		4 inch (462 lf)	
BORING		4 inch	OVERCUTTING WILL NOT BE ALLOWED
PVC SCH 80 CASING FOR SLEEVES AND BORES Pressure rated with slip type solvent welded joints		4 inch (413 lf)	
PVC SCH 40 MAINLINE Pressure rated with twin gasket couplings and fittings or slip type solvent welded joints		2 inch (2274 lf)	
PVC CLASS 200 LATERALS AND HEADERS		(3340 lf)	
ABOVE GROUND PVC PIPE INCLUDING BURIED RISERS AND SWING-JOINT COMPONENTS PVC SCH 80 pipe rated for direct sunlight exposure			
FITTINGS All fittings incorporated into system will be of the same type, size and class material as the pipe			
CONTROL WIRE All low voltage control wire will be color coded. Wire sizes will conform to the controller manufacturer specifications for maximum distances for specific wire sizes. All wire will be specifically manufactured for direct burial. All wire connections and splices will be made in ground boxes. The splice will be completely waterproof and will be completely encapsulated within a King Safety Sealed Irrigation Connector/Splice enclosure or an approved equal. Enclose in grey PVC electrical conduit.	14 GAUGE WITH JACKET WRAP		
SOLVENT CEMENT Solvent cement will be the type recommended by the pipe manufacturer			
MASTER VALVE FOR EACH METER LOCATION		2 inch (6 ea)	WITH PRESSURE REGULATOR
VALVE BOXES Boxes for section valves, below-ground backflow preventors, and quick coupling valves will be as shown on detail sheet	ARMOR OR APPROVED EQUAL	BOX SIZE WILL ALLOW FOR EASY REMOVAL OF VALVE, ETC.	QUANTITY AS REQUIRED FOR SECTION VALVES, BELOW GROUND BACKFLOW PREVENTORS, QUICK COUPLING VALVES AND ANY ACCESSORIES
VALVE BOX RISERS (if needed)		BOX RISER WILL EXTEND BELOW VALVES AS SHOWN ON DETAIL SHEET	QUANTITY AS REQUIRED FOR SECTION VALVES, BELOW GROUND BACKFLOW PREVENTORS, QUICK COUPLING VALVES AND ANY ACCESSORIES
QUICK COUPLING VALVES WITH SWING JOINTS		3/4 inch (9 ea)	

APPROVED EQUAL NOTE:

1. REFERENCE TO MANUFACTURER'S TRADE NAME OR CATALOG NUMBER IS FOR THE PURPOSE OF IDENTIFICATION ONLY, CONTRACTOR IS PERMITTED TO FURNISH LIKE MATERIALS OF OTHER MANUFACTURERS PROVIDED THEY ARE OF EQUAL QUALITY AND COMPLY WITH SPECIFICATIONS FOR THIS PROJECT AND ARE APPROVED.
2. ALL MATERIALS FOR CONSIDERATION AS AN "APPROVED EQUAL" MUST BE SUBMITTED TO THE ENGINEER AT THE PRECONSTRUCTION MEETING. CONSIDERATION FOR LATE SUBMITTALS WILL ONLY BE FOR ANY MATERIALS, SHOWN IN PLANS, WHICH BECOME UNAVAILABLE AS REQUIRED.

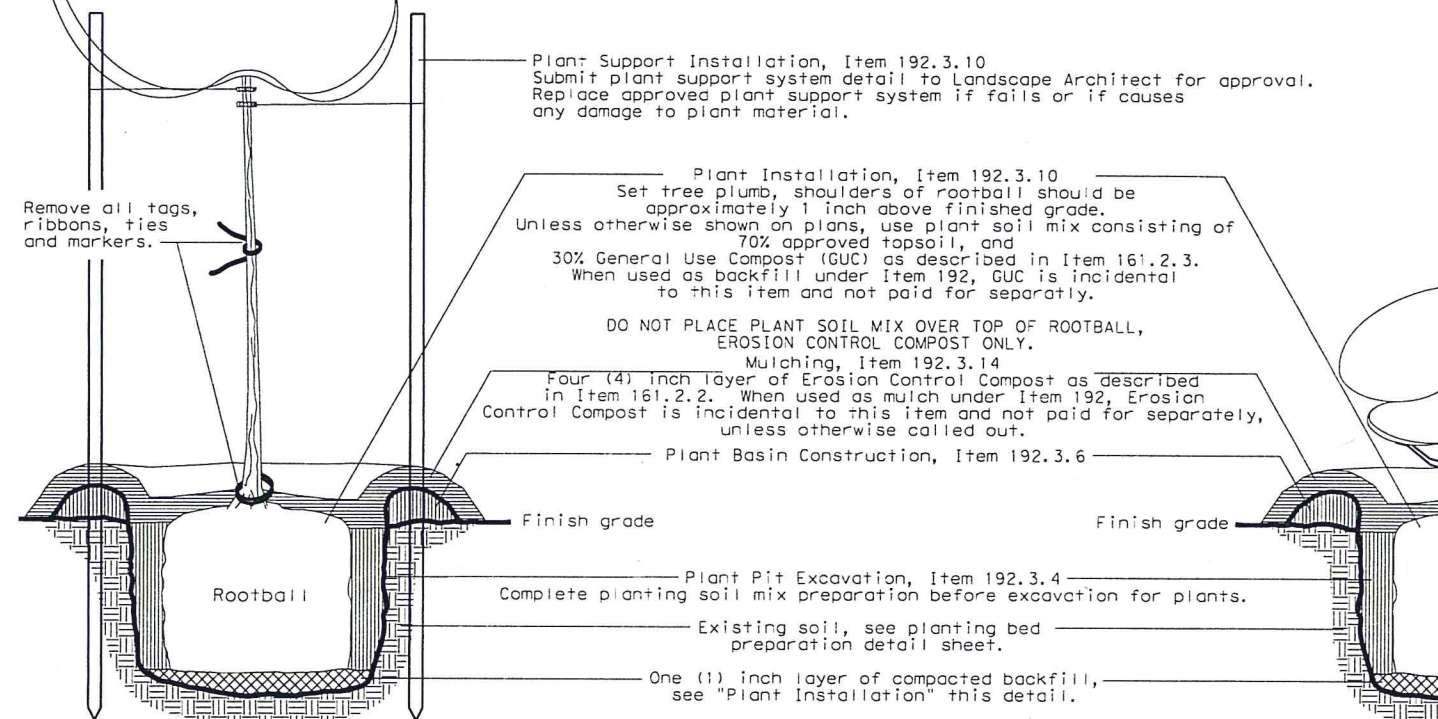
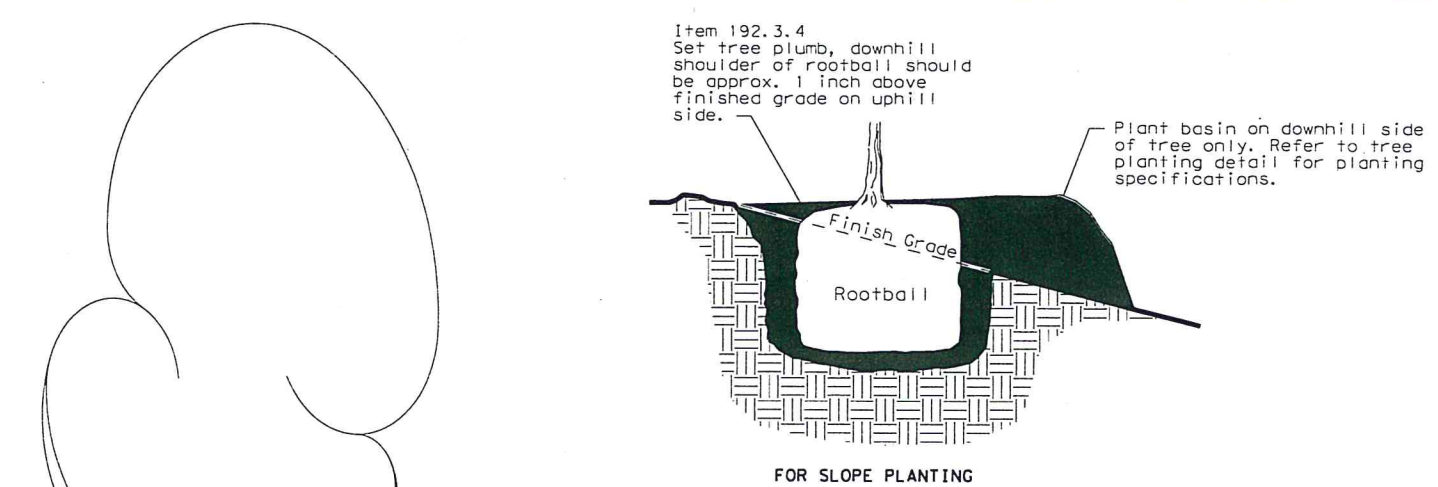
GENERAL IRRIGATION NOTES:

1. Reference IRRIGATION DETAILS AND MATERIALS SHEETS 1 and 2 of 3 for requirements and details.

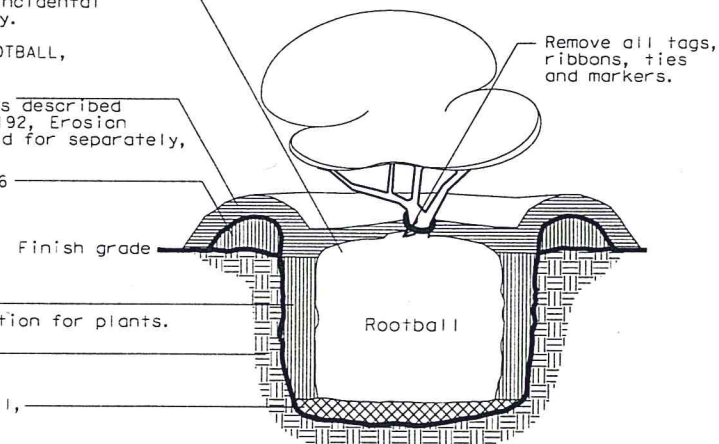


IRRIGATION DETAILS
AND MATERIALS
SHEET 3 OF 3

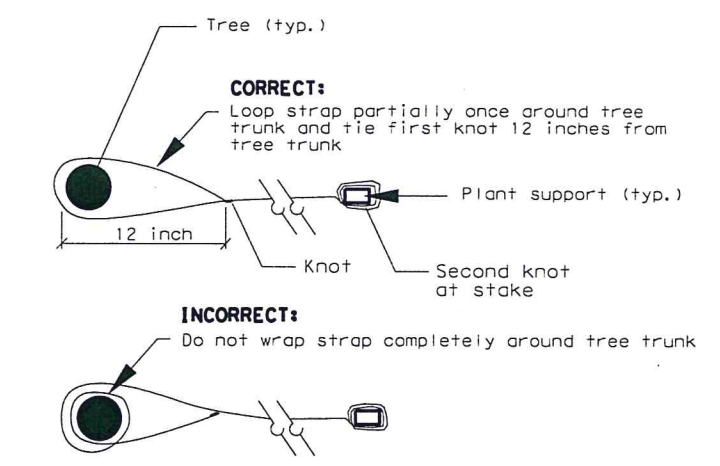
FILE:	FED DIV 6	STATE TEXAS	AID PROJECT NUMBER			SHEET
						384
ORIGINAL:	DIST	COUNTY	CONTROL	SECT	JOB	HIGHWAY
	WAC	BELL	0398	04	059	SH 317



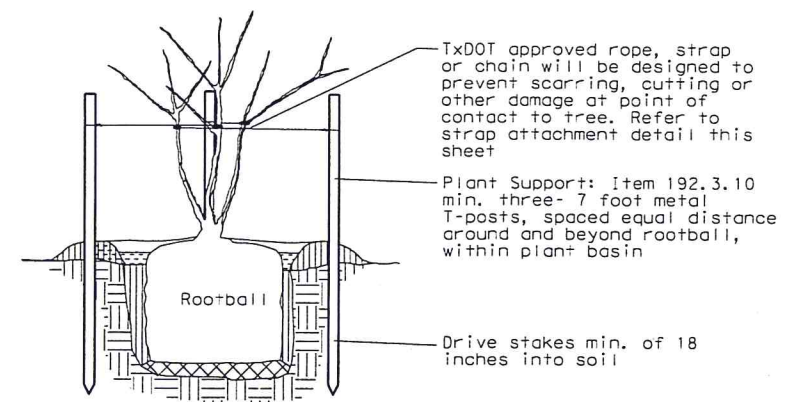
TREE PLANTING DETAIL



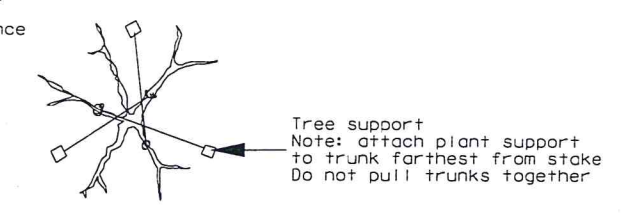
SHRUB AND VINE PLANTING DETAIL



STRAP ATTACHMENT - 10 TO 65 GALLON



TREE SUPPORT - MULTI-TRUNKED
For 10-65 gallon trees only



PLAN VIEW

PHASE	ITEM DESCRIPTION	FREQUENCY	RATE
Item 192.3 Construction	Item 192.3.7. Watering is incidental to Item 192 and is not paid for separately	Begin same day as planting then: 3 times per week with 1 day minimum between waterings	1/2 X plant container gallon size per plant
Item 192.3.15 Maintenance	Item 192.3.15.1. Watering will be paid for under Item 168-6001 Vegetative Watering		(One (1) gallon minimum)
Item 193 Landscape Establishment (When Shown In Plans)	Item 193.3. Watering will be paid for under Item 193-6006 Vegetative Watering	2 times per week with 2 days minimum between waterings	* Exception: 4" plant material .25 gallon per plant

NOTES:
Apply water over the rootball within the tree well only. Adjust rate and frequency to meet site conditions and weather as approved or directed.
Item 168.3. and 193.3. Use an approved measuring device, water not measured will not be paid for.
Plant material in poor condition due to the failure to apply the specified amount of water within the time allowed or overwatering, will be replaced at Contractor's expense.
Vegetative watering will be paid for as described in this schedule unless Item 170 is shown in plans. When Item 170 is shown, see Irrigation Details and Materials, Sheet 1 of 3.

- GENERAL NOTES:**
- Reference Item 192 of the Texas Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges 2014 for specifications, dimensions, volumes, and measurements not shown.
 - Verify that all planting meets the following clear zone minimum distance requirements from the edge of the travel lane:
Trees: 32' unless protected by a barrier,
Shrubs: 16' unless protected by a barrier,
Groundcovers and vines: no minimum distance.
Engineer has final authority over all clear zone related issues.
 - Locate and stake all underground conduits and utilities associated with but not limited to: power supply, lighting, signal wires and detectors, gas, electric, telephone, fiber optics, etc.
 - Locate and stake existing ground boxes, inlets, culverts, manholes, etc. within the project area with a 4' wooden stake painted orange. Maintain the stakes in place for duration of the contract. Remove stakes when directed.



4/2/2015

Texas Department of Transportation
WACO DISTRICT

PLANTING AND ESTABLISHMENT
SHEET 1 OF 4

Details not to scale TREE & SHRUB

FILE:	FED DIST	STATE	FEDERAL PROJECT NUMBER		SHEET
	6	TEXAS			385
ORIGINAL:	DIST	COUNTY	CONTROL	SECT	JOB
	WAC	BELL	0398	04	059
					SH 317

STD K-4

PLANT SPECIFICATIONS (PLANT MATERIAL MUST CONFORM TO ALL SPECIFICATIONS)								
Botanical Name	Common Name	Color	Quantity	Root Condition	Spacing	Height	Spread	Bid Item Number
CENTER AREA IN MEDIAN								
Lagertromia indica	Crape Myrtle 'Red Rocket'	red	43	15 GAL	15' O.C.	MIN. 4'	MIN. 3'	0192-6023
Lagertromia indica	Crape Myrtle 'Natchez'	white	35	30 GAL	25' O.C.	MIN. 7'	MIN. 4'	0192-6024
Vitex agnus-castus	Lavender Tree	purple	52	15 GAL	15' O.C.	MIN. 4'	MIN. 3'	0192-6033
BLOCK SODDING								
Cynodon dactylon (sod) (perimeter)	COMMON BERMUDA		16733 SY	MIN. 1" DEPTH				0162-6002
MISC.								
FURNISHING AND PLACING TOPSOIL (3")			6425	SY				0160-6006
IRRIGATION SYSTEM			1	LS				0170-6001
PLANT SOIL MIX (12") DEPTH			3439	CY				0192-6014
PLANT MAINTENANCE			9	MO				0193-6001
IRRIGATION SYSTEM OPER & MAINT			9	MO				0193-6007
RIPRAP (CONC) (4 IN)			513	CY				0432-6001
RIPRAP (MOWSTRIP) (6 IN)			3	CY				0432-6047
LANDSCAPE PAVERS			3063	SY				0528-6004

1. Reference Item 192 of the Texas Standard Specifications for Construction of Highways, Streets and Bridges 2014 for specifications, dimensions, volumes and measurements that are not shown.
2. All plants to be nursery grown in containers unless otherwise shown on plans.
3. Provide photographs of plant material when requested.
4. Properly maintain plants during delivery, handling, storage, and planting. The Landscape Architect may inspect any phase of work and may reject any plant material improperly maintained.



PLANT SPECIFICATIONS & SUMMARIES

FILE:	FED DIV	STATE	FEDERAL PROJECT NUMBER			SHEET
	6	TEXAS				386
ORIGINAL:	DIST	COUNTY	CONTROL	SECT	JOB	HIGHWAY
	WAC	BELL	0398	04	059	SH 317

After completion of the project installation, as shown in the plans and approved, begin maintenance activities for a period of 90 calendar days as described in ITEM 192.3.15. Payout in accordance with ITEM 192.5. is subject to completion of all scheduled maintenance activities, timeline may also be suspended for failure to complete scheduled maintenance activities. All maintenance work is incidental and is not paid for separately unless otherwise shown on plans. Reference Item 170, 192 of the Texas Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges 2014 for specifications, dimensions, volumes and measurements that are not shown. Notify Engineer prior to each site visit, determination of the completeness of work will be done in the presence of the engineer same day as work activity.

* Remove any materials damaged by actions described in Item 7.18.1.
Removal and disposal of damaged materials is incidental to Item 192.
Contractor may be reimbursed for plant replacement in accordance with Item 7.18.1.
Theft is not a reimbursable repair.



SHEET 12 OF 13

After completion of the Item 192 maintenance period, as shown in the plans and approved, begin Item 193 establishment activities for a period of 12 months. Reference Item 193 of the Texas Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges 2014 for specifications, dimensions, volumes and measurements that are not shown. All establishment work is paid for separately in accordance with Item 193 unless otherwise shown on plans. Notify Engineer prior to each site visit, determination of the completeness of work will be done in the presence of the engineer same day as work activity.

* Remove any materials damaged by actions described in Item 7.18.1.
Removal and disposal of damaged materials is incidental to Item 193.



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LANDSCAPE MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF LANDSCAPING ASSOCIATED WITH THE IMPROVEMENT PROJECT ON TEXAS STATE HIGHWAY 317 FROM FM 2305 SOUTH TO THE CITY LIMITS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) is in the process of improving Texas State Highway 317 from the existing two lanes to four lanes with raised medians within the City limits of Temple from FM 2305 south to the Leon River Bridge, approximately 1.8 miles - construction of this project is scheduled to be completed in November of 2018;

Whereas, a Landscape Maintenance Agreement between the City of Temple and TxDOT will require the City to assume the maintenance of the landscaping and the operation of the irrigation systems within this project area once construction is complete;

Whereas, the City will maintain all landscape elements within the limits of the right of way including all median and island areas, but excluding paved areas intended for vehicular travel - landscape maintenance shall include, but shall not be limited to, plant maintenance, plant replacement, mowing and trimming, hardscape maintenance and irrigation system operation and maintenance;

Whereas, funding for this agreement will be included in the fiscal year 2019 Proposed Operating Budget in Account No. 110-3500-552-2623; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a Landscape Maintenance Agreement with the Texas Department of Transportation for the maintenance and landscaping associated with the improvement project on Texas State Highway 317 from FM 2305 south to the City limits.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Lease Agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas, to be used for the City's recycling operations.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On this City Council agenda, Staff is proposing to enter into a services agreement with Balcones Resources, Inc. for recyclable materials processing and marketing. In the proposed agreement, the City would be required to operate and manage the recycling facility located in Temple which is currently operated by Balcones. The facility is located at 1739 South Martin Luther King Jr. Drive in Temple. Balcones has been leasing the facility from Crossroads Holdings, Inc. for several months.

If the Services Agreement is authorized by the City Council, the City will have to enter into a Lease Agreement with Crossroads Holdings. The City will be leasing a warehouse building that is approximately 28,000 square feet and approximately 25,000 square feet of adjoining slab.

FISCAL IMPACT: The monthly rental rate for the building is \$0.27 per square foot and the monthly rental rate for the slab is \$0.06 per square foot. The total monthly rental payment is \$9,060. The City will be responsible for all utilities and for the reimbursement of property taxes.

The fiscal year 2017 adopted budget includes an allocation for recycling operating services in account 110-2330-540-2623.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH CROSSROADS HOLDINGS, INC. FOR THE LEASE OF PROPERTY LOCATED AT 1739 SOUTH MARTIN LUTHER KING, JR. DRIVE, TEMPLE, TEXAS TO BE USED FOR THE CITY'S RECYCLING OPERATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff has recommended Council enter into a services agreement with Balcones Resources, Inc. for recyclable materials processing and marketing in which the City would be required to operate and manage the recycling facility located at 1739 South Martin Luther King Jr. Drive in Temple – the facility is currently operated by Balcones and Balcones has been leasing the facility from Crossroads Holdings, Inc. for several months;

Whereas, once the services agreement with Balcones Resources, Inc. is authorized by Council, the City will enter into a lease agreement with Crossroads Holdings, Inc. - the City will lease a warehouse building that is approximately 28,000 square feet as well as an approximately 25,000 square feet of adjoining slab;

Whereas, Staff recommends Council authorize a lease agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas in the monthly rental amount of \$9,060;

Whereas, the monthly rental rate for the building is \$0.27 per square foot and 0.06 per square foot for the adjoining slab – the City will be responsible for all utilities and for the reimbursement of property taxes;

Whereas, the fiscal year 2017 adopted budget includes an allocation for recycling operating services in Account No. 110-2330-540-2623;

Whereas, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, to execute a lease agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas, to be used for the City's recycling operations, in the monthly rental amount of \$9,060.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with National Cooperative Purchasing Alliance to enable the City to utilize contracts competitively procured by NCPA.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this agreement will allow for staff to evaluate and purchase off of contracts competitively procured by NCPA.

It is staff's desire to be able to evaluate and consider purchasing off of cooperative contracts procured by NCPA. In order to facilitate the evaluation of these available cooperative contracts the City must exercise the attached "Interlocal" agreement with NCPA. NCPA currently has cooperative contracts available for flooring materials & installation, maintenance & construction equipment, playgrounds, technology, etc.

State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars. As identified in the attached agreement, by the City executing the interlocal agreement, the City is agreeing to participate in any or all services that NCPA has to offer when it is in the best interest of the City.

In accordance with the Council-adopted Monetary Guidelines, staff will bring forth to Council any proposed purchase greater than \$25,000.

FISCAL IMPACT: There is no membership fee for the City to utilize contracts for goods and services procured through NCPA. NCPA is funded through an administrative fee that awarded vendors pay to NCPA.

ATTACHMENTS:

[National Cooperative Purchasing Alliance Interlocal Agreement Resolution](#)



National Cooperative Purchasing Alliance

INTERLOCAL AGREEMENT

Contracting Parties

(Participating Agency)

Region 14 Educational Service Center
(Lead Agency)

(Federal Tax ID Number)

This agreement is effective upon signature and shall be automatically renewed unless either party gives sixty (60) days prior written notice of non-renewal. This agreement may be terminated with or without cause by either party upon (60) days prior written notice, or may also be terminated for cause at anytime upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

Statement of Services to be Performed:

Authority for such services is granted under Government Code, Title 7, Chapter 791 Interlocal Cooperation Contracts, Subchapter B and Subchapter C, and Local Government Code, Title 8, Chapter 271, Subchapter F, Section 271.101 and Section 271.102. The purpose of this cooperative is to obtain substantial savings for member school districts and public entities through volume purchasing.

Role of the Purchasing Cooperative

1. Provide for the organizational and administrative structure of the program.
2. Provide staff time necessary for efficient operation of the program.
3. Receive quantity requests from entities and prepare appropriate tally of quantities.
4. Initiate and implement activities related to the bidding and vendors selection process.
5. Provide members with procedures for ordering, delivery, and billing.

Role of the Participating Agency:

1. Commitment to participate in the program as indicated by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase products and services that become part of the official products and services list when it is in the best interest of the member entity.
4. Prepare purchase orders issued to the appropriate vendor from the official award list provided by the Purchasing Cooperative.

5. Accept shipments of products ordered from vendors in accordance with standard purchasing procedures.
6. Pay vendors in a timely manner for all goods and services received.

Authorization:

Region 14 Education Service Center and the National Cooperative Purchasing Alliance (NCPA) executed a contract to provide cooperative purchasing opportunities to public and nonprofit agencies nationwide.

Please send a signed Interlocal Agreement by email to membership@ncpa.us, fax to (888) 543-6515, or mail to NCPA, P.O. Box 701273, Houston, TX 77270. A facsimile or email transmission of an executed signature page of the agreement shall have the same force and effect as an original signature page.

Participating Agency

By _____
Authorized Signature

Title

Date

Contact Person

Title of Contact

Street Address

City, State Zip

Contact's Telephone Number

Email Address

Region 14 Education Service Center

By _____
Authorized Signature

Title

Date

Contact Person

Telephone Number

Email Address

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH NATIONAL COOPERATIVE PURCHASING ALLIANCE TO ENABLE THE CITY TO UTILIZE CONTRACTS COMPETITIVELY PROCURED BY NATIONAL COOPERATIVE PURCHASING ALLIANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in order for Staff to evaluate and purchase from contracts competitively procured by National Cooperative Purchasing Alliance (NCPA), the City must enter into an interlocal agreement;

Whereas, NCPA currently has cooperative contracts available for flooring materials & installation, maintenance & construction equipment, playgrounds, technology, and more in which the City could benefit from purchasing through NCPA's cooperative contracts which would be in the best interests of the City;

Whereas, State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars;

Whereas, in accordance with the Council-adopted Monetary Guidelines, Staff will continue to bring to Council any proposed purchase greater than \$25,000;

Whereas, there is no membership fee for the City to utilize contracts for goods and services procured utilizing a NCPA contract; and

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

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with National Cooperative Purchasing Alliance to enable the City to utilize contracts competitively procured by National Cooperative Purchasing Alliance.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying a Possession and Use Agreement for two rights of way and two temporary construction easements necessary for the construction of the Kegley Road/West Adams Avenue Intersection and authorizing the payment of the consideration for the Possession and Use Agreement and credit towards acquisition of the rights of way and temporary construction easements, in an amount not to exceed \$100,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the bid phase for the proposed upgrades to the Kegley Road/West Adams Avenue Intersection. The design encompasses two rights of way and two temporary construction easements from two properties. These properties are owned by the same person.

An appraisal was conducted on the properties. Negotiations are in progress to acquire the needed rights of way and temporary construction easements. However, in order to meet the construction schedule, the City and the Owner have agreed to enter into a Possession and Use Agreement so that utility relocation can begin while the parties continue to work towards a purchase agreement for the rights of way and temporary construction easements. As consideration for the Possession and Use Agreement, the City will pay the property owner \$100,000 and this amount will be credited towards the final acquisition price for the needed rights of way and temporary construction easements.

Staff is asking for the ratification of the Possession and Use Agreement and authorization of the payment of consideration for the Possession and Use Agreement and credit towards acquisition of the rights of way and temporary construction easements, in an amount not to exceed \$100,000.

FISCAL IMPACT: Funding is available for the Possession and Use Agreement, which is necessary to continue construction of the Kegley Road/West Adams Avenue Intersection, in an amount not to exceed \$100,000 in account 351-3400-531-6110, project #100346.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A POSSESSION AND USE AGREEMENT FOR TWO RIGHTS OF WAY AND TWO TEMPORARY CONSTRUCTION EASEMENTS WHICH ARE NECESSARY FOR THE CONSTRUCTION OF THE KEGLEY ROAD/WEST ADAMS AVENUE INTERSECTION; AUTHORIZING THE PAYMENT OF CONSIDERATION FOR THE POSSESSION AND USE AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$100,000, WHICH WILL BECOME A CREDIT TOWARDS ACQUISITION OF THE RIGHTS OF WAY AND TEMPORARY CONSTRUCTION EASEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the bid phase for the proposed upgrades to the Kegley Road/West Adams Avenue intersection which encompasses two rights of way and two temporary construction easements from two properties - these properties are owned by the same person;

Whereas, an appraisal was conducted on the properties and negotiations are in progress to acquire the needed rights of way and temporary construction easements, however, in order to meet the construction schedule, the City and the Owner have agreed to enter into a Possession and Use Agreement so that utility relocation can begin while the parties continue to work towards a purchase agreement for the rights of way and temporary construction easements;

Whereas, as consideration for the Possession and Use Agreement, the City will pay the property owner \$100,000 and this amount will be credited towards the final acquisition price for the needed rights of way and temporary construction easements;

Whereas, Staff recommends Council ratify a Possession and Use Agreement and authorize the payment of consideration for the Possession and Use Agreement, in an amount not to exceed \$100,000, which will become a credit towards the acquisition of the rights of way and temporary construction easements;

Whereas, funding for this Possession and Use Agreement is available in Account No. 351-3400-531-6110, Project No. 100346; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council ratifies a Possession and Use Agreement for two rights of way and two temporary construction easements necessary for the construction of the Kegley Road/West Adams Avenue intersection and authorizes the payment of consideration for the Possession and Use Agreement, in an amount not to exceed \$100,000, which will become a credit towards the acquisition of the rights of way and temporary construction easements.

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

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

PASSED AND APPROVED this the 16th day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(R)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Sharon Rostovich, Airport Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement between the City and Utility Aviation, Inc., regarding two hangars (#20 & 26) at Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: Hangars 20 & 26 at the Airport were previously leased to AMCOM and have been vacant (except for occasional temporary rentals) since AMCOM relocated to Grey Airfield on Fort Hood. Utility Aviation has proposed leasing hangars 20 & 26 for one year with three additional one-year options by mutual agreement of the parties. Utility Aviation proposes to use the hangars for a variety of uses including some military and commercial training, commercial and military-related services, and some aircraft maintenance.

Staff recommends approval of the lease.

FISCAL IMPACT: Lease payment revenue will be \$16,039.50 per month.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH UTILITY AVIATION, INC. OF FORT COLLINS, COLORADO FOR THE LEASE OF TWO HANGARS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, two hangars (20 & 26) at the Airport were previously leased to AMCOM and have been vacant (except for occasional temporary rentals) since AMCOM relocated to Grey Army Airfield on Fort Hood in December 2015;

Whereas, Utility Aviation, Inc. of Fort Collins, Colorado has proposed leasing hangars 20 & 26 for one year with three additional one-year options, if so agreed to by both parties;

Whereas, Utility Aviation proposes to use the hangars for a variety of uses including military and commercial training, commercial and military-related services, and aircraft maintenance; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a lease agreement with Utility Aviation, Inc. of Fort Collins, Colorado, for lease of two hangars at the Draughon-Miller Central Texas Regional Airport, at the rental rate of \$16,039.50 per month for one year with three additional one-year options, if so agreed to by both parties.

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

PASSED AND APPROVED this the **16th** day of **March**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(S)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Kirk Scopac, Fleet Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the repairs and refurbishment of Fire Engine #5 by Metro Fire Apparatus Specialist, Inc. of Houston in an estimated amount of \$193,452.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In November of 2016, Fire Engine #5 (Asset #11887), a 2004 Spartan fire truck which is assigned to Fire Station #5, suffered a significant electrical issue, which resulted in damage to the entire apparatus' wiring system and most of the apparatus' electrical components and lighting. The total estimated cost of making repairs to the apparatus is \$83,451.32. Of this amount, \$58,451.32 will be covered by the city's' insurance protection, and \$25,000 is the city's' deductible.

With the amount of work being done to the apparatus in making the required repairs, the Fleet and Fire departments are requesting to make further repairs and refurbishment to the apparatus to bring it back to a 'like new' status. The scope of work to be performed during the refurbishment includes replacing and ruggedizing most of the trucks interior, repainting the apparatus, repairing the body and body connection points, reworking the pump valves and water delivery systems, and upgrading the engine safety and protective systems.

At the conclusion of the repairs and refurbishment, it is the belief of the Fleet and Fire departments that the replacement of this apparatus could be extended five years, which would move the recommended replacement from FY2019 budget to the FY2024 budget.

Metro Fire Apparatus Specialist, Inc. is the original manufacturer of this Spartan apparatus. Per a single source letter received from Spartan Emergency Response, Metro Fire Apparatus Specialists, Inc. is the only authorized service representative for Spartan trucks in Texas. Accordingly, no competitive bidding was used to procure these services. However, staff has reviewed the pricing and believe that the pricing is fair and reasonable.

FISCAL IMPACT: Insurance proceeds have been received for the repairs to Fire Engine #5 in the amount \$26,696 and have been appropriated in account 110-2230-522-2516.

A budget adjustment is being presented to Council for approval to appropriate additional funding for the repairs to Fire Engine #5 in the amount of \$56,755 in account 110-2230-522-2516. An additional \$31,755 of insurance proceeds will be appropriated. The deductible amount of \$25,000 will be funded from the General Fund's Unallocated Fund Balance.

A budget adjustment is being presented to Council for approval to appropriate additional funding for the refurbishment of Fire Engine #5 in the amount of \$110,001 in account 110-5900-522-6222, project # 101633. Funding for the refurbishments will be funded from the General Fund's Unallocated Fund Balance.

A summary of funding for the repairs and refurbishment of Fire Engine # 5 is shown below:

	Fire Engine #5 Repairs	Fire Engine #5 Refurbishment	
	110-2230-522-2516	110-5900-522-6222	Total
	n/a	Project 101633	
Project Budget-Insurance proceeds	\$26,696	-	\$26,696
Budget Adjustment-Insurance proceeds	31,755	-	31,755
Budget Adjustment-Unallocated Fund Balance	25,000	110,001	135,001
Metro Fire Apparatus Specialist Inc	(83,451)	(110,001)	(193,452)
Remaining Project Funds	\$ -	\$ -	\$ -

ATTACHMENTS:
[Budget Adjustment Resolution](#)

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-2230-522-25-16		Other Services / Judgments & Damages	\$ 31,755			
110-0000-461-05-54		Insurance Claims / Insurance Claims	31,755			
110-2230-522-25-16		Other Services / Judgments & Damages	25,000			
110-0000-352-1345		Designated Capital Projects - Unallocated			25,000	
110-5900-522-6222	101633	Refurbish Fire Engine #5, Asset #11887	110,001			
110-0000-352-1345		Designated Capital Projects - Unallocated			110,001	
		DO NOT POST				
TOTAL.....			\$ 198,511		\$ 135,001	

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

To appropriate the anticipated insurance proceeds to be received from TML in the amount of \$31,755, as well as, appropriate \$25,000 for the City's deductible related to damages to asset # 11887 (Engine 5) that occurred in November 2016. The City originally received \$26,696 in January 2017 of insurance proceeds that has been previously appropriated. Total insurance proceeds that will be received for this repair are \$58,451. The total amount to be appropriated for the repairs is \$83,451. In addition, this BA will appropriate funding for apparatus refurbishment in an estimated amount of \$110,001.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

03/16/17

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REPAIRS AND REFURBISHMENT OF FIRE ENGINE NO. 5, IN AN ESTIMATED AMOUNT OF \$193,452, THROUGH METRO FIRE APPARATUS SPECIALIST, INC. OF HOUSTON, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November, 2016, Fire Engine No. 5, a 2005 Spartan fire truck which is assigned to Fire Station No. 5, suffered a significant electrical issue, which resulted in damage to the entire apparatus's wiring system and most of the apparatus's electrical components and lighting;

Whereas, the total estimated cost of repairs is \$83,451.32 - of this amount, \$58,451.32 will be covered by the City's' insurance protection, and \$25,000 is the City's deductible;

Whereas, due to the amount of work required to the fire engine, Staff recommends further repairs and refurbishment be done to bring it back to a "like new" status so that the life of this truck will be extended five years, which would move the recommended replacement from fiscal year 2019 budget to the fiscal year 2024 budget;

Whereas, Metro Fire Apparatus Specialist, Inc. is the original manufacturer of this Spartan apparatus and per a single source letter received from Spartan Emergency Response, Metro Fire Apparatus Specialists, Inc. is the only authorized service representative for Spartan trucks in Texas – therefore, no competitive bidding was used to procure these services;

Whereas, Staff has reviewed the pricing and believes that the pricing is fair and reasonable for the City;

Whereas, insurance proceeds have been received for these repairs and have been appropriated in Account No. 110-2230-522-2516, however, a budget adjustment needs to be approved to appropriate additional funding for the repairs in Account No. 110-2230-522-2516;

Whereas, in addition, a budget adjustment needs to be approved to appropriate additional funding for the refurbishment of Fire Engine No. 5 in Account No. 110-5900-522-6222, Project No. 101633; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the repairs and refurbishment of Fire Engine No. 5 in an estimated amount of \$193,452 through Metro Fire Apparatus Specialist, Inc. of Houston, Texas.

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

Part 4: The City Council authorizes an amendment to the fiscal year 2017 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 5: 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 **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending Ordinance Number 2016-4796 which amended the Code of Ordinances, Chapter 2, Article II, “Code of Ethics,” to change the effective date of the ordinance to October 1, 2017.

STAFF RECOMMENDATION: Adopt ordinance as presented in second and final readings.

ITEM SUMMARY: Code of Ordinances, Chapter 2, Article II is titled “Code of Ethics.” The previous code was adopted in the late 1970’s and applies to employees and “officers” of the City which includes Councilmembers and any “appointive member of a board, commission or committee set up by ordinance, Charter or state law.” The previous code included ten “standards of conduct” that employees and officers were required to follow. The Article also established certain penalties for violation of those standards. The penalties included “expulsion, reprimand, removal from office or discharge, whichever is applicable.”

In 2015, the City Manager created an “Ethics Committee” which consisted of City Staff and citizens. The task of the Committee was to review the language in Chapter 2 and propose possible amendments. After the Committee finished its review and provided draft amendments, City Staff continued to research Ethics Codes in other cities and discuss the internal procedures for handling possible complaints for Ethics Code violations. In February, 2016, the City Council received a presentation on the proposed changes and possible ways to investigate and enforce violations.

After further discussion at a Council workshop in May, 2016, Staff proposed extensive amendments to Chapter 2, Article II. The amendments were presented to Council at the July 21, 2016 meeting and were approved by Council at the August 4, 2016 meeting. The amendments replaced the previous language in Article II.

The amendments adopted in August, 2016, made “city officials” and “employees” subject to the Ethics Code. “City officials” are defined as “a public official, either elected or appointed, that serves the City as a Councilmember or board member for any of the City boards or commissions.” “Board or Commission” refers to City boards and commissions that have quasi-judicial authority or responsibilities beyond those that are advisory in nature. Members of the following boards and commissions are subject to the Ethics Code:

- Building & Standards Commission
- Building Board of Appeals
- Civil Service Commission
- Development Standards Review Board
- Planning & Zoning Commission
- Temple Economic Development Corporation Board of Directors
- Reinvestment Zone Number One Board of Directors; and
- Zoning Board of Adjustment

City employees include all City personnel, whether full-time or part-time, including those appointed to their positions by the City Council in accordance with the City Charter. Complaints against City employees would be addressed as set forth in the City of Temple Personnel Policies and Procedures Manual.

The amendments included several standards of conduct, similar to those in the previous code, which would, among other things, require the disclosure of conflicts of interest, prohibit the sharing of confidential information, prohibit the unfair advancement of private interests, and prohibit outside employment which is incompatible with the city official's duties.

The amendments created an "Ethics Review Board" consisting of five members and two alternate members. The members of the Ethics Review Board were appointed by Council on September 15, 2016. The first meeting of the Ethics Review Board was held on November 21, 2016.

The amendments also established a detailed complaint and review process. A complainant would be required to submit a written, sworn complaint to the City Secretary's Office alleging a violation of the Ethics Code by a city official. The complaint must state the name of the city official or employee who is the subject of the complaint, specify the code provision alleged to have been violated, provide the date of the violation, and include a statement of the facts surrounding the allegation. Complaints must be made within 18 months from the date of the alleged violation. Anonymous complaints would not be accepted. The amendments included a detailed process for reviewing, investigating, and ruling on complaints.

The purpose of the proposed amendments was to promote confidence in the governance of the City and thereby enhance the City's ability to function effectively by discouraging conduct which is incompatible with the best interests of the City. For these reasons, Staff recommended approval of the amendments to Chapter 2, Article II.

Over the past several weeks, certain board members and officials of the Temple Economic Development Corporation have expressed concerns with the amendments adopted in August, 2016. They have asked Staff and Council to consider amendments to the Code of Ethics. To give Staff and Council time to draft and consider amendments, it is proposed that the effective date of Ordinance No. 2016-4796 be changed to October 1, 2017. Ordinance No. 2016-4796 replaced the previous language in Article II with the amended language discussed above. The ordinance became effective immediately. If Council amends the effective date to October 1, 2017, the previous language in Article II will become effective again and will stay in effect until October 1, 2017 or other amendments are adopted.

The previous Code of Ethics and the amendments adopted in August, 2016 are attached to this agenda item.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Ordinance No. 2016-4796](#)

[Previous Code of Ethics](#)

[Ordinance](#)

ORDINANCE NO. 2016-4796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CODE OF ETHICS" OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TEXAS, TO CREATE AN ETHICS REVIEW BOARD, ADD STANDARDS OF CONDUCT, ADD COMPLAINT PROCEDURES, AND IMPLEMENT SANCTIONS FOR VIOLATIONS OF THE ETHICS CODE; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Code of Ordinances, Chapter 2, Article II, titled "Code of Ethics," was adopted in the late 1970's and applies to employees and "officers" of the City which includes Councilmembers and any "appointive member of a board, commission or committee set up by ordinance, Charter or state law;"

Whereas, Article II lists ten "standards of conduct" that employees and officers must follow and establishes certain penalties for violation of those standards - the penalties include "expulsion, reprimand, removal from office or discharge, whichever is applicable" and employees may also be subject to disciplinary action;

Whereas, the proposed amendments create an "Ethics Review Board" consisting of five members and two alternate members nominated by the Mayor and each councilmember and confirmed by City Council - two alternate members would also be proposed and confirmed by unanimous vote of the City Council;

Whereas, additional proposed amendments would also establish a detailed complaint and review process which would require a written and sworn complaint to the City Secretary's office alleging a violation of the Ethics Code by a city official - all complaints would be initially reviewed by the City Attorney's office to verify compliance with the Ethics Code and if it meets all Code requirements, it would then be submitted to the Ethics Review Board for a determination on how to proceed;

Whereas, the purpose of the proposed amendments is to promote confidence in the governance of the City and thereby enhance the City's ability to function effectively by discouraging conduct which is incompatible with the best interests of the City;

Whereas, Staff recommends approval of the proposed amendments to Chapter 2 of the Code of Ordinances of the City of Temple; and

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

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

Part 1: The City Council amends Chapter 2, "Administration," Article II, "Code of Ethics" of the Code of Ordinances of the City of Temple, Texas, as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes.

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

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

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

Part 5: It is hereby officially found and determined that the meeting at which this ordinance 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 **July**, 2016.

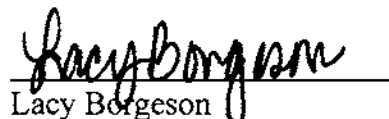
PASSED AND APPROVED on Second Reading on the **4th** day of **August**, 2016.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, MAYOR

ATTEST:



Lacy Borgeson
City Secretary

APPROVED AS TO FORM:



Kayla Landeros
City Attorney

Chapter 2

ADMINISTRATION

ARTICLE I. IN GENERAL



Sec. 2-1. City seal.

The seal of the city shall be the coat of arms of the State of Texas in a circle with the words "City of Temple, State of Texas" engraved around the margin thereof.

Sec. 2-2. Rental or sale of city property or materials.

It shall be unlawful for any officer or employee of the city to rent any equipment belonging to the city to any person, or to sell any materials belonging to the city, unless such rental or sale is previously authorized by the city manager.

Sec. 2-3. Change orders.

Change orders involving a decrease or increase in cost of twenty-five thousand dollars (\$25,000.00) or less in contracts for the construction of public works or for the purchase of materials, equipment, and supplies shall be approved by the city manager or his designee for the City of Temple, Texas.

Sec. 2-4. City Attorney--Qualifications.

The city attorney shall be a licensed lawyer and competent to discharge the duties required of him by the Charter and ordinances of the city.

Sec. 2-5. Same--Duties.

It shall be the duty of the city attorney to serve the city council, to advise it as a council, and each of the councilmen respectively, from time to time, with respect to the provisions and a proper interpretation of the Charter, and the powers and authority of the council as the governing body for the city, and to attend the meetings of the council. The city attorney is also charged with the duty to draw all ordinances and resolutions that may be passed on by the council, and to represent the city in all of its litigation in the courts, and to discharge such other duties as are usually imposed upon city attorneys, including advice and counsel from time to time to the city manager.

Sec. 2-6. Same--Opinions requested by appointive boards, committees, etc.

The city attorney shall, at the request of any appointive board, committee or

commission of the City of Temple, Texas, give written or oral opinions upon any question touching the public interest and concerning the official duties of said board, committee or commission. No request for an opinion of the city attorney shall be made by any board, committee or commission except upon the affirmative vote of a majority of the members thereof present and voting at a meeting open to the public. Every such request shall be made through the chairperson of said board, committee or commission.

Sec. 2-7. City engineer to ascertain monuments, make surveys, etc.

It shall be the duty of the city engineer to ascertain the established monuments of the city, and from them to extend surveys thereof and establish others and to locate, establish and survey all private property, streets and alleys where the interests of the city are involved, within the territorial limits of the city, when so called on or required to do so.

Sec. 2-8. Legal defense and indemnification of city officers and employees.

(a) *Definitions.* For purposes of this section the term "officer" shall include any elected or appointed official of the City, and the term "employee" shall include all employees of the City, whether under civil service or not; including firemen and policemen.

(b) *Indemnification.* Any officer or employee who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment shall be entitled to indemnification by the City provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. For the purposes of this section, the term, "arising out of the course and scope of employment" shall not include any action which occurs during a period of time in which the officer or employee is engaged in outside employment or is rendering contractual services to someone other than the City. Whether the acts were done in good faith, without malicious or felonious intent, and within the course and scope of employment shall be determined by the City, and such determination shall be final for the purposes of the representation and indemnity of this section; provided, however, that in the event such representation and indemnity have been denied by the City, if upon a trial on the merits the City determines that the officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment the indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The City shall not be liable for any settlement of any such claim or suit effected without its consent, and the City reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient.

(c) *Representation in actions.* The City shall have the right and duty to provide legal representation through the city attorney, or in its discretion through the selection of

outside legal counsel, to any officer or employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, provided that such officer or employee is entitled to indemnification as set forth in this section. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his or her own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the City in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this section.

(d) *City's defenses.* Nothing in this section shall be construed as waiving the City's defense of governmental immunity to it or its employees or officers in any action brought against the City or such officer or employee. For any suit or claim arising under the Texas Tort Claims Act, the indemnity provided by this section shall be limited to the statutory limits applicable to the City provided in said Act, as amended.

(e) *Notice.* The provisions of this section shall apply only where the City has been given notice of the action brought against the city officer or employee within seven (7) calendar days of service of process upon the officer or employee.

(f) *Disciplinary actions.* Nothing in this section shall prevent the City from taking any disciplinary action against any officer or employee for conduct defended or indemnified by the City under this section, either before or after conclusion of the civil suit.

(g) *Suits in behalf of the City.* Nothing in this section shall require the City to indemnify any officer or employee for recoveries made against him or her in suits by or on behalf of the City.

Secs. 2-10 – 2-60. Reserved.

ARTICLE II. CODE OF ETHICS

2-61.- Purpose.

It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in government. Such confidence depends not only on the conduct of those who exercise official power, but on the availability of aid or redress to all persons on equal terms and on the accessibility and dissemination of information relating to the conduct of public affairs.

The purpose of this Code of Ethics is to promote confidence in the governance of

the City of Temple, and thereby enhance the City's ability to function effectively. This Code of Ethics also establishes guidelines for standards of conduct for all officials of the City of Temple by discouraging conduct which is incompatible with the best interests of the City.

2.62.- Title; Application.

This Article may be cited as the City of Temple's Code of Ethics. This Code of Ethics applies to all city officials as defined in this Code. The standards in this Code apply to individuals who are employed by the City on a full-time, part-time or internship basis, including employees who hold Council-appointed positions. Complaints and investigations about employees are addressed as set forth in the City of Temple Personnel Policies and Procedures Manual.

This Code of Ethics is not intended to preempt or prevent the cumulative application and enforcement of State or Federal law, the City Charter or the Personnel Policies and Procedures Manual of the City of Temple.

This Code of Ethics is effective from the date of adoption by the City Council. This Code may not be applied retroactively, as it governs conduct from the date of adoption forward.

2.63.- Definitions.

The following words, terms and phrases, when used in this code, have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Affinity - has the meaning set forth in Texas Government Code Sections 573.024 and 573.025, or as amended.

Benefit - anything reasonably regarded as economic gain, or advance, including a benefit to another person in whose welfare the beneficiary is interested, but does not include a contribution or expenditure made and reported in accordance with law.

Board or Commission - for the purposes of this Article, "board or commission" refers to City boards and commissions that have quasi-judicial authority, or responsibilities beyond those that are advisory in nature, including, but not limited to, the Building and Standards Commission, Building Board of Appeals, Civil Service Commission, Development Standards Advisory Board, Planning & Zoning Commission, Temple Economic Development Board of Directors, Reinvestment Zone Number One Board of Directors, Zoning Board of Adjustment, and the Ethics Review Board.

Business entity – a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate - an individual seeking to be elected or appointed to a position on the City Council, a City board or commission, or any employment position within the City that is appointed by the City Council.

City official - a public official, either elected or appointed, that serves the City as a councilmember or board member for any of the city boards or commissions and all employees including those that are in council appointed positions.

Clear and Convincing Evidence - the measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.

Confidential Information - any information to which a city official has access in such person's official capacity which may not be disclosed to the public except pursuant to State and/or Federal law and which is not otherwise a matter of public record or public knowledge.

Consanguinity - has the meaning set forth in Texas Government Code Sections 573.022 and 573.023, or as amended.

Culpable disregard - conscious disregard of the effects of the city official's conduct that would amount to a gross deviation from the standard of care that a reasonable person in a similar situation would observe.

Intentionally - acting with intent with respect to the nature of conduct or to a result of conduct when it is the conscious objective or desire to engage in the conduct or cause the result.

Knowingly - acting with knowledge with respect to the nature of conduct or the circumstances surrounding conduct when aware of the nature of the conduct or that the circumstances exist; a person acts knowingly with respect to his conduct when he/she is aware that the conduct is reasonably certain to cause the result.

Probable cause - after logical inquiry, enough facts exist to lead a reasonable person to believe that a violation has occurred.

Property - real estate, intellectual property, personal items, equipment, goods, crops, livestock, or an equitable right to income from real estate, intellectual property, personal items, equipment, goods, crops or livestock.

Relative - any person related to a city official within the first degree of consanguinity or affinity, as determined under Texas Government Code, Chapter 573.

Representation - all forms of communication and personal appearances in which a person, not acting in performance of official duties, formally or informally, serves as an advocate for private interests, regardless of whether the representation is compensated.

2.64. - Standards of Conduct.

(a) Conflicts of Interest/ Disclosure of Relationships.

(1) City officials and candidates are subject to State law governing dual office holding and the common law doctrine of incompatibility.

(2) City officials must comply with State law pertaining to conflicts of interest of local government officials, including, but not limited to Texas Local Government Code, Chapter 171, as amended, and Chapter 212, as amended, regardless of whether or not the individual defined as a "city official" in this Code would ordinarily be subject to the State law at issue. This provision specifically requires that the affected city official refrain from participation in discussion, deliberation or vote in any matter where a conflict exists, and disclose the nature and extent of the conflict.

(b) Confidential Information.

(1) A city official may not:

(A) Disclose confidential information;

(B) Disclose or reveal any information, or the contents of any discussion, considered during an executive session or closed meeting conducted pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and held by the City Council, any City board, commission, committee, or department;

(C) Directly or indirectly use any confidential information that was gained by reason of such person's official position for such person's own gain or benefit or for the benefit of others;

(D) Disclose or reveal any information or the contents of any discussion when disclosure would violate the provisions of the Texas Public Information Act, Texas Government Code, Chapter 552, as amended, or the Texas Open Meetings Act, Texas Government Code Chapter 551, as amended; or

(E) Use his/her position to secure official information about any person or entity for any purpose other than the performance of his/her official duties.

(2) This section does not prohibit disclosure that is authorized or required by law or the confidential reporting of illegal or unethical conduct to authorities designated by law.

(c) Gifts.

(1) A city official may not accept or solicit any money, property, service or other thing of value, by way of gift, favor, loan or otherwise which the official knows, or should know, is being offered or given with the intent to unlawfully influence the exercise or performance of such person's official duties, or in return for having exercised or performed official duties.

(2) This provision does not apply to:

(A) an occasional non-pecuniary gift less than \$50.00 in value;

(B) an award publicly presented in recognition of public service;

(C) an occasional meal, breakfast, lunch, or dinner where public business was discussed;

(D) lawful campaign contributions;

(E) admission to an event in which the city official is participating in connection with official duties;

(F) attending social functions, ground breakings, or civic events pertinent to the public relations and operations of the City;

(G) T-shirts, caps, and other similar promotional material;

(H) a gift to a city official relating to a special occasion such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the gift is fairly commensurate with the occasion and the relationship between the donor and the recipient;

(I) floral arrangements, edible arrangements, fruit and/or gift baskets given to celebrate an achievement, special occasion or holiday, and clearly not given with intent to influence; or

(J) a gift that would have been offered or given to the official if such person were not a public official.

(3) A city official must take reasonable steps to persuade a relative not to solicit, accept, or agree to accept any gift or benefit that would violate subsection (1) if the official solicited, accepted, or agreed to accept it.

(d) Improper Economic Benefit; Unfair Advancement of Private Interests.

(1) A city official may not use his/her official position or knowledge from the official position to secure special privileges or exemptions for the purpose of achieving monetary gain for himself/herself or others.

(2) A city official may not grant any special consideration, treatment or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business or group.

(3) A city official may not acquire an interest in, or be affected by, any contract, transaction, zoning decision, or other matter, if the official knows, or has reason to know, that the interest will be directly or indirectly affected by impending official action by the City. This subsection does not prohibit a city official from:

(i) Responding to a request for bid, request for proposal, or request for qualifications advertised or solicited by the City and responded to in accordance with State and local law; or

(ii) Contracting with the City if the contract is awarded to the city official in accordance with State and local law.

(4) A city official may not appoint, nominate, or vote to nominate or appoint, any relative within the third degree of consanguinity or within the second degree of affinity. Degrees of consanguinity and affinity must be calculated as set out in Texas Government Code, Chapter 573, as amended.

(5) A member of the City Council, Planning and Zoning Commission, or Zoning Board of Adjustment, must file a statement with the record keeper, disclosing the existence of a financial interest in property within the statutory 200-foot notice area for a decision on a land matter. If the city official does not have a conflict of interest under State law, and has not filed a protest, the city official may participate in deliberation about the item, but may not vote on the item. For this provision, the term "land matter" should be interpreted broadly to include zoning, permitting, plat approval and variances.

(6) A city official who is a member of a City board or commission, may not serve as a representative, before that board or commission, of any person, group or entity.

(7) A city official may not represent any person, group, or entity, other than himself/herself, his/her spouse, or his/her minor children before the City.

(8) A city official may not represent any person, group, or entity, other than himself/herself, his/her spouse, or his/her minor children, in any litigation to which the City is a party, if the interests of that person, group, or entity are adverse to the interests of the City.

(e) City Property and Resources.

A city official may not use City supplies, personnel, equipment or facilities for any purpose, including political or campaign purposes, other than to conduct official City business or to the extent those resources are lawfully available for public use.

(f) Outside Employment and Activities.

(1) A city official may not accept other employment incompatible with the full and proper discharge of such person's duties and responsibilities with the City, or which might impair the official's independent judgment in the performance of his/her public duty.

(2) A city official may not knowingly engage in any outside activity which will conflict, or be incompatible with the person's position as an official of the City.

(3) A City Councilmember who is on the board of a nonprofit organization may not vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or part by the City Council.

2.65. - Former City Officials.

(a) A former city official may not represent any person, group, or entity other than himself/herself, his/her spouse, or his/her minor child, before the City for a period of 18 months after vacating his/her position on the City Council, a city board or commission.

(b) A former city official may not represent any person, group, or entity other than himself/herself, his/her spouse, or his/her minor child, in any litigation to which the City is a party, if the interests of that person, group, or entity are adverse to the interests of the

City and the matter is one in which the former city official personally and substantially participated prior the termination of his/her official duties.

(c) A former city official has a continuing duty of confidentiality and may not use or disclose confidential information acquired during service as a city official. This provision does not prohibit disclosure that is authorized or required by law.

2.66. - Disclosure of Interests.

(a) All appointed board and commission members are required to disclose economic, financial and property interests annually on a form provided by the City Secretary.

(b) All city officials shall be required to comply with disclosure of conflicts of interest pursuant to Texas Local Government Code, Chapter 171 and Section 212.017, as amended.

2.67. - Ethics Review Board.

(a) An Ethics Review Board is hereby created to hear complaints under this Code. The Board will consist of five (5) members and two (2) alternate members. The Mayor and each member of the City Council must nominate one (1) member of the Board, and each nominee must be confirmed by a majority of City Council members. Two (2) alternate members must be proposed and confirmed by unanimous vote of the City Council. The two (2) alternate members may be proposed by any member of the City Council, including the Mayor. The alternate members will serve on the Board in the case of a conflict of another Board member.

(b) Terms of office for each Board member will correspond with the terms of office of the City Council member who nominated him/her to the Board and will run for such councilmember's corresponding three (3) year term. No member of the Board may serve for more than three (3) full terms. A partial term to which a person is appointed will not be counted as a full three (3) year term for purposes of this Code, except that a partial term will be counted as a full three (3) year term if the person resigns or forfeits his position. If the City Council member who nominated the Board member resigns, forfeits his/her position, or passes away before the end of his/her three (3) year term, the Ethics Review Board member will continue to serve on the Board until the councilmember's successor is elected or appointed and a new Ethics Review Board member is nominated. The two (2) alternate Board members will serve three (3) year terms which will not correspond with any councilmember's term.

(c) In order to qualify as a member of the Board, a person must be of good moral character and a resident of the City of Temple. A member may not have any convictions for a felony or any crime of moral turpitude.

(d) A member of the Board may not be:

(1) a salaried city official or employee;

(2) an elected public official;

(3) a candidate for public office;

(4) a campaign treasurer, campaign manager, officer or other policy or decision-maker for the campaign of any candidate for the Mayor or any councilmember positions for the City of Temple; or

(5) a member of any City board or commission other than the Ethics Review Board.

(e) The Board must include at least one member who is an attorney and one member with expertise in finance or accounting.

(f) The City Council will fill any vacancy on the Ethics Review Board by a person who will serve the remainder of the unexpired term. The nomination to fill the vacancy will be made by the member of the City Council (or his or her successor) who had nominated the person whose successor is to be selected to fill the vacancy.

(g) A member of the Board may be removed for cause by a majority of the City Council only after a public hearing at which the member was provided with the opportunity to be heard. Grounds for removal include, but are not limited to: failure to satisfy, or continue to satisfy, the qualifications set forth above; substantial neglect of duty; gross misconduct in office; inability to discharge the powers or duties of office; or violation of any provision of this Code of Ethics or a conviction of a felony or crime of moral turpitude.

(h) A member of the Board shall recuse himself/herself from any case in which, because of familial relationship (through consanguinity or affinity, as defined by this Article), employment, investments, or otherwise, his/her impartiality might reasonably be questioned. A Board member must not participate in any manner regarding any complaint that the member initiated, that involves the member of City Council who nominated him/her for a seat on the Board, or during the pendency of an indictment or information charging the member with any felony or crime of moral turpitude or after a finding of guilt of such an offense.

(i) A chair and vice-chair must be elected from among the members and will serve a one year term. The chair may call a meeting of the Board when a quorum of the Board is present. The chair shall preside at meetings of the Board and perform other administrative

duties. The vice-chair shall assume the duties of the chair in the event of a vacancy in that position, or in the circumstances in which the chair has recused himself/herself from participation.

2.68 Jurisdiction and Powers of the Ethics Review Board

(a) The Ethics Review Board has jurisdiction to investigate and make findings and conclusions concerning an alleged violation of this Ethics Code.

(b) The Ethics Review Board will not consider any alleged violation that occurred more than eighteen (18) months prior to the date of the filing of the complaint.

(c) Three members will constitute a quorum of the Ethics Review Board.

(d) The termination of a city official's duties does not affect the jurisdiction of the Ethics Review Board with respect to alleged violations occurring prior to the termination of official duties.

(e) The Ethics Review Board has the power:

(1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with this Ethics Code;

(2) To meet as often as necessary to fulfill its responsibilities;

(3) To request from the City Manager the assignment of staff necessary to carry out its duties;

(4) To review, maintain on file, and dispose of sworn complaints;

(5) To make notifications, extend deadlines, and conduct investigations;

(6) To compel the production of sworn testimony, witnesses, and evidence;

(7) To recommend cases for prosecution by appropriate authorities and agencies;

(8) To request the City Attorney to designate an independent counsel to advise and represent the Board, when appropriate or necessary to avoid a conflict of interest; and

(9) To provide assistance in the training and education of city officials and employees with respect to their ethical responsibilities under this Code of Ethics.

2.70.-Complaint Procedures.

(a) Any person, including a member of the Ethics Review Board, acting personally or on behalf of the Board, who believes there has been a violation of this Code may file a sworn, written complaint with the City Secretary's Office that alleges such violations.

(b) A complaint filed under this section must be in writing and under oath and must set forth the following information:

(1) The name of the complainant;

(2) The street or mailing address, telephone number, and email address of the complainant;

(3) The name of each city official and/or city employee complained about;

(4) The position or title of each city official and/or city employee complained about;

(5) The nature of the alleged violation, including, if possible, the specific provision of the Ethics Code alleged to have been violated;

(6) A statement of the facts constituting the alleged violation and the dates or period of time during which the violation is alleged to have occurred; and

(7) All documents or other materials in the possession of the complainant that are relevant to the allegation; a list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents, if known; and a list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.

(c) The complaint must be accompanied by an affidavit stating that the information contained in the complaint is based on personal knowledge and is true and correct, or that the complainant has good reason to believe and does believe, that the facts alleged constitute a violation of this Ethics Code. The complainant shall swear to or affirm the facts under oath before a notary public or other person authorized by law to administer oaths under penalty of perjury. A complaint that is not sworn as required shall be returned to the complainant.

(d) The complaint must state on its face an allegation that, if true, constitutes a violation of this Code of Ethics.

(e) A complaint for violation of this Code must be made within 18 months from the date

of the alleged violation(s).

(f) A general complaint lacking in detail or failing to identify one or more alleged violations of this code, will not be considered sufficient to invoke the procedures set forth herein.

(g) Anonymous complaints will not be accepted for filing or further action. A person who knowingly makes a false statement in a complaint shall be subject to criminal prosecution for perjury as allowed by the laws of this State.

2.71. - Processing of a Complaint.

(a) Within three (3) business days of filing of the complaint, the City Secretary will forward a copy of the complaint to the City Attorney's Office. The City Attorney's Office will review the complaint for compliance with the filing requirements established by this Code within five (5) business days of receipt from the City Secretary. If the complaint does not substantially comply with the filing requirements, the City Attorney's Office must return the complaint to the complainant with a letter explaining the defects in the complaint. The complainant must amend the complaint within five (5) business days of the date of the City Attorney's letter and file the amended complaint with the City Secretary's Office. If an amended complaint is not received within that time period, the complaint will be considered withdrawn.

(b) If the complaint alleges a violation of this Code against a city employee and substantially complies with all filing requirements, the complaint will be forwarded by the City Attorney to the Director of Human Resources and enforced as outlined in the Personnel Policies and Procedures Manual.

(c) If the complaint alleges a violation of this Code against a city official and substantially complies with all filing requirements, the complaint will be forwarded by the City Secretary to the members of the Ethics Review Board and the city official(s) who is/are the subject of the complaint within fifteen (15) business days after receipt of the complaint by the City Secretary.

(d) The city official who is the subject of the complaint must also be provided with a copy of this Code of Ethics and informed:

(1) That within ten (10) business days of receipt of the complaint, he or she may file a sworn response with the City Secretary which will be forwarded to the City Attorney's Office and the Ethics Review Board;

(2) That failure to file a response does not preclude the Ethics Review Board from

adjudicating the complaint;

(3) That the complainant will receive a copy of any response filed with the City Secretary by the city official and will be given five (5) business days to respond to the city official's response by sworn writing filed with the City Secretary, a copy of which must be forwarded to the city official;

(4) That the complainant(s) and city official(s) are entitled to a hearing on the complaint; and

(5) That city officials and city employees have a duty to cooperate with the Ethics Review Board.

(e) Except as required by law, the Board shall not disclose any information about a pending sworn complaint, including whether or not a complaint has been filed, to any person other than the city official who is the subject of the complaint, the complainant, a witness or potential witness to the alleged violation, or as otherwise provided by this Code.

(f) Information otherwise confidential under this section may be disclosed by entering it into the record of a formal meeting or proceeding of the Ethics Review Board.

(g) Requests for records pertaining to complaints shall be responded to in compliance with the Texas Public Information Act and the Texas Open Meetings Act.

2.72. - City Attorney's Duties.

The City Attorney's Office may perform the following duties in administering this Code of Ethics:

(1) Act as legal counsel to the Ethics Review Board except when a conflict of interest exists which requires the designation of independent counsel;

(2) Review complaints for legal sufficiency; and

(3) Issue advisory opinions to city officials and city employees regarding the requirements and standards imposed by this Code of Ethics.

2.73. - Review and Investigation of Complaint.

(a) A complaint against a city employee will be reviewed and investigated by the Director of Human Resources in accordance with the City's Personnel Policies and Procedures Manual.

(b) A complaint against a city official may be reviewed and investigated by the Ethics Review Board or a designated committee of the Board, the City Attorney's Office, or independent counsel, except that the City Attorney's Office may not investigate complaints made against the Mayor or any City Councilmember.

(c) Within thirty (30) days of receipt of the complaint by the Ethics Review Board, the Board must meet to determine who will handle review and investigation of the complaint. The City Attorney or Ethics Review Board may request the appointment of an independent counsel for a particular case.

(d) If the Board votes to review and investigate a complaint, it will meet to review the complaint, responses, replies to responses, and any other information it has requested be provided to assist in investigation of the complaint. The Board must consider whether the facts of the case establish a violation of any provision in this Code, regardless of whether such provisions were identified in the complaint. The Board review and meeting required by this Section may be held in conjunction with the hearing required under subsection (f) and Section 2-74 or separately from those hearings.

(e) If the Board votes to assign the review and investigation of the complaint to the City Attorney's Office or independent counsel, the City Attorney's Office or independent counsel must present the findings of the investigation to the Ethics Review Board within sixty (60) days of the assignment. If the City Attorney's Office or independent counsel finds that the complaint fails to allege a violation of this Code of Ethics when assuming all facts set forth in the complaint to be true, they may recommend that the Board dismiss the complaint without further proceedings.

(f) For the purposes of this section, a "frivolous complaint" is a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.

(1) By a majority vote of those present, the Board may order a complainant to show cause why the Board should not determine that the complaint filed by the complainant against a city official is a frivolous complaint.

(2) In deciding if a complaint is frivolous, the Board may consider:

(a) The time of the sworn complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant;

(b) The nature and type of any publicity surrounding the filing of the sworn complaint, and the degree of participation by the complainant in publicizing the fact that a

sworn complaint was filed with the Board;

(c) The existence and nature of any relationship between the city official and the complainant before the complaint was filed;

(d) If the city official is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the city official;

(e) Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and

(f) Any evidence of the complainant's motives in filing the complaint.

(3) Notice of an order to show cause must be given to the complainant, along with a copy to the city official, and shall include:

(a) An explanation of why the complaint appears to be frivolous; and

(b) The date, time, and place of the hearing to be held under this section.

(4) Before making a determination that a sworn complaint is frivolous, the Board must hold a hearing at which the complainant may be heard. The complainant may be accompanied by counsel retained by the complainant.

(5) By a majority vote of those Board members present after the hearing, the Board may determine that a complainant filed a frivolous complaint against a city official and dismiss the complaint.

2.74. - Hearing before the Ethics Review Board.

(a) Except as provided for in Section 2.73(f), before a complaint is disposed of by the Board, a public hearing must be held during which the complainant and the city official who is the subject of the complaint have the right to be represented by counsel, to call, examine, and cross examine witnesses, and to present evidence.

(b) At any hearing held by the Board during the investigation or disposition of a complaint, the following rules apply:

(1) All witnesses must be sworn. The Board may establish time limits and other rules relating to the participation of any person in the hearing.

(2) No person may be held to have violated this Ethics Code, unless a majority of

the Ethics Review Board finds by a preponderance of the evidence that a violation was committed.

(3) The Ethics Review Board must rely on evidence of which a reasonably prudent person would commonly rely on in the conduct of their own affairs. The Board must:

(a) Hear evidence related to the allegations; and

(b) Consider only information that is presented and found to be reliable and useful.

(4) The city official who is subject to the complaint has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. The time permitted for presentation will be at the discretion of the Board.

(5) The complainant has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be accompanied by legal counsel or another advisor. The time permitted for presentation will be at the discretion of the Board.

2.75. - Disposition and Sanctions.

(a) In deciding whether to recommend sanctions, the Ethics Review Board will take into account relevant considerations, including, but not limited to, the following:

(1) The culpability of the person alleged to have violated this Code;

(2) The harm to public or private interests resulting from the violation;

(3) The necessity of preserving public confidence in the conduct of local government;

(4) Whether there is evidence of a pattern of disregard for ethical obligations; and

(5) Whether remedial action has been taken that will mitigate the adverse effect of the violation.

(b) If it is determined that a violation of this Code of Ethics has occurred, the Board may recommend, and the City Council may impose one of the following sanctions:

(1) A Letter of Notification when the violation is clearly unintentional or inadvertent; a letter of notification must advise the city official of any steps to be taken to

avoid future violations;

(2) A Letter of Admonition when the violation is minor and/or may have been unintentional and inadvertent, but requires a more substantial response than a letter of notification;

(3) A Letter of Reprimand when the violation is serious and/or the City Council finds that a violation has been committed intentionally or through disregard of this code;

(4) Recommendation of suspension or removal when the official involved is a board or commission member, as well as a recommendation for a length of suspension, if a suspension is recommended, when the City Council finds that a serious or repeated violation has been committed intentionally or with culpable disregard of this Code;

(5) Letter or Resolution of Censure if the City Council finds that a serious or repeated violation of this Code has been committed intentionally or through culpable disregard by an elected city official.

(A) A Letter of Censure directed to an elected city official shall be transmitted to the City Secretary and published in the official newspaper of the City and shall be posted on the City's website.

(c) A recommendation to impose sanctions must be agreed to by a majority of the Board members present and by record vote. Within thirty (30) business days of the Ethics Review Board's recommendation, the City Council must consider the recommendation at a regularly scheduled City Council meeting. If the complaint involves one or more members of the City Council, the members complained against may not participate in the deliberation or decision regarding the complaint. The City Council may sustain, reverse, or modify the Board's recommendation. The City Council's decision regarding the complaint is final.

(d) In the case of a complaint against a majority of the City Council, if the Ethics Review Board or independent counsel finds that a violation did occur, the Ethics Review Board or independent counsel must file its findings with the City Secretary, announce the findings in a public hearing, and may recommend if the circumstances are serious, repeated and/or committed intentionally or with culpable disregard, that the public file a petition for a recall election.

(e) If the Board, either on its own recommendation or at the recommendation of the City Attorney or independent counsel, following an investigation, or after a public hearing, finds that no violation has been committed, the dismissal of the complaint shall be announced in an open public hearing.

2.76.- Ethics Advisory Opinions.

(a) Any city official or employee may request from the City Attorney's Office an advisory opinion with respect to whether proposed action by that person would violate the Ethics Code. Such request must be in writing.

(b) Within twenty (20) business days of receipt of the request, the City Attorney's Office must issue a written advisory opinion. Opinions that address new issues and that are instructive on the application of the Ethics Code must be posted on the City's webpage in a manner that does not reveal the identity of the individual requesting the opinion.

(c) A person who reasonably and in good faith acts in accordance with a written advisory opinion issued by the City Attorney's Office may not be found to have violated the Ethics Code by engaging in conduct approved in the advisory opinion, provided that:

(1) He or she requested the issuance of the opinion;

(2) The request for an opinion fairly and accurately disclosed all relevant facts; and

(3) Less than five (5) years has passed between the date the opinion was issued and the date of the conduct in question.

2.77. Public Records and Open Meetings

Meetings and other proceedings of the Ethics Review Board will be conducted in compliance with the Texas Open Meetings Act. Requests for records will be handled in compliance with the Texas Public Information Act.

Sect. 2-78 – 2-111. Reserved.

ARTICLE III. PAYMENT BY CHECK OR CREDIT CARD

Section 2-112. Fee for returned checks.

The Director of Finance is hereby authorized and directed to assess and collect a fee on all checks issued to the City of Temple, Texas, or any of its departments, which checks are returned by the bank upon which they are drawn. The amount of the fee shall be established by resolution of the City Council. It shall be unlawful for any person who issues such a check to fail or refuse to pay the fee as authorized here.

Section 2-113. Postdated checks.

Postdated checks are not acceptable for payment of any funds owed to the City of Temple, Texas, or any of its departments. Upon receipt of a postdated check the City may either return the check to the sender or maker or immediately present the check for payment. Any person who makes payment to the City with a postdated check assumes the risk of overdraft and all consequences of overdraft if the postdated check is paid early.

Sec. 2-114. Payment of fees or costs by credit cards.

All municipal officers, officials and employees who collect fees, fines, court costs or other charges, including, but not limited to, the Director of Finance, Clerk of Municipal Court, Director of the Civic Center and the Building Inspector are hereby authorized to accept payment of any such fees, fines, court costs or other charges by credit card. Provided, however, ad valorem taxes shall not be payable in anything other than currency of the United States or by a check or money order or other method consistent with Section 31.06 of the Property Tax Code (V.A.T.C.S.) nor shall credit card payment be authorized if it is otherwise prohibited by law.

Sec. 2-115. Service charge.

There is hereby established a service charge, which shall be the same as the fee charged by the City of Temple for the collection of a check drawn on an account with insufficient funds, which shall be collected from the person owing the fee, fine, court cost or other charge, if that person's payment by credit card is not honored for any reason by the credit card company on which the funds are drawn. This fee shall be in addition to the original fee, fine, court costs or other charge and is for the collection of the original amount. The municipal officer, employee or official collecting the service charge shall deposit the fee in the general fund.

Sect. 2-116. Encumbrance of credit cards; fee.

Any municipal officer, employee or official who collects fees, fines, court costs or other charges is hereby authorized to contract with the company issuing credit cards to collect and seize credit cards issued by the company that are returned or otherwise unauthorized. All such contracts shall be approved by the City Council and the City Attorney. The Director of Finance shall establish a reasonable fee to be charged the credit card company for return of the credit cards. The municipal officer, employee or official collecting the fee shall deposit the fee in the general fund.

Sec. 2-117 - 2-169. Reserved.

ARTICLE IV. RISK MANAGEMENT

Section 2-170. Policy.

(a) It is the goal of the City Council to provide the requisite municipal services to its citizens most cost-effectively in terms of human, material, and financial resources.

(b) The City Council recognizes that it has a responsibility to provide a safe working environment for its employees and that each employee must pursue the highest of standards in his or her assigned activities and that all municipal employees must recognize that the well-being of persons involved and the protection of our physical resources are as important as the activity and work being performed.

(c) The City Council, acting as a trustee of municipal funds and assets, recognizing that there is a constant exposure to risk of loss from occurrences involving damage to property, injury to employees and other individuals, and unforeseen liabilities imposed by law or assumed by contract, hereby establishes this policy for the intensive management of municipal risks, and directs that this policy be implemented in stages over the next several months. This policy applies to all pure risks, such as fire, liability suits, theft, workers compensation, and other risks of property and liability losses, both direct and indirect. It specifically does not apply to deliberately assumed loss of employee benefits, depreciation or normal obsolescence. The policies contained herein supersede any policies currently in force and effect and to the extent that these policies are in conflict with current policies these policies shall control.

Sec. 2-171. Office of risk management.

There is hereby created an office of risk management within current personnel, material, and financial constraints for the purpose of recognizing, avoiding, preventing and controlling the chance of resource losses by whatever means feasible.

Sec. 2-172. Appointment and duties of risk manager.

The City Manager is hereby authorized to appoint a risk manager who will be responsible to the City Manager and whose duties will include, but not be limited to, the overall development, supervision, coordination, and implementation of the City of Temple's risk management plans and programs.

Sec. 2-173. Risk Management Committee.

The City Manager shall appoint a risk management committee. The committee's duties and responsibilities are to oversee the City's risk management plans and

programs, provide general policy guidance to all City departments, evaluate and make recommendations to the City Manager to protect the interests of the City, its employees and citizens, as well as to review the City's operations to insure adequate protection from loss.

Sec. 2-174. Risk management techniques.

The Office of Risk Management, the Risk Management Committee, and all City departments will be guided by the following policies and techniques:

(a) Because of the need to protect the assets of this municipality against catastrophic loss (or to provide financial restitution if such loss should occur) and the expense involved in such protection, risk management is a critical part of the total management of the City of Temple, Texas.

(b) Risk management is a specialized discipline intended to provide the decision-making management level with data pertinent to the identification, analysis, evaluation, and alternative treatment of exposures to loss through chance events, for both program review and planning new undertakings. In these management areas, the City of Temple will utilize the services of qualified risk management specialists either in its own staff or through the use of risk management outside consultants, as required. Provided, however, consultants shall be hired only after approval by the City Council.

(c) The following techniques of risk management will be employed by the City of Temple, Texas.

1. *Recognition.* The recognition function will be to identify, analyze, and evaluate all exposure to loss through chance events, either in existence or subsequently created, that involve loss potentials of significant amounts either in one event or in the aggregate annually. In this municipality, acceptable loss exposures will be determined by the Risk Management Committee. From time to time this Committee shall assess such loss exposures and may modify them in accordance with current or anticipated fiscal limitations.
2. *Avoidance.* The anticipated financial rewards for assuming any exposures to loss should exceed or at least be approximately equal to potential loss. The City of Temple, Texas, will avoid incurring disproportionate exposures to loss in contractual agreements. All new undertakings shall be evaluated carefully and those already in existence shall be re-evaluated periodically for the purpose of determining if any loss exposure can be avoided.

3. *Loss Prevention.* Once it is decided that a loss exposure should be retained (or transferred) and not avoided, it is the policy of this municipality to try to utilize loss prevention techniques wherever possible, consistent with the costs involved. It is the belief of this municipality that it is preferable to attempt to prevent losses before considering other techniques for handling loss exposures.

The reduction of losses depends primarily upon a careful review of all operations, equipment, and facilities to identify potential hazards and to eliminate or reduce them to their practical minimum. This review must be a constant process--in the design, construction, and operating stages on the part of all management and supervisory personnel. Periodic safety inspections should serve as an overall second look in all the above stages. The essential part of these reviews is the corrective actions taken as a result of the recommendations enacted.

4. *Retention.* Generally, the City of Temple, Texas will retain a loss exposure under the following circumstances.
 - a. when the amount of annual potential loss is relatively so small that it may conveniently be treated as a normal operating expense; or
 - b. when
 - (1) the probability of loss (frequency) is so great that loss is almost certain to occur; and
 - (2) the rates for insurance or other transfer mechanisms are disproportionately high; and
 - (3) potential loss amounts are within the financial ability of the City to retain; and
 - (4) no necessary insurance services are required; or
 - c. When the probability of occurrence is so remote that the ordinarily prudent businessman would not incur any amount of premium expense for insurance; or

- d. When insurance is not available, or only available at prohibitive cost.
- 5. *Noninsurance Transfer.* In all contractual relationships, the City of Temple, Texas, will transfer to others all exposures to loss from chance events appropriate to the transaction and relationship of the parties. This means that the City of Temple, Texas, will consider before contractually transferring a loss exposure to another party, that party's ability to assume the potential loss, ability to control the loss, and the customs and traditions of the parties and the industries involved. In the absence of adequate net worth of other parties, contractual transfers shall be supported by insurance of the indemnitor and evidence thereof required. Whenever a choice exists among two or more methods of accomplishing a business purpose, the opportunity to transfer the exposure shall be given appropriate consideration.
- 6. *Insurance Transfer.* The City of Temple, Texas, will purchase insurance under the following circumstances:
 - a. when required by law or contract; or
 - b. when the amount of potential loss is too large to be safely retained (measured against assets, operating income, earnings, and cash flow); or
 - c. when the probable annual cost variation is unacceptable and insurance is available on acceptable terms; or
 - d. when insurance can better or more economically provide accessory services required, such as inspection, claims handling, legal qualifications, and loss prevention.
- 7. *Joint Insurance Transfer and Retention.* The City of Temple, Texas will combine insurance transfer and retention through the use of deductibles, franchises, excess insurance, and retrospective rating plans when relatively low loss amount exposures can be safely retained.

Sec. 2-175. Dissemination and implementation.

This risk management policy has been developed and will be disseminated by the risk manager to be used as a tool to help all department heads and supervisory personnel to minimize the City's exposure to loss, whether these losses be in the form of funds expended, theft, lost productivity, personal injury, vehicular accidents, inconvenience,

pain and suffering, or in other areas. This office of risk management will make itself available to assist all departments in implementing these policies by providing such advice, guidance, or counseling as required.

Sect. 2-176. Departmental operation.

The City Council of the City of Temple, Texas, recognizes that no risk management plan, policy, or statement for the City will be any more effective than the weakest link in its chain of command. Therefore, department heads and other supervisory personnel will be required to cooperate fully with the risk manager and the risk management committee to implement and enforce the risk management plan and policy.

Revised by Ordinance No. 2016-4796 (8/4/16)

Chapter 2

ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. City seal.

The seal of the city shall be the coat of arms of the State of Texas in a circle with the words "City of Temple, State of Texas" engraved around the margin thereof.

Sec. 2-2. Rental or sale of city property or materials.

It shall be unlawful for any officer or employee of the city to rent any equipment belonging to the city to any person, or to sell any materials belonging to the city, unless such rental or sale is previously authorized by the city manager.

Sec. 2-3. Change orders.

Change orders involving a decrease or increase in cost of twenty-five thousand dollars (\$25,000.00) or less in contracts for the construction of public works or for the purchase of materials, equipment, and supplies shall be approved by the city manager or his designee for the City of Temple, Texas.

Sec. 2-4. City Attorney--Qualifications.

The city attorney shall be a licensed lawyer and competent to discharge the duties required of him by the Charter and ordinances of the city.

Sec. 2-5. Same--Duties.

It shall be the duty of the city attorney to serve the city council, to advise it as a council, and each of the councilmen respectively, from time to time, with respect to the provisions and a proper interpretation of the Charter, and the powers and authority of the council as the governing body for the city, and to attend the meetings of the council. The city attorney is also charged with the duty to draw all ordinances and resolutions that may be passed on by the council, and to represent the city in all of its litigation in the courts, and to discharge such other duties as are usually imposed upon city attorneys, including advice and counsel from time to time to the city manager.

Sec. 2-6. Same--Opinions requested by appointive boards, committees, etc.

The city attorney shall, at the request of any appointive board, committee or commission of the City of Temple, Texas, give written or oral opinions upon any question touching the public interest and concerning the official duties of said board, committee or commission. No request for an opinion of the city attorney shall be made by any board, committee or commission except upon the affirmative vote of a majority of the members thereof present and voting at a meeting open to the public. Every such request shall be made through the chairperson of said board, committee or commission.

Sec. 2-7. City engineer to ascertain monuments, make surveys, etc.

It shall be the duty of the city engineer to ascertain the established monuments of the city, and from them to extend surveys thereof and establish others and to locate, establish and survey all private property, streets and alleys where the interests of the city are involved, within the territorial limits of the city, when so called on or required to do so.

Sec. 2-8. Legal defense and indemnification of city officers and employees.

(a) *Definitions.* For purposes of this section the term "officer" shall include any elected or appointed official of the City, and the term "employee" shall include all employees of the City, whether under civil service or not; including firemen and policemen.

(b) *Indemnification.* Any officer or employee who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment shall be entitled to indemnification by the City provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. For the purposes of this section, the term, "arising out of the course and scope of employment" shall not include any action which occurs during a period of time in which the officer or employee is engaged in outside employment or is rendering contractual services to someone other than the City. Whether the acts were done in good faith, without malicious or felonious intent, and within the course and scope of employment shall be determined by the City, and such determination shall be final for the purposes of the representation and indemnity of this section; provided, however, that in the event such representation and indemnity have been denied by the City, if upon a trial on the merits the City determines that the officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment the indemnification hereunder shall be

granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The City shall not be liable for any settlement of any such claim or suit effected without its consent, and the City reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient.

(c) *Representation in actions.* The City shall have the right and duty to provide legal representation through the city attorney, or in its discretion through the selection of outside legal counsel, to any officer or employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, provided that such officer or employee is entitled to indemnification as set forth in this section. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his or her own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the City in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this section.

(d) *City's defenses.* Nothing in this section shall be construed as waiving the City's defense of governmental immunity to it or its employees or officers in any action brought against the City or such officer or employee. For any suit or claim arising under the Texas Tort Claims Act, the indemnity provided by this section shall be limited to the statutory limits applicable to the City provided in said Act, as amended.

(e) *Notice.* The provisions of this section shall apply only where the City has been given notice of the action brought against the city officer or employee within seven (7) calendar days of service of process upon the officer or employee.

(f) *Disciplinary actions.* Nothing in this section shall prevent the City from taking any disciplinary action against any officer or employee for conduct defended or indemnified by the City under this section, either before or after conclusion of the civil suit.

(g) *Suits in behalf of the City.* Nothing in this section shall require the City to indemnify any officer or employee for recoveries made against him or her in suits by or on behalf of the City.

Secs. 2-10 – 2-60. Reserved.

ARTICLE II. CODE OF ETHICS

Sec. 2-61. Declaration of policy.

It is hereby declared to be the policy of the City of Temple that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the City of Temple; that the governmental decisions and policy be made in the proper channels of the governmental structure; that no officer, employee or member of any standing committee or board should have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest and that public office not be used for personal gain. To implement such a policy, the city council deems it advisable to enact a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, to serve as a guide for official conduct of the City's public servants.

Sec. 2-62. Definitions.

In this article, unless the context otherwise requires:

- (1) *Employee* means any person employed by the City of Temple whether under civil service or not, including those individuals on a part-time basis, but shall be extended to apply to any independent contractor.
- (2) *Officer* means any member of the city council and any appointive member of a board, commission or committee set up by ordinance, Charter or state law on a permanent basis but does not include members of a board, commission or committee that functions only in an advisory or study capacity and which does not have the power to make findings as to the rights of specific parties.

Sec. 2-63. Standards of conduct.

No officer or employee of the City of Temple shall:

- (1) Accept any gift or favor from any person, firm or corporation that might reasonably tend to influence him in the discharge of his official duties, or

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grant in the discharge of his official duties any improper favor, service or thing of value.

- (2) Use his official position to secure special privileges or exemptions for himself and others.
- (3) Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is available to every other citizen, individual, business organization or group. This shall not prohibit the granting of fringe benefits to city employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (4) Disclose information that could adversely affect the property, government or affairs of the city, or directly or indirectly use any information gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
- (5) Transact any business on behalf of the City in his official capacity with any business entity with which he is an officer, agent or member, or in which he owns an interest of ten (10%) percent or more. In the event that such a circumstance should arise, in the case of an officer, he shall abstain from voting on the matter, or in the case of an employee, he shall turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.
- (6) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the City, or which might impair his independent judgment in the performance of his public duty.
- (7) Receive any fee or compensation for his services as an officer or employee of the City from any source other than the City, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the City if there is no conflict with his City duties and responsibilities.
- (8)
 - (a) No city councilman or employee shall represent, directly or indirectly, or

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appear in behalf of private interests of others before any agency of the City or any City board, commission or committee, nor shall he represent any private interest of others in any action or proceeding involving the City, nor participate on behalf of others in any litigation to which the City might be a party, nor shall he ever accept any retainer or compensation that is contingent upon a specific action taken by the City or any of its agencies.

- (b) No other officer shall represent, directly or indirectly, or appear in behalf of the private interests of others before the board, commission or committee of which he is a member, or before the council or board which has appellate jurisdiction over the board, commission or committee of which he is a member with regard to matters that may be the subject of specific action by any such body.
- (9) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business.
- (10) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City of Temple or that reflects discredit upon the government of the City of Temple.

Sec. 2-64. Personal or private interest.

Any officer, whether elected or appointed, who has either a personal or private interest in any matter pending before his committee or board, shall refrain from discussing the same with any other member of the committee or board and shall not vote thereon.

Sec. 2-65. Penalty.

The failure of any employee to comply with or the violation by any employee of one or more of the foregoing standards of conduct which apply to him shall constitute grounds for expulsion, reprimand, removal from office or discharge, whichever is applicable. In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the City Charter and personnel rules and regulations. In the case of a city councilman, the matter shall be handled as provided for in the City Charter. In the case of members of other boards or commissions other than the city council, the matter shall be decided by the city council.

Sect. 2-66 – 2-111. Reserved.

ARTICLE III. PAYMENT BY CHECK OR CREDIT CARD

Section 2-112. Fee for returned checks.

The Director of Finance is hereby authorized and directed to assess and collect a fee on all checks issued to the City of Temple, Texas, or any of its departments, which checks are returned by the bank upon which they are drawn. The amount of the fee shall be established by resolution of the City Council. It shall be unlawful for any person who issues such a check to fail or refuse to pay the fee as authorized here.

Section 2-113. Postdated checks.

Postdated checks are not acceptable for payment of any funds owed to the City of Temple, Texas, or any of its departments. Upon receipt of a postdated check the City may either return the check to the sender or maker or immediately present the check for payment. Any person who makes payment to the City with a postdated check assumes the risk of overdraft and all consequences of overdraft if the postdated check is paid early.

Sec. 2-114. Payment of fees or costs by credit cards.

All municipal officers, officials and employees who collect fees, fines, court costs or other charges, including, but not limited to, the Director of Finance, Clerk of Municipal Court, Director of the Civic Center and the Building Inspector are hereby authorized to accept payment of any such fees, fines, court costs or other charges by credit card. Provided, however, ad valorem taxes shall not be payable in anything other than currency of the United States or by a check or money order or other method consistent with Section 31.06 of the Property Tax Code (V.A.T.C.S.) nor shall credit card payment be authorized if it is otherwise prohibited by law.

Sec. 2-115. Service charge.

There is hereby established a service charge, which shall be the same as the fee charged by the City of Temple for the collection of a check drawn on an account with insufficient funds, which shall be collected from the person owing the fee, fine, court cost or other charge, if that person's payment by credit card is not honored for any reason by the credit card company on which the funds are drawn. This fee shall be in addition to the original fee,

fine, court costs or other charge and is for the collection of the original amount. The municipal officer, employee or official collecting the service charge shall deposit the fee in the general fund.

Sect. 2-116. Encumbrance of credit cards; fee.

Any municipal officer, employee or official who collects fees, fines, court costs or other charges is hereby authorized to contract with the company issuing credit cards to collect and seize credit cards issued by the company that are returned or otherwise unauthorized. All such contracts shall be approved by the City Council and the City Attorney. The Director of Finance shall establish a reasonable fee to be charged the credit card company for return of the credit cards. The municipal officer, employee or official collecting the fee shall deposit the fee in the general fund.

Sec. 2-117 – 2-169. Reserved.

ARTICLE IV. RISK MANAGEMENT

Section 2-170. Policy.

(a) It is the goal of the City Council to provide the requisite municipal services to its citizens most cost-effectively in terms of human, material, and financial resources.

(b) The City Council recognizes that it has a responsibility to provide a safe working environment for its employees and that each employee must pursue the highest of standards in his or her assigned activities and that all municipal employees must recognize that the well-being of persons involved and the protection of our physical resources are as important as the activity and work being performed.

(c) The City Council, acting as a trustee of municipal funds and assets, recognizing that there is a constant exposure to risk of loss from occurrences involving damage to property, injury to employees and other individuals, and unforeseen liabilities imposed by law or assumed by contract, hereby establishes this policy for the intensive management of municipal risks, and directs that this policy be implemented in stages over the next several months. This policy applies to all pure risks, such as fire, liability suits, theft, workers compensation, and other risks of property and liability losses, both direct and indirect. It specifically does not apply to deliberately assumed loss of employee benefits, depreciation or normal obsolescence. The policies contained herein supersede any

policies currently in force and effect and to the extent that these policies are in conflict with current policies these policies shall control.

Sec. 2-171. Office of risk management.

There is hereby created an office of risk management within current personnel, material, and financial constraints for the purpose of recognizing, avoiding, preventing and controlling the chance of resource losses by whatever means feasible.

Sec. 2-172. Appointment and duties of risk manager.

The City Manager is hereby authorized to appoint a risk manager who will be responsible to the City Manager and whose duties will include, but not be limited to, the overall development, supervision, coordination, and implementation of the City of Temple's risk management plans and programs.

Sec. 2-173. Risk Management Committee.

The City Manager shall appoint a risk management committee. The committee's duties and responsibilities are to oversee the City's risk management plans and programs, provide general policy guidance to all City departments, evaluate and make recommendations to the City Manager to protect the interests of the City, its employees and citizens, as well as to review the City's operations to insure adequate protection from loss.

Sec. 2-174. Risk management techniques.

The Office of Risk Management, the Risk Management Committee, and all City departments will be guided by the following policies and techniques:

(a) Because of the need to protect the assets of this municipality against catastrophic loss (or to provide financial restitution if such loss should occur) and the expense involved in such protection, risk management is a critical part of the total management of the City of Temple, Texas.

(b) Risk management is a specialized discipline intended to provide the decision-making management level with data pertinent to the identification, analysis, evaluation, and alternative treatment of exposures to loss through chance events, for both program review and planning new undertakings. In these management areas, the City of Temple

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will utilize the services of qualified risk management specialists either in its own staff or through the use of risk management outside consultants, as required. Provided, however, consultants shall be hired only after approval by the City Council.

(c) The following techniques of risk management will be employed by the City of Temple, Texas.

1. *Recognition.* The recognition function will be to identify, analyze, and evaluate all exposure to loss through chance events, either in existence or subsequently created, that involve loss potentials of significant amounts either in one event or in the aggregate annually. In this municipality, acceptable loss exposures will be determined by the Risk Management Committee. From time to time this Committee shall assess such loss exposures and may modify them in accordance with current or anticipated fiscal limitations.
2. *Avoidance.* The anticipated financial rewards for assuming any exposures to loss should exceed or at least be approximately equal to potential loss. The City of Temple, Texas, will avoid incurring disproportionate exposures to loss in contractual agreements. All new undertakings shall be evaluated carefully and those already in existence shall be re-evaluated periodically for the purpose of determining if any loss exposure can be avoided.
3. *Loss Prevention.* Once it is decided that a loss exposure should be retained (or transferred) and not avoided, it is the policy of this municipality to try to utilize loss prevention techniques wherever possible, consistent with the costs involved. It is the belief of this municipality that it is preferable to attempt to prevent losses before considering other techniques for handling loss exposures.

The reduction of losses depends primarily upon a careful review of all operations, equipment, and facilities to identify potential hazards and to eliminate or reduce them to their practical minimum. This review must be a constant process--in the design, construction, and operating stages on the part of all management and supervisory personnel. Periodic safety inspections should serve as an overall second look in all the above stages. The essential part of these

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reviews is the corrective actions taken as a result of the recommendations enacted.

4. *Retention.* Generally, the City of Temple, Texas will retain a loss exposure under the following circumstances.
 - a. when the amount of annual potential loss is relatively so small that it may conveniently be treated as a normal operating expense; or
 - b. when
 - (1) the probability of loss (frequency) is so great that loss is almost certain to occur; and
 - (2) the rates for insurance or other transfer mechanisms are disproportionately high; and
 - (3) potential loss amounts are within the financial ability of the City to retain; and
 - (4) no necessary insurance services are required; or
 - c. When the probability of occurrence is so remote that the ordinarily prudent businessman would not incur any amount of premium expense for insurance; or
 - d. When insurance is not available, or only available at prohibitive cost.
5. *Noninsurance Transfer.* In all contractual relationships, the City of Temple, Texas, will transfer to others all exposures to loss from chance events appropriate to the transaction and relationship of the parties. This means that the City of Temple, Texas, will consider before contractually transferring a loss exposure to another party, that party's ability to assume the potential loss, ability to control the loss, and the customs and traditions of the parties and the industries involved. In the absence of adequate net worth of other parties, contractual transfers shall be supported by insurance of the indemnitor and evidence thereof required. Whenever a choice exists

among two or more methods of accomplishing a business purpose, the opportunity to transfer the exposure shall be given appropriate consideration.

6. *Insurance Transfer.* The City of Temple, Texas, will purchase insurance under the following circumstances:
 - a. when required by law or contract; or
 - b. when the amount of potential loss is too large to be safely retained (measured against assets, operating income, earnings, and cash flow); or
 - c. when the probable annual cost variation is unacceptable and insurance is available on acceptable terms; or
 - d. when insurance can better or more economically provide accessory services required, such as inspection, claims handling, legal qualifications, and loss prevention.
7. *Joint Insurance Transfer and Retention.* The City of Temple, Texas will combine insurance transfer and retention through the use of deductibles, franchises, excess insurance, and retrospective rating plans when relatively low loss amount exposures can be safely retained.

Sec. 2-175. Dissemination and implementation.

This risk management policy has been developed and will be disseminated by the risk manager to be used as a tool to help all department heads and supervisory personnel to minimize the City's exposure to loss, whether these losses be in the form of funds expended, theft, lost productivity, personal injury, vehicular accidents, inconvenience, pain and suffering, or in other areas. This office of risk management will make itself available to assist all departments in implementing these policies by providing such advice, guidance, or counseling as required.

Sect. 2-176. Departmental operation.

The City Council of the City of Temple, Texas, recognizes that no risk management plan, policy, or statement for the City will be any more effective than the weakest link in its

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chain of command. Therefore, department heads and other supervisory personnel will be required to cooperate fully with the risk manager and the risk management committee to implement and enforce the risk management plan and policy.

ORDINANCE NO. 2017-4832

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NUMBER 2016-4796 WHICH AMENDED THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE II, "CODE OF ETHICS," TO CHANGE THE EFFECTIVE DATE OF THE ORDINANCE TO OCTOBER 1, 2017; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Code of Ordinances, Chapter 2, Article II, titled "Code of Ethics," was previously adopted in the late 1970's and applies to employees and "officers" of the City which includes Councilmembers and any "appointive member of a board, commission or committee set up by ordinance, Charter or state law;"

Whereas, the previous code included ten "standards of conduct" that employees and officers were required to follow and the Article established certain penalties for violation of those standards - penalties included "expulsion, reprimand, removal from office or discharge, whichever is applicable;"

Whereas, in 2015, the City Manager created an "Ethics Committee" which consisted of City Staff and citizens which were tasked to review the language in Chapter 2 and propose possible amendments - after the Committee finished its review and provided draft amendments, City Staff continued to research Ethics Codes in other cities and discuss the internal procedures for handling possible complaints for Ethics Code violations;

Whereas, in February, 2016, the City Council received a presentation on the proposed changes and possible ways to investigate and enforce violations and after further discussion at a Council workshop in May, 2016, Staff proposed extensive amendments to Chapter 2, Article II;

Whereas, the amendments were presented to Council at the July 21, 2016, meeting and were approved by Council at the August 4, 2016, meeting - the amendments replaced the previous language in Article II which made "city officials" and "employees" subject to the Ethics Code;

Whereas, "City officials" are defined as "a public official, either elected or appointed, that serves the City as a Councilmember or board member for any of the City boards or commissions" and "Board or Commission" refers to City boards and commissions that have quasi-judicial authority or responsibilities beyond those that are advisory in nature;

Whereas, the amendments included several standards of conduct, similar to those in the previous code, which would, among other things, require the disclosure of conflicts of interest, prohibit the sharing of confidential information, prohibit the unfair advancement of private interests, prohibit outside employment which is incompatible with the city official's duties, and established a detailed complaint and review process;

Whereas, the purpose of the proposed amendments was to promote confidence in the governance of the City and thereby enhance the City's ability to function effectively by discouraging conduct which is incompatible with the best interests of the City. For these reasons, Staff recommended approval of the amendments to Chapter 2, Article II;

Whereas, over the past several weeks, concerns have been expressed regarding the amendments adopted in August, 2016 and Staff is requesting time to review and address those concerns;

Whereas, Staff recommends Council amend the effective date of Ordinance No. 2016-4796 which amended the Code of Ordinances, Chapter 2, Article II, "Code of Ethics," to change the effective date of the ordinance to October 1, 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council amends the effective date of Ordinance Number 2016-4796 to October 1, 2017.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **March**, 2017.

PASSED AND APPROVED on Second Reading on the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Item #3(U)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: SECOND READING - Z-FY-17-12: Consider adopting an ordinance amending the existing Planned Development district (Ordinance 2008-4263), decreasing the Planned Development-General Retail portion from 12.2 +/- acres to 5.48 +/- acres and increasing the Planned Development Single Family Two portion from 38.5 +/- acres to 45.20 +/- acres for a total 50.7± acres located at 276 West FM 93, the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their February 6, 2017 meeting, the Planning and Zoning Commission voted unanimously eight to zero to recommend amendment of the proposed rezoning from Planned Development Commercial (PD-C) district to Planned Development General Retail (PD-GR) district as recommended by Planning staff, and Commissioner Armstrong added the motion was also contingent upon TXDOT review of entrances and exits and water run-off of neighboring properties.

STAFF RECOMMENDATION: Based on the following, staff recommends approval with conditions for amending the current PD for the following reasons:

1. That the amendment merely changes the proportions of the two uses on the property and continues to demonstrate compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. The PD-GR and PD-SF-2 zoning is compatible with the Future Land Use;
3. The PD-GR and PD-SF-2 zoning is compatible with surrounding zoning, existing and anticipated uses;
4. The zoning complies with the Thoroughfare Plan;
5. Public and on-site facilities are available to serve the subject property;
6. FM 93 access and drainage concerns will be addressed at the subdivision plat stage, and
7. The proposed development will be an extension of Alta Vista, an existing single family subdivision.

CONDITIONS:

- A. The following uses (previously codified in the existing PD with tree nursery removed) require a conditional use permit within the PD-GR District:
1. Restaurant or eating place (drive-in service)
 2. Health and reducing or similar service studio
 3. Veterinarian hospital (inside pens)
 4. Tool rental (outside equipment storage)
- B. The following uses are prohibited within the PD-GR District (previously codified as the existing PD on this property):
1. Single family detached residential
 2. Single family attached dwelling
 3. Townhouse
 4. Two family dwelling (duplex)
 5. Industrialized housing
 6. Single family dwelling attached 3
 7. Family home/Group home
 8. Accessory dwelling
 9. Accessory building (residential)
 10. Backyard compost operation
 11. Home occupation
 12. Hotel or motel
 13. Stable (private)
 14. Electrical substation (high voltage bulk power)
 15. Electrical transmission line (high voltage)
 16. Gasoline and regulation station (wholesale)
 17. Cleaning Plant (Commercial)
 18. Household appliance service or repair
 19. Pawn Shop
 20. Radio or television tower
 21. Radio, television transmitting station
 22. Telephone Exchange Switch-relay or transmitting equipment
 23. Public building shop yard of local, state or federal government
 24. Water Treatment Plant
 25. Playfield or stadium (public)
 26. Roller or ice rink
 27. Child Care: small home facility
 28. Fraternity or sorority
 29. Helistop
 30. Railroad track or right-of-way
 31. Veterinarian Hospital (outside pens only)
 32. Farm, ranch orchard or garden
 33. Flea market (indoors)
 34. Plumbing shop
 35. Warehouse office

C. The following buffering standards shall apply to the PD-GR District:

1. Landscape and wall buffers shall be installed along the north and east boundaries of the PD-GR District, excluding the curb cut for street access and the intersection visibility triangles.
 - a. The landscape buffers must be 10 feet wide and consist of hardwood trees on 25 foot centers, with a minimum two inch diameter at breast height size, with five gallon shrubs placed five feet on center between trees located outside of the buffering wall.
 - b. Buffer fence shall consist of six foot residential privacy fences constructed as residential lots are developed.
2. Landscaping along 5th and Hwy 93, excluding the curb cut for street access and the intersection visibility triangles.

A landscape buffer must be installed along the south and west sides of the PD-GR District (adjoining FM 93 and South Fifth Street), consisting of hardwood trees on 25 foot centers, with a minimum two inch diameter at breast height, and five gallon shrubs placed five feet on center between the hardwood trees.
3. Total landscaped area. The total area of landscaping on private property within the PD-GR District must equal or exceed five percent of the aggregate lot area.
4. Time of installation. Buffering fences will be installed on adjacent residential lots as each lot is developed. Landscaping must be installed prior to issuance of a certificate of occupancy.

D. The following standards shall apply to the PD-SF2 District:

1. Privacy fences will be installed along the backs of the lots bordering South 5th Street as the residential lots are developed. A landscape strip with two additional trees on each lot outside the privacy fences will also be required on the two lots bordering Highway 93 when each residential lot is developed.
2. Residential Landscaping standards:
 - a. Front yard shall be sodded
 - b. One tree required in the front yard to be a minimum of five foot planted height and 15 gallon
 - c. Shrubs: minimum of 3-5 gallon shrubs and 5-1 gallon shrubs placed in the front yard
3. Residential Architectural standards:
 - a. Front façade must have at least two architectural features, items may include but not limited to: roof breaks, columns, gables, varied roof pitch, etc.
 - b. Facade of homes is required to be at least 80% brick, rock, stucco, hardie or other cementitious products.
4. Residential sidewalks shall be installed as shown on attached Development Plan. Residential sidewalks shall be constructed as each lot is developed. Perimeter sidewalk along 5th Street and West FM 93 shall be installed as required by City of Temple Ordinance.
5. Development or redevelopment of the property shall be in accordance with the approved attached Development Plan.

E. FM 93 access and drainage approval by TXDOT are required to be addressed at the subdivision plat stage.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

BACKGROUND:

A previous zoning case in 2008 established a Planned Development PD-GR and PD-SF-2 zoning for the property specifying more than 12 acres of General Retail use on the 50.7 acre tract at the corner of Fifth Street and FM 93. Subsequent owners now seek to increase the proportion of SF-2 on the property and decrease the PD-GR apportionment to 5.48 acres. They also seek a change in the landscaping provisions along the Fifth Street frontage of the subdivision while offering to construct internal sidewalks and asking to add residential architectural standards.

Surrounding Property and Uses

The following table shows the existing zoning and current land uses abutting the subject property:

Direction	Zoning	Current Land Use
North	AG SF-2	Church Existing Alta Vista Subdivision
East	ETJ-MKT Railroad	Vacant
South	AG	Rural Residential
West	AG	Rural Residential

Future Land Use Plan & Future Trends

The Future Land Use Plan shows the area as a combination of Suburban Commercial on the corners which would support the PD-GR zoning on the corner portion, and Suburban Residential, which allows for the PD-SF-2, for the single family residential subdivision. Both requests conform to the Future Land Use Plan.

Thoroughfare Plan

Both FM 93 and South 5th Street are shown as Major Arterials, which will provide access to the general retail and residential subdivision development. The request conforms to the Thoroughfare Plan. Access from SH 93 will require approval of a TXDOT permit.

Adequacy of Public Facilities

Adequate water and sewer are available to serve the subject tract.

Planned Development Single Family 2 (PD-SF-2) The SF-2 district allows single family-residential development only, with a maximum building height of 2 ½ stories. The SF-2 dwelling district is designed to accommodate single family detached homes. The minimum lot area for SF-2 is 5,000 square foot with setbacks for 25 feet in the front yard, 5 feet in the side yard and 10 feet in the rear yard.

Planned Development General Retail (PD-GR) The General Retail District is the standard retail district and allows most retail sales, restaurants, grocery store, department store, or offices and most residential uses except apartments, with a maximum building height of three stories. There is no minimum lot area, width or depth. The building setback for the front yard is 30' from the street centerline, and 10' adjacent to a residential distinct with a screening fence to separate the commercial from the residential use.

The use of a Planned Development provides flexibility for development standards because of proximity of other development, topography, road access and the environment. Here the planned GR is at the intersection of two Major Arterial Streets. Staff recommends a PD approach for land uses, the required screening and buffering and landscaping to prohibit some incompatible uses when located next to single family residential, ensures separation from loading and service areas from the retail to the residential area and to ensure the recommended landscape standards.

Public Notice

A total of 36 notices were sent out to property owners within 200 feet of the subject property January 26, 2017. As of February 17th at 5 PM, six notices were received in agreement, one in disagreement, one undecided and one was undeliverable. The newspaper printed notice of the public hearing on January 26, 2017 in accordance with state law and local ordinance.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Site Plan](#)

[Site Photos](#)

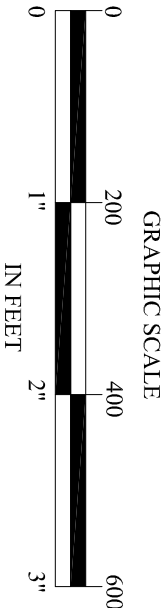
[Maps](#)

[Previous PD Ordinance](#)

[Responses](#)

[Ordinance](#)

REV.	DESCRIPTION	DATE	BY
2	CHANGED COLOR OF COMMERCIAL SWLK	1/27/2017	TJK
1	ORIGINAL RELEASE	1/20/2017	BTW
PROJECT NUMBER: AV03		CLIENT NAME: W & B DEVELOPMENT	
		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

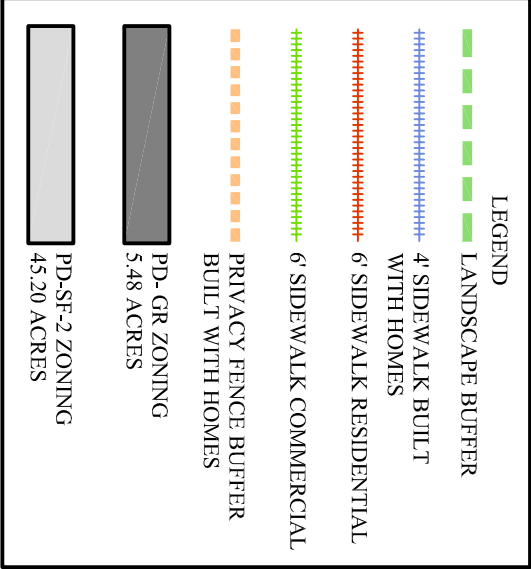


ALTA VISTA PHASE III
PLANNED DEVELOPMENT SITE PLAN
CITY OF TEMPLE,
BELL COUNTY, TEXAS

<p>Yalgo, LLC</p> <p>3000 Illinois Ave., Suite 100 Killean, TX 76543 PH (254) 953-5353 FX (254) 953-0032</p> <p>Texas Registered Engineering Firm F-10264</p> <p>Texas Registered Surveying Firm 10194095</p>	<p>SHEET</p> <p>1</p> <p>OF</p> <p>1</p>
---	--



- ### PD-GR CONDITIONS:
1. Landscape and wall buffer shall be 10 feet wide installed along the north and east boundaries of the PD-GR District, outside of 6' privacy fence constructed as residential lots are developed.
 2. Landscaping installed along the south and west boundaries of PD-GR District adjacent to 5th street and Highway 93.
 3. The total area of landscaping on private property within the PD-GR District must equal or exceed 5 percent of the aggregate lot area.
- ### PD-SF2 CONDITIONS
1. Privacy fences will be installed along the backs of the lots bordering South 5th Street as the residential lots are developed.
 2. A landscape strip with two additional trees on each lot outside the privacy fences will also be required on the two lots bordering Highway 93 when each residential lot is developed.
 3. Residential sidewalks shall be constructed as each lot is developed.
 4. Perimeter sidewalk along 5th street and FM 93 shall be installed as required by City of Temple Ordinance.
 5. Residential Architectural standards apply.
 6. Residential Landscaping standards apply



Site photos



View looking North from W FM 93 toward subject property; Memorial Baptist Church is visible in the background



View of proposed Stonehaven Drive connection with existing Alta Vista Subdivision



Sidewalk construction by developer in existing Alta Vista Subdivision along Stonehaven Drive



View of Existing Alta Vista Subdivision to the north



AMEND PD-GR and PD-SF-2

AERIAL MAP

Zoning Case :
Z-FY-17-12

276 W FM 93

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

Irbarrett
Date: 1/21/2017





AMEND PD-GR
and PD-SF-2

AERIAL MAP

Zoning Case :
Z-FY-17-12

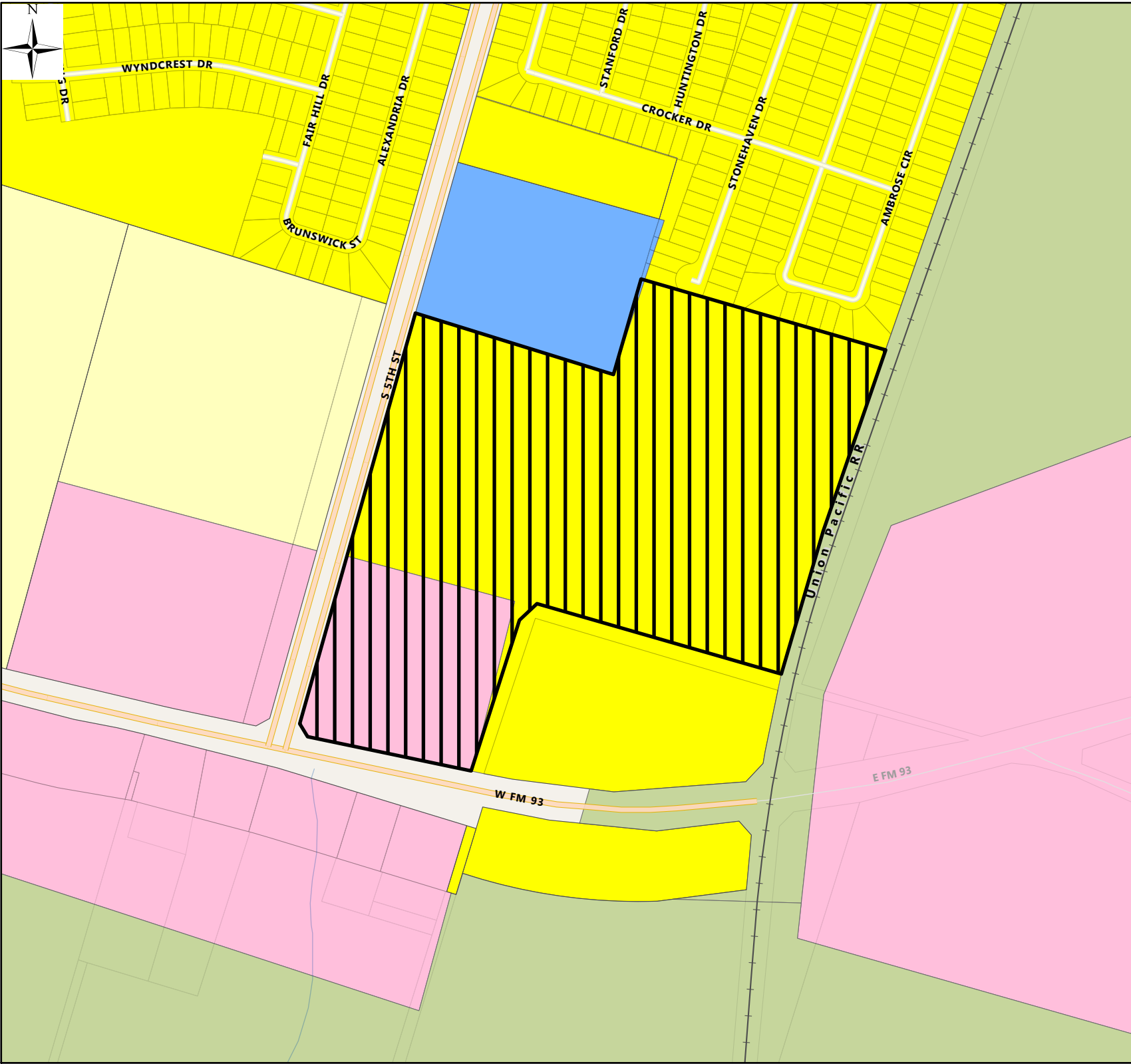
276 W FM 93

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

Irbarrett
Date: 1/21/2017





FUTURE LAND USE MAP

Zoning Case :
Z-FY-17-12

Address :
276 W FM 93

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
 - CaseArea

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.

Irbarrett
Date: 1/21/2017





THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-17-12

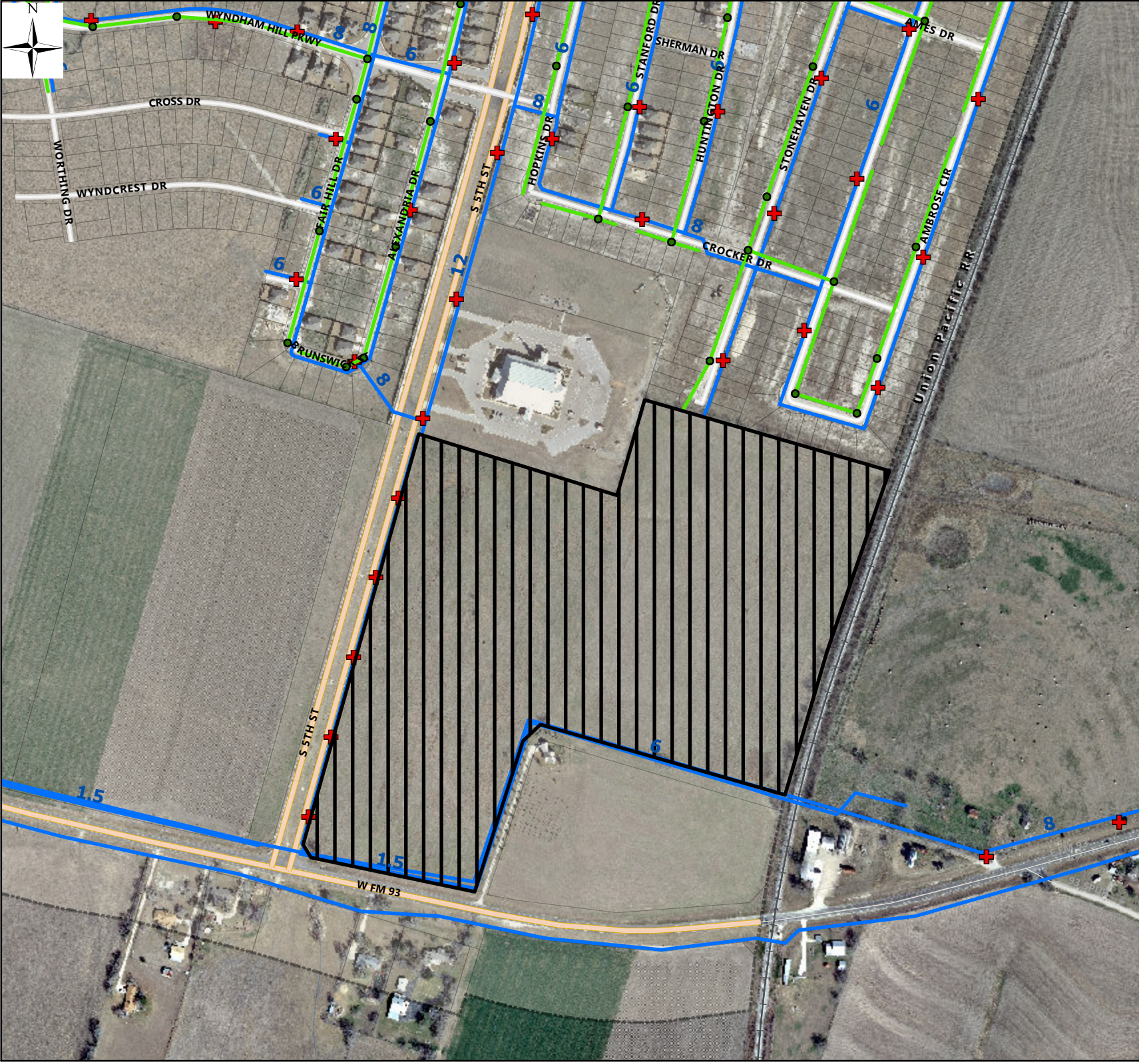
Address :
276 W FM 93

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- CaseArea

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Irbarrett
Date: 1/21/2017





AMEND PD-GR
and PD-SF-2

UTILITY MAP

Zoning Case :
Z-FY-17-12

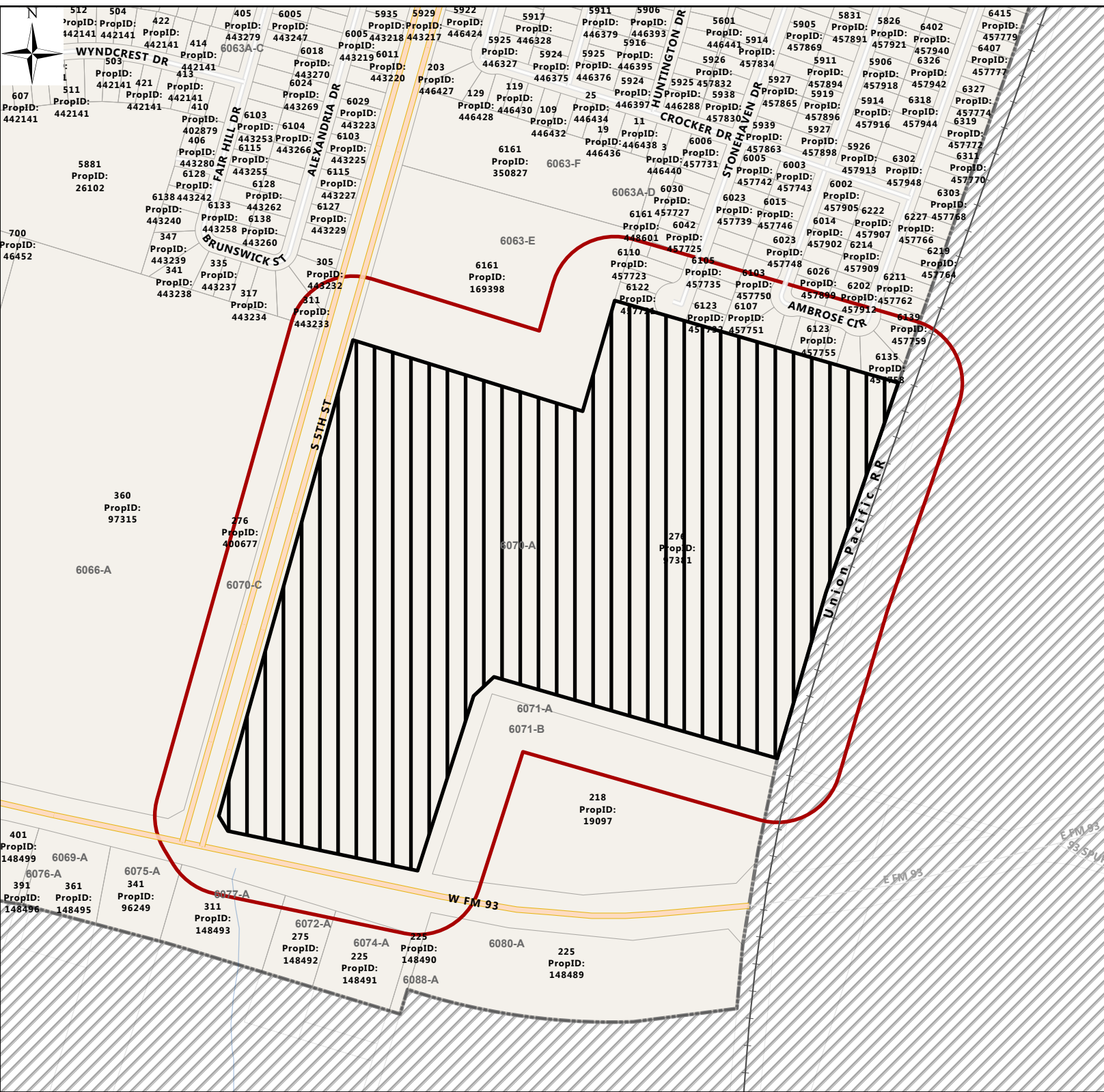
Address :
276 W FM 93

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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.

Irbarrett
Date: 1/21/2017





AMEND PD_GR AND PD-SF-2

200' NOTIFICATION MAP

Zoning Case :
Z-FY-17-12

Address :
6276 W FM 93

-  CaseArea
-  Buffer

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.

Irbarrett
Date: 1/21/2017



ORDINANCE NO. 2008-4263

[PLANNING NO. Z-FY-08-37]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR) ON AN APPROXIMATELY 12.2 ACRE TRACT OF LAND AND A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT SINGLE FAMILY TWO DISTRICT (PD-SF2) ON AN APPROXIMATELY 38.5 ACRE TRACT OF LAND, FOR A TOTAL REZONING OF APPROXIMATELY 50.7 ACRES OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, ON THE NORTHEAST CORNER OF FM 93 AND SOUTH 5TH STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property consisting of an approximately 50.7 acres out of the Maximo Moreno Survey, Abstract No. 14, on the corner of FM 93 and South 5th Street, requested a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR) on approximately 12.2 acres and a zoning change from Agricultural District (A) to Planned Development Single Family Two District (PD-SF2) on approximately 38.5 acres; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves a zoning change from Agricultural District (A) to a Planned Development General Retail District (PD-GR) on an approximately 12.2 acre tract of land and a zoning change from Agricultural District (A) to Planned Development Single Family Two District (PD-SF2) on an approximately 38.5 acre tract of land, for a total rezoning of approximately 50.7 acres out of the Maximo Moreno Survey, Abstract No. 14, on the northeast corner of FM93 and South 5th Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101 is amended by changing the zoning classification of the property described in Part 1 above, to Planned

Development (General Retail) District and Planned Development (Single Family Two) District. Development of the property shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- A. The following uses shall be permitted within the PD-GR District:
1. Antique shop
 2. Art supply store
 3. Retail bakery
 4. Bank or saving and loans office
 5. Barber or beauty shop
 6. Book or stationery shop
 7. Cleaning and pressing small shop and pick up
 8. Customer personal service shop
 9. Discount or department store
 10. Drug store or pharmacy
 11. Florist or garden shop
 12. Food beverage sales store with gasoline pumps
 13. Food beverage sales store without gasoline pumps
 14. Furniture and appliance store
 15. Greenhouse or plant nursery (retail sales)
 16. Handcraft shop and art objects
 17. Hardware store or hobby shop
 18. Key shop
 19. Laboratory, Medical or Dental
 20. Laundry and cleaning (self-service)
 21. Medical appliances, fitting, sales or rental
 22. Offices, general business and professional
 23. Pet shop
 24. Restaurant or cafeteria (not drive-in type)
 25. Retail shop, gift, apparel, accessory and similar items
 26. Retail shop other than listed
 27. Photographer studio
 28. Studio, music, dance or drama
 29. Tool rental (inside only)
 30. Travel bureau or consultant
 31. Veterinarian office only (no animal hospital, no inside pens)
- B. The following uses require a conditional use permit within the PD-GR District:
1. Florist or garden shop
 2. Restaurant or eating place (drive-in service)
 3. Health and reducing or similar service studio
 4. Veterinarian hospital (inside pens)
 5. Tool rental (outside equipment storage)
- C. The following uses are prohibited within the PD-GR District:
1. Single family detached residential
 2. Single family attached dwelling

3. Townhouse
4. Two family dwelling (duplex)
5. Industrialized housing
6. Single family dwelling attached 3
7. Family home
8. Accessory dwelling
9. Accessory building (residential)
10. Backyard compost operation
11. Home occupation
12. Hotel or motel
13. Stable (private)
14. Electrical substation (high voltage bulk power)
15. Electrical transmission line (high voltage)
16. Gasoline and regulation station
17. Cleaning Plant (Commercial)
18. Household appliance service or repair
19. Pawn Shop
20. Radio or television tower
21. Radio, television transmitting station
22. Telephone Exchange Switch-relay or transmitting equipment
23. Public building shop yard of local, state or federal government
24. Water Treatment Plant
25. Playfield or stadium (public)
26. Roller or ice rink
27. Child Care: small home facility
28. Fraternity or sorority
29. Helistop
30. Railroad track or right-of-way
31. Veterinarian Hospital (outside pens only)
32. Farm, ranch orchard or garden
33. Flea market (indoors)
34. Plumbing shop
35. Warehouse office

D. The following buffering standards apply to the PD-GR District:

1. Landscape and wall buffers between retail and residential uses. A landscape and wall buffer must be installed along the north and east boundaries of the PD-GR District, excluding the curb cut for street access and the intersection visibility triangles.
 - a. The landscape buffers must be 10 feet wide and consist of hardwood trees on 25 foot centers, with a minimum 2 inch caliper and 5 foot planted height, with 5 gallon shrubs placed 5 feet on center between trees located outside of the buffering wall.
 - b. The buffering walls must consist of fences or walls constructed of brick or rock columns, supported by a capstone, placed on 50-75 foot centers, interspersed with wood plank fencing supported by a rot board and stained a compatible color to the brick or rock columns, with a minimum 6 foot vertical height and a maximum 8

foot vertical height.

- c. Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.
2. Landscaping along highways. A landscape buffer must be installed along the south and west sides of the PD-GR District (adjoining FM 93 and South Fifth Street), consisting of hardwood trees on 25 foot centers, with a minimum 2 inch caliper and 5 foot planted height, and 5 gallon shrubs placed 5 feet on center between the hardwood trees.
3. Landscape islands in parking lot. One hardwood tree with a minimum 2 inch caliper and 5 foot planted height shall be installed in a landscape island in the parking lot for every 20 parking spaces. Landscape islands shall be a minimum of 128 square feet.
4. Total landscaped area. The total area of landscaping on private property within the PD-GR District must equal or exceed 5 percent of the aggregate lot area.
5. Time of installation. Buffering walls must be installed after the City of Temple's acceptance of infrastructure installed for water, sewer and storm drainage, and prior to the issuance of any building permit. Landscaping must be installed prior to issuance of a certificate of occupancy.
6. Maintenance. If the PD-GR District is divided into two or more lots, the developer must establish a property owners' association (POA) and record covenants so that every lot in the subdivision is sold subject to covenants that require the POA to perpetually maintain buffering and landscaping in compliance with the standards for the PD-SF2 District.

E. The following buffering standards apply to the PD-SF2 District:

1. Buffering walls. Buffering walls must be installed on the western edge of the lots next to South 5th Street and the southern edge of the southernmost lots (abutting the abandoned road parallel to FM 93).
 - a. The buffering walls must consist of fences or walls constructed of brick or rock columns, supported by a capstone, placed on 50-75 foot centers, interspersed with wood plank fencing supported by a rot board and stained a compatible color to the brick or rock columns, with a minimum 6 foot vertical height and a maximum 8 foot vertical height.
 - b. Openings in fence or wall buffering must not contain openings constituting more than 20 square inches in each square foot of wall or fence surface. The objective is to create a visual barrier.
2. Time of installation. The buffering walls must be installed after the infrastructure of water, sewer, paving and drainage is accepted by the City of Temple and prior to the issuance of any building permit.
3. Maintenance. The developer must establish a homeowners' association and record covenants so that every lot in the subdivision is sold subject to covenants that require the HOA to perpetually maintain buffering in compliance with the standards for the PD-SF2 District.

- F. Development or redevelopment of the property shall be through the building permit process, in accordance with the Aberdeen Heights Concept Plan, which is attached hereto as Exhibit B.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

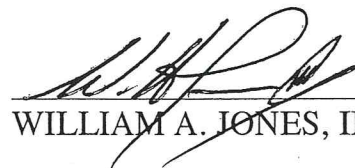
Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.


PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of November, 2008.

PASSED AND APPROVED on Second Reading on the 20th day of November, 2008.

THE CITY OF TEMPLE, TEXAS

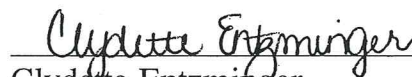

WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:


Jonathan Graham
City Attorney

ATTEST:




Clydette Entzminger
City Secretary



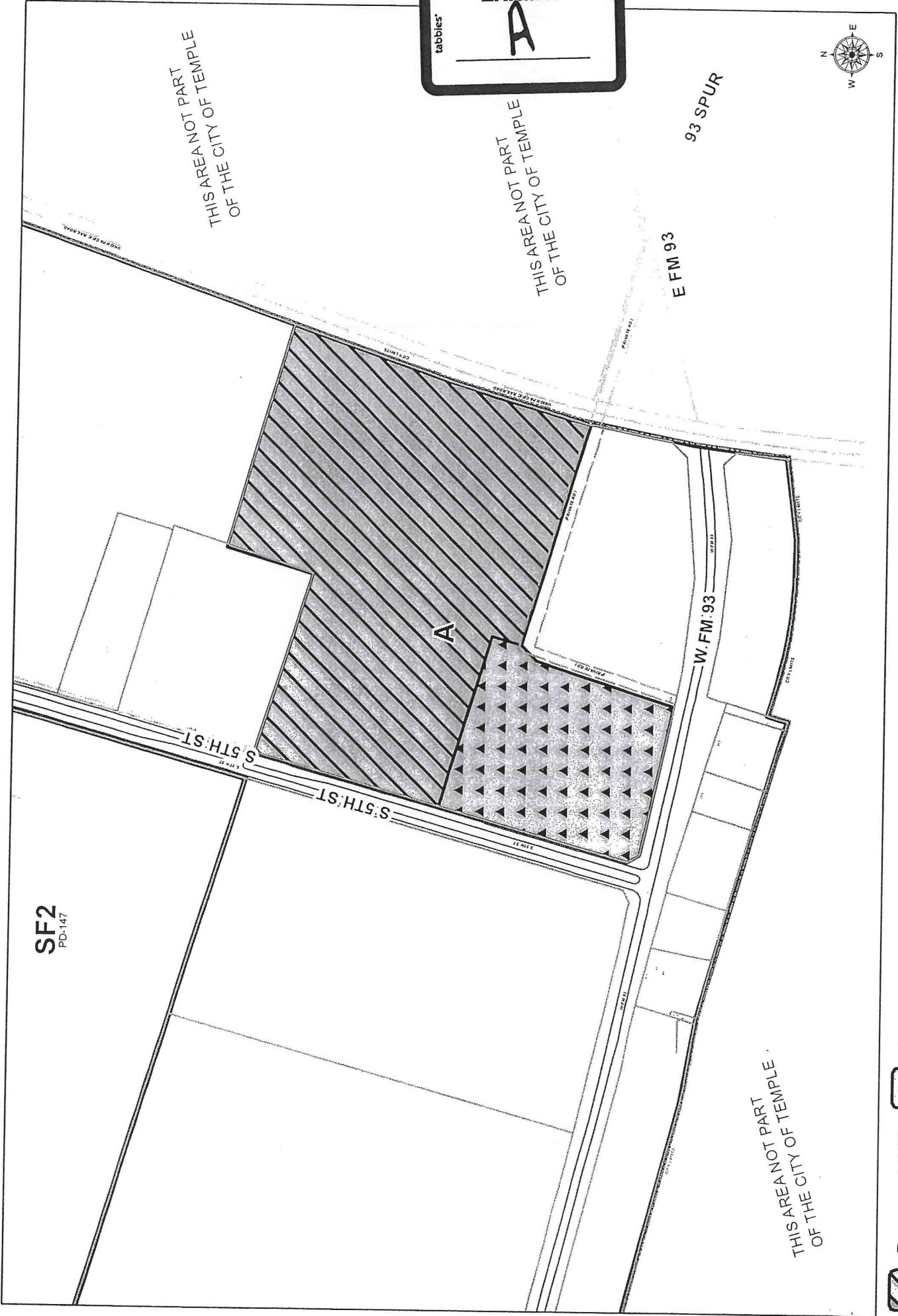
Z-FY-08-37

50.69 Acres

OB#6070-A

Proposed Aberdeen Heights Addn.

SF2
PD-147



Proposed SF2



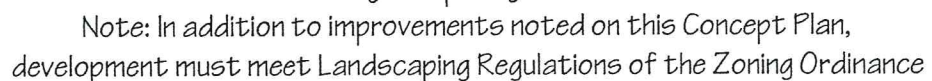
Proposed GR

A to SF2 & GR Zoning

1 inch = 500 feet

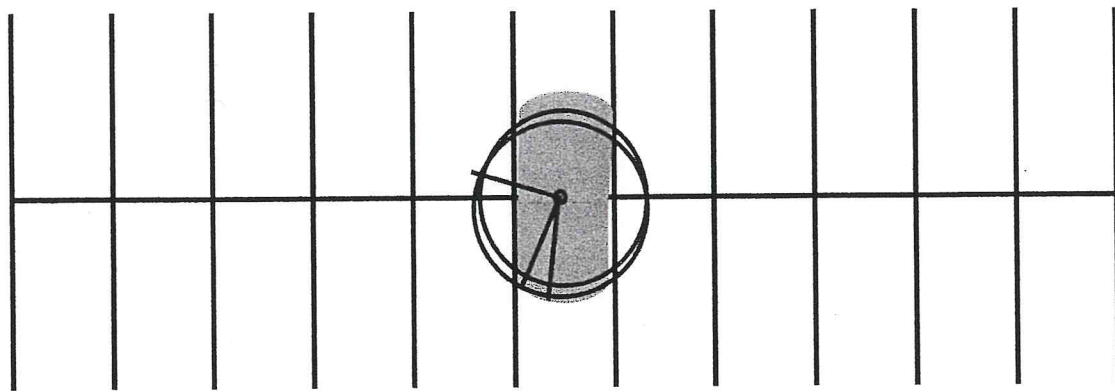
J Stone 08.12.08

EXHIBIT
B



Aberdeen Heights Concept Plan

Typical Parking Layout



← 20 spaces maximum
with 128 sq. ft. island and 1 tree →



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

JACKSON, PATSY REED
4706 STAGECOACH TRL
TEMPLE, TX 76502-3861

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

Will come the future growth to Smith
Simple!

Patsy Reed Jackson
Signature

Patsy Reed Jackson
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

RECEIVED

FEB - 1 2017

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

MATHIAS, PHILLIP L ETUX DOROTHY L
6105 STONEHAVEN DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

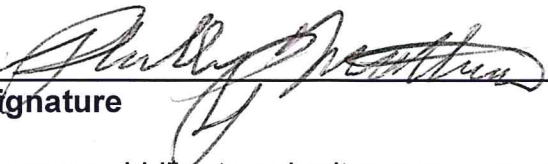
Location: 276 West FM 93, Temple, Texas

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

☒ agree

☐ disagree with this request

Comments:


Signature

Phillip MATHIAS
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

RECEIVED
FEB - 1 2017
City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

BANKSTON, CYNTHIA JANE
4311 S 31ST STE 150 NUMBER 130
TEMPLE, TX 76502-3352

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

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

I ☒ agree

() **disagree with this request**

Comments:

We are optimistic that these
current plans are going to be
beneficial to most parties

Cynthia Bankston
Signature

Cynthia Bankston
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

RECEIVED

FEB - 2 2017

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

WBW DEVELOPMENT MANAGEMENT III LLC
3000 ILLINOIS AVE STE 100
KILLEEN, TX 76543-5372

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

Approve

Signature

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

**City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501**

RECEIVED

FEB - 3 2017

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

WBW LAND INVESTMENTS LP
3000 ILLINOIS AVE STE 100
KILLEEN, TX 76543-5372

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

Approve

Signature

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

FEB - 3 2017

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

THERIOT, ROBERT P ETUX TINA M
6110 STONEHAVEN DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

RECEIVED

FEB 7 2017

City of Temple
Planning & Development

Tina Theriot
Signature

TINA THERIOT
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

HUGHLING, JOHN D
225 W FM 93
TEMPLE, TX 76502-7619

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

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

I ☐ agree

☐ disagree with this request

Comments:

*I AM UNDECIDED AT THIS POINT UNTIL
ADDITIONAL INFORMATION PERTAINING TO
THE TYPE OF SINGLE FAMILY HOUSING ARE
TO BE BUILT ON THIS PROPERTY -*

John Huggling

Signature

John Huggling

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

RECEIVED

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

FEB - 6 2017
City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



**RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE**

FLOYD, KYLE
6106 STONEHAVEN DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-12

Case Manager: Lynn Barrett

Location: 276 West FM 93, Temple, Texas

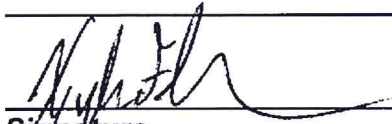
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I () agree

☒ disagree with this request

Comments:

Dependent on how streets are connected, I have grave
concerns for the welfare of children playing on our
streets. We currently have no sidewalks or speed bumps on
a street that is already extremely long.


Signature

Kyle Floyd
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, lrbarrrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

RECEIVED

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

FEB - 7 2017

City of Temple
Planning & Development

Number of Notices Mailed: 36

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

ORDINANCE NO. 2017-4834
(Z-FY-17-12)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT BY DECREASING THE PLANNED DEVELOPMENT-GENERAL RETAIL PORTION FROM APPROXIMATELY 12.2 ACRES TO 5.48 ACRES AND INCREASING THE PLANNED DEVELOPMENT SINGLE-FAMILY TWO PORTION FROM APPROXIMATELY 38.5 ACRES TO 45.20 ACRES FOR A TOTAL APPROXIMATELY 50.7 ACRES, LOCATED AT 276 WEST FM 93, THE NORTHEAST CORNER OF FM 93 AND SOUTH 5TH STREET, OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14; 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:

Part 1: The City Council amends the existing Planned Development district (Ordinance No. 2008-4263), decreasing the Planned Development-General Retail portion from approximately 12.2 acres to approximately 5.48 acres and increasing the Planned Development Single Family Two portion from approximately 38.5 acres to approximately 45.20 acres for a total approximately 50.7 acres, located at 276 West FM 93, the northeast corner of FM 93 and South 5th Street, out of the Maximo Moreno Survey, Abstract No. 14, as outlined in the attached site plan notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends amending the existing Planned Development (Ordinance No. 2008-4263) with the following conditions:

- A. The following uses (previously codified in the existing PD with tree nursery removed) require a conditional use permit within the PD-GR District:
 - 1. Restaurant or eating place (drive-in service)
 - 2. Health and reducing or similar service studio
 - 3. Veterinarian hospital (inside pens)
 - 4. Tool rental (outside equipment storage)
- B. The following uses are prohibited within the PD-GR District (previously codified in the existing PD on this property):
 - 1. Single family detached residential
 - 2. Single family attached dwelling
 - 3. Townhouse
 - 4. Two family dwelling (duplex)
 - 5. Industrialized housing
 - 6. Single family dwelling attached 3
 - 7. Family home/Group home
 - 8. Accessory dwelling
 - 9. Accessory building (residential)

10. Backyard compost operation
11. Home occupation
12. Hotel or motel
13. Stable (private)
14. Electrical substation (high voltage bulk power)
15. Electrical transmission line (high voltage)
16. Gasoline and regulation station (wholesale)
17. Cleaning Plant (Commercial)
18. Household appliance service or repair
19. Pawn Shop
20. Radio or television tower
21. Radio, television transmitting station
22. Telephone Exchange Switch-relay or transmitting equipment
23. Public building shop yard of local, state or federal government
24. Water Treatment Plant
25. Playfield or stadium (public)
26. Roller or ice rink
27. Child Care: small home facility
28. Fraternity or sorority
29. Helistop
30. Railroad track or right-of-way
31. Veterinarian Hospital (outside pens only)
32. Farm, ranch orchard or garden
33. Flea market (indoors)
34. Plumbing shop
35. Warehouse office

C. The following buffering standards shall apply to the PD-GR District:

1. Landscape and wall buffers shall be installed along the north and east boundaries of the PD-GR District, excluding the curb cut for street access and the intersection visibility triangles.
 - a. The landscape buffers must be 10 feet wide and consist of hardwood trees on 25 foot centers, with a minimum 2 inch diameter at breast height size, with 5 gallon shrubs placed 5 feet on center between trees located outside of the buffering wall.
 - b. Buffer fence shall consist of 6 foot residential privacy fences constructed as residential lots are developed.
2. Landscaping along South 5th Street and Hwy 93, excluding the curb cut for street access and the intersection visibility triangles. A landscape buffer must be installed along the south and west sides of the PD-GR District (adjoining FM 93 and South 5th Street), consisting of hardwood trees on 25 foot centers, with a minimum 2 inch diameter at breast height, and 5 gallon shrubs placed 5 feet on center between the hardwood trees.
3. Total landscaped area. The total area of landscaping on private property within the PD-GR District must equal or exceed 5 percent of the aggregate lot area.

4. Time of installation. Buffering fences will be installed on adjacent residential lots as each lot is developed. Landscaping must be installed prior to issuance of a certificate of occupancy.
- D. The following standards shall apply to the PD-SF2 District:
1. Privacy fences will be installed along the backs of the lots bordering South 5th Street as the residential lots are developed. A landscape strip with two additional trees on each lot outside the privacy fences will also be required on the two lots bordering Highway 93 when each residential lot is developed.
 2. Residential Landscaping standards:
 - a. Front yard shall be sodded
 - b. One tree required in the front yard to be a minimum of 5 foot planted height and 15 gallon
 - c. Shrubs: minimum of 3-5 gallon shrubs and 5-1 gallon shrubs placed in the front yard.
 3. Residential Architectural standards:
 - a. Front façade must have at least two architectural features, items may include, but not limited to: roof breaks, columns, gables, varied roof pitch, etc.
 - b. Facade of homes is required to be at least 80% brick, rock, stucco, hardie or other cementitious products.
 4. Residential sidewalks shall be installed as shown on Development Plan attached hereto as Exhibit B and incorporated herein for all purposes. Residential sidewalks shall be constructed as each lot is developed. Perimeter sidewalk along South 5th Street and West FM 93 shall be installed as required by City of Temple Ordinance.
 5. Development or redevelopment of the property shall be in accordance with the approved Development Plan.
- E. FM 93 access and drainage approval by TXDOT are required to be addressed at the subdivision plat stage.

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

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **March**, 2017.

PASSED AND APPROVED on Second Reading on the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(V)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-17-14: Consider adopting an ordinance authorizing a rezoning from Office-One zoning district to General Retail zoning district on a 2.770 +/- acres and Office-One to Planned Development-General Retail on a 2.142 +/- acres, portion of a 4.912 +/- tract of land, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 6490 West Adams Avenue.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning of the subject property as shown by the boundary map, described by surveyor sketch and field notes attached as Exhibit A, from Office-One (O-1) district to General Retail (GR) district for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Map's Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and anticipated retail and service uses along this section of West Adams Avenue;
3. The request complies with the Thoroughfare Plan;
4. Public facilities are available to serve the subject property and,

Staff recommends approval of the rezoning for the eastern 180-feet of the subject property, as shown by the boundary map, described by surveyor sketch and field notes, attached as Exhibit A, from Office-One (O-1) district to Planned Development-General Retail (PD-GR) district, subject to the following conditions:

1. Site plan approval is required by the Planning & Zoning Commission and City Council; and,
2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the PD-GR-zoned area.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their February 21, 2017 meeting, the Planning & Zoning Commission voted five to two to recommend approval of the proposed rezoning from Office-One (O-1) to General Retail (GR) and Planned Development-General Retail (PD-GR), per staff's recommendation.

After considerable discussion from neighbors regarding the potential of fast-food and other restaurant uses being developed along the eastern boundary of the project site, the Planning & Zoning Commission voted unanimously to table this rezoning request during their February 6, 2017 meeting.

Tabling to the February 21, 2017 meeting allowed the applicant time to prepare a surveyor sketch and field notes to identify and isolate the eastern 180-feet of the property as Planned Development-General Retail (PD-GR).

Since neighborhood concerns relate primarily to the eastern portion of the property, closest to the existing neighborhood, public site plan approval required with a Planned Development District would address the location of drive-through or other facilities, enhanced buffering and screening relative to the existing neighborhood. Therefore, a condition for public site plan approval is proposed to accommodate this need.

ITEM SUMMARY: DB Commercial, on behalf of property owner, Mary McDonald, requests rezoning of a 4.823 +/- acre tract of land, (Exhibit A) from Office-One (O-1) zoning district to General Retail (GR) zoning district. The property is currently undeveloped. Per Ordinance 2007-4158, the O-1 district was created from Multi-Family-One (MF-1) to Office (O-1).

Prior to the issuance of a building permit, a subdivision plat is required. The subdivision plat has been submitted and was reviewed by the Development Review Committee (DRC) on February 23, 2017. At such time that the plat has been deemed administratively complete, it will be scheduled for the next available Planning & Zoning Commission meeting. The Planning & Zoning Commission review is required, since extension of the sewer line is necessary as further identified in the Public Facilities section of this report.

As a result of recent staff discussions with the developer, initial development of the site, proposes a minor vehicle servicing use, specifically a quick oil change facility. The facility will be limited to oil changes as well as minor vehicle inspections. Additional development can be anticipated.

Noteworthy is that a 4.889 +/- acre parcel, per Ordinance 2016-4786, was rezoned on Hilliard Road from the Agricultural (AG) district to the General Retail (GR) district. This property has frontage along Hilliard Road and is west of Holy Trinity Catholic High School but is part of the overall expansion of non-residential development of the area.

While the proposed property is currently undeveloped and anticipated to be developed with non-residential uses, there are a number of residential and other non-residential uses that are permitted by right in the GR zoning district. The uses allowed, but not limited to, in the GR district are provided in the attached table.

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

COMPREHENSIVE PLAN (CP) COMPLIANCE: The proposed rezoning relates to the goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. Maps compliance is discussed below and summarized in the attached compliance table.

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Commercial land use district. The Suburban Commercial district is intended for office and retail service-related zoning districts, of which the requested GR-zoning is in compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Adams Avenue (FM 2305), a major arterial. As a major arterial, a 6-foot sidewalk is required, which would be addressed during the platting stage. No Transportation Capital Improvement Program (TCIP) improvements, scheduled through fiscal year 2024, have been identified for this section of West Adams Avenue.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 18-inch sewer line on the south side of West Adams Avenue as well as an 8-inch sewer line at the intersection of Brooks Drive to the east of the subject property. Sewer will need to be extended in order to service the property. Water is available through existing 14-inch and 4-inch waterlines in West Adams Avenue. As identified earlier, sewer line extension is required and will be addressed through the subdivision plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies an existing City-Wide spine trail in West Adams Avenue. Sidewalk improvements are currently in place on the project's side of West Adams Avenue. Any sidewalk deficiencies or trail improvements will be addressed during the future platting process. Per City Policy, the existing 10-foot asphalt sidewalk / trail will be required to be upgraded to a concrete sidewalk / trail.

DEVELOPMENT REGULATIONS: Non-residential setbacks in the Office One (O-1) and General Retail (GR) districts are provided in the attached table. Standards for buffering and screening are as follows:

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3) and,

General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

- * Landscaping or solid fencing from six to eight feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1).

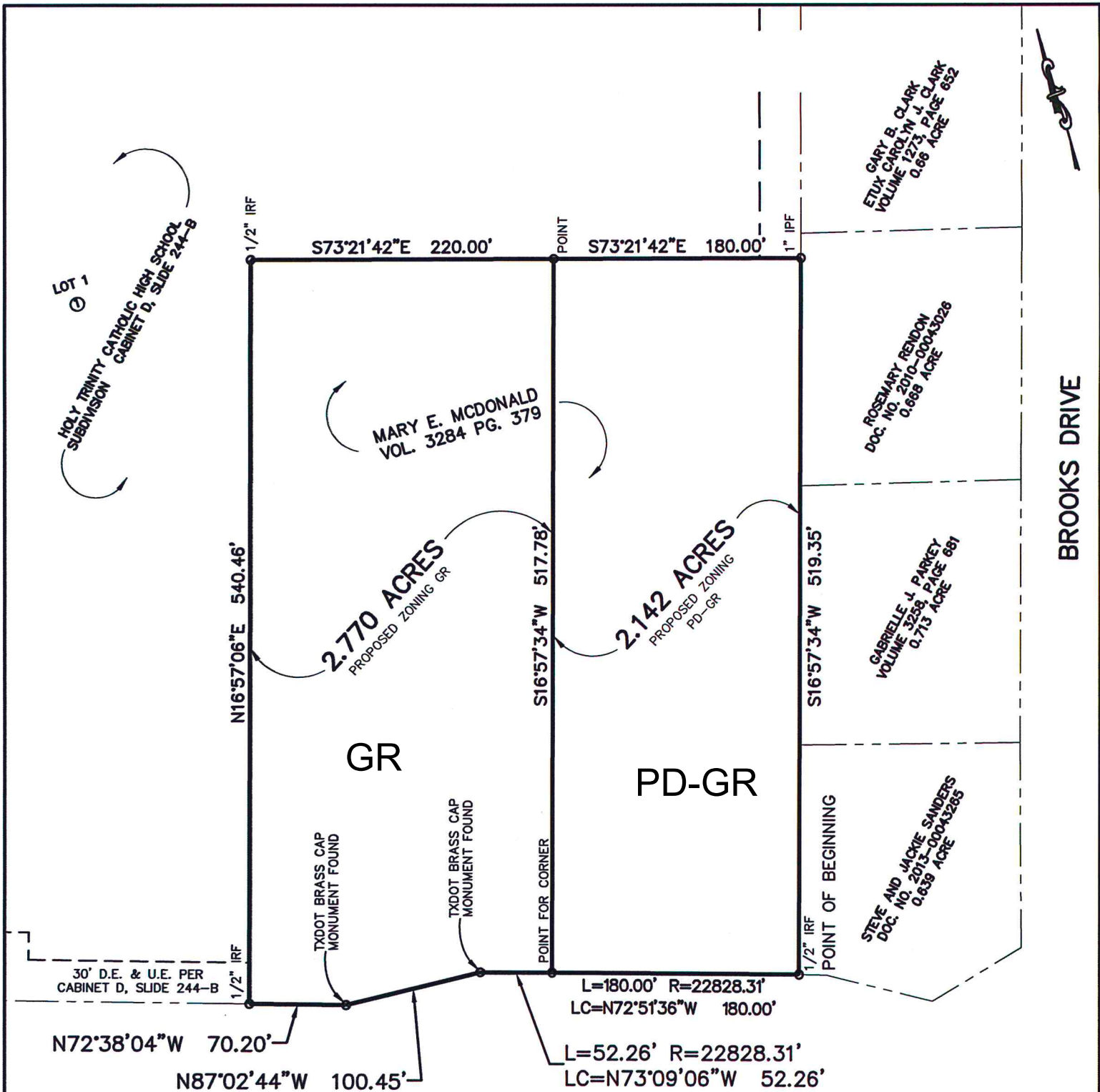
PUBLIC NOTICE: Ten notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday February 23, 2017 at 12:00 PM, Two notices have been received in disagreement and one notice received is agreement. Additionally, staff has received several phone calls from surrounding neighbors with property that are next to the subject property along Brooks Drive. Concerns regarding future uses and drainage were discussed during these phone calls.

The newspaper printed notice of the public hearing on January 26, 2017, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Boundary Map / Surveyor Sketch & Field notes (Exhibit A)
Site and Surrounding Property Photos
Photos
Maps
Tables
Returned Property Notices
P&Z Excerpts (Feb 6, 2017 only)
Ordinance



NOTES: WEST ADAMS AVENUE (FARM-TO-MARKET ROAD NO. 2305)
ALL CORNERS OF EASEMENT ARE CALCULATED POINTS, UNLESS OTHERWISE SPECIFIED. 2.142
ACRE MORE FULLY DESCRIBED BY METES AND BOUNDS BY SEPARATE FILED NOTES.

BEING a 2.142 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 1994 from U.S. Home Corporation to Mary E. McDonald and being of record in Volume 3125, Page 302, Official Public Records of Bell County, Texas.



STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,
COUNTY OF BELL a Registered Professional Land Surveyor in the State of Texas,
do hereby certify that this survey was this day made
on the ground of the property described herein and
is correct and that there are no discrepancies, conflicts, shortages in the
area, easements, and right-of-ways except as shown hereon, that this tract
of land has access to and from a public road, and I have marked all corners
with monuments.

This Property is not within the Special Flood Hazard Area as per the Federal
Emergency Management Agency Federal Insurance Administration Map No.
48027C0335E, dated September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 2nd day of February, 2017.

Michael E. Alvis

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

Exhibit A

BEING a 2.142 acre tract situated in the NANCY CHANCE SURVEY, ABSTRACT No. 5, Bell County, Texas and being a part or portion of that certain 5.000 acre tract of land described in a Warranty Deed with Vendor's Lien dated February 14, 1994 from U.S. Home Corporation to Mary E. McDonald and being of record in Volume 3125, Page 302, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found being in the east boundary line of the said 5.000 acre tract and being in the north right-of-way line of Farm-to-Market Road No. 2305 (also known as West Adams Avenue) as described in a Deed dated March 3, 1995 from Mary E. McDonald to the State of Texas and being of record in Volume 3284, Page 379, Official Public Records of Bell County, Texas and being the southwest corner of that certain 0.639 acre tract of land described in a Warranty deed with Vendor's Lien dated September 30, 2013 from Bok Nim Buckland to Steve Sanders and Jackie Sanders and being of record in Document No. 2013-00043265, Official Public Records of Bell County, Texas and being at the beginning of a curve to the left having a radius equals 22,828.31 feet (calls 22,828.31 feet), chord bearing equals N. 72° 51' 36" W., 180.00 feet for corner;

THENCE 180.00 feet departing the said east boundary line and the said 0.639 acre tract and with the said north right-of-way line of Farm-to-Market Road No. 2305 (West Adams Avenue) and over and across the said 5.000 acre tract to a point for corner;

THENCE N. 16° 57' 34" E., 517.78 feet departing the said north right-of-way line and continuing over and across the said 5.000 acre tract to a point being in the north boundary line of the said 5.000 acre tract and being in a south boundary line of that certain 31.108 acre tract of land described as Lot 1, Block 1, Holy Trinity Catholic High School Subdivision according to the map or plat of record in Cabinet D, Slide 244-B, Plat Records of Bell County, Texas for corner;

THENCE S. 73° 21' 42" E., 180.00 feet with the north boundary line of the said 5.000 acre tract (calls N. 71° 18' 52" W., 400.00 feet) and with a southerly boundary line of the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision (calls N. 73° 23' 16" W., 400.17 feet) to a 1" iron pipe found being the northeast corner of the said 5.000 acre tract and being the most easterly southeast corner of the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision and being in the west boundary line of that certain 0.668 acre tract of land described in a Deed to Rosemary Rendon and being of record in Document No. 2010-00043026, Official Public Records of Bell County, Texas for corner;

THENCE S. 16° 57' 34" W., 519.35 feet departing the said Lot 1, Block 1, Holy Trinity Catholic High School Subdivision and with the east boundary line of the said 5.000 acre tract (calls N. 19° 00' 00" E., 544.50 feet) and with the west boundary line of the said 0.668 acre tract and continuing with the west boundary line of that certain 0.713 acre tract of land described in a Deed to Gabrielle J. Parkey and being of record in Volume 3258, Page 681, Official Public Records of Bell County, Texas and continuing with the west boundary line of the aforementioned 0.639 acre tract of land (Document No. 2013-00043265) to the Point of BEGINNING and containing 2.142 acres of land.

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

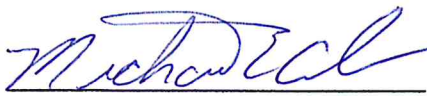

Michael E. Alvis, R.P.L.S. #5402
February 8, 2017



Exhibit A

Page 1 of 2



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 511

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 30' 27''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999856

PUBLISHED CITY COORDINATES ARE $X = 3,212,276.86$ $Y = 10,381,314.93$

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. $73^{\circ} 24' 26''$ W., 1272.06 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

Exhibit A



Site & Surrounding Property Photos



**Site: Undeveloped
(O-1)**



**North: Holy Trinity Catholic High School
(SF-1)**



**East: Single Family Residential Uses (Note Arrow - Fencing in Place)
(AG)**



**East: Existing (Unsubdivided) Single Family Residential Uses – Brooks Drive
(AG)**



**West: Holy Trinity Catholic High School entry (not in photo),
Existing Service and Retail Uses
(GR)**

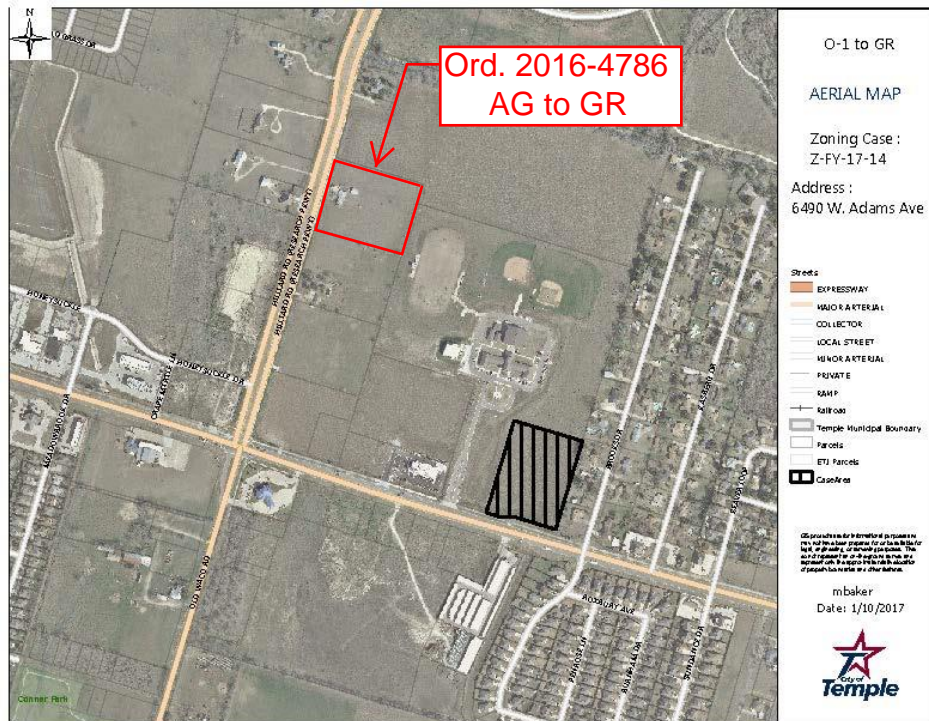


**South: Existing Service & Retail Uses
(GR)**



**South: Existing Service & Retail Uses
(GR)**

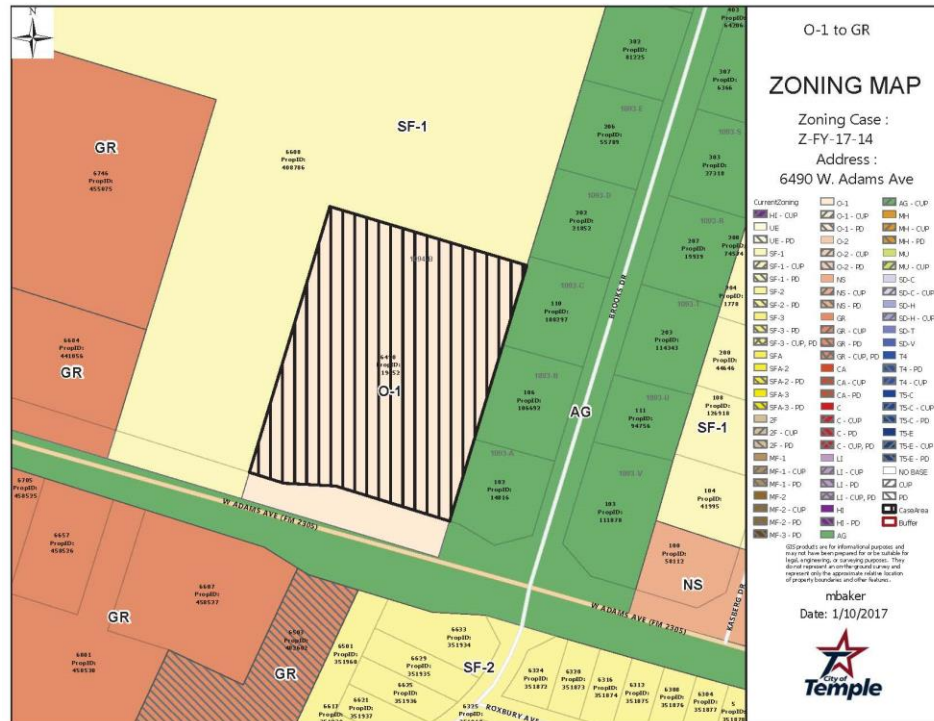
Maps



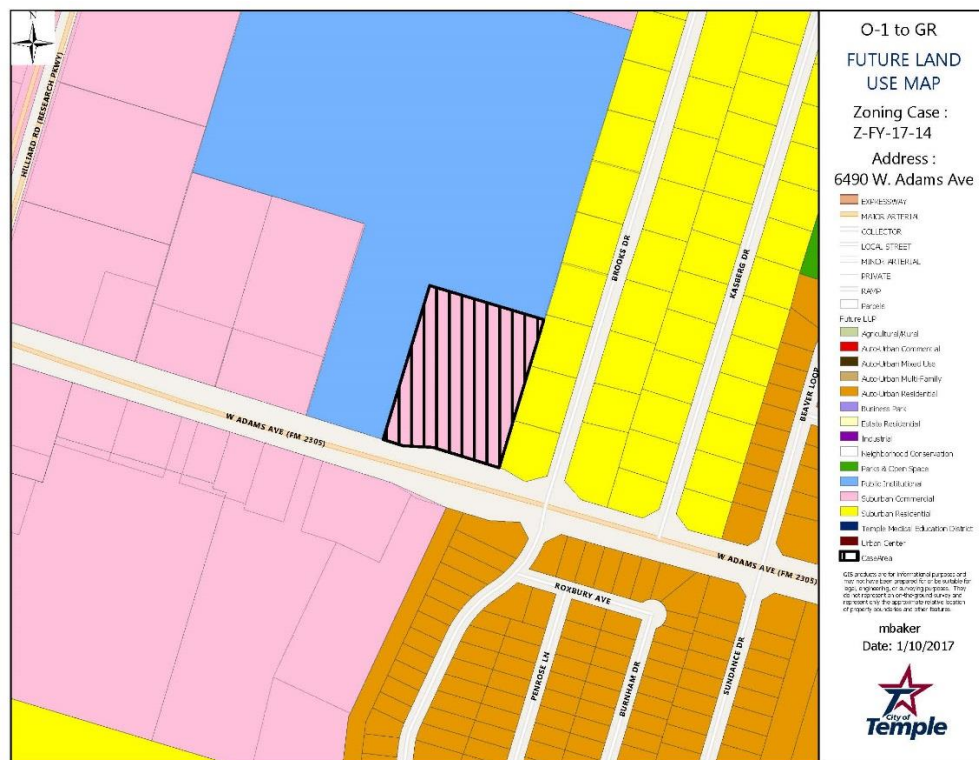
Aerial Map



Location Map



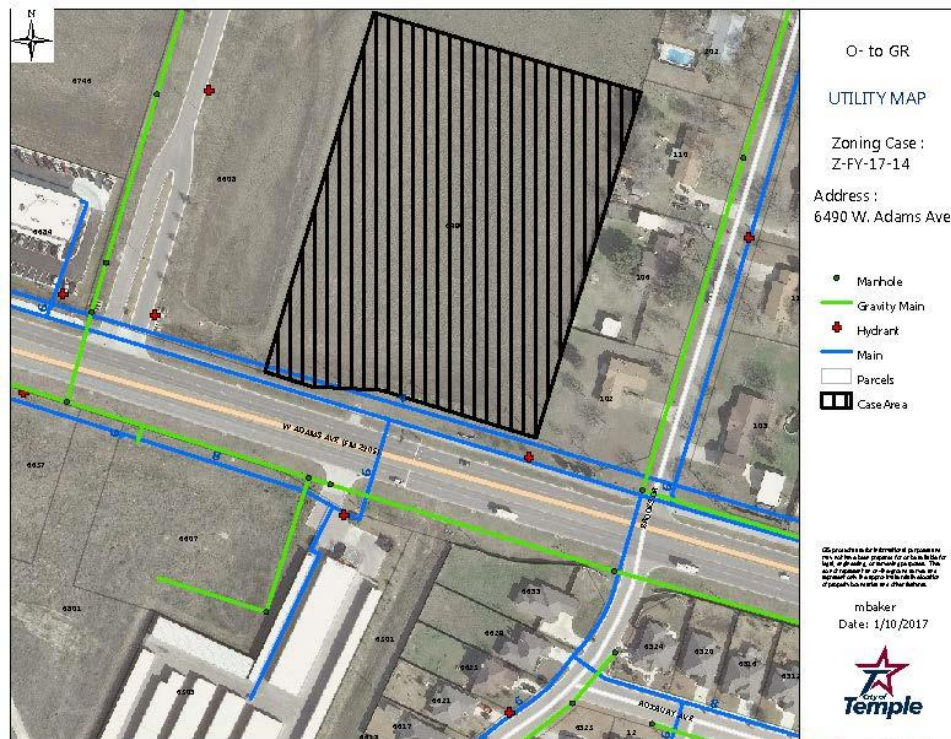
Zoning Map



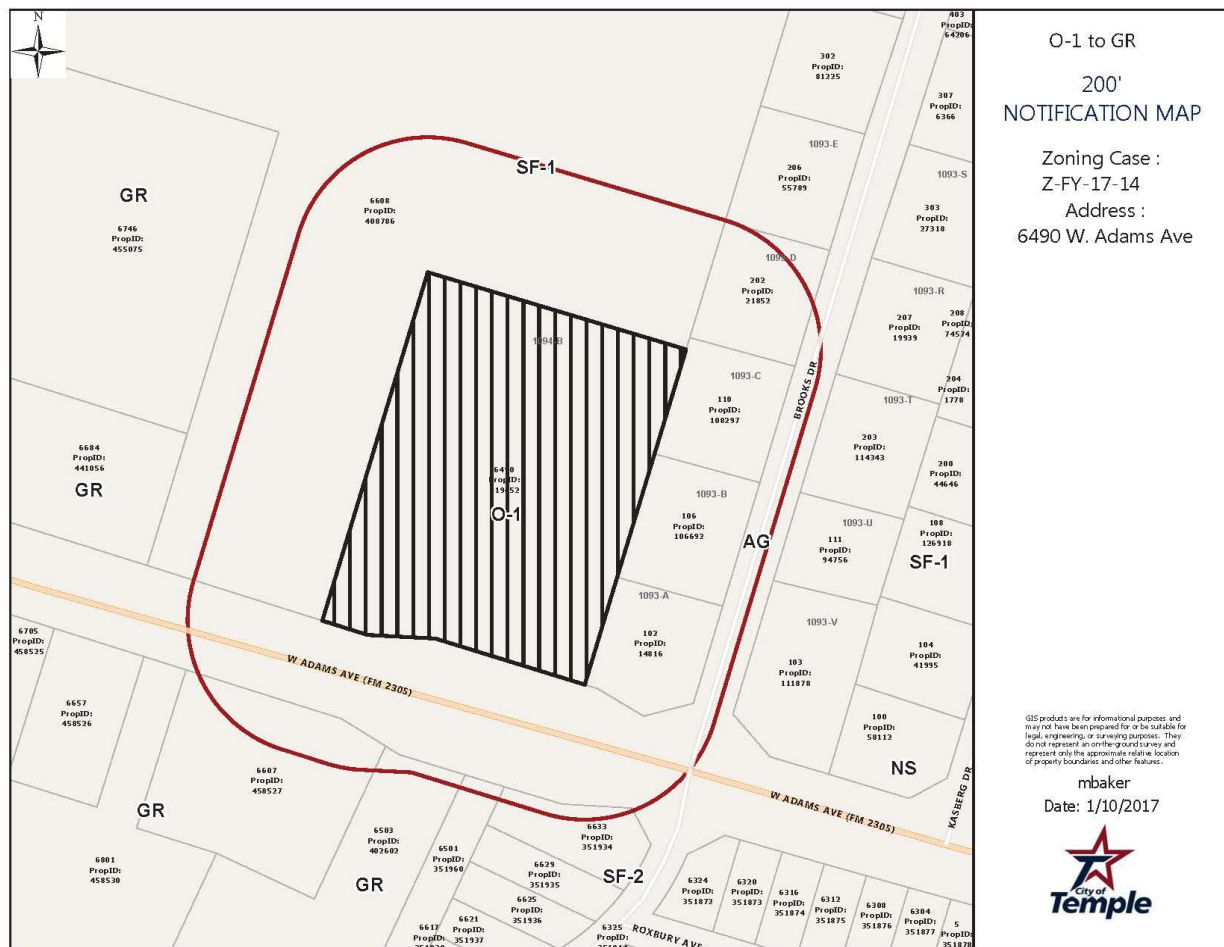
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Tables

Permitted & Conditional Uses Table (Comparison between O-1 & GR)

Use Type	Office-One (O-1)	General Retail (GR)
Agricultural Uses	* Farm, Ranch or Orchard	* Same as O-1
Residential Uses	* Single Family Residence (Detached & Attached) * Townhouse / Duplex * Industrialized Housing * Family or Group Home (CUP)	* Same as O-1
Retail & Service Uses	* Bank or Savings & Loan * Artist or Photographic Studio	* All Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, Package Store (CUP)
Commercial Uses	* None	* Plumbing Shop * Upholstery Shop * Indoor Flea Market
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research (CUP)	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research
Recreational Uses	* Park or Playground	* Beer & Wine (On Premise Consumption) < 75% * All Alcohol (On-Premise) > 75% (CUP)
Vehicle Service Uses	* None	* Auto Sales - New & Used * Car Wash * Vehicle Servicing (Minor) * Fuel Sales
Restaurant Uses	* None	* With & Without Drive-In
Overnight Accommodations	* None	* Hotel or Motel
Transportation Uses	* Helistop (CUP)	* Commercial Parking Lot * Helistop

Surrounding Property Uses

<u>Surrounding Property & Uses</u>			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Commercial	O-1	Vacant
North	Public Institutional	SF-1	Holy Trinity Catholic High School
South	Suburban Commercial & Auto-Urban Residential	GR & SF-2	Retail / Service Uses & SF Residential Uses
East	Suburban Residential	AG, NS & SF-1	SF Residential Uses & Retail / Service Uses
West	Public Institutional & Suburban Commercial	SF-1 & GR	Retail Uses & Holy Trinity Catholic High School

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	YES
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

Development Standards

	<u>Current (O-1)</u> <u>Non-Res</u>	<u>Proposed (GR)</u> <u>Non-Res</u>
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	25 Feet	15 Feet
Side Setback	5 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories	3 Stories



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

PARKEY, GABRIELLE J
106 BROOKS DR
TEMPLE, TX 76502-6351

Zoning Application Number: Z-FY-17-14

Case Manager: Mark Baker

Location: 6490 West Adams Avenue, Temple, Texas

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

I () agree

☒ disagree with this request

Comments:

Being a homeowner of this property for 23 years I do not want a fast food or restaurant next door as that has been proven to DECREASE home re-sale value. I realize that our area is growing and something will be developed for that acreage, we will lose our view, but an eating establishment will

even


Signature

Gabrielle Parkey
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

JAN 30 2017

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

Not only create extreme traffic, but also create a security risk for our neighborhood. Office business is generally during the day, not constant traffic, so we would still have our evenings of quiet. For these reasons I strongly oppose change of zoning.

RECEIVED

JAN 11 2019

COMMUNITY DEVELOPMENT

1000 10th St. N.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SANDERS, STEVE & JACKIE
103 BROOKS DR
TEMPLE, TX 76502-6352

Zoning Application Number: Z-FY-17-14

Case Manager: Mark Baker

Location: 6490 West Adams Avenue, Temple, Texas

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

I () agree

(☒) disagree with this request

Comments:

I would agree to neighborhood service but
not General Retail

Signature

Steve Sanders

Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

RECEIVED

FEB - 6 2017

City of Temple
Planning & Development

Number of Notices Mailed: 10

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

EATON, MICHAEL A ETUX TONYA K
6633 BROOKS DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-17-14

Case Manager: Mark Baker

Location: 6490 West Adams Avenue, Temple, Texas

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

I ☒ agree

() disagree with this request

RECEIVED

FEB 13 2017

Comments:

City of Temple
Planning & Development

Michael A Eaton
Signature

TONYA K Eaton
Print Name

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 6, 2017**.

City of Temple
Planning Department
2 North Main Street, Suite 102
Temple, Texas 76501

Number of Notices Mailed: 10

Date Mailed: January 26, 2017

OPTIONAL: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 6, 2017

ACTION ITEMS

Item 4: Z-FY-17-14 - Hold a public hearing to consider and recommend action on a rezoning from Office-One (O-1) zoning district to General Retail (GR) zoning district on 4.820 +/- acres, being a non-residential subdivision, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 6490 West Adams Avenue, Temple, Texas.

Vice-Chair Fettig stated he would need to abstain from Item 4, left the Council Chambers and did not participate in discussions or voting.

Mr. Mark Baker, Senior Planner, indicated this item is scheduled to go forward to City Council for first reading on March 16, 2017 and second reading on April 6, 2017.

This request is proposed for retail and service uses and the initial development is for a minor vehicle servicing use within the proposed GR zoning. Minor vehicle servicing would be limited to oil change and vehicle inspections. Additional development is to be expected.

Mr. Baker cited a few projects located in the same area which is developing with GR zoning.

The subdivision plat is not part of this rezoning request; however, the plat has been submitted to Staff and is scheduled for review later this month.

Zoning Map shown and described.

The Future Land Use and Character Map designates the subject property as Suburban Commercial, intended for areas of office and retail service uses, supports GR zoning, and allows for minor automotive service-related uses. The request is in compliance with the Future Land Use and Character Map.

Public facilities are available to serve the property with a 14-inch and four-inch water line located in West Adams and an eight-inch sewer located at the intersection of Brooks Drive and West Adams, along with an 18-inch sewer line on the south side of West Adams. The extension of the sewer line will be necessary and is what is triggering the final plat to come before P&Z some point in the future.

The Thoroughfare Plan designates West Adams Avenue as a Major Arterial and no Transportation Capital Improvement Projects (TCIP) are scheduled through 2024.

There is an existing City-wide spine trail along West Adams Avenue with an existing 10-foot wide asphalt sidewalk which will be required to be upgraded to concrete at the Construction Plan stage.

Site photos are shown.

Surrounding properties include Holy Trinity Catholic High School, zoned SF-1, located to the north, West Adams Avenue and existing retail and service uses, zoned GR, located to the south, existing retail and service uses, zoned GR, located to the west, and existing single family residential uses, zoned AG, located to the east.

The existing fencing which appears to be located on individually owned private property may meet screening and buffering requirements, but all buffering and screening that is triggered is the responsibility of the non-residential development. In other words, if the private property owners removed any type of compliant fencing or screening, it would still be the obligation of the non-residential development to provide that screening and buffering in the future.

Comparison between several allowed and prohibited uses for O-1 and GR are shown.

Current and proposed Development Standards are given.

Due to the acreage of the subject property, not all of the uses could be accommodated so the property itself is self-restricting to the uses available for development.

In terms of Buffering and Screening: UDC Section 7.7.4 – Buffering:

- May consist of evergreen hedges composed of five-gallon plants or larger, with a planted height of six-feet on 36-inch centers
- May consist of a six-foot to eight-foot high fence or wall, constructed by any number of allowed materials per UDC Section 7.7.5, such as:
 - Wood,
 - Masonry,
 - Stone or pre-cast concrete
- Compliance to the buffering and screening requirements is the responsibility of the non-residential development.

Ten notices were mailed in accordance with all state and local regulations with zero notices returned in agreement and two notices returned in disagreement. (One notice was undeliverable).

This request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, public facilities are available to serve the property, and is compatible with the surrounding uses and zoning.

Staff recommends approval of the request for a rezoning from O-1 to GR.

Mr. Baker explained about the phone calls he received on this project.

Chair Rhoads opened the public hearing.

Mr. Mike Beevers, DB Commercial Real Estate, Managing Partner, 5101 FM 439, Belton, Texas, stated their company tries to look at what the property 'could become' when working with developments, City Staff, and consultants.

Mr. Beevers stated they try to avoid PDs whenever possible since they can be difficult to manage. The applicant is requesting a straight GR rezoning consistent with the land use plan and the Suburban Commercial designation.

DB Commercial has a firm currently interested in this lot for a fast minor automotive repair for a national chain. The other portions of the tract have no potential users to date but DB would like to have the zoning in place for potential interested parties.

Mr. Beevers stated he has reached out to the community and residents in the area to discuss this proposal, met with TxDOT regarding their requirements, and met with City Staff to cover many pre-planning issues.

Three houses abut the subject property.

Ms. Gabrielle Parkey, 106 Brooks Drive, Temple, Texas, stated she was a member of the Temple Chamber of Commerce Red Carpet Ambassador and supports growth and development; however, her neighborhood is concerned about requesting a GR zoning. GR could allow businesses such as a fast food restaurant, convenience store, or hotel on the corner which abuts the homes located there.

Ms. Parkey would like the zoning to remain as Office since it would be the minimum amount of impact to the area. Ms. Parkey is not in favor of a 24/7 type of business which could be intrusive on the neighbors and possibly affect property values.

Mr. Doug Easley, 110 Brooks Drive, Temple Texas, stated he agreed with Ms. Parkey on keeping the Office zoning in place and not having a 24 hour restaurant there since it would be difficult to entice their homes.

Mr. Easley stated there is a flooding issue in the area and, if developed, he would prefer a drainage ditch be installed to keep his property from flooding.

Mr. Easley commented that the restaurants across the way are not a problem since the neighbors do not normally smell them.

Mr. Easley would rather have a tire shop with the air hammers, dumpsters, and cars honking than a real estate neighborhood. Bringing in a business, without food retail, is agreeable to the residents, and include a buffer and irrigation.

Mr. Mike Beevers returned and clarified he did not know what the market would bring to them which is why they met with Staff to discuss GR zoning.

Mr. Beevers stated he would be willing to work with alternate ideas; however, he would not recommend the Commission make decisions on an ad-hoc fashion tonight. How do you zone against a smell? Mr. Beevers suggesting tabling the item, coming back with a PD zoning with a PD retail, and then tailor the uses available.

The current zoning of Office would allow for a building up to three stories tall.

Mr. Chandler commented that if the Commission wanted to add any conditions that are enforceable then it has to be done through a PD, which is not what Mr. Beevers was wanting.

The Future Land Use and Character Map did not necessarily take into consideration the direct impact on those neighbors when it was developed.

The P&Z could table the item, and, with some direction, come back the next time to perhaps discuss prohibiting a use or uses, additional buffering and screening since it abuts a neighborhood, and any other additional conditions.

Mr. Chandler confirmed that GR allows for a drive-through restaurant with no site plan attached.

Chair Rhoads suggested a future workshop be held for the Commissioners to discuss these type of issues since West Adams is growing so rapidly.

Mr. Beevers suggested the Commission rezone the property as PD-GR and site plan approval would be done when it comes back to P&Z for screening and buffering, etc.

Mr. Chandler confirmed the legal notice covers the change because P&Z can recommend something more restrictive which is what a PD is. Mr. Chandler recommended if it is a question of having the opportunity to look at how a building will be sited, or it has a drive-through, or is buffering and screening required, then P&Z can make that recommendation to add the site plan that would have to come back when it is ready, rather than tabling the item.

If P&Z is open to discussions prohibiting certain uses ('carving out') then the item should be tabled since a site plan does not address this.

Chair Rhoads stated the PD-GR makes more sense.

Mr. Beevers added that the site plan would come back whenever there is a specific project; not a week or two.

Chair Rhoads clarified that the possible recommendation is to change the request to a PD-GR for any motion.

Commissioner Jones asked if the residents felt it was reasonable and a good idea to have a PD attached. Chair Rhoads explained to Ms. Parkey that this meant GR leaves it wide open and a PD requires a site plan in place to come back to P&Z and the applicant explains exactly what the plan is.

Commissioner Jones added that advanced notice would go back out and residents would have an opportunity to come back and it would not be decided tonight.

Ms. Gabrielle Parkey stated that was reasonable.

Mr. Dennis Williamson, 203 Brooks Drive, Temple, Texas, stated what would be best is develop a committee from Brooks Drive to work hand-in-hand with the developer allowing the residents to have veto power.

Chair Rhoads stated they cannot do that.

Mr. Williamson stated the neighborhood has been in the area for 50 years and would not like to have a restaurant next door. Mr. Williamson suggested having a buffer around the neighborhoods that have been existing for 20, 50 years.

Office zoning makes it a prime development area.

Chair Rhoads explained when the area was originally zoned years ago, Adams Avenue went a different direction than what it was zoned.

Mr. Phillip Howe, 111 Brooks Drive, Temple, Texas, stated he bought his home in 1991 and it was a unique area.

Mr. Howe stated water sits in the corner and believed the property would never be developed due to the water issue.

Mr. Mike Beevers returned and explained they would change to PD-GR. He felt the main concern was the land that backed up to the houses and the project that is 'priming the pump' is located on the western half.

Mr. Beevers suggested the PD overlay be done only on the eastern half (all the land that abuts the existing houses) and the western half frontage (400 feet wide) would be divided into two lots—200 foot wide lots with a typical GR zoning.

The folks that are moving forward with the quick oil change would put their project behind schedule in order to come back and get a site plan approved for that southwest corner. If it is amenable to the P&Z and residents, it would allow that project to move forward and stick with the GR zoning.

Mr. Beevers explained there would be a center drive off of West Adams in the middle and would be a single joint point of access for the entire tract, with a turnaround at the rear, per TxDOT requirement.

Mr. Baker stated half of the tract would need to be done through field notes to have some type of description to go into the Ordinance.

Commissioner Jones questioned if this would be able to be done tonight.

Mr. Chandler answered it would probably be better to table this item so Staff could work with the applicant in terms of the description. It could move forward tonight if the entire tract were PD-GR, but to take half of it without a description and require a site plan is a challenge.

Mr. Beevers stated he could come back in two weeks with the field notes if the neighborhood supported it. Bringing a site plan back before City Council is a larger delay than two weeks. That would be compromise on the applicant's part.

The next P&Z meeting is scheduled for Tuesday, February 21, 2017.

Ms. Gabrielle Parkey returned and asked if the Quik Lube could go up next to the houses since it was only an eight to five situation; not 24 hour. It might be better than the alternative.

Mr. Beevers stated it was a great idea but they have a contract on the western portion and cannot just change it. Mr. Beevers asked the Commission to table the item and be able to come back with a site plan and field notes in two weeks and be prepared with documentation to move forward to City Council.

Chair Rhoads closed the public hearing.

Commissioner Crisp made a motion to table Item 4, **Z-FY-17-14**, until the next scheduled P&Z meeting on February 21, 2017, and Commissioner Alaniz made a second.

Motion passed: (7:0)

Vice-Chair Fettig abstained; Commissioner Ward absent

ORDINANCE NO. 2017-4835
(Z-FY-17-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM OFFICE ONE ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 2.770 ACRES, AND FROM OFFICE ONE TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 2.142 ACRES, A PORTION OF AN APPROXIMATELY 4.912 ACRE TRACT OF LAND, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED AT 6490 WEST ADAMS AVENUE; 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:

Part 1: The City Council approves a rezoning from Office One zoning district to General Retail zoning district on approximately 2.770 acres and from Office One to Planned Development-General Retail on approximately 2.142 acres, a portion of an approximately 4.912 acre tract of land, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 6490 West Adams Avenue, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: Staff recommends approval of a rezoning from Office One zoning district to General Retail zoning district on approximately 2.770 acres as depicted in Exhibit 'B' attached hereto and made a part hereof for all purposes.

Part 3: Staff recommends approval of a rezoning from Office One to Planned Development-General Retail on approximately 2.142 acres as depicted in Exhibit 'B' and subject to the following conditions:

1. Site plan approval is required by the Planning & Zoning Commission and the City Council; and
2. Site plan approval will include notification of property owners within 200-feet of the boundaries of the PD-GR zoned area.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: 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 **2nd** day of **March**, 2017.

PASSED AND APPROVED on Second Reading on the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(W)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: Consider approving a resolution dedicating a 20-foot public sewer easement on a portion of City-owned property, adjacent to Tract H, of the Carriage House Trails, Phase II, subdivision, establishing a waste water utility easement.

STAFF RECOMENDATION: Approve a resolution dedicating a 20-foot public sewer easement on a portion of City-owned property, adjacent to Tract H, of the Carriage House Trails, Phase II, subdivision, establishing a waste water utility easement, as further described below and depicted in the referenced exhibits.

ITEM SUMMARY: The developer will construct an 8-inch waste water line within the proposed 20-foot easement. The proposed sewer line (Sanitary Sewer Spur C) will connect to the existing 24-inch Pea Ridge sanitary trunk sewer and provide sanitary services to Phase II of the existing Carriage House Trails subdivision. Adoption of a resolution will establish the purposes and boundaries for the easement. The easement will be located within a tract of open space owned by the City of Temple. The easement contains approximately 0.109 +/- acres, as further described and depicted in Exhibit A.

As a final plat, the Planning & Zoning Commission was the final plat authority. The final plat was approved at their February 21, 2017 meeting.

FISCAL IMPACT: Not applicable

ATTACHMENTS:

Carriage House Trails, Phase II, subdivision plat
Utility Plan, Carriage House Trails, Phase II
Surveyor Sketch, Utility Easement & Field Notes (Exhibit A)
Resolution

FINAL PLAT of
CARRIAGE HOUSE TRAILS, PHASE II

WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

Being part of the BALDWIN ROBERTSON SURVEY, ABSTRACT 17, Bell County, Texas, being a portion of a called 34.44 Acre tract (Tract One) and a portion of a called 25.83 Acre tract (Tract Two), conveyed to CHISHOLM TRAIL DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, in Document No. 2014-00035121, Official Public Records of Real Property, Bell County, Texas.

STATE OF TEXAS
COUNTY OF BELL

CHISHOLM TRAIL DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS CARRIAGE HOUSE TRAILS, PHASE II, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

CHISHOLM TRAIL DEVELOPMENT, LTD.,
A TEXAS LIMITED LIABILITY COMPANY
50 SOUTH WHEAT ROAD
BELTON, TEXAS 76515

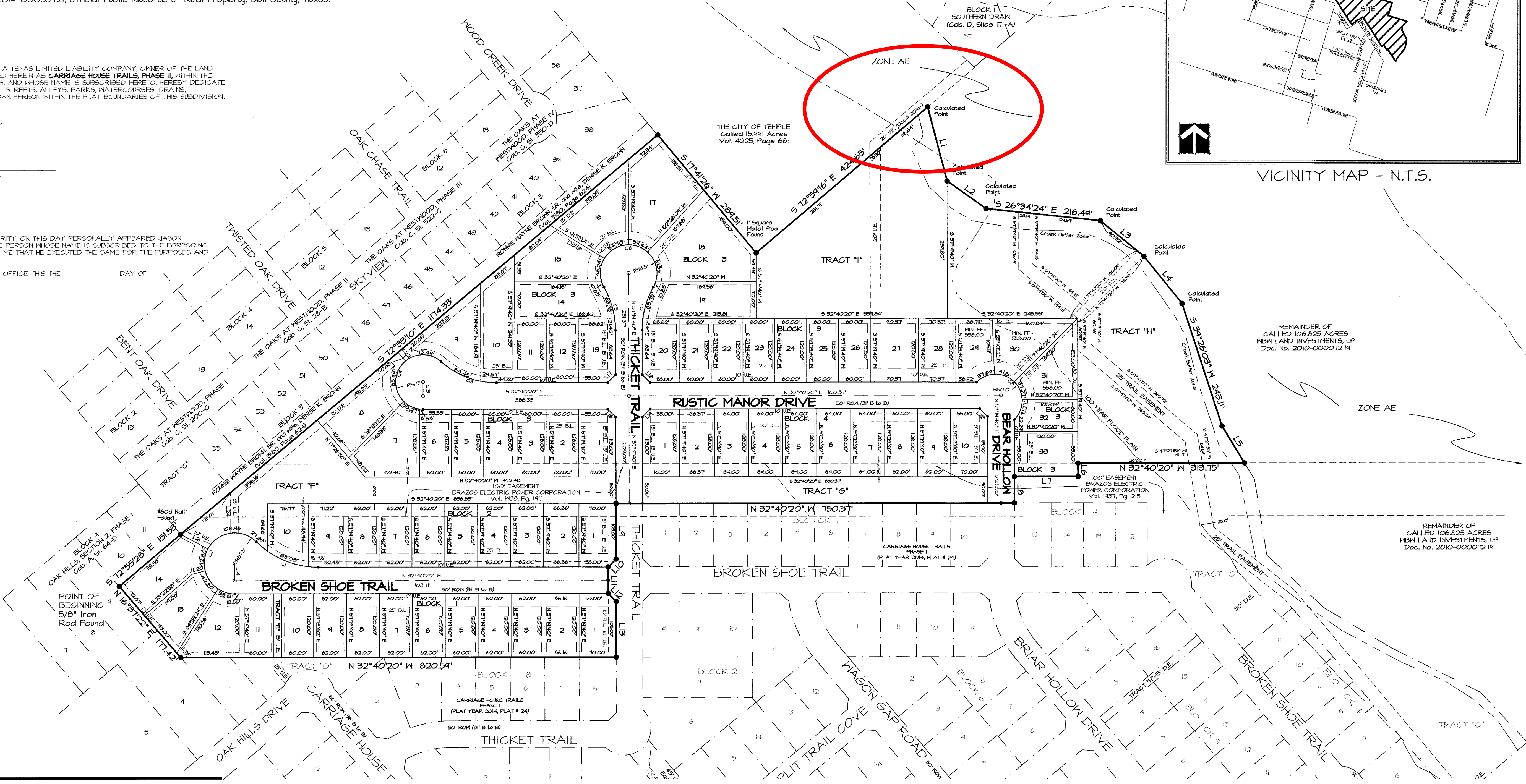
BY: JASON T. CAROTHERS, MANAGER

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JASON CAROTHERS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2016.

NOTARY PUBLIC, STATE OF TEXAS



THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS _____ DAY OF _____, 2016.

CHAIRPERSON SECRETARY, PLANNING & ZONING

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

CHARLES C. LUKKO, R.L.S.
REGISTRATION NO. 4636

DATE SURVEYED: MARCH 8, 2013



AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the _____ day of _____, 2016 A.D.

By: _____
Bell County Tax Appraisal District

FILED FOR RECORD THIS _____ DAY OF _____, 2016.

IN YEAR _____ PLAT # _____ PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # _____ OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

NOTES:

● Denotes 5/8" Iron Rods with "ACS" Cap found, unless otherwise noted.

All interior lot corners will be 5/8" Iron Rods with "ACS" Caps set at time of completion of final construction of roadways and utilities.

Tracts E, F, G and H will be conveyed to the HOA for common areas.

EASEMENTS & BUILDING LINES:(unless otherwise noted)

B.L. - BUILDING LINE
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT

25' FRONT BUILDING LINE
15' SIDE BUILDING
5' SIDE BUILDING LINE
10' REAR BUILDING LINE

LINE	BEARINGS	DISTANCE
L1	S 42°44'52" N	143.46'
L2	S 02°48'24" N	40.07'
L3	S 06°52'28" N	105.44'
L4	S 18°41'13" N	114.48'
L5	S 26°08'04" N	81.51'
L6	S 51°14'40" N	25.00'
L7	N 32°40'20" N	120.00'
L8	S 51°14'40" N	50.00'
L9	S 51°14'40" N	105.00'
L10	N 11°40'20" N	21.21'
L11	S 51°14'40" N	50.00'
L12	S 12°14'40" N	21.21'
L13	S 51°14'40" N	105.00'
L14	N 51°14'40" E	32.50'
L15	N 51°14'40" E	26.50'
L16	N 12°14'40" E	21.21'
L17	S 11°40'20" E	21.21'
L18	S 12°14'40" N	21.21'
L19	N 11°40'20" N	21.21'
L20	S 47°00'50" E	25.00'
L21	S 04°21'48" E	58.24'
L22	S 11°26'50" N	21.42'
L23	S 12°14'40" N	21.21'
L24	S 51°14'40" N	16.81'

THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATES ARE REFERENCED TO CITY MONUMENT NO. 504. THE THETA ANGLE AT CITY MONUMENT NO. 504 IS 01° 24' 25". THE COMBINED CORRECTION FACTOR (CCF) IS 0.999856. GRID DISTANCE = SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE. REFERENCE TIE FROM CITY MONUMENT NO. 504 TO THE NORTHWEST CORNER OF THIS TRACT IS S 08°52'44" N 1650.82 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 504 ARE N = 10378.71621 E = 3202.01950.

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48021C0330E and No. 48021C0335E, effective date September 26, 2008, a portion of the hereon shown property DOES appear within the "Special Flood Hazard Area", and appears to be situated in Zone AE.

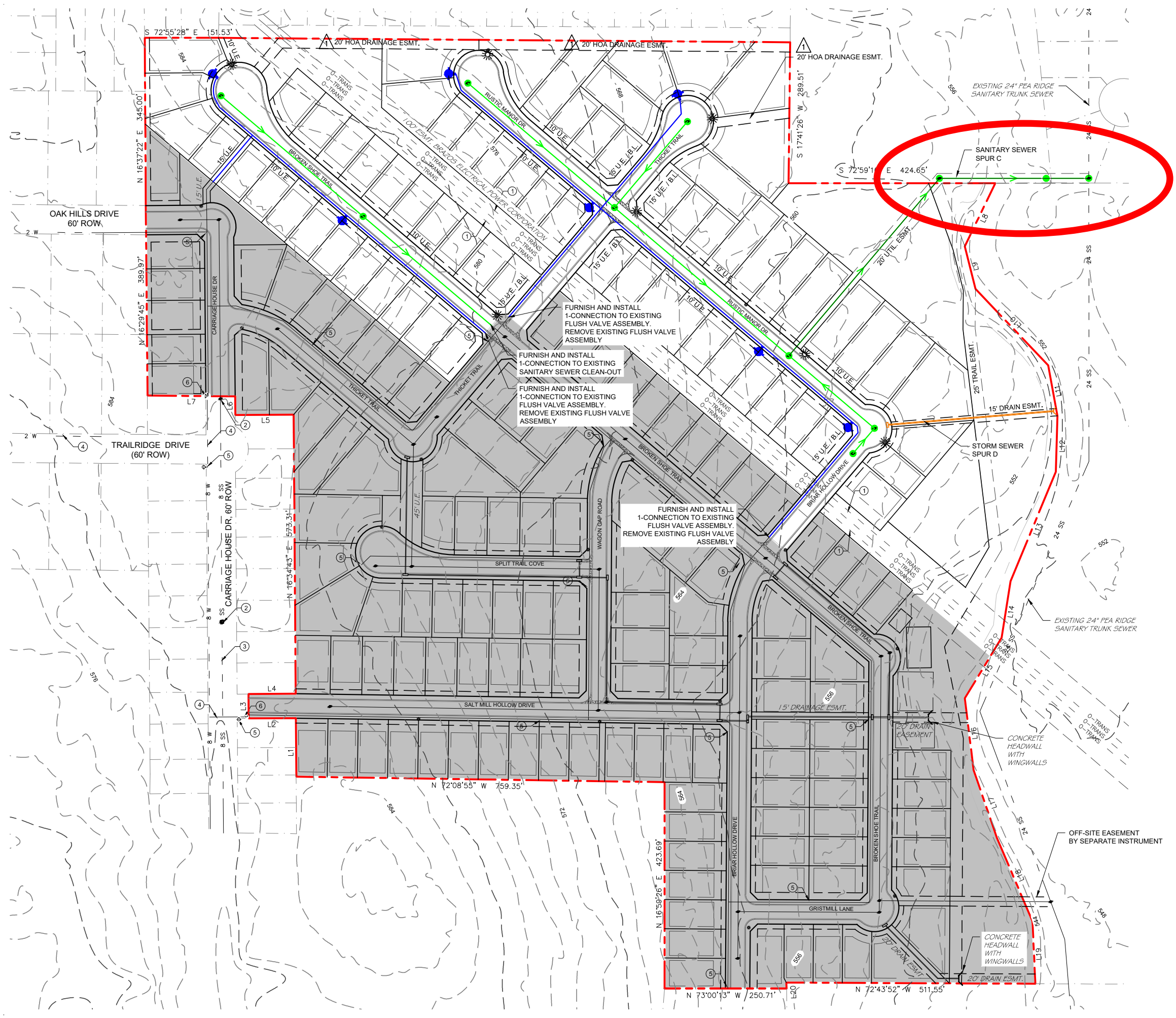
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	165.50'	124.65'	126.36'	N 10°13'46" N	44°53'08"
C2	57.50'	225.64'	106.24'	N 74°46'14" E	224°53'01"
C3	156.00'	114.02'	111.50'	S 11°44'01" E	41°52'38"
C4	51.50'	194.43'	46.20'	N 78°15'54" E	221°52'31"
C5	165.50'	85.39'	84.43'	N 42°52'31" E	29°33'36"
C6	53.50'	223.27'	48.08'	S 32°40'20" E	234°06'52"
C7	165.50'	85.39'	84.43'	S 12°06'23" N	24°33'26"
C8	50.00'	158.08'	44.44'	S 12°14'40" N	181°08'46"

FINAL PLAT of
CARRIAGE HOUSE TRAILS
PHASE II
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

1303 South 21st Street
Temple, Texas 76704
254-778-2212 Kileen 254-634-4636
Fax 254-774-1609
Tx. Firm Lic. No. 10023600

ALL COUNTY SURVEYING, INC.

Job No: 120850.2
Date: 01-28-2015
Scale: 1" = 100'
Drawing No: 12085002P
Drawn By: MDH
Checked By: CCL

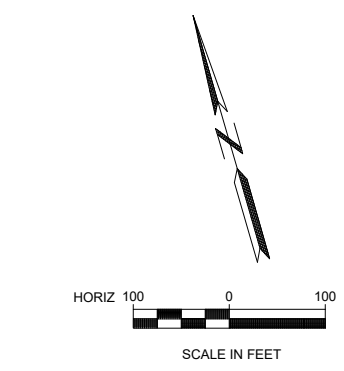


LEGEND

- PROPOSED 4' DIAMETER MANHOLE
- PROPOSED 8" SANITARY SEWER MAIN
- DIRECTIONAL FLOW OF SEWER
- PROPOSED 8" WATER MAIN
- PROPOSED STORM SEWER (REFER TO PLAN FOR SIZE)
- PROPOSED 10' STORM SEWER INLET (UNLESS NOTED OTHERWISE ON PLAN)
- PROPOSED FIRE HYDRANT
- PROPOSED STREETLIGHT (PER ONCOR ELECTRIC)
- EXTENTS OF PHASE 1

- KEYED NOTES**
- CAUTION!!! ELECTRIC TRANSMISSION LINES
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING 8" SANITARY SEWER MAIN
 - EXISTING WATER MAIN
 - EXISTING FIRE HYDRANT
 - EXISTING FLUSH VALVE ASSEMBLY

NOTE:
SYMBOLS SHOWN ARE FOR REPRESENTATION ONLY AND SHOULD ONLY BE USED FOR QUANTITY ESTIMATING, AND SHALL NOT BE USED FOR DETERMINATION OF INSTALLATION LOCATION.



Revisions	
Date:	Remarks:
2-9-2017	15' DRAINAGE EASEMENT CHANGED TO 20' HOA DRAINAGE EASEMENT. OTHER LINWORK UPDATED TO MATCH PLAT DATED 1-28-2017.

CARRIAGE HOUSE TRAILS

PHASE 2

Temple, Texas

10/14/2016

ANTHONY D. BEACH
64801
LICENSED PROFESSIONAL ENGINEER

Anthony D. Beach
SIGNATURE

BSP engineers

F-7587

TOPO UTILITY PLAN

Project No:
122057.00

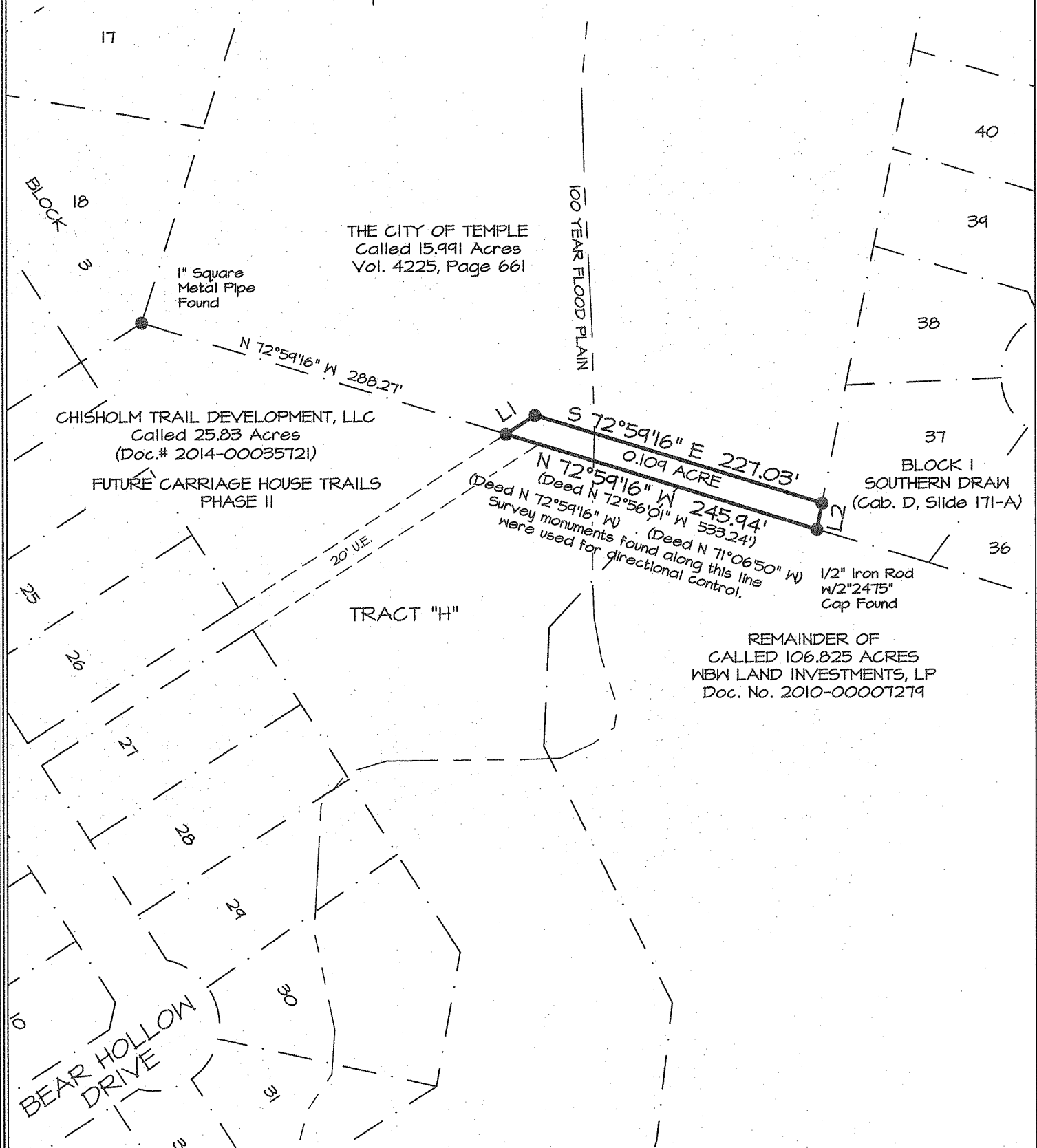
C4.0

UTILITY EASEMENT

The City of Temple

Survey showing 0.109 ACRE, situated in the
BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17,
Bell County, Texas

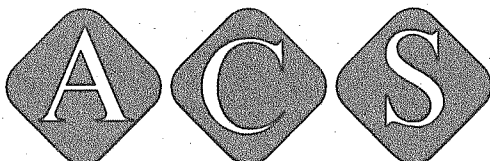
This sketch to accompany a metes and bounds
description of the hereon shown 0.109 Acre tract.



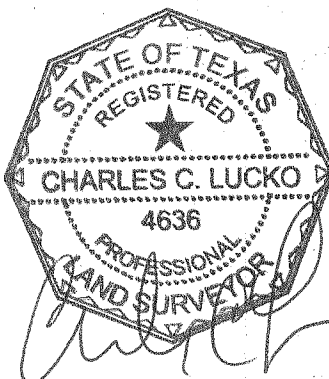
● Denotes Calculated Point,
unless otherwise noted.

LINE	BEARING	DISTANCE	RECORD CALLS
L1	N 57°19'40" E	26.23'	
L2	S 11°29'00" W	20.09'	S 11°33'02" W

EXHIBIT A



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



Survey completed: 01-28-2015
Scale: 1" = 100'
Job No.: 120850
Dwg No.: 120850E REV
Drawn by: MDH
Surveyor: CCL # 4636
Copyright 2017 All County Surveying, Inc.

Plot Date: 02-13-2017

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

February 13, 2016

Surveyor's Field Notes for:

0.109 ACRE, situated in the **BALDWIN ROBERTSON SURVEY, ABSTRACT 17**, Bell County, Texas, being a portion of a called 15.991 acre tract conveyed to the City of Temple in Volume 4225, Page 661, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the south line of said 15.991 acre tract, same being a north line of a called 25.83 Acre tract (Tract Two), conveyed to Chisholm Trail Development, LLC, A Texas limited liability company, in Document No. 2014-00035721, Official Public Records of Real Property, Bell County, for the southwest corner of this tract, from which a 1" square pipe found at the southwest corner of said 15.991 acre tract, same being an ell corner of said 25.83 acre tract, bears *N. 72° 59' 16" W, 288.27 feet*;

THENCE in a northerly direction, over and across said 15.991 acre tract, **N. 57° 19' 40" E., 26.23 feet**, to a calculated point, for the northwest corner of this tract;

THENCE in an easterly direction, continuing over and across said 15.991 acre tract, **S. 72° 59' 16" E., 227.03 feet**, to a calculated point on the east line of said 15.991 acre tract, same being the west line of Block 1, Southern Draw, an addition to the City of Temple, Bell County, Texas, of record in Cabinet D, Slide 171-A, Plat Records of Bell County, Texas, for the northeast corner of this tract;

THENCE in a southerly direction, with the east line of said 15.991 acre tract (*Deed S. 11° 33' 02" W.*), same being the west line of said Block 1 (*Plat S. 11° 30' 36" W.*), **S. 11° 29' 00" W., 20.09 feet**, to a ½" iron rod with "2475" cap found on the north line of a called 106.825 acre tract of land conveyed to WBW Land Investments, LP, of record in Document No. 2010-00007279, Official Public Records of Real Property, Bell County, Texas, being the southeast corner of said 15.991 acre tract, same being the southwest corner of said Block 1, for the southeast corner of this tract;

THENCE in a westerly direction, with the south line of said 15.991 acre tract (*Deed N. 72° 56' 01" W., 533.24 feet*), with the north line of said 106.825 acre tract (*Deed N. 71° 06' 50" W.*) and with the north line of said 25.83 acre tract (*Deed N. 72° 59' 16" W.*), **N. 72° 59' 16" W., 245.94 feet**, to the **POINT OF BEGINNING** and containing 0.109 Acre of Land.

EXHIBIT A

Survey monuments found on the north line of said 25.83 acre tract of land were used for directional control.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.109 Acre tract.

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

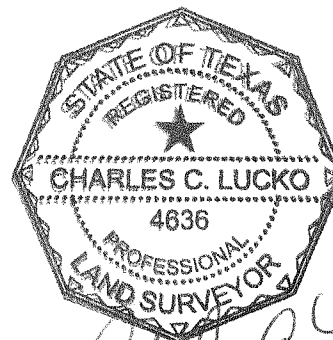
Surveyed March 8, 2013

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro120000/120800/120850/120850E REV.doc



A handwritten signature in cursive script, appearing to read "C. Lucko", written over the bottom right portion of the surveyor's seal.

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

EXHIBIT A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DEDICATING A 20-FOOT PUBLIC SEWER EASEMENT ON A PORTION OF CITY-OWNED PROPERTY, ADJACENT TO TRACT H OF THE CARRIAGE HOUSE TRAILS, PHASE II SUBDIVISION; ESTABLISHING A WASTE WATER UTILITY EASEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the developer of Carriage House Trails, Phase II subdivision will construct an 8-inch waste water line within the proposed 20-foot easement;

Whereas, the proposed sewer line (Sanitary Sewer Spur C) will connect to the existing 24-inch Pea Ridge sanitary trunk sewer and will provide sanitary services to Phase II of the existing Carriage House Trails subdivision;

Whereas, the 20-foot public sewer easement, containing approximately 0.109 acres, will be located within a tract of open space owned by the City of Temple;

Whereas, the Planning & Zoning Commission was the final plat authority on February 21, 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:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council approves the dedication of a 20-foot public sewer easement on a portion of City-owned property, adjacent to Tract H of the Carriage House Trails, Phase II subdivision, establishing a waste water utility easement, more fully described in Exhibit A attached hereto.

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

PASSED AND APPROVED this the 16th day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #3(X)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2016-2017.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$409,761.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
March 16, 2017

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2800-532-2516		Other Services / Judgments & Damages	\$ 558	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 558
To appropriate insurance proceeds from USAA Insurance for damages sustained to a crossing signal on 12/06/2016.				
110-3500-552-6310	101630	Capital Building & Grounds / Swings @ Valley Ranch Park	\$ 7,640	
110-0000-445-1587		Recreational Services / Donations - Parks		\$ 3,820
110-3500-552-2311		Repairs & Maintenance / Buildings & Grounds		\$ 3,820
To appropriate developer donation, as well as, reallocate budgeted funds for the purchase of swings at Valley Ranch Park.				
110-2032-521-2338		Repair & Maintenance / Maintenance Contract	\$ 5,121	
110-0000-352-1345		Court Restricted Fees / Technology Fee Funds		\$ 5,121
To appropriate Technology Restricted Funds for the maintenance renewal agreement for ticket writers.				
561-5000-535-6532		Capital- Special Projects / Contingency	\$ 143,672	
561-5200-535-6907	100223	Capital- Bonds / SH317 WL Relocation - FM 2305 to FM 439		\$ 29,889
561-5200-535-6952	101200	Capital- Bonds / WL Replacement at 3rd Street - Irving to Nugent		\$ 19,162
561-5100-535-6967	101416	Capital- Bonds / WTP - Lagoon # 1		\$ 94,621
To move remaining project funding from completed projects back into contingency account for future use.				
110-0000-431-0261		State Grants / State Grants	\$ 60,000	
110-2370-540-6222	101552	Capital Equipment / Replacement of 2007 Roll-Off Truck (asset # 12386)		\$ 30,000
110-2320-540-6222	101550	Capital Equipment / Replacement of 2008 Brush Truck (asset # 12578)		\$ 30,000
To unappropriate grant revenue for two replacement Solid Waste's garbage trucks. Since the adoption of the FY 2017 Budget, it has been determined to maintain a diversified fleet of garbage trucks. The City will be purchasing diesel replacements this year thus eliminating the grant revenue to be received for purchasing CNG replacements.				
110-2011-521-2140		Supplies / Blue Santa	\$ 6,603	
110-0000-442-0740		Police Revenue / Blue Santa Donations		\$ 6,603
To appropriate donations received for the Blue Santa program.				
110-2011-521-2514		Other Services / Travel & Training	\$ 9,093	
110-0000-442-0720		Police Revenue / Police Revenue		\$ 9,093
To appropriate the annual allocation from the Law Enforcement Office and Education (LEOSE) account for expenses related to officers' continuing education.				
110-6000-513-XXXX		Salaries & Benefits - General Services	\$ 176,936	
110-3150-551-XXXX		Salaries & Benefits - Golf Course	\$ 138	
110-2400-519-XXXX		Salaries & Benefits - Facility Services		\$ 31,287
110-3700-519-XXXX		Salaries & Benefits - Code Enforcement		\$ 145,395
110-2400-519-2311		Repair & Maintenance / Buildings & Grounds		\$ 392
To adjust salaries & benefits related to the Neighborhood Revitalization Initiative approved by City Manager on 11/18/2016. This budget adjustment is for the portion of the reorg that effectives General Fund departments - General Services, Facility Services, and Code Enforcement.				
TOTAL AMENDMENTS			\$ 409,761	\$ 409,761

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
March 16, 2017

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	5,257
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		-
		Net Balance of Judgments & Damages Contingency Account	\$	5,257
		Beginning Compensation Contingency	\$	560,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	560,000
		Net Balance Council Contingency	\$	565,257
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(41,558)
		Net Balance of Contingency Account	\$	8,442
		Beginning Compensation Contingency	\$	112,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	112,500
		Net Balance Water & Sewer Fund Contingency	\$	120,942
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	28,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	28,300
		Net Balance Hotel/Motel Tax Fund Contingency	\$	28,300
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	24,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	24,300
		Net Balance Drainage Fund Contingency	\$	24,300

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2017 BUDGET
March 16, 2017

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		14,947
		Added to Contingency Sweep Account		22,397
		Taken From Contingency		-
		Net Balance Fed/State Grant Fund Contingency		\$ 37,344

RESOLUTION NO. _____

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

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

Whereas, the City Council deems it in the public interest to make certain amendments to the 2016-2017 City Budget.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council approves amending the 2016-2017 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 16th day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/16/17
Item #4
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Nicole Torralva, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement between the City of Temple and Balcones Resources, Inc., for recyclable materials processing and marketing.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In August, 2013, the City entered into a Services Agreement with Balcones Resources, Inc. ("Balcones") in which Balcones agreed to accept recyclable materials delivered by the City and transport those materials for processing and marketing. The Agreement was for a term of five years and was set to expire on September 30, 2018.

In the Agreement, Balcones agreed to pay to the City, as part of a revenue share, \$5.00 for every ton delivered by the City to the Balcones facility. However, the parties agreed that if after October, 2015, the City was not averaging 12.5% or less of non-recyclable materials in the loads transported by Balcones, the parties would work together to adjust the revenue share. The City had not met the percentage set forth in the Agreement and the parties discussed options for adjusting the revenue share. Balcones was willing to continue to provide services under the Agreement if the City would pay to Balcones a processing fee for every ton delivered by the City to the Balcones recycling facility. Balcones also agreed to a revenue share with the City that is based on the price received for the recyclables by Balcones. Specifically, Balcones proposed that the City pay a processing fee of \$79.00 per ton and Balcones would then share with the City 51% of the revenue received from the sale of the recyclables (calculated on a per ton basis).

Council previously approved a First Amendment to the Services Agreement which provided for the adjusted revenue share and required the City to pay to Balcones \$79.00 for every ton delivered by the City to the Balcones recycling facility. Balcones agreed to share with the City 51% of the revenue received from the sale of the recyclables. The First Amendment was effective from June 1, 2016 through December 31, 2016. The First Amendment also deleted the Public Education section of the original Agreement.

On December 15, 2016, the City Council authorized a Second Amendment to the original Services Agreement with Balcones. In the Second Amendment, Balcones agreed to continue offering services through March 31, 2017. The City agreed to pay to Balcones an increased processing fee of \$89.00 for every ton delivered by the City to the Balcones recycling facility. Balcones agreed to continue to share with the City 51% of the revenue received from the sale of the recyclables.

For several months, City Staff has been discussing and exploring long term options that would allow for an efficient and economical process for the collection, transportation, processing and marketing of

recyclable materials. To help with this process, the City contracted with David Yanke at NewGen Strategies & Solutions to perform a recycling processing options analysis. Mr. Yanke presented that analysis at the December 15, 2016, Council workshop meeting. Based on his findings, additional discussions with Balcones, and feedback from Council, Staff recommends entering into a new Services Agreement with Balcones Resources, Inc. for recyclable materials processing and marketing.

The term of the proposed agreement is April 1, 2017 through September 30, 2019 with the option of extending the term for two, one-year renewal periods upon mutual written agreement of the parties.

The City will be responsible for the following items:

- All aspects of the management, operations, and maintenance of the recycling facility which is currently located at 1739 South Martin Luther King Drive, Temple, Texas;
- Delivering all single stream recyclable materials to the recycling facility;
- Processing the recyclable materials; and
- Loading the recyclable materials for transportation.

Balcones will be responsible for the following items:

- Accepting recyclable materials delivered and processed by the City at the recycling facility;
- Transporting recyclable materials to the Balcones' materials recovery facility in Austin;
- Marketing the single stream recyclable materials;
- Brokering other recyclable materials collected by the City.

The City will pay Balcones a processing fee of \$75.00 per ton of single stream recyclable materials transported by Balcones to its facility in Austin. As part of a revenue share, Balcones will share with the City 65% of the revenue received from the sale of the recyclable materials. The revenue share will be calculated on a per ton basis.

Balcones will also act as a broker for certain recyclable materials collected by the City. The City will continue to accept certain materials from third parties who currently work with Balcones. Balcones will now act a broker for the City to assist with the sale of those materials. The City will pay Balcones a brokerage fee of \$8 per ton of recyclable materials sold by Balcones.

Staff recommends approval of the proposed agreement.

FISCAL IMPACT: The City delivers approximately 250 tons of recyclables per month to the recycling facility. The average 'net' cost (\$79 per ton processing fee less 51% revenue share) per ton for the first quarter of FY17 was \$25.78 per ton.

With the new services agreement, (\$75 per ton processing fee less 65% revenue share and a brokerage fee of \$8 per ton) the City will also be absorbing both the facility operating costs and current Balcones direct recycling customers. There are several variables involved in the operating revenue and expenditures of the recycling center. We are currently estimating that the net cost for operating the facility will be approximately \$30 per ton.

Funding to support this contract is appropriated in account 110-2330-540-2623.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH BALCONES
RESOURCES, INC. FOR RECYCLABLE MATERIALS PROCESSING AND
MARKETING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in August, 2013, the City entered into a Services Agreement with Balcones Resources, Inc. ("Balcones") in which Balcones agreed to accept recyclable materials delivered by the City and transport those materials for processing and marketing - the Agreement was for a term of five years and was set to expire September 30, 2018;

Whereas, in the Agreement, Balcones agreed to pay to the City, as part of a revenue share, \$5 for every ton delivered by the City to the Balcones facility, however, the parties agreed that if after October, 2015, the City was not averaging 12.5% or less of non-recyclable materials in the loads transported by Balcones, the parties would work together to adjust the revenue share - the City had not met the percentage set forth in the Agreement and the parties discussed options for adjusting the revenue share;

Whereas, Balcones was willing to continue to provide services under the Agreement if the City would pay to Balcones a processing fee for every ton delivered by the City to the Balcones recycling facility;

Whereas, Balcones agreed to a revenue share with the City that is based on the price received for the recyclables by Balcones - Balcones proposed that the City pay a processing fee of \$79 per ton and Balcones would then share with the City 51% of the revenue received from the sale of the recyclables (calculated on a per ton basis);

Whereas, Council previously approved a First Amendment to the Services Agreement which provided for the adjusted revenue share and required the City to pay to Balcones \$79 for every ton delivered by the City to the Balcones recycling facility - the First Amendment was effective from June 1, 2016 through December 31, 2016 and also deleted the Public Education section of the original Agreement;

Whereas, on December 15, 2016, Council authorized a Second Amendment to the original Services Agreement with Balcones in which Balcones agreed to continue offering services through March 31, 2017;

Whereas, the City agreed to pay to Balcones an increased processing fee of \$89 for every ton delivered by the City to the Balcones recycling facility and Balcones agreed to continue to share with the City 51% of the revenue received from the sale of the recyclables;

Whereas, Staff has been discussing and exploring long term options that would allow for an efficient and economical process for the collection, transportation, processing and marketing of recyclable materials and based on feedback from a recycling processing options analysis performed by David Yanke at NewGen Strategies & Solutions, Staff recommends entering into a new Services Agreement with Balcones Resources, Inc. for recyclable materials processing and marketing.

Whereas, the term of the proposed agreement will be April 1, 2017 through September 30, 2019 with the option of extending the term for two, one-year renewal periods upon mutual written agreement of the parties;

Whereas, in the agreement, the City will be responsible for the following items:

- all aspects of the management, operations, and maintenance of the recycling facility which is currently located at 1739 South Martin Luther King Drive, Temple, Texas;
- delivering all single stream recyclable materials to the recycling facility;
- processing the recyclable materials; and
- loading the recyclable materials for transportation;

Whereas, in the agreement, Balcones will be responsible for the following items:

- accepting recyclable materials delivered and processed by the City at the recycling facility;
- transporting recyclable materials to the Balcones' materials recovery facility in Austin;
- marketing the single stream recyclable materials; and
- brokering other recyclable materials collected by the City;

Whereas, the City will pay Balcones a processing fee of \$75 per ton of single stream recyclable materials transported by Balcones to its facility in Austin and as part of a revenue share, Balcones will share with the City 65% of the revenue received from the sale of the recyclable materials which will be calculated on a per ton basis;

Whereas, Balcones will act as a broker for certain recyclable materials collected by the City and the City will continue to accept certain materials from third parties who currently work with Balcones;

Whereas, Balcones will act a broker for the City to assist with the sale of those materials and the City will pay Balcones a brokerage fee of \$8 per ton of recyclable materials sold by Balcones;

Whereas, Staff recommends Council authorize a Services Agreement with Balcones Resources, Inc. for recyclable materials processing and marketing;

Whereas, the City delivers approximately 250 tons of recyclables per month to the recycling facility at an average 'net' cost of \$79 per ton processing fee, less 51% revenue share per ton for the first quarter of fiscal year 2017 (\$25.78 per ton);

Whereas, with the new services agreement, (\$75 per ton processing fee less 65% revenue share and a brokerage fee of \$8 per ton) the City will be absorbing both the facility operating costs and current Balcones' direct recycling customers;

Whereas, Staff estimates the net cost for operating the facility will be approximately \$30 per ton and funding to support this contract is appropriated in Account No. 110-2330-540-2623; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a services agreement with Balcones Resources, Inc. for recyclable materials processing and marketing.

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

PASSED AND APPROVED this the **16th** day of **March**, 2017.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney