



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, MARCH 15, 2018  
4:30 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 15, 2018.
2. Receive an I-35 update from TXDOT.

**5:00 P.M.**

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

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. ANNEXATION - PUBLIC HEARING**

3. **PUBLIC HEARING:** Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 18.589 acres of land out of the Sarah Fitzhenry Survey, Abstract No.312, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 14220 State Highway 317.

**IV. CONSENT AGENDA**

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

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

**Minutes**

- (A) **March 1, 2018 Special and Regular Meeting**

**Contracts, Leases, & Bids**

- (B) **2018-9070-R:** Consider adopting a resolution authorizing the purchase of E-citation software, printers and services from Advanced Public Safety, Inc. of Deerfield Beach, FL, in the amount of \$85,915.56.

- (C) [2018-9071-R](#): Consider adopting a resolution authorizing the purchase of E-Citation hardware from GovConnection, Inc., of Merrimack, NH, in the amount of \$74,917.12.
- (D) [2018-9072-R](#): Consider adopting a resolution authorizing the purchase of a vacuum excavator from Kinloch Equipment & Supply of Pasadena, in the amount of \$46,100.
- (E) [2018-9073-R](#): Consider adopting a resolution ratifying the execution of change order #1 to a construction contract with R.T. Schneider Construction Company, Ltd of Belton, in the net amount of \$21,002.50 for adjustments to the Martin Luther King Jr. Festival Grounds construction project.
- (F) [2018-9074-R](#): Consider adopting a resolution authorizing a deductive change order to a construction contract with Lochridge-Priest, Inc. of Waco, in the amount of \$90,927 for a modification to the warranty policy associated with a heating, ventilation and cooling equipment replacement project.
- (G) [2018-9075-R](#): Consider adopting a resolution authorizing a Master Interlocal Purchasing Agreement with the North Central Texas Council of Governments allowing cooperative purchasing for actuarial consulting services.
- (H) [2018-9076-R](#): Consider adopting a resolution authorizing a lease renewal with American Medical Response Ambulance Service, Inc., for lease of space at Fire Station 8 located at 7268 Airport Road, Temple.
- (I) [2018-9077-R](#): Consider adopting a resolution authorizing a lease agreement with the Temple Children's Museum for lease of space in the Public Services Building.

#### **Misc.**

- (J) [2018-9078-R](#): Consider adopting a resolution amending a street use license (SUL-FY-15-02) to allow existing buildings and improvements both above and below ground, on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad Right-of-Way.
- (K) [2018-9079-R](#): Consider adopting a resolution declaring the candidates for General and Special elections of May 5, 2018, Mayor and District 1 City Councilmember, as unopposed and elected to office; thereby canceling the election as ordered.
- (L) [2018-9080-R](#): Consider adopting a resolution authorizing the formal presentation of the assigned duty weapon to officers who have retired after 25 years of consecutive service with the Temple Police Department.
- (M) [2018-9081-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

### **V. REGULAR AGENDA**

#### **RESOLUTIONS**

- 5. [2018-9082-R](#): Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc. of Belton in the amount of \$1,728,689.32 for the construction of the Northwest and Northeast Little Elm Creek Trunk Sewer project.

6. [2018-9083-R](#): Consider adopting a resolution authorizing a construction contract with SSP Industries, LP, of Killeen for construction of the Shallowford Lift Station Improvements for a lump sum price of \$6,100,000.
7. [2018-9084-R](#): Consider adopting a resolution pursuant to Government Code § 2206.053 finding that a 0.189-acre right-of-way and a 0.030-acre permanent easement situated in the George Givens Survey, Abstract 345, located along Daniels Drive in Temple, Texas, are necessary for the construction of the Bird Creek Interceptor Project, Phase 4 and for converting Daniels Drive from a private to public street and authorizing the use of eminent domain to condemn the property.

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

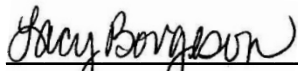
8. [2018-4901](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a renewal of the franchise with Acadian Ambulance Service, Inc., to provide non-emergency ambulance transfer services within the City.
9. [2018-4902](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing the closure of a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1st Street south of Avenue B.
10. [2018-4903](#): FIRST READING – PUBLIC HEARING – Z-FY-18-11: Consider adopting an ordinance authorizing a rezoning from Agricultural district to General Retail district on Lots 1 & 2, Block 5 of South Pointe Phase I, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:00 pm, on Friday, March 9, 2018.



City Secretary, TRMC

***SPECIAL ACCOMMODATIONS:*** *Persons with disabilities who have special communication or accommodation needs and desire to attend this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building on \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_ Title \_\_\_\_\_





## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #3  
Regular Agenda  
Page 1 of 2

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

Tammy Lyerly, Senior Planner  
Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** PUBLIC HEARING: Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 18.589 acres of land out of the Sarah Fitzhenry Survey, Abstract No.312, in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, located at 14220 State Highway 317.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time.

**ITEM SUMMARY:** Virgil Smith filed a petition on January 4, 2018, seeking voluntary annexation of 18.589 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On February 1, 2018, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property. The second public hearing is scheduled as a **special meeting** of the City Council, on Friday, March 16, 2018 at 8:30 am in the City Council Chambers.

The applicant requests the subject property be annexed into the City of Temple with a zoning of Agricultural District (AG) with a Conditional Use Permit (CUP) to allow a Recreational Vehicle (RV) Park (Z-FY-18-10), subject to all requirements of Chapter 31 of the Code of Ordinance (Recreational Vehicle Parks), including an RV site plan approval.

The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on May 3, 2018.

**FISCAL IMPACT:** The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

**ATTACHMENTS:**



Voluntary Annexation Maps  
Municipal Service Plan  
Voluntary Annexation Letter  
Field Notes of Proposed Annexation Area  
Survey of Proposed Annexation Area  
Voluntary Annexation Schedule

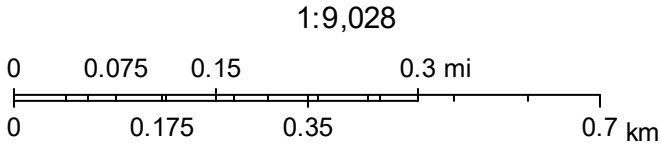


# Temple Web Map

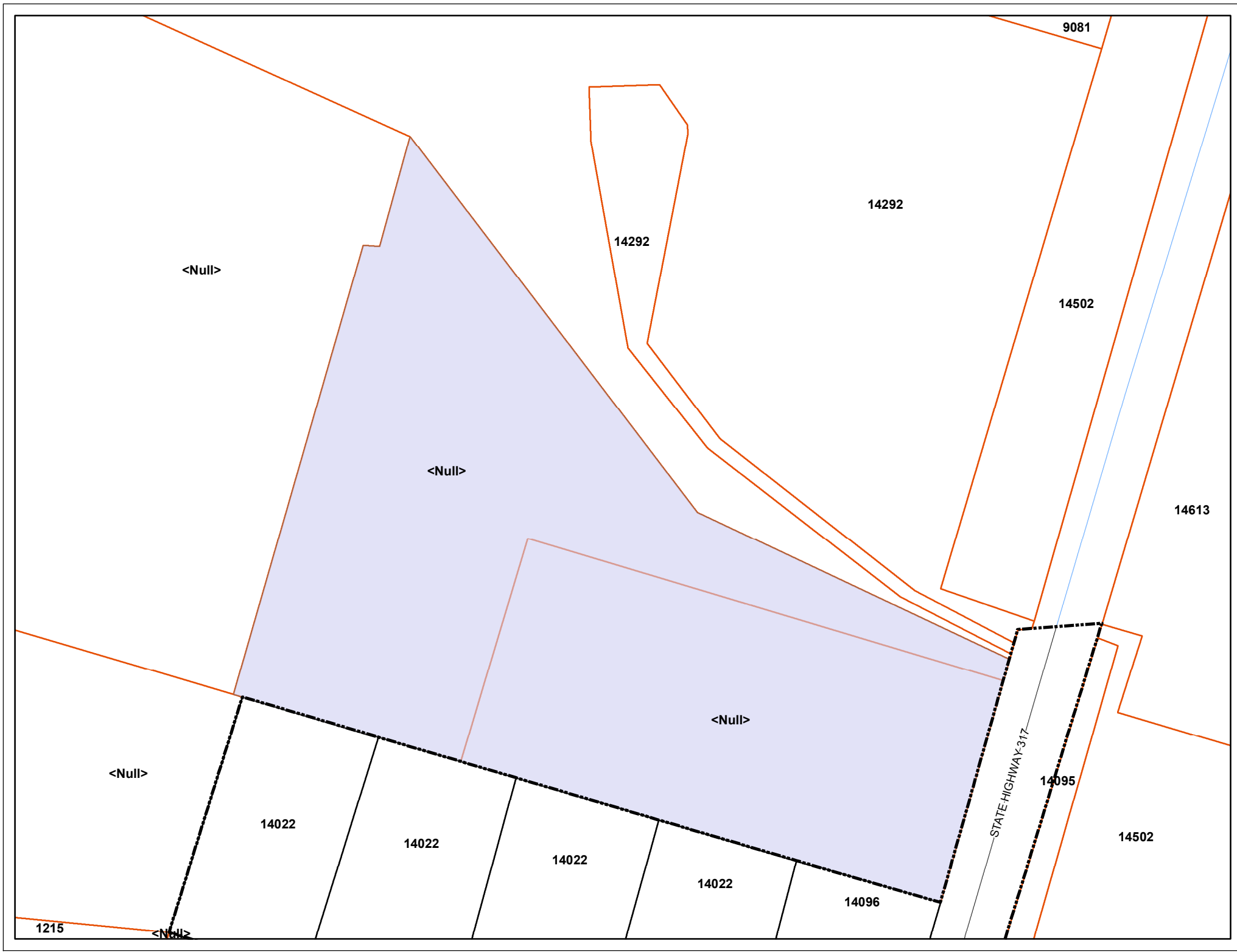


3/5/2018, 5:50:38 PM

-  Easement
-  Subdivision







**CITY OF TEMPLE**  
**ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION**  
**14220 State Highway 317**

For 18.589 acres of land out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, located at 14220 State Highway 317, a state maintained roadway, and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2018-####).

**SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

**1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

**2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through **American Medical Response dba Temple EMS**.

**3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

**4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

Review of the applicant’s proposed RV site plan will require water, wastewater, and drainage information from the applicant.

**5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility

company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

## 6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

## 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

## 8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## 10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

## CAPITAL IMPROVEMENTS

### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

## 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

## 3. WATER AND WASTEWATER FACILITIES

The City of Temple does not have water facilities within the boundaries of the voluntary annexation. Pendleton Water Supply Corp. CNN is the water provider for the subject property.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

## 4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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### **SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

City of Temple, Texas

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Mayor

ATTEST:

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City Secretary





**BELTON ENGINEERING, INC.**  
*Engineering \* Design/Build \* Planning*

### VOLUNTARY PETITION FOR ANNEXATION

JANUARY 3, 2017

To the City Council of the City of Temple:

Virgil Smith is the sole owner of a tract of land containing 18.589 Acres (hereafter called Tract), out of the SARAH FITZHENRY SURVEY, ABSTRACT 312, Bell County and more particularly described by metes and bounds prepared by BRYAN TECHNICAL Surveying, Inc. and attached hereto and incorporated herein for all purposes for a complete legal description, does hereby petition the City Council to take appropriate action to annex said Tract pursuant to Section 43.028 of the Local Government Code.

Said Tract is less than one-half mile in width and contains 18.589 Acres of land that is contiguous to the current limits of the City of Temple and has less than three qualified voters residing on said Tract.

By and Through:

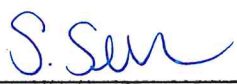
  
OWNER

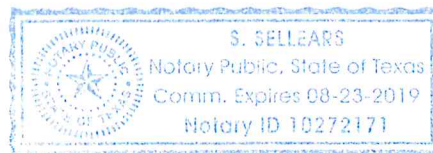
STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, VIRGEL SMITH, 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 4th DAY OF JANUARY, 2017.

  
NOTARY PUBLIC, STATE OF TEXAS



**18.589 ACRES**

Being a tract of land in Bell County, Texas, lying and situated in the **SARAH FITZHENRY SURVEY, ABSTRACT No. 312**, and the land herein described being all of that certain 18.58 acre tract conveyed to Virgil Smith and wife, Barbara A. Smith by Warranty Deed recorded in Volume 1562, Page 884, Deed Records of Bell County, Texas and being all of that certain 10.593 acre tract conveyed to Virgil Smith and wife, Barbara A. Smith by Substitute Trustee's Deed recorded in Volume 1638, Page 491, Deed Records of Bell County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2" iron rod with orange cap stamped "BRYAN TECH SERVICES" set (North=10,406,546.484, East=3,210,494.702) being the northeast corner of that certain 1.249 acre tract of land conveyed to David D. Hinckley by Warranty Deed with Vendor's Lien recorded in Volume 9244, Page 672, Official Public Records of Bell County, Texas, from which a Type I concrete R.O.W. marker found bears S. 16°38'04" W., 481.07 feet, and being in the west right-of-way line of Farm-to-Market Road No. 317, a publicly maintained roadway, for the southeast corner of subject tract;

**THENCE** departing said west right-of-way line, **NORTH 73°34'40" WEST** at 508.14 feet with the south line of said 18.58 acre tract (calls N. 71°00'59" W., 1272.44 feet) and the north lines of said 1.249 acre tract (calls S. 70°56'24" E., 253.52 feet) and that certain 2.50 acre tract (calls S. 71°01' E., 254.5 feet) conveyed to Cecilio Ramirez and wife, Analiza Ramirez by General Warranty Deed with Vendor's Lien recorded in Volume 2871, Page 290, Official Public Records of Bell County, Texas to a 1/2" iron rod found being the northwest corner of said Ramirez tract and being the northeast corner of that certain 2.51 acre tract conveyed to Margaret H. Butler by General Warranty Deed with Vendor's Lien recorded in Volume 1588, Page 93, Official Public Records of Bell County, Texas, at 762.75 feet continuing with the north line of said Butler tract (calls S. 70°58'48" E., 254.61 feet) to a 1/2" iron rod found being the northwest corner of said Butler tract and being the northeast corner of that certain 2.51 acre tract conveyed to Don Luman and Sandra Luman by Warranty Deed with Vendor's Lien recorded in Volume 1595, Page 520, Official Public Records of Bell County, Texas, at 871.19 feet continuing with the north line of said Luman tract (calls S. 71°01' E., 254.48 feet) to a 1" iron pipe found in the south line of said 18.58 acre tract and being the southeast corner of said 10.593 acre tract, at 1016.82 feet continuing with the north line of said Luman tract to a 1/2" iron rod found being the northwest corner of said Luman tract and being the northeast corner of that certain 2.51 acre tract conveyed to Jose Eusebio Gonzalez



and wife, Maria Hermelinda Gonzalez by Warranty Deed with Vendor's Lien recorded in Volume 3805, Page 450, Official Public Records of Bell County, Texas, at 1271.48 feet in all continuing with the north line of said Gonzalez tract (calls S. 71°01' E., 254.48 feet) to a 1/2" iron rod with orange cap stamped "BRYAN TECH SERVICES" set being the northwest corner of said Gonzalez tract and being the northeast corner of that certain 67.95 acre tract conveyed to Virgil Smith and wife, Barbara A. Smith by Warranty Deed recorded in Volume 3075, Page 730, Official Public Records of Bell County, Texas, and being the southeast corner of that certain 46.38 acre tract conveyed to Virgil Smith and wife, Barbara A. Smith by Warranty Deed recorded in Volume 2874, Page 283, Official Public Records of Bell County, Texas, for the southwest corner of subject tract;

**THENCE** with the common lines of said 10.593 acre tract and said 46.38 acre tract the following three (3) calls:

- 1) **NORTH 16°05'56" EAST, 806.76 feet** (10.593 acre tract calls N. 18°54'03" E., 806.49 feet) (46.38 acre tract calls S. 15°38'25" W., 805.81 feet) to a 1/2" iron rod found, for corner;
- 2) **SOUTH 85°32'41" EAST, 28.84 feet** (10.593 acre tract calls S. 83°00'12" E., 28.87 feet) (46.38 acre tract calls N. 86°21'00" W., 28.74 feet) to a 3/8" iron rod found disturbed, for corner;
- 3) **NORTH 15°21'17" EAST, 196.21 feet** (10.593 acre tract calls N. 18°03'02" E., 196.06 feet) (46.38 acre tract calls S. 14°54'50" W., 196.14 feet) to a 1/2" iron rod found being the northeast corner of said 46.38 acre tract and being the northwest corner of said 10.593 acre tract and being in the south line of that certain 32.579 acre tract conveyed to Randy Joe Wilcox by Warranty Deed recorded in Volume 4640, Page 121, Official Public Records of Bell County, Texas, for the northwest corner of subject tract;

**THENCE** departing said 46.38 acre tract, with the common lines of said 10.593 acre tract and said 32.579 acre tract the following two (2) calls:

- 1) **SOUTH 37°23'52" EAST, 816.50 feet** (10.593 acre tract calls S. 34°42'22" E., 817.13 feet) (32.579 acre tract calls N. 34°48'47" W., 817.21 feet) to a 1/2" iron rod found, for corner;

STATE OF TEXAS  
COUNTY OF BELL

DATE OF SURVEY  
12/05/17

- 2) **SOUTH 64°58'59" EAST, 600.79 feet** (10.593 acre tract calls S. 62°26'57" E., 599.71 feet) (32.579 acre tract calls N. 62°26'45" W., 599.56 feet) to a calculated point, from which a 1/2" iron rod found bears N. 64°58'59" W., 1.06 feet, and from which a Type I concrete R.O.W. marker found bears N. 16°38'04" E., 74.08 feet, and being the southeast corner of said 32.579 acre tract and being in the said west right-of-way line of Farm-to-Market Road 317, for the northeast corner of subject tract;

**THENCE SOUTH 16°38'04" WEST**, at 37.42 feet with the east line of said 10.593 acre tract (calls S. 19°15'31" W., 37.61 feet) to a 1/2" iron rod with orange cap stamped "BRYAN TECH SERVICES" set, from which a 1" iron pipe found bears N. 80°46'41" W., 0.85 feet, and being the northeast corner of said 18.58 acre tract (residue portion), and at **437.12 feet in all** with said west right-of-way line and the east line of said 18.58 acre tract (residue portion) (calls S. 19°15'31" W., 436.66 feet) to the POINT OF BEGINNING and containing **18.589 acres of land**.

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STATE OF TEXAS  
COUNTY OF BELL

DATE OF SURVEY  
12/05/2017

18.589 ACRES

I, Bruce L. Bryan, 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 under my supervision.

Bruce Lane Bryan  
Registered Professional Land Surveyor #4249  
TSPLS FIRM No. 10128500  
www.bryantechnicalservices.com

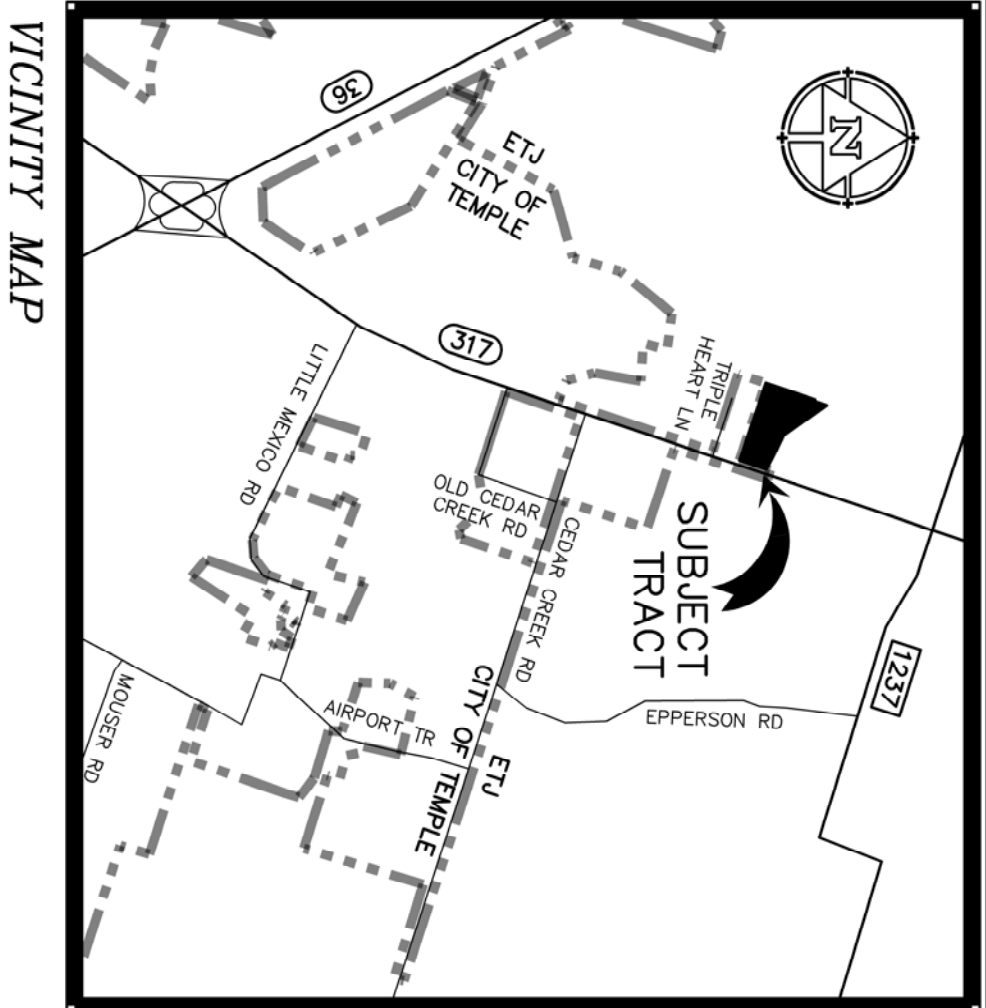
01-02-18  
Date



NOTE: Bearings shown hereon based on Texas State plane coordinate system (Central Zone 4203, NAD 83, 93 Adjustments. Distances are shown as grid values. See attached surveyor's plat, which accompanies this set of field notes.



SARAH FITZHENRY SURVEY,  
ABSTRACT NO. 312



- SURVEYOR'S NOTES:
1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
  2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND IS NOT IDENTIFIED ON FIRMAL PANEL NO. 4802/00170E EFFECTIVE DATE SEPTEMBER 28, 2008. LOCATED IN ZONE "X" (UNSHADED). NO PORTION OF THIS PROPERTY LIES WITHIN THE 100 YEAR FLOODPLAIN ACCORDING TO THE 2008 FEMA MAP CITED.
  3. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED BRYAN TECH SERVICES.
  4. THERE IS A METES AND BOUNDS DESCRIPTION WHICH ACCOMPANIES THIS SURVEY.

STATE OF TEXAS  
COUNTY OF BELL  
KNOW ALL MEN BY THESE PRESENTS:

I, BRUCE LANE BRYAN, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS OF THE CITY OF TEMPLE, TEXAS.



BRUCE LANE BRYAN  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4249  
BRYAN TECHNICAL SERVICES, INC.  
911 NORTH MAIN  
TAYLOR, TX 76574

NOVEMBER 29, 2017

SURVEY OF:  
18.589 ACRES

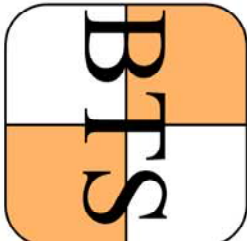
OUT OF AND A PART OF THE  
SARAH FITZHENRY SURVEY, ABSTRACT #312  
IN THE EXTRATERRITORIAL JURISDICTION  
OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS



18.589 ACRES  
SURVEY



BRYAN TECHNICAL SERVICES, INC.



611 NORTH MAIN  
TAYLOR, TX 76574  
PHONE: (512) 355-0606  
FAX: (512) 355-0601  
FIRM NO. 10128500  
surveying@ausintn.com

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PROJECT NO. 17840 DATE: DECEMBER 5, 2017

# SCHEDULE

## Voluntary Annexation – 18.589 Acres (Virgil Smith)

DATE	ACTION	TIME LIMIT/NOTES
<b>01-04-18</b>	<b>CITY RECEIVES PETITION</b> of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
<b>02-01-18</b> <b>Regular Meeting</b>	<b>COUNCIL ADOPTS RESOLUTION</b> 1. Granting petition (28th day after petition filed); 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings	1. Hear and grant or deny petition after the 5 <sup>th</sup> day, but on or before the 30 <sup>th</sup> day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 <sup>st</sup> hearing required under § 43.063 LGC. § 43.065 LGC
<b>02-08-18</b>	<b>CITY SECRETARY MAILS NOTICES TO</b> 1. Property owners 2. Public and private service entities 3. Railroads <i>35th day before 1<sup>st</sup> public hearing</i>	Before the 30 <sup>th</sup> day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
<b>03-02-18</b>	<b>CITY SECRETARY SENDS NOTICE TO</b> Public school districts located in annexation area <i>13th day before 1<sup>st</sup> public hearing</i>	Within the period prescribed for publishing the notice of the 1 <sup>st</sup> hearing under § 43.063 LGC
<b>03-04-18</b>	<b>CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION</b> Posts notice on City web site Publishes notice in Telegram <i>11<sup>th</sup> day before 1<sup>st</sup> public hearing</i> <i>12<sup>th</sup> day before 2<sup>nd</sup> public hearing</i>	Publish hearing notice on or after the 20 <sup>th</sup> day but before the 10 <sup>th</sup> day before the date of the hearing § 43.063(c)LGC
<b>03-14-18</b>	<b>RESIDENTS' LAST DAY TO FILE PROTEST</b> <i>10<sup>th</sup> day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
<b>03-15-18</b> <b>Regular meeting</b>	<b>COUNCIL HOLDS 1<sup>st</sup> PUBLIC HEARING</b> Staff presents service plan <i>35th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. § 43.063(a) LGC.
<b>03-16-18</b> <b>Special meeting</b>	<b>COUNCIL HOLDS 2<sup>nd</sup> PUBLIC HEARING</b> Staff presents service plan <i>34th day before 1<sup>st</sup> reading of ordinance</i>	Hold hearings on or after the 40 <sup>th</sup> day but before the 20 <sup>th</sup> day before the date of institution of annexation proceedings with 1 <sup>st</sup> reading of ordinance. LGC § 43.063(a)
<b>04-19-18</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1<sup>ST</sup> READING &amp; HOLDS PUBLIC HEARING</b>	First reading institutes proceedings for purposes of statutory time limits.
<b>05-03-18</b> <b>Regular Meeting</b>	<b>COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2<sup>ND</sup> READING</b> <i>14<sup>th</sup> day from 1<sup>st</sup> reading</i>	Complete annexation proceedings within 90 days from 1 <sup>st</sup> reading. § 43.064(A) LGC.



DATE	ACTION	TIME LIMIT/NOTES
	<b>INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP</b> 1. Amended City limit boundary 2. Amended City ETJ boundary	

	<b>CITY SECRETARY SENDS NOTICES TO:</b>  <b>TEXAS SECRETARY OF STATE</b> 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	<b>VOTER REGISTRAR FOR BELL COUNTY</b> 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 <sup>th</sup> day after the date the change is adopted. § 42.0615 Election Code  The County Election Administrator is the Voter Registrar for Bell County.
	<b>STATE COMPTROLLER, SALES TAX DIVISION</b> 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	<b>BELL COUNTY CLERK</b> 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	<b>PUC AND FRANCHISEES</b> Utility, telecommunication, transportation, and EMS providers	
	<b>TxDOT</b> If state road is affected.	
	<b>TEXAS COMMISSION ON FIRE PROTECTION</b>	<i>[No citation found. No information found on Commission's web site.]</i>
	<b>U. S. BUREAU OF THE CENSUS</b>	<i>[Or does SOS notify Bureau of the Census?]</i>

	<b>CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS:</b> 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) March 1, 2018 Special and Regular Meetings

**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 1, 2018 Special and Regular Meetings  
Video](#)



## TEMPLE CITY COUNCIL

**MARCH 1, 2018**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 1, 2018 at 4:45 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

**PRESENT:**

Councilmember Susan Long  
Mayor Pro Tem Timothy Davis  
Councilmember Michael Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 1, 2018.**
- 2. Discuss various board appointments.**

The Council reviewed the applications on file for board appointments.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 1, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Susan Long  
Mayor Pro Tem Timothy Davis  
Councilmember Mike Pilkington  
Councilmember Judy Morales  
Mayor Daniel A. Dunn

**I. CALL TO ORDER**

**1. Invocation**

Rev. Roscoe Harrison, Eighth Street Baptist Church voiced the Invocation.

The Mayor recognized Rev. Harrison for his 16 years as the pastor for the Eighth Street Baptist Church.

**2. Pledge of Allegiance**

Sandra Esqueda, Human Resources Director, lead the Pledge of Allegiance.

## **II. PUBLIC COMMENTS**

Alan Lytle, 504 B Paseo del Plata, addressed the Council with regards to item 3(H) concerning the height of the netting to be placed at the Sammons Community Center and item #4 concerning bids for the Crossroads Park Civil Package.

Mayor Dunn stated that Mr. Beavers will have a presentation on item #4 later in the meeting and that this is the second time the city has received bids.

Brynn Myers, City Manager, stated that the add alternates are a part of the bid and were competitively bid.

Milton Hensley, 301 Mitchell Drive, addressed the Council with regards to the LGBT display at the Temple Library. He stated that it is better for the Library Board to do the will of God, rather than to do the will of the National Library Association. He also stated to keep in mind, what would Jesus do.

JD Zeptner, 402 South 26th, addressed the Council with regards to voter and campaign reform.

William Reed, 12208 Buckhorn Cemetery Road, Moody, Texas, Pastor of Calvary Baptist church, addressed the Council with regards to off property church signs.

## **III. CONSENT AGENDA**

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

**(A) February 1, 2018 Special and Regular Meeting**

**(B) February 15, 2018 Special and Regular Meeting**

**(C) 2018-9053-R: Consider adopting a resolution authorizing the purchase of a 2018 Ford Transit Van with lift system from Chastang Ford of Houston in the amount of \$65,948.**

**(D) 2018-9054-R: Consider adopting a resolution authorizing the purchase of an easement and temporary construction easement necessary for the construction of the Shallowford Force Main and authorizing closing costs associated with the purchase, in an estimated amount of \$40,000.**

**(E) 2018-9055-R: Consider adopting a resolution authorizing the purchase of three properties situated at Avenue B and Martin Luther King Jr. Drive and authorizing closing costs associated with the purchase in an estimated amount of \$45,000.**

**(F) 2018-9056-R: Consider adopting a resolution authorizing the purchase of a property necessary for the expansion of Old Waco Road and authorizing closing costs associated with the purchase in an amount not to exceed \$170,000.**

**(G) 2018-9057-R: Consider adopting a resolution authorizing a construction contract accepting the base bid and alternate #1 with Yoko Excavating, LLC of Belton, in the amount of \$66,624 for the construction of a concrete parking lot to serve Oak Creek Neighborhood Park.**

**(H) 2018-9058-R: Consider adopting a resolution authorizing change order #12 to a construction manager-at-risk construction contract with RM Rodriguez Construction, LP, of Temple, in the amount of \$72,020 to install a 50' x 400' netting system as part of the Sammons Community Center renovation project.**

**(I) 2018-9059-R: Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority in the amount of \$129,033.45 which covers the availability of 9,453 acre-feet of water to the City for FY 2018.**

**(J) 2018-9060-R: Consider adopting a resolution authorizing the engagement of Haley & Olson, P.C. for legal services.**

**(K) 2018-9061-R: Consider adopting a resolution authorizing a Multiple Use Agreement between the City of Temple and the Texas Department of Transportation to allow the City to construct pedestrian lighting and other amenities within the 3rd Street right-of-way and as part of the Santa Fe Market Trail project.**

**(L) 2018-9062-R: Consider adopting a resolution authorizing a Developer Participation Agreement, in an amount not to exceed \$73,619 with WBW Development Group for the construction of a sidewalk along South 5th Street and FM 93.**

**(M) 2018-9063-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 an 113.869 acre tract of land located at the intersection of Lorraine Avenue and Panda Drive.**

**(N) 2018-9064-R: Consider adopting a resolution authorizing a First Amendment to the Development Agreement between the City of Temple and Royce and Diane Oliver to allow a subdivision of property without requiring voluntary annexation.**

**(O) 2018-4898: SECOND READING: Consider adopting an ordinance changing the classification title of Deputy Chief to that of Battalion Chief in the Fire Department.**

**(P) 2018-4899: SECOND READING – A-FY-18-04: Consider adopting an ordinance authorizing abandonment and conveyance of 0.104 +/- acre portion of Prairie View Road, being located on the north side of Prairie View Road, approximately 765 feet east of its intersection with Westfield Boulevard, City of Temple, Bell County, Texas.**

**(Q) 2018-4900: SECOND READING – Z-FY-18-09: Consider adopting an ordinance authorizing rezoning of two tracts of land comprised of 3.625 +/- acres from General Retail and Light Industrial districts to Commercial district, located on West Nugent Avenue, approximately 180 feet west of its intersection with North General Bruce Drive, addressed as 1410 & 1300 North General Bruce Drive.**

**(R) 2018-9065-R: Consider adopting a resolution authorizing an annual Rate Review Mechanism as a substitution for the annual interim rate adjustment process, and as negotiated between Atmos Energy Corp., Mid-Tex Division and the Steering Committee of Cities served by Atmos.**

**(S) 2018-9066-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.**

Kevin Beavers, Parks and Recreation Director, addressed Council in regards to item 3(H) stating that the recommendation for the 50' X 400' netting system is by staff observation of the current situation with the golf balls entering the parking lot.

Motion by Councilmember Mike Pilkington to approve consent agenda as presented, seconded by Councilmember Judy Morales.

Motion passed unanimously.

#### **IV. REGULAR AGENDA**

##### **RESOLUTIONS**

4. **2018-9067-R: Consider adopting a resolution authorizing a construction contract with Choice Builders, LLC, of Temple, in the amount of \$7,091,236.60 for the construction of the Crossroads Park Civil Package.**

Kevin Beavers, Parks and Recreation Director, provided a presentation to Council. He stated that as communicated to Council on September 21, 2017, with the rejection of bids associated with the initial bidding of Crossroads Park Phase II, staff recommended the project be broken down into four smaller packages: (1) sports lighting, (2) architectural package consisting of the construction of four buildings, (3) landscaping, and (4) civil package. Council had previously awarded the first three packages. Award of this Civil Package in the amount of \$7,091,236.60 to Choice Builders will provide for substantial completion of the Crossroads Park project.

Mr. Beavers stated that on February 8, 2018, the City received six bids for the construction of the Civil Package ranging from a low base bid of \$5,327,170.50 to a high base bid of \$9,480,583.56. Based on available funding for the project, Staff and Kasberg, Patrick & Associates, LP are recommending award of the base bid plus 15 of the 19 add alternates totaling \$1,764,066.10, for a total construction contract value of \$7,091,236.60.

The recommended civil package includes construction of the following, but not limited to, park amenities: six lit tennis courts, five lit parking lots, driveways, sidewalks/trails, fencing/backstops, baseball/softball bleachers and shade structures, scoreboards, park entry signage, three playgrounds, two batting cages, a pavilion between the baseball and softball complexes, and a disk golf course.

He stated the proposed contract provides for a nine month construction period. Based on the turf establishment period that will be required, it is anticipated that Crossroads Park will be open for play in the spring of 2019.

Motion by Councilmember Susan Long to adopt resolution as presented, seconded by Mayor Pro Tem Timothy Davis.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

5. **2018-9068-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

**(A) Airport Advisory Board – one member to fill an unexpired term through September 1, 2019;**

Council tabled this item.

**(B) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2018;**

Appoint Kenny Kelly to fill an unexpired term through September 1, 2019.

**(C) Building Board of Appeals – three members to fill expiring terms through March 1, 2022;**

Reappoint Kristi Andrew (General Contractor), appoint Scott Kiella (Contractor-Developer) and J. Scott Horasek (at large) to fill expiring terms through March 1, 2022.

**(D) Building and Standards Commission – one alternate member to fill expiring terms through March 1, 2020.**

Appoint Brady Allison (Alternate Member) to fill expiring terms through March 1, 2020.

Mayor Dunn and the Council discussed the appointments.

Motion by Mayor Pro Tem Timothy Davis to adopt resolution as presented, seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 6. 2018-9069-R: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two-year term.**

Mayor Dunn and the Council discussed the appointments.  
Council tabled this item.

Motion by Councilmember Judy Morales to table item #6, seconded by Councilmember Susan Long.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(B)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of E-citation software, printers and services from Advanced Public Safety, Inc. of Deerfield Beach, FL, in the amount of \$85,915.56.

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

**ITEM SUMMARY:** The City of Temple Police Department Patrol and Traffic Units have been using ticket printers and software from Advanced Public Safety, Inc (APS) for the past ten years. The Police Department and Municipal Court have found that the automated ticket writers have worked well but the hardware and software are in need of upgrades due to obsolescence. We will be replacing the software to improve the efficiency of both Police to Courts.

As part of an effort to make this a more efficient and safe process for Police Officers writing citations, it was recommended that the officers have access to technology that can more efficiently and safely conduct their jobs. The new software is web based and the driver and vehicle information is auto-populated into the form. Running on the handhelds is a version of E-Citation application that automates common data entry tasks involved in filling out traffic citations. The system also can check remotely a vehicle or license number against local and national databases, eliminating the need for an officer to call a dispatcher to verify plate numbers. The handhelds communicate to the printers via a high-speed wireless connection, allowing officers to print tickets for motorists at the scene.

E-Citation helps officers issue tickets more quickly by eliminating much of the repetitive data entry. Because the devices are ruggedized for wear and tear, they are well-suited for police officers, especially motorcycle officers.

Benefits of the software include:

- Citation completed with only six to 10 clicks on the device
- Auto-populates citations with driver's license information
- Provides a cost-effective, portable electronic citation solution
- Eliminates data errors on traffic citations
- Produces professional, easy-to-read tickets



The APS software is also the application of choice for local governments across the country and has become the technological standard for Auto Citation applications. Some of Agencies in Texas and across the country that use the APS solution are Fort Worth, Houston, Lewisville, Wichita Falls, Dallas, Harris County, Richardson, Atlanta, Chicago, Charlotte, Jacksonville, Kansa City, Miami, Minneapolis, and Tampa Bay among many others.

We will be bringing a related consent agenda item on this agenda for the purchase of the related hardware that needs to be purchased for the newer version of software.

Staff is proposing to purchase the necessary Virtual Partner software from APS. In accordance with the Local Government Code Section 252.022(7)(A), this particular product is sole sourced due to patent rights. Per Staff's and APS's knowledge, Virtual Partner is the only system on the market today that interfaces with the City's current mobile data system, and it is the only product on the market that will allow Staff to electronically transfer data from tickets, citations, and other forms/documents to the Court System.

**FISCAL IMPACT:** A budget adjustment appropriating Municipal Court technology funds is being presented to Council for approval to appropriate funding for the printers and E-citation software with services including the first year warranty for the Software from Advanced Public Safety, Inc. in the amount of \$85,916. Funding for the ticket printers and software will be available as follows:

	<u>110-1800-525-6221</u>	<u>110-2032-521-2211</u>	<u>Total</u>
	<u>101825</u>		
Project Budget	\$ -	\$ -	\$ -
Budget Adjustment	60,298	25,618	85,916
Encumbered/Committed to Date	-	-	-
<b>Citation Software - Advanced Public Safety Inc.</b>	<b>(60,298)</b>	<b>-</b>	<b>(60,298)</b>
<b>Citation Printers - Advanced Public Safety Inc.</b>	<b>-</b>	<b>(25,618)</b>	<b>(25,618)</b>
<b>Remaining Project Funds</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**ATTACHMENTS:**

Budget Amendment  
Resolution

FY 2018

## 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
110-1800-525-62-21	101825	Capital Equipment/Computer Software	60,298		
110-2032-521-22-11		Capital < \$5,000 / Instruments/Special Eqpt	25,618		
110-0000-317-00-00		Reserved for Court Technology Funds			85,916
		<b>DO NOT POST</b>			
<b>TOTAL.....</b>			\$ 85,916		\$ 85,916

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

This for the Police Department's Citation Software and Printer upgrade.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

3/15/2018

WITH AGENDA ITEM?

☒ Yes☐ No

Alan DeLuca

2/27/2018

☒ Approved

Department Head/Division Director

Date \_\_\_\_\_

☐ Disapproved

Finance

Date \_\_\_\_\_

☐ Approved

Disapproved	
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City Manager

Date \_\_\_\_\_

☐ Approved

☐ Disapproved

RESOLUTION NO. 2018-9070-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF E-CITATION SOFTWARE, PRINTERS AND SERVICES IN THE AMOUNT OF \$85,915.56, WITH ADVANCED PUBLIC SAFETY, INC. OF DEERFIELD BEACH, FLORIDA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Police Department Patrol and Traffic Units have been using ticket printers and software from Advanced Public Safety Systems, Inc. (“APS”) for the past ten years and have found that the automated ticket writers have worked well for the department, but the hardware and software have become obsolete and need to be upgraded;

**Whereas**, as part of an effort to make a more efficient process for officers writing citations, having access to current technology allows them to conduct their jobs more efficiently and safely;

**Whereas**, the new software is web based and driver and vehicle information is auto-populated into the form helping officers issue tickets more quickly by eliminating repetitive data entry;

**Whereas**, the new software version automates common data entry tasks involved in filling out traffic citations and remotely checks a vehicle or license number against local and national databases, eliminating the need for an officer to call a dispatcher to verify plate numbers;

**Whereas**, the handheld devices communicate to printers via a high-speed wireless connection, allowing officers to print tickets for motorists at the scene - these devices are ruggedized for wear and tear, and are well-suited for police officers, especially motorcycle officers;

**Whereas**, in accordance with Local Government Code Section 252.002(7)(A), Staff understands that Virtual Partner software from APS is the only system on the market that interfaces with the City’s current mobile data system and is the only product that will allow Staff to electronically transfer data from tickets, citations and other forms/documents to the court system;

**Whereas**, Staff recommends Council authorize the purchase of E-Citation Software, printers and services in the amount of \$85,915.56 from Advanced Public Safety, Inc. of Deerfield Beach, Florida;

**Whereas**, funds are available for this purchase but an adjustment to the fiscal year 2018 budget needs to be approved to appropriate funding to Account No. 110-1800-525-6225, Project No. 101825; 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 sole source purchase of E-Citation Software and Services in the amount of \$85,915.56 from Advanced Public Safety, Inc., of Deerfield Beach, Florida.

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

**Part 4:** The City Council authorizes an amendment to the fiscal year 2018 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 **15<sup>th</sup>** day of **March**, 2018.

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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03/15/18  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of E-Citation hardware from GovConnection, Inc., of Merrimack, NH, in the amount of \$74,917.12.

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

**ITEM SUMMARY:** The City of Temple Police Department Patrol and Traffic Units have been using ticket writer hardware for the past ten years. The Police Department and Municipal Court have found that the automated ticket writers have worked well but the hardware is obsolete and needs to be replaced in coordination with the related E-Citation software replacement agenda item.

The Police Department currently have 20 E-Citation hardware units that need to be replaced due to the age and obsolescence. The Police Department will be adding an additional 12 units to the 20 replacements. This will allow the Police Department as a whole to move completely to automated citations.

As part of an effort to make this a more efficient and safe process for Police Officers writing citations, it was recommended that the officers have access to hardware technology that can more efficiently and safely conduct their jobs. The new handhelds run a version of E-Citation software that automates common data entry tasks involved in filling out traffic citations. The system also can check remotely a vehicle or license number against local and national databases, eliminating the need for an officer to call a dispatcher to verify plate numbers. The handhelds communicate to the printers via a high-speed wireless connection, allowing officers to print tickets for motorists at the scene.

We will be bringing a related consent agenda item on this agenda for the purchase of related software that needs to be purchased for the newer version of hardware.

Staff is proposing to purchase the E-Citation hardware (32 handheld ruggedized devices with accessories) through the National Cooperative Purchasing Alliance (NCPA) Contract 01-44 that has been awarded to GovConnection, Inc. Contracts awarded through NCPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** A budget adjustment appropriating Municipal Court technology funds is being presented to Council for approval to appropriate funding for the E-citation hardware from GovConnection. Funding in the amount of \$74,918 will be available in account 110-2032-521-2211, as follows:

Project Budget	\$	72,000
Budget Adjustment		2,918
Encumbered/Committed to Date		-
E-Citation hardware - GovConnection, Inc		(74,918)
Remaining Project Funds Available	\$	-

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

FY 2018

## 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	
110-2032-521-22-11		Capital < \$5,000 / Instruments/Special Eqpt	\$ 2,918			
110-0000-317-00-00		Municipal Court Technology Fees			2,918	
		DO NOT POST				
TOTAL.....			\$ 2,918		\$ 2,918	

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

To appropriate Municipal Court Technology Fees for the purchase of 32 E-Citation hardware units (20 new units & 12 replacement units) from GovConnection, Inc. in the amount of \$74,918. The FY 2018 Budget included funding in the amount of \$72,000 for the purchase of ticket writers. This budget adjustment will appropriate the additional funds needed in the amount of \$2,918.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

3/15/2018

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

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

## Finance

Date \_\_\_\_\_

☐ Approved

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

City Manager

Date \_\_\_\_\_

☐ Approved

	Approved
	Disapproved

RESOLUTION NO. 2018-9071-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF E-CITATION HARDWARE IN THE AMOUNT OF \$74,917.12, FROM GOVCONNECTION, INC. OF MERRIMACK, NEW HAMPSHIRE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Police Department Patrol and Traffic Units have been using ticket writer hardware for the past ten years and have found that the automated ticket writers have worked well, but the hardware is obsolete and needs to be replaced;

**Whereas**, the Police Department currently has 20 E-Citation hardware units that need to be replaced due to age and obsolescence - the Police Department will be adding an additional 12 units to the 20 replacements which will allow the Police Department to move to a completely automated citation system;

**Whereas**, as part of an effort to make this a more efficient process for Police Officers writing citations, officers having access to hardware technology that can more efficiently and safely conduct their jobs is essential;

**Whereas**, the new handheld devices run a version of E-Citation software that automates common data entry tasks involved in filling out traffic citations and which can remotely check a vehicle or license number against local and national databases, eliminating the need for an officer to call a dispatcher to verify plate numbers;

**Whereas**, the handheld devices connect to printers via a high-speed wireless connection, allowing officers to print tickets for motorists at the scene;

**Whereas**, Staff recommends Council authorize the purchase of E-Citation hardware in the amount of \$74,917.12 utilizing National Cooperative Purchasing Alliance Contract No. 01-44;

**Whereas**, contracts awarded through the National Cooperative Purchasing Alliance have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, funds are available for this hardware purchase in Account No. 365-2000-521-6218, Project No. 101826; 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 E-Citation hardware in the amount of \$74,917.12 from GovConnection, Inc. of Merrimack, New Hampshire, utilizing National Cooperative Purchasing Alliance Contract No. 01-44.

**Part 3:** The City Council authorizes the City Manager, or her 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 **15<sup>th</sup>** day of **March**, 2018.

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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03/15/18  
Item #4(D)  
Consent Agenda  
Page 1 of 1

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

Damon Boniface, Utility Director  
Kirk Scopac, Fleet Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a vacuum excavator from Kinloch Equipment & Supply of Pasadena, in the amount of \$46,100.

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

**ITEM SUMMARY:** The Utility Services Division of the Public Works Department performs regular and routine maintenance efforts, assisting with potholing utilities for various situations. The purchase of a new self-contained potholing machine will supplement current activities and will assist in the performance of excavation, removal, and storage of spoils when identifying underground utilities in process of performing daily maintenance and repairs of utility lines. The potholing machine will provide safer working conditions, reduce the risk of damage to utility lines, and will improve efficiency when excavating through its diverse application; thus, enabling staff to more adequately respond to increasing community needs.

Staff is recommending the purchase of a PV500-D1WB-T trailer-mounted power vacuum excavator (i.e. potholing machine) from Kinloch Equipment & Supply utilizing BuyBoard contract #513-16. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for the purchase of this vacuum excavator from Kinloch Equipment & Supply in the amount of \$46,100 is available for project 101703 as follows:

	520-5200-535-6211	520-5400-535-6211	Total
Project Budget	\$ 28,500	\$ 28,500	\$ 57,000
Encumbered/Committed to Date	-	-	-
<b>Vacuum Excavator</b>	<b>(23,050)</b>	<b>(23,050)</b>	<b>(46,100)</b>
<b>Remaining Project Funds</b>	<b>\$ 5,450</b>	<b>\$ 5,450</b>	<b>\$ 10,900</b>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9072-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A VACUUM EXCAVATOR IN THE AMOUNT OF \$46,100, FROM KINLOCH EQUIPMENT & SUPPLY OF PASADENA, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Utility Services Division of the Public Works Department performs regular and routine maintenance efforts, assisting with potholing utilities for various situations;

**Whereas**, the purchase of a new self-contained potholing machine will supplement current activities and will assist in the performance of excavation, removal, and storage of spoils when identifying underground utilities in the process of performing daily maintenance and repairs of utility lines;

**Whereas**, a potholing machine provides safer working conditions, reduces the risk of damage to utility lines, and improves efficiency when excavating through diverse applications which will enable Staff to adequately respond to increasing community needs;

**Whereas**, Staff recommends Council authorize the purchase of a PV500-D1WB-T trailer-mounted power vacuum excavator from Kinloch Equipment & Supply of Pasadena, Texas in the amount of \$46,100, utilizing BuyBoard Contract No. 513-16;

**Whereas**, contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, funds are available for this purchase in Account No. 520-5200-535-6211 and Account No. 520-5400-535-6211, Project No. 101703; 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 a PV500-D1WB-T trailer-mounted power vacuum excavator from Kinloch Equipment & Supply of Pasadena, Texas in the amount of \$46,100, utilizing BuyBoard Contract No. 513-16.

**Part 3:** The City Council authorizes the City Manager, or her 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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(E)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kevin Beavers, CPRP, Parks & Recreation Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the execution of change order #1 to a construction contract with R.T. Schneider Construction Company, Ltd of Belton, in the net amount of \$21,002.50 for adjustments to the Martin Luther King Jr. Festival Grounds construction project.

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

**ITEM SUMMARY:** On December 7, 2017, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd in the amount of \$806,872.75 for the construction of Martin Luther King Jr. Festival grounds in an area bound by 4<sup>th</sup> Street, Avenue B, 8<sup>th</sup> Street (MLK Jr Drive), and Avenue E. The project consists of construction of a parking lot, fencing, grading, irrigation and grass establishment. The project is scheduled to be complete by April 8, 2018.

As detailed in the attached change order in the net amount of \$21,002.50, the following project elements needed modified:

Fencing/Gates	\$26,880.00
Wastewater Line Adjustments	9,057.50
Removal of a Crushed Granite Stage Pad	( 6,325.00)
Miscellaneous Tree Protection Adjustment	( 7,860.00)
Storm Drainage	( 750.00)
<b>Net Change to Construction Contract</b>	<b><u>\$ 21,002.50</u></b>

Due to the need to keep this project on schedule for the City's Bloomin' Fest at the end of April, Staff proceeded with execution of the change order prior to obtaining Council authorization. Accordingly, staff is requesting that Council ratify the execution of the change order.

There is no impact to the project completion date associated with this change order.

**FISCAL IMPACT:** Funding for the change order with R.T. Schneider Construction Company, Ltd in the amount of \$21,002.50 is available in Reinvestment Zone account 795-9500-531-6566, project 101262, as follows:

	<u>795-9500-531-6566</u>
Project Budget	\$ 5,285,000
Encumbered/Committed to Date	(2,624,066)
R.T. Schneider Construction Co, Ltd Change Order #1	(21,003)
<b>Remaining Project Funds</b>	<b><u>\$ 2,639,931</u></b>

The Martin Luther King Jr. Festival grounds project and the Santa Fe Market Trail project were combined into one project on the Financing/Project Plans as the Santa Fe Market, Line 404. The remaining project funds are for the construction of the Santa Fe Market Trail.

**ATTACHMENTS:**

[Change Order #1 with R.T. Schneider Construction Company, Ltd Resolution](#)

# CHANGE ORDER

PROJECT: Martin Luther King Jr. Festival Fields  
 OWNER: City of Temple  
 CONTRACTOR: R.T. Schneider Constuction Company, LTD.  
 ENGINEER: Kasberg, Patrick & Associates  
 CHANGE ORDER #: 1

Make the following additions, modifications or deletions (bold and underline those that apply) to the work described in the Contract Documents:

Add: Site Work Adjustments		Quantity	Unit	Unit Price	Extended Amount
Item	Description				
CO1-1	Modify Proposed Fencing Including Additional Gates and Fencing Re-Alignment	100%	LS	\$ 70,970.00	\$ 70,970.00
CO1-2	Furnish & Install 6" Wastewater Line for service to the Existing Building at S. 4th and Ave. C	110	LF	\$ 46.25	\$ 5,087.50
CO1-3	Furnish & Install 6" Wastewater Cleanouts for service to the Existing Building at S. 4th and Ave. C	3	EA	\$ 1,045.00	\$ 3,135.00
CO1-4	Connect to Existing Wastewater Line Near the Existing Building at S. 4th and Ave. C	1	EA	\$ 835.00	\$ 835.00
Add Total					\$ 80,027.50

Delete: Site Work Adjustments		Quantity	Unit	Unit Price	Extended Amount
Item	Description				
23	Sawcut 6' of 18" RCP & 18" RCP Set	-1	EA	\$ 750.00	\$ (750.00)
37	Crushed Granite per the Detail Shown in the Plans	-275	SY	\$ 23.00	\$ (6,325.00)
38	2'x2'x4' Limestone Landscape Boulders Wall per the Detail Shown in the Plans	-120	LF	\$ 65.50	\$ (7,860.00)
40	Furnish & Install 6-foot Black Iron Fencing, Including All Posts, Bases, Etc.	-250	LF	\$ 38.50	\$ (9,625.00)
41	35' Iron Slide Gate	-1	EA	\$ 10,500.00	\$ (10,500.00)
42	25' Iron Slide Gate	-1	EA	\$ 9,600.00	\$ (9,600.00)
43	22' Double Iron Swing Gate including 2 Latch/Hold Back Posts	-1	EA	\$ 4,135.00	\$ (4,135.00)
44	20' Double Iron Swing Gate including 2 Latch/Hold Back Posts	-2	EA	\$ 3,475.00	\$ (6,950.00)
45	16' Iron Swing Gate	-1	EA	\$ 1,900.00	\$ (1,900.00)
46	8' Double Iron Swing Gate including 2 Latch/Hold Back Posts	-1	EA	\$ 1,380.00	\$ (1,380.00)
Delete Total					\$ (59,025.00)

Change Order Total \$ 21,002.50

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

Original Contract Amount	\$ 806,872.75
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 21,002.50
Revised Contract Amount	\$ 827,875.25
Original Contract Time	N/A days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	N/A days
Revised Contract Time	N/A days
Original Final Completion Date	April 8, 2018
Revised Final Completion Date	April 8, 2018

Recommended By:

Project Manager (City Staff) \_\_\_\_\_ Date \_\_\_\_\_

Agreed to:

Contractor

Date

Approved as to form:

City Attorney's Office

Date

Recommended by:

Architect/Engineer

Date

Approved by City of Temple:

Brynn Myers, City Manager

Date

Approved by Finance Department

Finance

Date



RESOLUTION NO. 2018-9073-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD OF BELTON, TEXAS FOR ADJUSTMENTS TO THE MARTIN LUTHER KING JR. FESTIVAL GROUNDS CONSTRUCTION PROJECT IN THE NET DEDUCTIVE AMOUNT OF \$21,002.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on December 7, 2017, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd of Belton, Texas in the amount of \$806,872.75 for the construction of Martin Luther King Jr. Festival Grounds;

**Whereas**, this area is bounded by 4<sup>th</sup> Street, Avenue B, 8<sup>th</sup> Street (MLK Jr Drive), and Avenue E and the project consists of the construction of a parking lot, fencing, grading, irrigation and grass establishment;

**Whereas**, Change Order No. 1 will modify the following elements of the project:

• Fencing/Gates	\$26,880.00
• Wastewater Line Adjustments	9,057.50
• Removal of a Crushed Granite Stage Pad	( 6,325.00)
• Miscellaneous Tree Protection Adjustment	( 7,860.00)
• Storm Drainage	<u>( 750.00)</u>
Net Change to Construction Contract	<b>\$ 21,002.50</b>

**Whereas**, due to the need to keep this project on schedule for the City's Bloomin' Fest at the end of April, Staff proceeded with execution of the change order prior to obtaining Council authorization and now requests that Council ratify the execution of Change Order No. 1 to the construction contract with R.T. Schneider Construction Company, Ltd. of Belton, Texas, in the net deductive amount of \$21,002.59;

**Whereas**, funding for Change Order No. 1 is available in the Reinvestment Zone 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 ratifies Change Order No. 1 to the construction contract with R.T. Schneider Construction Company, Ltd. of Belton, Texas, in the net deductive amount of \$21,002.59.

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(F)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing & Facility Services

Justin Brantley, Assistant Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a deductive change order to a construction contract with Lochridge-Priest, Inc. of Waco, in the amount of \$90,927 for a modification to the warranty policy associated with a heating, ventilation and cooling equipment replacement project.

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

**ITEM SUMMARY:** Authorization of this deductive change order in the amount of \$90,927 will modify the warranty policy on a recently awarded contract that will upgrade the heating, ventilation, and cooling (HVAC) systems at 19 City facilities utilizing the SECO LoanSTAR program for funding. The warranty will be modified from five years full parts and labor warranties to five years compressor only warranties and one-year parts and labor for the remainder of the equipment. Staff believes that the reduced coverage warranty is more cost-beneficial and will match the typical warranties on the City's HVAC equipment.

On February 15, 2018, Lochridge-Priest, Inc. was awarded a construction contract in the amount of \$1,804,437 for the replacement of HVAC units at 19 City facilities utilizing the SECO LoanSTAR program for funding. Per the contract with Lochridge Priest, the HVAC work at the 19 City facilities will be substantially complete by June 30, 2018.

**FISCAL IMPACT:** The HVAC replacement construction contract with Lochridge-Priest, Inc. is funded through the State Energy Conservation Office (SECO) – LoanSTAR Program. The Program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction effort, at an interest rate of 2%. The deductive change order in the amount of \$90,927 will be allocated to the following accounts:

Account #	Project #	Facility - Project Description	Original Contract Award to Lochridge-Priest	Allocation of Change Order	Revised Contract Value
358-2100-529-6310	101750	Animal Shelter	\$146,088	(\$7,361)	\$138,727
358-4400-551-6310	101752	Mayborn Convention Center	496,100	(24,999)	471,101
358-3200-551-6310	101755	Summit Fitness Center	252,349	(12,716)	239,633
358-2400-519-6310	101756	Service Centers A/B/C	305,572	(15,398)	290,174
358-2200-521-6310	101757	Fire Station - #3	33,018	(1,664)	31,354
358-2200-521-6310	101758	Fire Station - #4	20,094	(1,013)	19,081
358-2200-521-6310	101759	Fire Station - #5	48,639	(2,451)	46,188
358-2200-521-6310	101760	Fire Station - #7	14,008	(706)	13,302
358-3200-551-6310	101761	Gober Party House	62,681	(3,159)	59,522
358-2400-519-6310	101762	Patsy Luna Building	10,132	(511)	9,621
358-3200-551-6310	101764	Blackmon Center	14,934	(753)	14,181
358-1800-525-6310	101765	Municipal Court / Utility Office	161,565	(8,141)	153,424
358-5800-535-6310	101765	Municipal Court / Utility Office	69,242	(3,489)	65,753
358-2400-519-6310	101766	Clarence Martin Gym	83,965	(4,231)	79,734
358-3200-551-6310	101767	Sammons Community Center - Indoor Pool	10,322	(520)	9,802
358-3100-551-6310	101768	Sammons Golf Course - Clubhouse	25,454	(1,283)	24,171
358-3600-560-6310	101769	Elmer Reed General Aviation Terminal	39,332	(1,982)	37,350
358-3500-552-6310	101770	PARD Shop	10,942	(551)	10,391
<b>Total</b>			<b>\$1,804,437</b>	<b>(\$90,927)</b>	<b>\$1,713,510</b>

**ATTACHMENTS:**

[Change Order with Lochridge-Priest, Inc.](#)  
[Resolution](#)

## CHANGE ORDER

<b>PROJECT:</b>	Re-Bid of LoanSTAR Facility HVAC Replacement
<b>OWNER:</b>	City of Temple
<b>CONTRACTOR:</b>	Lochridge-Priest, Inc.
<b>CHANGE ORDER #:</b>	One (1)

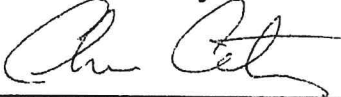
Make the following adjustment to the work described in the Contract Documents:

Reduction in warranty requirements on all packaged rooftop units                      \$        (90,927.00)  
and split systems from 5 years parts & labor to 1 year parts & labor  
with the exception of compressors (to remain at 5 years).  
(Please See Attached)

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

Original Contract Amount	\$ 1,804,437.00
Previous Net Change in Contract Amount	\$ 0.00
Net Change in Contract Amount	\$ (90,927.00)
Revised Contract Amount	\$ 1,713,510.00
Original Contract Time	Final Completion Date: June 30, 2018
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	Final Completion Date: June 30, 2018

**Recommended by:**

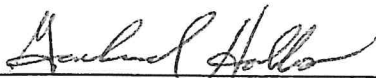


Chris Carter, ESA Energy Systems Assoc.

**Approved by Finance Department:**

Finance Department

**Recommended by:**



Garland Hollas, Lochridge-Priest, Inc.

**Approved as to form:**

City Attorney's Office

**Recommended by:**

 3/5/18

Belinda Mattke, Dir of Purchasing & Facility Svcs

**Approved by City of Temple:**

City Manager

**City of Temple funding information:**

Account # Multiple

Project # 101768

PO # 191855

Budget Adjustment Processed \_\_\_\_\_

Added to PO \_\_\_\_\_



# Document G701™ – 2017

## Change Order

<b>PROJECT:</b> <i>(name and address)</i> Temple LS Facility HVAC Replac Sections 1, 2 and 3	<b>CONTRACT INFORMATION:</b> Contract For: HVAC Replacement Date: February 2018	<b>CHANGE ORDER INFORMATION:</b> Change Order Number: 001 Date: February 22, 2018
<b>OWNER:</b> <i>(name and address)</i> City of Temple Purchasing Dpt 3210 E Ave H, Bldg C Temple, TX 76501	<b>ARCHITECT:</b> <i>(name and address)</i> ESA Energy Systems Associates 1111 N IH 35, Suite 212 Round Rock, TX 78664	<b>CONTRACTOR:</b> <i>(name and address)</i> Lochridge-Priest 2901 E Industrial Blvd Waco, TX 76705

### THE CONTRACT IS CHANGED AS FOLLOWS:

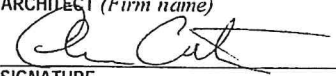
*(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)*

The warranty requirements for all packaged rooftop units and split systems in Sections 1, 3 and 4 of the project will be decreased from five (5) years parts and labor to five (5) years for the compressor, 1 year parts and labor for the remainder of the equipment.

The original Contract Sum was	\$ 1,804,437.00
The net change by previously authorized Change Orders	\$ 0.00
The Contract Sum prior to this Change Order was	\$ 1,804,437.00
The Contract Sum will be decreased by this Change Order in the amount of	\$ (90,927.00)
The new Contract Sum, including this Change Order, will be	\$ 1,713,510.00
The Contract Time will be unchanged by zero ( 0 ) days.	
The new date of Substantial Completion will be June 30, 2018.	

*NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.*

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ESA Energy Systems Associates		
ARCHITECT <i>(Firm name)</i>	CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
		
SIGNATURE	SIGNATURE	SIGNATURE
Chris Carter, President		
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
February 22, 2018		
DATE	DATE	DATE

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RESOLUTION NO. 2018-9074-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDUCTIVE CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH LOCHRIDGE-PRIEST, INC. OF WACO, TEXAS IN THE AMOUNT OF \$90,927, FOR A MODIFICATION TO THE WARRANTY POLICY ASSOCIATED WITH A HEATING, VENTILATION AND COOLING EQUIPMENT REPLACEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on February 15, 2018, Lochridge-Priest, Inc. of Waco, Texas was awarded a construction contract in the amount of \$1,804,437 for the replacement of HVAC units at 19 City facilities utilizing the SECO LoanSTAR program for funding;

**Whereas**, this deductive change order in the amount of \$90,927 will modify the warranty policy on the recently awarded contract that will upgrade the heating, ventilation, and cooling (HVAC) systems at 19 City facilities utilizing the SECO LoanSTAR program for funding;

**Whereas**, the warranty will be modified from five years of full parts and labor warranties to five years' compressor only warranties and one year parts and labor, for the remainder of the equipment;

**Whereas**, the HVAC replacement construction contract with Lochridge-Priest, Inc. is funded through the State Energy Conservation Office (SECO) – LoanSTAR Program - the program finances energy related cost-reduction retrofits through low-interest rate loans to assist borrowers in financing their energy-related cost-reduction efforts, at an interest rate of 2%;

**Whereas**, this deductive change order in the amount of \$90,927 will be allocated to the following accounts:

Account #	Project #	Facility - Project Description	Original Contract Award to Lochridge-Priest	Allocation of Change Order	Revised Contract Value
358-2100-529-6310	101750	Animal Shelter	\$146,088	(\$7,361)	\$138,727
358-4400-551-6310	101752	Mayborn Convention Center	496,100	(24,999)	471,101
358-3200-551-6310	101755	Summit Fitness Center	252,349	(12,716)	239,633
358-2400-519-6310	101756	Service Centers A/B/C	305,572	(15,398)	290,174
358-2200-521-6310	101757	Fire Station - #3	33,018	(1,664)	31,354
358-2200-521-6310	101758	Fire Station - #4	20,094	(1,013)	19,081
358-2200-521-6310	101759	Fire Station - #5	48,639	(2,451)	46,188
358-2200-521-6310	101760	Fire Station - #7	14,008	(706)	13,302
358-3200-551-6310	101761	Gober Party House	62,681	(3,159)	59,522
358-2400-519-6310	101762	Patsy Luna Building	10,132	(511)	9,621



358-3200-551-6310	101764	Blackmon Center	14,934	(753)	14,181
358-1800-525-6310	101765	Municipal Court / Utility Office	161,565	(8,141)	153,424
358-5800-535-6310	101765	Municipal Court / Utility Office	69,242	(3,489)	65,753
358-2400-519-6310	101766	Clarence Martin Gym	83,965	(4,231)	79,734
358-3200-551-6310	101767	Sammons Community Center - Indoor Pool	10,322	(520)	9,802
358-3100-551-6310	101768	Sammons Golf Course - Clubhouse	25,454	(1,283)	24,171
358-3600-560-6310	101769	Elmer Reed General Aviation Terminal	39,332	(1,982)	37,350
358-3500-552-6310	101770	PARD Shop	10,942	(551)	10,391
<b>Total</b>			<b>\$1,804,437</b>	<b>(\$90,927)</b>	<b>\$1,713,510</b>

**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 a deductive change order to the construction contract with Lochridge-Priest, Inc. of Waco, Texas in the amount of \$90,927 for a modification to the warranty policy associated with a heating, ventilation and cooling equipment replacement project.

**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 **15<sup>th</sup>** day of **March**, 2018.

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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Page 1 of 1

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Master Interlocal Purchasing Agreement with the North Central Texas Council of Governments allowing cooperative purchasing for actuarial consulting services.

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

**ITEM SUMMARY:** The North Central Texas Council of Governments has a shared services contract with Gabriel, Roeder, Smith & Co. to provide actuarial valuation services related to Other Post Employment Benefits.

The shared services contract was awarded to GRS in April of 2017. This shared services contract will provide actuarial valuations and consulting services for the new OPEB accounting standards GASB Statements No. 75.

GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* changes the focus of accounting of postemployment benefits other than pensions from whether they are responsibly funding the benefits over time to a point-in-time liability that is reflected on the employer's financial statements for any actuarially unfunded portion of benefits earned to date. This statement will become effective for the City in fiscal year 2018.

The City would like to benefit from this shared services contract and have GRS perform an OPEB Valuation for the City of Temple based on the requirements of the new GASB Statement No. 75.

**FISCAL IMPACT:** The fee for the actuarial services will be \$14,100. This fee includes a biennial update for FY 2019. Funds are available in the FY 2018 Operating budget in account 110-1200-515-2616.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9075-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MASTER INTERLOCAL PURCHASING AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ALLOWING COOPERATIVE PURCHASING FOR ACTUARIAL CONSULTING SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the North Central Texas Council of Governments (NCTCOG) has a shared services contract with Gabriel, Roeder, Smith & Co. (GRS) to provide actuarial valuation services related to Other Post-Employment Benefits (OPEB);

**Whereas**, the shared services contract was awarded to GRS in April of 2017 and this shared services contract will provide actuarial valuations and consulting services for the new OPEB accounting standards GASB Statement No. 75;

**Whereas**, GASB Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions changes the focus of accounting of post-employment benefits other than pensions from whether they are responsibly funding the benefits over time, to a point-in-time liability that is reflected on the employer's financial statements for any actuarially unfunded portion of benefits earned to date;

**Whereas**, Staff recommends Council authorize a Master Interlocal Purchasing Agreement with North Central Texas Council of Governments and Staff believes the City will benefit from this shared services contract and will then have GRS perform an OPEB Valuation for the City of Temple based on the requirements of the new GASB Statement No. 75;

**Whereas**, funds are available in the fiscal year 2018 Operating Budget in Account No. 110-1200-515-2616; 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 her designee, after approval as to form by the City Attorney, to execute a Master Interlocal Purchasing Agreement with North Central Texas Council of Governments allowing cooperative purchasing for actuarial consulting services.

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(H)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Mitch Randles, Fire Chief  
Charla Thomas, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a lease renewal with American Medical Response Ambulance Service, Inc., for lease of space at Fire Station 8 located at 7268 Airport Road, Temple.

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

**ITEM SUMMARY:** American Medical Response Ambulance Service, Inc. ("AMR") has leased space at Fire Station 8 since October 1, 2017. The lease expires March 15, 2018 and AMR has requested to renew the lease to run concurrently with the remainder of its Emergency Medical Services (EMS) Agreement with the City for approximately an additional 5 ½ years with three additional 3-year renewal periods.

This initial lease term will commence on March 16, 2018 and end September 30, 2023 and may be extended for three 3-year renewal options upon council approval.

On May 18, 2017, City Council authorized a six-year agreement with AMR to provide EMS services to residents of the City, effective October 1, 2017. The EMS agreement also has three 3-year renewal options.

AMR will continue to have the exclusive use of one bedroom, one bathroom and one apparatus bay totaling approximately 1090 square feet. The proposed rental rate is \$0.75/square foot for a total of \$817.50 per month. AMR will also continue to have use of the common areas including kitchen, laundry, gym and dayroom totaling 1284 square feet, for which AMR will pay a total rental rate of \$0.25/square feet for a total of \$321. AMR will continue to pay a total of \$1,138.50 per month.

Both Staff and AMR have been pleased with the current Lease arrangement at Fire Station 8 and Staff recommends Council authorize renewal of this lease agreement.

**FISCAL IMPACT:** AMR will pay rent in the amount of \$1,138.50 per month which will be deposited into account 110-0000-461-0253.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9076-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE RENEWAL WITH AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. FOR LEASE OF SPACE AT FIRE STATION 8 LOCATED AT 7268 AIRPORT ROAD, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, American Medical Response Ambulance Service, Inc. (“AMR”) has leased space at Fire Station 8 since October 1, 2017 and the lease expires March 15, 2018;

**Whereas**, AMR has requested to renew the lease to run concurrently with the remainder of its Emergency Medical Services (EMS) Agreement with the City for approximately 5 ½ years with three 3-year renewal periods;

**Whereas**, this initial lease term will commence on March 16, 2018 and end September 30, 2023 – the lease may be extended for three 3-year renewal options upon council approval;

**Whereas**, on May 18, 2017, City Council authorized a six-year agreement with AMR to provide EMS services to residents of the City, effective October 1, 2017 – this EMS agreement also has three 3-year renewal options;

**Whereas**, AMR will continue to have the exclusive use of 1 bedroom, 1 bathroom and 1 apparatus bay at Station 8 totaling approximately 1090 square feet - the proposed rental rate is \$0.75/square foot for a total of \$817.50 per month;

**Whereas**, AMR will also continue to have use of the common areas including the kitchen, laundry, gym and dayroom totaling approximately 1284 square feet, for which AMR will pay a total rental rate of \$0.25/square feet for a total of \$321 – the total AMR will continue to pay to the City will be \$1,138.50 per month;

**Whereas**, Staff and AMR have been pleased with the current lease arrangement at Fire Station 8 and Staff recommends Council authorize renewal of this lease agreement;

**Whereas**, AMR will pay rent in the amount of \$1,138.50 per month which will be deposited into Account No. 110-0000-461-0253; and

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

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

**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 her designee, after approval as to form by the City Attorney, to execute a lease renewal with American Medical Response Ambulance Service, Inc. for lease of space at Fire Station 8 located at 7268 Airport Road, Temple, Texas effective March 16, 2018 and running concurrently with the remainder of its EMS agreement for an additional 5 ½ years with three 3-year renewal periods.

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Brynn Myers, City Manager  
Charla Thomas, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a lease agreement with the Temple Children's Museum for lease of space in the Public Services Building.

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

**ITEM SUMMARY:** The Temple Children's Museum ("Museum") has requested to lease space in the Public Services Building located at 11 North 2<sup>nd</sup> Street. This space consists of approximately 2,438 square feet.

Pursuant to the lease, the Museum will be responsible for all utilities, janitorial services, and other daily maintenance. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

This is a one-year lease. Annual lease payment is \$1.

**FISCAL IMPACT:** Rental is \$1 per lease term. Temple Children's Museum will be responsible for all janitorial service charges as needed, including cleaning and bathroom supplies.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9077-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH THE TEMPLE CHILDREN'S MUSEUM FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Children's Museum ("Museum") has requested to lease space in the Public Services Building located at 11 North 2nd Street - this space consists of approximately 2,438 square feet;

**Whereas**, pursuant to the lease agreement, the Museum will be responsible for all utilities, janitorial services, and other daily maintenance of the building - this is an "as-is" lease and the City will not be making any adjustments or upgrades to the space;

**Whereas**, the lease will be for a one year period and the Temple Children's Museum will pay an annual lease amount of \$1; 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 her designee, after approval as to form by the City Attorney, to execute a one-year lease agreement with the Temple Children's Museum for lease of space in the Public Services Building;

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(J)  
Consent Agenda  
Page 1 of 1

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

Jason Deckman, Planner

**ITEM DESCRIPTION:** Consider adopting a resolution amending a street use license (SUL-FY-15-02) to allow existing buildings and improvements both above and below ground, on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad Right-of-Way.

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

**ITEM SUMMARY:** The applicants, represented by Joe Naivar, Jr., request an amendment to the approved street use license (SUL-FY-15-02) to allow existing buildings, material storage, septic system, pavement and fence, on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad right-of-way. The applicant represents Asphalt Inc. LLC, d/b/a Lone Star Paving Company. The original license inadvertently only included the existing building encroachment, omitting the other existing encroachments. The original license was approved by City Council on January 8, 2016, as Resolution No. 2015-7937-R.

Staff notified all utility providers, including the City of Temple Public Works Department, regarding the applicants' amended street use license. There are no objections to this request.

**FISCAL IMPACT:** None.

### **ATTACHMENTS:**

[Vicinity Map](#)  
[Original Resolution](#)  
[Survey & Field Notes](#)  
[Resolution](#)



Vicinity of Street Use License for Building Encroachment into Georgetown Railroad Right-of-Way



RESOLUTION NO. 2015-7937-R

(SUL-FY-15-02)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO ALLOW EXISTING BUILDINGS AND AN EXISTING CHAIN LINK FENCE ON LOT 3, BLOCK 1, GOLDEN VALLEY SUBDIVISION, WITH AN ENCROACHMENT OF APPROXIMATELY 10.9 FEET INTO THE GEORGETOWN RAILROAD RIGHT OF WAY; PROVIDING FOR THE TERMS OF AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicants, Jeffrey Martin Ling and Lyndall Ling, request a street use license to allow existing buildings and an existing chain link fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way;

**Whereas**, the Final Plat of Golden Valley Subdivision was approved by the Planning and Zoning Commission on October 5, 2015, but it has not yet been recorded;

**Whereas**, Staff has notified all utility providers, including the City of Temple Public Works Department, regarding the applicants' requested street use license and there are no objections to this request; 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:** A Street Use License is granted to the applicants, Jeffrey Martin Ling and Lyndall Ling, to allow existing buildings and an existing chain link fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way, more fully shown on Exhibit 'A,' attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

**I. Term**

This license is granted for a term of fifteen years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

**II. Fee**

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150.00) for the fifteen year term of the license herein granted upon the execution by Licensee and approval by the City of the agreement.

### **III. Purpose**

The above-described property shall be used by the Licensee to utilize property located at Lot 3, Block 1, Golden Valley Subdivision, to allow an approximately 10.9 foot encroachment into the Georgetown Railroad right of way.

### **IV. Conditions of License**

The above-described license is granted subject to the following conditions, terms and reservations:

#### **a) Maintenance of Encroachment Area.**

1. Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly matter. A sufficient area of the public street, right of way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right of way. Licensee shall at all times, allow access to utilities and trash receptacles located within the encroachment area.
2. Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be borne by the Licensee.
3. In the event that City requests removal of the encroachment or any other physical improvement in the area of the licensee, Licensee shall remove said improvement at his own expense within thirty days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

#### **b) Right of Cancellation.**

1. This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to



cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

c.) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for the license upon its renewal or extension.

d.) **Hold Harmless.**

1. As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.
2. Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.
3. It is the intention of this indemnity agreement on the part of the Licensee and a condition of the license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of

Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against the City of Temple on account of same, and discharge any judgement or judgements that may be rendered against the City of Temple in connection herewith.

### V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been cancelled fully.

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

PASSED AND APPROVED this the 5<sup>th</sup> day of November, 2015.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



Kayla Landeros  
City Attorney

ATTEST:



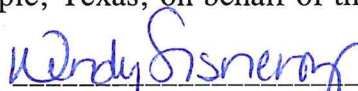
Lacy Borgeson  
City Secretary

### CERTIFICATE OF ACKNOWLEDGMENT

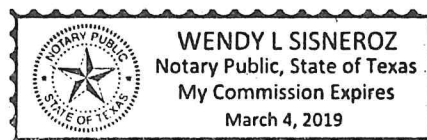
STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on the 8 day of January, 2016, by **Daniel A. Dunn**, Mayor, City of Temple, Texas, on behalf of the City.



Notary Public, State of Texas







February 16, 2018

page 1 of 2

Field notes for a SPECIFIC USE LICENSE for Mr. Joe Naviar for:

Part of the STEPHEN FRAZIER SURVEY, Abstract Number 311, situated in the City of Temple, in Bell County, Texas, and embracing a portion of the tract described in the deed to the City of Temple, recorded in Document Number 2011-00009397 of the Bell County Official Public Records.

BEGINNING at 5/8 inch iron rebar found with a cap stamped "RCS INC" in the south right of way line of Taylor's Valley Road, being in the south line of a tract described in the deed to the State of Texas, Parcel 11, Tract 1, recorded in Volume 685, Page 594 of the Bell County Deed Records, for a westerly northeast corner of said City of Temple tract, formerly known as the Georgetown Railroad Company tract, recorded in Volume 2729, Page 515 of said Official Public Records, and being the northeast corner of Lot 3, Block 1 of GOLDEN VALLEY SUBDIVISION, a subdivision to the City of Temple, in Bell County, Texas, as it appears upon the map recorded in Plat Year 2016, Map Number 64 of the Bell County Plat Records, for the northeast corner of a tract described in the deed to Asphalt, Inc., recorded in Document Number 2018-00000469 of said Official Public Records, also being 100 feet northerly and parallel to the Track Center of said former Georgetown Railroad Company.

Thence south 23 degrees-52 minutes-15 seconds west 50-0/10 feet to a calculated point being in a line 50 feet northerly and parallel to said Track Center of the Georgetown Railroad Company and City of Temple tract.

Thence north 66 degrees-07 minutes-45 seconds west (along a line 50 feet northerly and parallel to said Track Center of the Georgetown Railroad Company and City of Temple tract, 588-95/100 feet to a calculated point.

Thence north 26 degrees-08 minutes-45 seconds east 50-05/100 feet to a 5/8 inch iron rebar found with a cap stamped "RCS INC" in the north line of said City of Temple and Georgetown Railroad Company tracts, being 100 feet northerly and parallel to said Track Center, for the southeast corner of Lot 2, in said Block 1 and the southeast corner of a tract described in the deed to Peerless Group, LLC., recorded in Document Number 2018-00000468 of said Official Public Records, for the southwest corner of said Lot 3, in Block 1 and Asphalt, Inc. tract.

Thence south 66 degrees-07 minutes-45 seconds east (plat call) along the north line of said City of Temple and Georgetown Railroad Company tracts, being 100 feet northerly and parallel to said Track Center of the Railroad, for the south line of said Lot 3, Block 1 and Asphalt, Inc. tract, 588-95/100 feet to the place of BEGINNING and containing 0-67/100 of an acre, as surveyed.

February 16, 2018

Page 2 of 2

Field notes for a SPECIFIC USE LICENSE for Mr. Joe Navar for: (continued)

The basis of bearings was taken from the Texas State Plane Coordinate System, Central Zone, NAD83 Datum, as obtained by GPS observations, and referenced to the LEICA SMARTNET NETWORK of NORTH AMERICA Base Station "TXTC" at Temple College, in Temple, Texas.

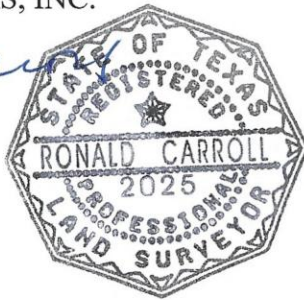
See attached 11 inch by 17 inch sketch that accompanies these field notes.

Compiled February 15, 2018.

RONALD CARROLL SURVEYORS, INC.



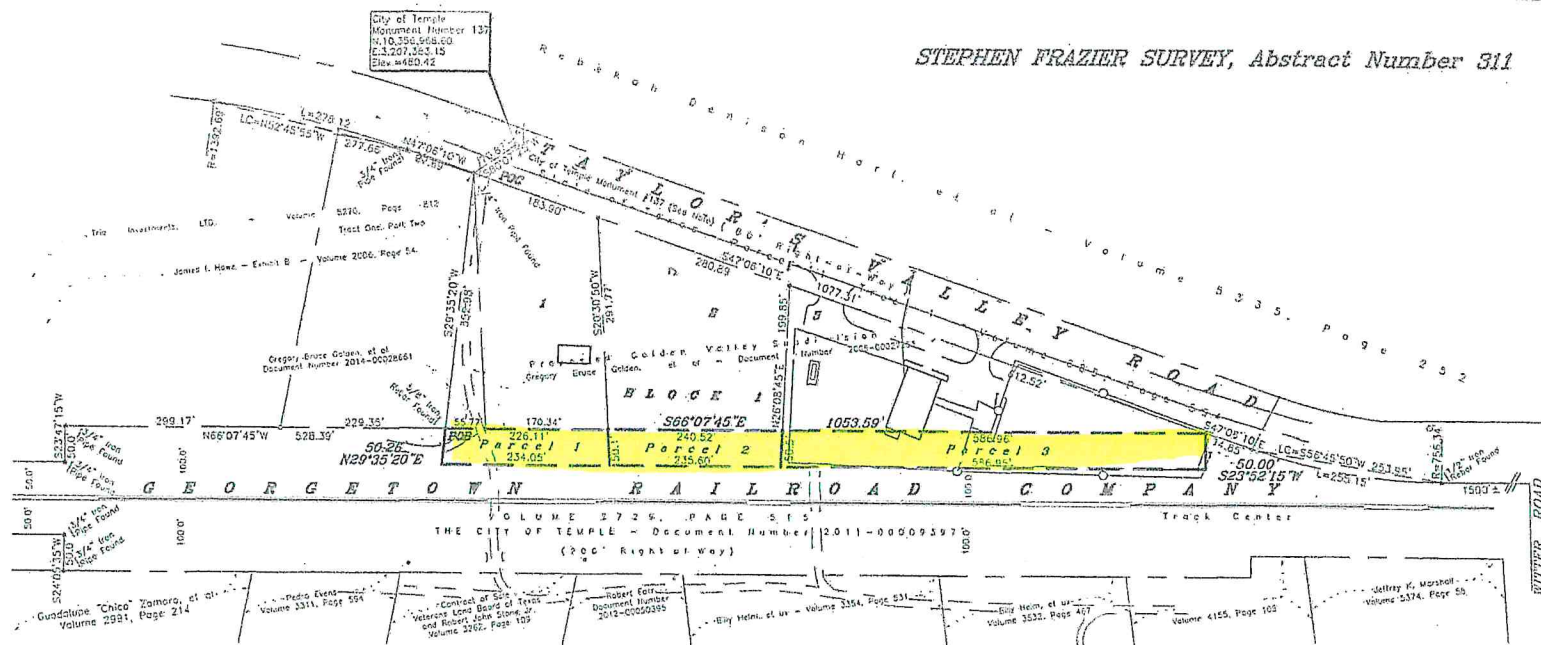
Ronald Carroll, RPLS 2025  
Vice President



S:\jobs 13041 Golden Valley Sub draft fn Specific Use License Lot 3 Naivar 021318



STEPHEN FRAZIER SURVEY, Abstract Number 311



Sketch showing a Site Plan, for GOLDEN VALLEY  
for situated in the STEPHEN FRAZIER SURVEY,  
Abstract Number 311, in Bell County, Texas.  
Surveyed June 15, 2013.  
RONALD CARROLL SURVEYORS, INC.

NOTES:

- Property Corners are 5/8" Iron Rebar Set with yellow plastic cap stamped "RCS, INC.", unless otherwise stated.
- Calculated Point.
- △ 5/8" Iron Rebar Found with 3" Aluminum cap stamped Texas Department of Transportation, unless otherwise stated.
- POB Point of Beginning
- POC Point of Commencement

Parcel Area 1	0.25
Parcel Area 2	0.27
Parcel Area 3	0.57
<b>Total Acres</b>	<b>1.21</b>

FOR: Alma Golden  
JOB NO: 13041  
DATE: 10/15/14  
DWG NAME: GoldenSITE PLAN.dwg  
DISK: S:/RCS Jobs-2013  
DRAWN BY: G.B.C.  
FIELD BOOK: "NO. PG"

encroachment designated by  
paving and fence line.

RESOLUTION NO. 2018-9078-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING A STREET USE LICENSE TO ALLOW EXISTING BUILDINGS AND IMPROVEMENTS BOTH ABOVE AND BELOW GROUND, ON LOT 3, BLOCK 1, GOLDEN VALLEY SUBDIVISION, WITH AN ENCROACHMENT OF APPROXIMATELY 10.9 FEET INTO THE GEORGETOWN RAILROAD RIGHT OF WAY; PROVIDING FOR THE TERMS OF AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicants, represented by Joe Naivar, Jr., have requested an amendment to the approved street use license approved by City Council on November 5, 2015 by Resolution No. 2015-7937-R which allowed existing buildings, material storage, septic system, pavement and fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way;

**Whereas**, the applicants represent Asphalt Inc., LLC d/b/a Lone Star Paving Company and the original license inadvertently included only the existing building encroachment, omitting the other existing encroachments;

**Whereas**, Staff has notified all utility providers, including the City of Temple Public Works Department regarding the applicants amended street use license and there are no objections to this request; 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 amends Resolution Number 2015-7937-R which granted a Street Use License which only allowed for existing buildings, material storage, septic system, pavement and fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way to now include other existing encroachments as outlined 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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(K)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution declaring the candidates for General and Special elections of May 5, 2018, Mayor and District 1 City Councilmember, as unopposed and elected to office; thereby canceling the election as ordered.

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

**ITEM SUMMARY:** On February 1, 2018, the City Council ordered an Election for May 5, 2018, for both the General and Special elections of May 5, 2018 to elect the Mayor at large, and District 1 Councilmember.

The Election Code permits the cancellation of an election under certain circumstances.

In order to cancel an election in the City, the City Secretary must certify in writing to the City Council that only one candidate's name is to appear on the ballot for the election in a particular district; that no write-in candidates have filed to be placed on the list of write-in candidates for this place; and that no proposition is to appear on the ballot. These certifications have been made on the attached *Certification of Unopposed Candidates* regarding the Mayor at large and District 1 Councilmember election.

Since there is only one candidate for these seats, Timothy Davis (Mayor at large candidate) and Jessica Walker (District 1 candidate) the Council can declare the unopposed candidates elected to office, thereby canceling the May 5, 2018 election as ordered. The *Order of Cancellation*, also attached, will be posted on Election Day at the polling place. The Certificate of Election will be presented to Mr. Davis and Ms. Walker following the May 5<sup>th</sup> election date.

**FISCAL IMPACT:** Funding in the amount of \$7,800 is appropriated in account 110-1400-511-2517, as part of the City Secretary's budget for the 2018 General Election.

### **ATTACHMENTS:**

Certificate of Unopposed Candidate - To be provided

Order of Cancellation -To be provided

[Resolution](#)

RESOLUTION NO. 2018-9079-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECLARING THE CANDIDATES FOR THE GENERAL AND SPECIAL ELECTIONS OF MAY 5, 2018, FOR MAYOR AND DISTRICT 1 CITY COUNCILMEMBER AS UNOPPOSED AND ELECTED TO OFFICE, THEREBY CANCELING THE ELECTIONS AS ORDERED; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on February 1, 2018, the City Council ordered General and Special elections for May 5, 2018 to elect the Mayor at Large and District 1 Councilmember;

**Whereas**, the Election Code permits the cancellation of an election under certain circumstances - in order to cancel an election in the City, the City Secretary must certify in writing to the City Council that only one candidate's name is to appear on the ballot for the election in a particular district, that no write-in candidates have filed to be placed on the list of write-in candidates for this place, and that no proposition is to appear on the ballot;

**Whereas**, these certifications have been made on Exhibit 'A' attached, entitled '*Certification of Unopposed Candidates*' regarding the Mayor at Large and District 1 Councilmember seats;

**Whereas**, since there is only one candidate for these seats, Timothy Davis (Mayor at Large candidate) and Jessica Walker (District 1 candidate), the Council can declare the unopposed candidates elected to office, thereby canceling the May 5, 2018 election as ordered;

**Whereas**, the '*Order of Cancellation*', attached hereto as Exhibit 'B,' will be posted on Election Day at polling locations and the Certificate of Election will be presented to Mr. Davis and Ms. Walker following the May 5<sup>th</sup> election date;

**Whereas**, funding for the 2018 General Election was authorized in the City Secretary's fiscal year 2018 budget and appropriated in Account No. 110-1400-511-2517; and

**Whereas**, the City Council of the City of Temple, Texas 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 of the City of Temple, Texas accepts the attached '*Certification of Unopposed Status*' of Candidates for Mayor at Large and District 1 City Councilmember for the May 5, 2018 General and Special Elections as submitted by the City Secretary.

**Part 3:** The City Council declares the candidates for the General and Special Elections of May 5, 2018, for Mayor at Large and District 1 City Councilmember as unopposed and elected to office and cancels the elections as ordered.

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(L)  
Consent Agenda  
Page 1 of 1

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

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the formal presentation of the assigned duty weapon to officers who have retired after 25 years of consecutive service with the Temple Police Department.

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

**ITEM SUMMARY:** For the past several years, the Department has presented the assigned duty weapon to officers who retire with more than 25 years of service, in appreciation for their valued commitment and service to the City of Temple. This has been a longstanding practice from previous City and Department administrators. The resolution will formalize this practice.

**FISCAL IMPACT:** Replacement cost is currently \$357 per assigned duty weapon. The department will incur additional costs for display and engraving estimated at \$66 per weapon. The department currently recognizes 2-3 retirees per fiscal year with this honor.

### **ATTACHMENTS:**

[Photo](#)

[Resolution](#)

RESOLUTION NO. 2018-9080-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AUTHORIZING THE FORMAL PRESENTATION OF THE ASSIGNED DUTY  
WEAPON TO OFFICERS WHO HAVE RETIRED AFTER 25 YEARS OF  
CONSECUTIVE SERVICE WITH THE TEMPLE POLICE DEPARTMENT; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, for the past several years, the Temple Police Department has presented the assigned duty weapon to officers who retire with more than 25 years of service in appreciation for their valued commitment and service to the City of Temple;

**Whereas**, this has been a long-standing practice from the Police Department and Staff recommends Council formalize this time-honored tradition;

**Whereas**, replacement cost is currently \$357 per assigned duty weapon – the department will incur additional costs for display and engraving in the estimated amount of \$66 per weapon.

**Whereas**, the Police Department currently recognizes 203 retirees per fiscal year with this honor; 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 formal presentation of the assigned duty weapon to Temple police officers who have retired after 25 years of consecutive service with the Temple Police Department.

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:


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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





Derek Rose #209  
01-09-87 to 01-31-18

Derek Rose  
Lieutenant



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #4(M)  
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 2017-2018.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2017-2018 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$19,670.

**ATTACHMENTS:**

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

RESOLUTION NO. 2018-9081-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2017-2018 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 25<sup>th</sup> day of August, 2017, the City Council approved a budget for the 2017-2018 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2017-2018 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 2017-2018 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 15<sup>th</sup> day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
**March 15, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2800-532-2516		Other Services / Judgments & Damages	\$ 4,100	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 4,100
To appropriate insurance proceeds received from Geico County Mutual Insurance Company related to damages to a traffic pole/signal light occurring on January 1, 2018 at the corner of Avenue U and 1st Street.				
110-1800-525-2212		Capital < \$5,000 / Office Machines	\$ 216	
110-0000-452-0455		Administrative Fees / Technology Fee		\$ 216
To appropriate Municipal Court Technology Fees for the purchase of five Royal Sovereign counterfeit bill detectors.				
110-2210-522-2513		Other Services / Special Services	\$ 7,760	
110-0000-442-1629		Fire Department Revenue / Fire Donations/Gifts		\$ 7,760
To appropriate donations received for the Rescue Elves Program, Warm Coat Program, Explorer Club, and the Honor Guard.				
110-2100-529-2114		Supplies / Animal Food & Supplies	\$ 7,094	
110-0000-461-0841		Other / Donation/Gifts		\$ 7,094
To appropriate donations received for the Animal Shelter through February 2018.				
110-2100-529-2114		Supplies / Animal Food & Supplies	\$ 500	
110-0000-460-0841		Other / Donation/Gifts		\$ 500
To appropriate a donation from the AmPA! Conference for the Animal Shelter.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 19,670</b>	<b>\$ 19,670</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$	-
Added to Contingency Sweep Account				-
Carry forward from Prior Year				-
Taken From Contingency				-
Net Balance of Contingency Account			\$	-
Beginning <b>Judgments &amp; Damages</b> Contingency			\$	25,182
Added to Contingency Judgments & Damages from Council Contingency				-
Taken From Judgments & Damages				(10,000)
Net Balance of Judgments & Damages Contingency Account			\$	15,182
Beginning <b>Compensation</b> Contingency			\$	343,000
Added to Compensation Contingency				-
Taken From Compensation Contingency				(343,000)
Net Balance of Compensation Contingency Account			\$	-
<b>Net Balance Council Contingency</b>			<b>\$</b>	<b>15,182</b>
Beginning Balance <b>Budget Sweep</b> Contingency			\$	-
Added to Budget Sweep Contingency				-
Taken From Budget Sweep				-
Net Balance of Budget Sweep Contingency Account			\$	-

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2018 BUDGET**  
**March 15, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ 65,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(4,884)
		Net Balance of Contingency Account		\$ 60,116
		Beginning <b>Compensation</b> Contingency		\$ 63,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(63,000)
		Net Balance of Compensation Contingency Account		\$ -
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>		<b>\$ 60,116</b>
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning <b>Compensation</b> Contingency		\$ 19,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(19,000)
		Net Balance of Compensation Contingency Account		\$ -
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>		<b>\$ -</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ 807,065
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(694,864)
		Net Balance of Contingency Account		\$ 112,201
		Beginning <b>Compensation</b> Contingency		\$ 12,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(12,500)
		Net Balance of Compensation Contingency Account		\$ -
		<b>Net Balance Drainage Fund Contingency</b>		<b>\$ 112,201</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ -
		Carry forward from Prior Year		39,299
		Added to Contingency Sweep Account		6,926
		Taken From Contingency		(37,343)
		<b>Net Balance Fed/State Grant Fund Contingency</b>		<b>\$ 8,882</b>



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #5  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Bell Contractors, Inc. of Belton in the amount of \$1,728,689.32 for the construction of the Northwest and Northeast Little Elm Creek Trunk Sewer project.

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

**ITEM SUMMARY:** As shown on the attached Project Map, construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project will provide gravity wastewater service from the Hart Road to the Troy Lift Station (just south of the new Scott & White Logistics facility), from the northern Industrial Park to the new wastewater line that starts at Hart Road, and from Moores Mill Road to the new northern Industrial Park wastewater line. The project also includes the abandonment of the following three lift stations: Hart Road, PFG, and the Wendland Road/GST.

On February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (Engineer) in the amount of \$189,220 for design, bidding and construction phase services.

On February 1, 2018, per the attached Recommendation Letter and Bid Tabulation eight bids ranging from a base bid of \$1,688,569.02 to \$2,824,669.35 were received for the project. In addition, add alternate pricing for video inspection of the completed wastewater lines was also requested. Staff recommends awarding a construction contract to the low bidder, Bell Contractors, Inc, in the amount of their base bid of \$1,688,569.02, plus their add alternate bid for video inspection in the amount of \$40,120.30, making a total recommended contract value of \$1,728,689.32. The Engineer's opinion of probable construction cost was \$2,300,000.

City Staff and the Engineer agree that Bell Contractors, Inc. is qualified to complete this project and recommends award of a construction contract for the base bid plus alternate totaling \$1,728,689.32. Time allotted for construction is 300 calendar days.

**FISCAL IMPACT:** Funding for the construction contract with Bell Contractors, Inc. in the amount of \$1,728,689.32 for the construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project is available in account 795-9500-531-6368, project 101000 as follows:

	<b>Grant</b>	<b>Zone</b>	<b>Total</b>
Project Construction Budget	\$ 970,000	\$ 1,230,000	\$ 2,200,000
Encumbered/Committed to Date	-	-	-
<b>Bell Contractors, Inc.</b>	<b>(836,572)</b>	<b>(892,117)</b>	<b>(1,728,689)</b>
Remaining Project Construction Funds	\$ 133,428	\$ 337,883	\$ 471,311

The City of Temple has been awarded funding by the Environmental Protection Agency to fund a large portion of this project. The City was awarded \$970,000 based on a 55/45 match reimbursement (EPA/City).

The amount of the project that can be funded utilizing the EPA grant funds is \$1,521,040.69, which is shown as part A on the attached bid tabulation. The EPA will fund 55% of this portion of the project and the City will be responsible for the 45% match. The remaining grant project construction funds of \$133,428 can only be used for items related to part A of the bid.

The 45% grant match, part B of the attached bid tabulation, and the add alternate will be funded 100% by the Zone.

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Bid Tabulation](#)  
[Project Map](#)  
[Resolution](#)





# KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

Temple

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

**RICK N. KASBERG, P.E.**

**R. DAVID PATRICK, P.E., CFM**

**THOMAS D. VALLE, P.E.**

**GINGER R. TOLBERT, P.E.**

**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**

**JOHN A. SIMCIK, P.E., CFM**

Georgetown

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

February 6, 2018

Mr. James Billeck, P.E.

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: Northwest & Northeast Little Elm Creek Trunk Sewer

Dear Mr. Billeck:

On February 1, 2018, the Temple Reinvestment Zone received competitive bids from eight (8) contractors for the Northwest & Northeast Little Elm Creek Trunk Sewer Project. The attached Bid Tabulation shows Bell Contractors, Inc. of Belton, Texas, as the low bidder at **\$1,688,569.02** for the **Total Base Bid (Part A + Part B)**. Add Alternates for Video Inspection were included by Addendum as requested by City Staff and are listed below.

The bids received for the Northwest & Northeast Little Elm Creek Trunk Sewer Project ranged from \$1,688,569.02 to \$2,824,669.35. Our Final Opinion of Probable Construction Cost was updated from \$2,200,000 to \$2,300,000 at the time of advertisement.

	<u>Bell Contractors, Inc.</u>
Part A (WW Lines A & B)	\$1,521,040.69
Part B (WW Line C)	\$167,528.33
Total Base Bid (Part A + Part B)	<hr/> \$1,688,569.02
Alternate A-1 (Video Inspection of WW Lines A, B, & C)	\$42,833.45
Alternate A-2 (Video Inspection of WW Line A Only)	\$15,251.50
Alternate A-3 (Video Inspection of WW Line B Only)	\$18,562.50
Alternate A-4 (Video Inspection of WW Line C Only)	\$6,306.30

Bell Contractors, Inc. has successfully completed numerous projects for the City of Temple and KPA Engineers. Therefore, we recommend that a contract be awarded to Bell Contractors, Inc. for the Temple Reinvestment Zone Northwest & Northeast Little Elm Creek Trunk Sewer Project to include alternates as funding may allow.

Sincerely,

Ginger R. Tolbert, P.E.

Principal

xc: 2016-103-40



BID TABULATION  
CITY OF TEMPLE  
NORTHEAST AND NORTHWEST LITTLE ELM CREEK TRUNK SEWER  
February 1, 2018; 2:00 PM

				BIDDER INFORMATION															
				Bell Contractors Inc 3082 W Hwy 190 Belton TX 76513		Central Road & Utility, Ltd, dba CRU 2023 Denton Drive Suite 120 Austin TX 78758		Skyblue Utilities Inc PO Box 1001 Kingsland TX 78639		TTG Utilities LP PO Box 299 Gatesville TX 76528		Patin Construction LLC 3800 West 2nd Street Taylor TX 76574		Whitestone Civil Construction LLC PO Box 1537 Cedar Park TX 78630		B-Corp Utilities Inc 206 Carroll Drive Gatesville TX 76528		SJ Louis Construction of Texas Ltd 10515 Gulfdale Street Ste 111 San Antonio TX 78216	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A (WASTEWATER LINES A & B)																			
A-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 48,150.58	\$ 48,150.58	\$ 42,800.00	\$ 42,800.00	\$ 27,500.00	\$ 27,500.00	\$ 80,000.00	\$ 80,000.00	\$ 110,000.00	\$ 110,000.00	\$ 75,000.00	\$ 75,000.00	\$ 54,145.45	\$ 54,145.45	\$ 110,000.00	\$ 110,000.00
A-2	141	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	183.83	25,920.03	240.80	33,952.80	440.00	62,040.00	255.00	35,955.00	1,800.00	253,800.00	400.00	56,400.00	431.25	60,806.25	100.00	14,100.00
A-3	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA	1,502.70	1,502.70	1,605.00	1,605.00	1,430.00	1,430.00	650.00	650.00	1,800.00	1,800.00	1,000.00	1,000.00	575.00	575.00	1,000.00	1,000.00
A-4	14,032	LF	Implement & Follow Trench Safety Plan (Pipe)	2.06	28,905.92	1.60	22,451.20	1.10	15,435.20	2.00	28,064.00	3.00	42,096.00	1.00	14,032.00	1.44	20,206.08	0.01	140.32
A-5	29,800	SF	Implement & Follow Trench Safety Plan (Bore Pits &	0.68	20,264.00	0.10	2,980.00	0.55	16,390.00	0.50	14,900.00	4.00	119,200.00	0.01	298.00	0.23	6,854.00	0.01	298.00
A-6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission	1,150.00	1,150.00	8,025.00	8,025.00	2,200.00	2,200.00	900.00	900.00	3,300.00	3,300.00	4,500.00	4,500.00	862.50	862.50	250.00	250.00
A-7	100%	LS	For Preparing & Submitting a Control Plan prepared & signed by a PE for Vehicular Traffic	1,380.00	1,380.00	1,605.00	1,605.00	3,300.00	3,300.00	1,250.00	1,250.00	2,500.00	2,500.00	2,500.00	2,500.00	2,875.00	2,875.00	500.00	500.00
A-8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety	24,706.52	24,706.52	8,025.00	8,025.00	7,700.00	7,700.00	13,450.00	13,450.00	7,500.00	7,500.00	7,000.00	7,000.00	2,731.25	2,731.25	10,000.00	10,000.00
A-9	100%	LS	Provide Project Record Drawings (As Built)	787.80	787.80	1,605.00	1,605.00	1,650.00	1,650.00	750.00	750.00	500.00	500.00	500.00	500.00	575.00	575.00	500.00	500.00
A-10	100%	LS	Provide DVD of ROW pre-construction & post construction	1,252.93	1,252.93	802.50	802.50	3,850.00	3,850.00	750.00	750.00	850.00	850.00	800.00	800.00	1,311.00	1,311.00	250.00	250.00
A-11	14,032	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	1.42	19,925.44	1.10	15,435.20	2.20	30,870.40	1.95	27,362.40	3.00	42,096.00	2.00	28,064.00	1.15	16,136.80	1.00	14,032.00
A-12	8,852	LF	Silt Fence	1.65	14,605.80	3.20	28,326.40	2.09	18,500.68	2.30	20,359.60	2.50	22,130.00	3.00	26,556.00	2.32	20,536.64	1.70	15,048.40
A-13	463	LF	Silt Fence with J-Hooks on 100-foot Spacing	2.48	1,148.24	5.40	2,500.20	2.75	1,273.25	2.65	1,226.95	4.00	1,852.00	4.00	1,852.00	2.32	1,074.16	1.70	787.10
A-14	430	LF	High Service Rock Berm	49.50	21,285.00	53.50	23,005.00	44.00	18,920.00	34.25	14,727.50	35.00	15,050.00	40.00	17,200.00	20.04	8,617.20	21.50	9,245.00
A-15	120	LF	Remove & Replace Asphalt	33.60	4,032.00	53.50	6,420.00	33.00	3,960.00	29.00	3,480.00	180.00	21,600.00	150.00	18,000.00	42.38	5,085.60	120.00	14,400.00
A-16	2,373	LF	21" Gravity Sewer Pipe	71.07	168,649.11	82.70	196,247.10	113.87	270,213.51	115.40	273,844.20	80.00	189,840.00	130.00	308,490.00	124.67	295,841.91	134.30	318,693.90
A-17	4,876	LF	15" Gravity Sewer Pipe	40.11	195,576.36	58.70	286,221.20	72.93	355,606.68	77.00	375,452.00	65.00	316,940.00	87.00	424,212.00	91.52	446,251.52	113.00	550,988.00
A-18	6,773	LF	8" Gravity Sewer Pipe	29.05	196,755.65	40.30	272,951.90	61.23	414,710.79	55.00	372,515.00	45.00	304,785.00	75.00	507,975.00	91.36	618,781.28	101.15	685,088.95
A-19	10	LF	6" Gravity Sewer Pipe	36.48	364.80	43.10	431.00	54.17	541.70	195.00	1,950.00	55.00	550.00	60.00	600.00	73.09	730.90	65.00	650.00
A-20	1	EA	6" Plug	270.65	270.65	128.40	128.40	904.57	904.57	200.00	200.00	18.00	18.00	75.00	75.00	94.30	94.30	50.00	50.00
A-21	1	EA	5' Diameter Precast Watertight Drop Manhole including	8,058.01	8,058.01	7,607.70	7,607.70	16,633.78	16,633.78	13,400.00	13,400.00	12,000.00	12,000.00	9,200.00	9,200.00	11,604.27	11,604.27	9,970.00	9,970.00
A-22	4	EA	5' Diameter Precast Watertight Manholes	4,891.71	19,566.84	7,337.50	29,350.00	6,935.77	27,743.08	5,680.00	22,720.00	3,995.00	15,980.00	8,300.00	33,200.00	6,043.73	24,174.92	7,500.00	30,000.00
A-23	2	EA	5' Diameter Precast Manholes	5,550.80	11,101.60	9,290.30	18,580.60	8,097.64	16,195.28	6,800.00	13,600.00	6,000.00	12,000.00	8,700.00	17,400.00	6,996.03	13,992.06	8,205.00	16,410.00
A-24	26	EA	4' Diameter Precast Manholes	3,138.12	81,591.12	5,218.70	135,686.20	3,971.97	103,271.22	4,475.00	116,350.00	3,100.00	80,600.00	5,900.00	153,400.00	5,320.25	138,326.50	5,920.00	153,920.00
A-25	7	EA	4' Diameter Precast Watertight Manholes	3,343.02	23,401.14	5,371.40	37,599.80	4,226.77	29,587.39	4,550.00	31,850.00	4,500.00	31,500.00	5,700.00	39,900.00	5,398.26	37,787.82	5,900.00	41,300.00
A-26	1	EA	4' Diameter Precast Watertight Drop Manholes	5,845.20	5,845.20	8,110.60	8,110.60	10,225.98	10,225.98	7,900.00	7,900.00	7,000.00	7,000.00	7,700.00	7,700.00	7,426.70	7,426.70	6,520.00	6,520.00
A-27	240	LF	16" Encasement by Open Cut	62.48	14,995.20	105.30	25,272.00	127.06	30,494.40	100.00	24,000.00	75.00	18,000.00	90.00	21,600.00	119.73	28,735.20	38.00	9,120.00
A-28	60	LF	28" Encasement by Open Cut	96.83	5,809.80	145.40	8,724.00	263.68	15,820.80	175.00	10,500.00	120.00	7,200.00	140.00	8,400.00	217.61	13,056.60	70.00	4,200.00
A-29	170	LF	30" Encasement by Open Cut	102.44	17,414.80	160.40	27,268.00	288.70	49,079.00	175.00	29,750.00	130.00	22,100.00	155.00	26,350.00	216.46	36,798.20	76.00	12,920.00
A-30	400	LF	16" Encasement by Bore	297.83	119,132.00	406.60	162,640.00	206.89	82,756.00	340.00	136,000.00	295.00	118,000.00	350.00	140,000.00	427.00	170,800.00	205.00	82,000.00
A-31	40	LF	28" Encasement by Bore	425.89	17,035.60	684.80	27,392.00	355.11	14,204.40	500.00	20,000.00	400.00	16,000.00	475.00	19,000.00	647.12	25,884.80	425.00	17,000.00
A-32	500	LF	36" Encasement by Bore	620.00	310,000.00	487.90	243,950.00	426.97	213,485.00	675.00	337,500.00	610.00	305,000.00	650.00	325,000.00	714.87	357,435.00	517.00	258,500.00
A-33	170	LF	Concrete Cap	48.80	8,296.00	29.70	5,049.00	44.00	7,480.00	56.05	9,528.50	8.00	1,360.00	35.00	5,950.00	28.75	4,887.50	15.00	2,550.00
A-34	100%	LS	Connecting to Lift Station, Complete in Place For	5,213.50	5,213.50	2,140.00	2,140.00	4,950.00	4,950.00	4,975.00	4,975.00	6,500.00	6,500.00	6,000.00	6,000.00	1,619.78	1,619.78</		



BID TABULATION  
CITY OF TEMPLE  
NORTHEAST AND NORTHWEST LITTLE ELM CREEK TRUNK SEWER  
February 1, 2018; 2:00 PM

BIDDER INFORMATION																			
				Bell Contractors Inc 3082 W Hwy 190 Belton TX 76513		Central Road & Utility, Ltd, dba CRU 2023 Denton Drive Suite 120 Austin TX 78758		Skyblue Utilities Inc PO Box 1001 Kingsland TX 78639		TTG Utilities LP PO Box 299 Gatesville TX 76528		Patin Construction LLC 3800 West 2nd Street Taylor TX 76574		Whitestone Civil Construction LLC PO Box 1537 Cedar Park TX 78630		B-Corp Utilities Inc 206 Carroll Drive Gatesville TX 76528		SJ Louis Construction of Texas Ltd 10515 Gulfdale Street Ste 111 San Antonio TX 78216	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART B (WASTEWATER LINE C)																			
B-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 6,517.01	\$ 6,517.01	\$ 8,025.00	\$ 8,025.00	\$ 11,000.00	\$ 11,000.00	\$ 15,250.00	\$ 15,250.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 9,539.25	\$ 9,539.25	\$ 15,000.00	\$ 15,000.00
B-2	26	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	345.00	8,970.00	481.50	12,519.00	440.00	11,440.00	635.00	16,510.00	1,800.00	46,800.00	600.00	15,600.00	345.00	8,970.00	100.00	2,600.00
B-3	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA	862.50	862.50	802.50	802.50	1,430.00	1,430.00	750.00	750.00	1,800.00	1,800.00	500.00	500.00	575.00	575.00	500.00	500.00
B-4	2,548	LF	Implement & Follow Trench Safety Plan (Pipe)	1.48	3,771.04	1.10	2,802.80	1.10	2,802.80	2.00	5,096.00	3.00	7,644.00	1.00	2,548.00	1.44	3,669.12	0.01	25.48
B-5	3,600	SF	Implement & Follow Trench Safety Plan (Bore Pits &	0.53	1,908.00	0.30	1,080.00	1.10	3,960.00	0.50	1,800.00	4.00	14,400.00	0.01	36.00	0.23	828.00	0.01	36.00
B-6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission	977.50	977.50	1,605.00	1,605.00	2,200.00	2,200.00	900.00	900.00	1,500.00	1,500.00	1,000.00	1,000.00	2,875.00	2,875.00	250.00	250.00
B-7	100%	LS	For Preparing & Submitting a Control Plan prepared & signed by a PE for Vehicular Traffic	1,150.00	1,150.00	802.50	802.50	1,650.00	1,650.00	750.00	750.00	1,100.00	1,100.00	1,000.00	1,000.00	575.00	575.00	250.00	250.00
B-8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety	5,213.50	5,213.50	802.50	802.50	2,200.00	2,200.00	9,150.00	9,150.00	2,500.00	2,500.00	2,000.00	2,000.00	1,725.00	1,725.00	2,500.00	2,500.00
B-9	100%	LS	Provide Project Record Drawings (As Builts)	1,050.40	1,050.40	802.50	802.50	1,100.00	1,100.00	750.00	750.00	500.00	500.00	500.00	500.00	345.00	345.00	250.00	250.00
B-10	100%	LS	Provide DVD of ROW pre-construction & post construction	1,064.99	1,064.99	802.50	802.50	1,650.00	1,650.00	750.00	750.00	850.00	850.00	500.00	500.00	655.50	655.50	250.00	250.00
B-11	2,548	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	1.31	3,337.88	1.60	4,076.80	2.20	5,605.60	3.75	9,555.00	3.00	7,644.00	4.00	10,192.00	1.15	2,930.20	1.00	2,548.00
B-12	2,420	LF	Silt Fence	1.65	3,993.00	3.20	7,744.00	2.09	5,057.80	2.30	5,566.00	2.50	6,050.00	3.00	7,260.00	2.32	5,614.40	1.70	4,114.00
B-13	2,548	LF	8" Gravity Sewer Pipe	26.80	68,286.40	39.20	99,881.60	41.45	105,614.60	55.76	142,076.48	45.00	114,660.00	74.00	188,552.00	66.83	170,282.84	101.15	257,730.20
B-14	7	EA	4" Diameter Precast Manholes	3,044.01	21,308.07	4,517.70	31,623.90	3,619.02	25,333.14	4,300.00	30,100.00	3,500.00	24,500.00	6,000.00	42,000.00	4,408.77	30,861.39	5,810.00	40,670.00
B-15	158	LF	16" Steel Encasement Pipe by Open Cut	59.22	9,356.76	114.90	18,154.20	148.98	23,538.84	100.00	15,800.00	75.00	11,850.00	90.00	14,220.00	108.88	17,203.04	38.00	6,004.00
B-16	100%	LS	All Materials, Equipment, Tools & Labor Necessary for	3,151.21	3,151.21	802.50	802.50	1,650.00	1,650.00	2,200.00	2,200.00	1,800.00	1,800.00	2,548.00	2,548.00	2,415.00	2,415.00	1.00	1.00
B-17	100%	LS	All Materials, Equipment, Tools & Labor Necessary for Air	2,363.40	2,363.40	802.50	802.50	2,750.00	2,750.00	2,200.00	2,200.00	1,800.00	1,800.00	2,548.00	2,548.00	897.00	897.00	1.00	1.00
B-18	100%	LS	All Materials, Equipment, Tools & Labor Necessary for	2,100.80	2,100.80	802.50	802.50	1,650.00	1,650.00	2,425.00	2,425.00	600.00	600.00	2,000.00	2,000.00	1,891.75	1,891.75	1.00	1.00
B-19	5,700	SY	Hydromulch & Seeding For Permanent Erosion Control,	1.39	7,923.00	1.10	6,270.00	0.88	5,016.00	1.15	6,555.00	3.00	17,100.00	1.00	5,700.00	1.98	11,286.00	0.32	1,824.00
B-20	120	LF	Remove & Replace Asphalt	31.85	3,822.00	69.60	8,352.00	33.00	3,960.00	29.00	3,480.00	180.00	21,600.00	140.00	16,800.00	42.38	5,085.60	120.00	14,400.00
B-21	100%	LS	Abandonment of Wendland/GST Lift Station, including	10,400.87	10,400.87	9,630.00	9,630.00	11,000.00	11,000.00	19,925.00	19,925.00	10,000.00	10,000.00	21,000.00	21,000.00	2,990.00	2,990.00	20,000.00	20,000.00
PART B BID AMOUNT - (Items B-1 - B-21)				\$ 167,528.33		\$ 218,184.30		\$ 230,608.78		\$ 291,588.48		\$ 304,698.00		\$ 341,504.00		\$ 281,214.09		\$ 368,954.68	

BIDDER INFORMATION																			
				Bell Contractors Inc 3082 W Hwy 190 Belton TX 76513		Central Road & Utility, Ltd, dba CRU 2023 Denton Drive Suite 120 Austin TX 78758		Skyblue Utilities Inc PO Box 1001 Kingsland TX 78639		TTG Utilities LP PO Box 299 Gatesville TX 76528		Patin Construction LLC 3800 West 2nd Street Taylor TX 76574		Whitestone Civil Construction LLC PO Box 1537 Cedar Park TX 78630		B-Corp Utilities Inc 206 Carroll Drive Gatesville TX 76528		SJ Louis Construction of Texas Ltd 10515 Gulfdale Street Ste 111 San Antonio TX 78216	
PART A (Wastewater Lines A & B)				\$ 1,521,040.69		\$ 1,834,009.50		\$ 1,954,216.61		\$ 2,163,635.15		\$ 2,244,167.00		\$ 2,442,271.00		\$ 2,535,719.41		\$ 2,455,714.67	
PART B (Wastewater Line C)				\$ 167,528.33		\$ 218,184.30		\$ 230,608.78		\$ 291,588.48		\$ 304,698.00		\$ 341,504.00		\$ 281,214.09		\$ 368,954.68	
PART A + PART B				\$ 1,688,569.02		\$ 2,052,193.80		\$ 2,184,825.39		\$ 2,455,223.63		\$ 2,548,865.00		\$ 2,783,775.00		\$ 2,816,933.50		\$ 2,824,669.35	

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATES																			
AA-1	100%	LS	Provide Video Inspection of Wastewater Lines A, B, & C	\$ 42,833.45	\$ 42,833.45	\$ 26,747.30	\$ 26,747.30	\$ 23,540.00	\$ 23,540.00	\$ 42,635.00	\$ 42,635.00	\$ 12,629.00	\$ 12,629.00	\$ 18,256.00	\$ 18,256.00	\$ 28,400.00	\$ 28,400.00	\$ 20,725.00	\$ 20,725.00
AA-2	100%	LS	Provide Video Inspection of Wastewater Line A	15,251.50	15,251.50	10,472.60	10,472.60	3,630.00	3,630.00	16,960.00	16,960.00	6,105.00	6,105.00	7,668.00	7,668.00	11,000.00	11,000.00	8,118.00	8,118.00
AA-3	100%	LS	Provide Video Inspection of Wastewater Line B	18,562.50	18,562.50	12,185.20	12,185.20	15,950.00	15,950.00	19,400.00	19,400.00	4,389.00	4,389.00	8,040.00	8,040.00	13,000.00	13,000.00	9,399.00	9,399.00
AA-4	100%	LS	Provide Video Inspection of Wastewater Line C	6,306.30	6,306.30	4,089.50	4,089.50	3,960.00	3,960.00	6,275.00	6,275.00	2,136.00	2,136.00	2,548.00	2,548.00	4,400.00	4,400.00	3,177.00	3,177.00

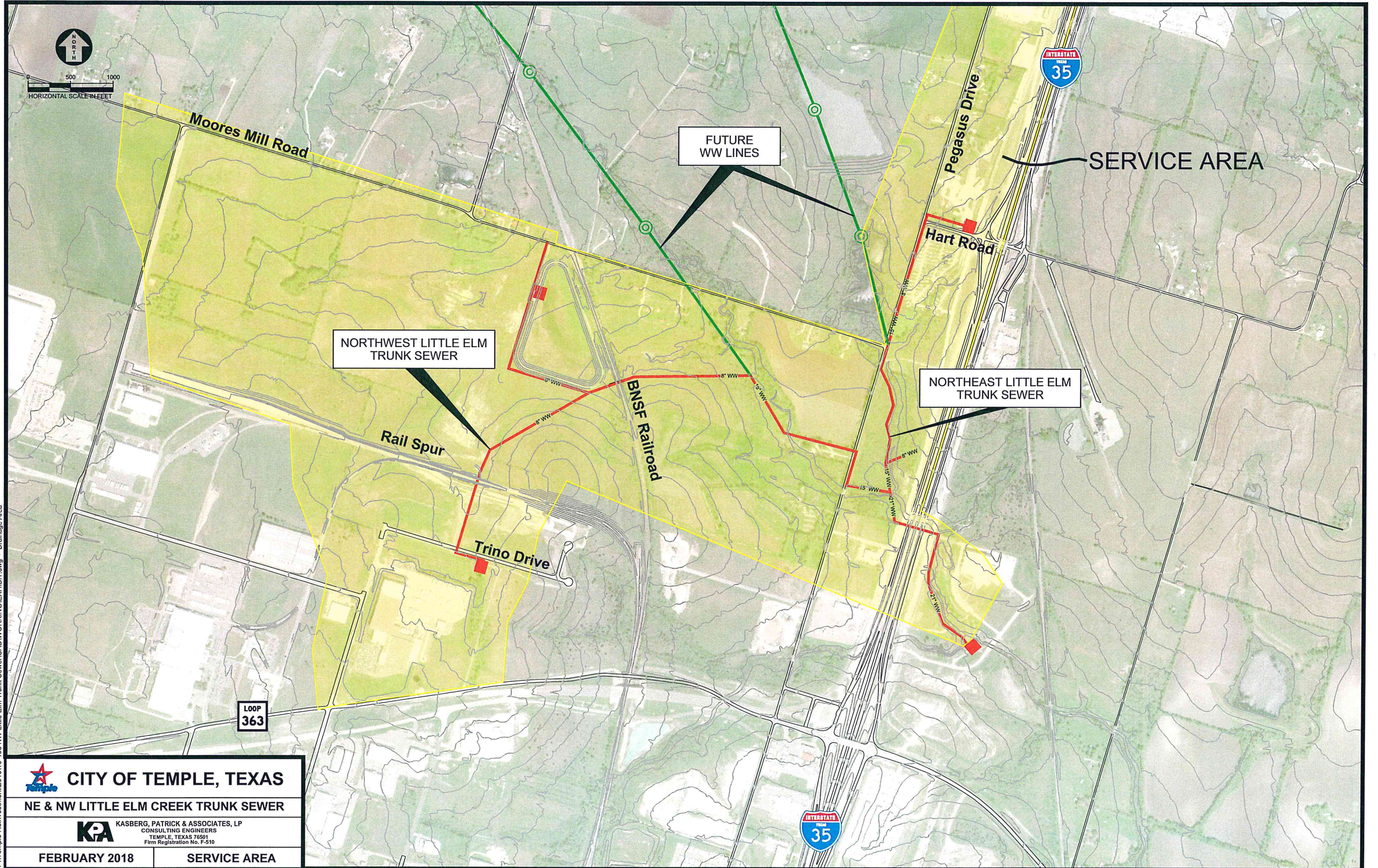
Did Bidder Acknowledge Addenda No. 1 thru 5?	YES	YES	YES	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES	YES	YES	YES
Did Bidder provide required documents?	YES	NO	YES	YES	YES	YES	YES	YES	YES

I hereby certify that this is a correct & true tabulation of all bids received

Ginger R. Tolbert 2/2/18  
Ginger R. Tolbert, P.E. Date  
Kasberg, Patrick & Associates, LP







P:\Temple Reinvestment\2016\16-103 NW Little Elm Trunk Sewer\CAD\WORKING\EXHIBIT.dwg - Drainage Area

 **CITY OF TEMPLE, TEXAS**

**NE & NW LITTLE ELM CREEK TRUNK SEWER**



**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
Firm Registration No. P-510

**FEBRUARY 2018**

**SERVICE AREA**



RESOLUTION NO. 2018-9082-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$1,728,689.32, FOR THE CONSTRUCTION OF THE NORTHWEST AND NORTHEAST LITTLE ELM CREEK TRUNK SEWER PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, construction of the Northwest and Northeast Little Elm Creek Trunk Sewer project will provide gravity wastewater service from Hart Road to the Troy Lift Station (just south of the new Scott & White Logistics facility), from the northern Industrial Park to the new wastewater line that starts at Hart Road, and from Moores Mill Road to the new northern Industrial Park wastewater line;

**Whereas**, the project also includes the abandonment of the following three lift stations: Hart Road, PFG, and Wendland Road;

**Whereas**, on February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (KPA) for design, bidding and construction phase services - on February 1, 2018, Staff received eight bids in addition to add alternate pricing for video inspection of the completed wastewater lines;

**Whereas**, Bell Contractors, Inc. of Belton, Texas was the low bidder with a base bid of \$1,688,569.02, plus add alternate bid for video inspection, in the amount of \$40,120.30, making a total recommended contract value of \$1,728,689.32;

**Whereas**, Staff recommends Council authorize a construction contract with Bell Contractors, Inc. in the amount of \$1,728,689.32 - Staff and KPA agree that Bell Contractors, Inc. is qualified to complete this project;

**Whereas**, funding is available for this construction contract in Account No. 795-9500-531-6368, 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Bell Contractors, Inc. of Belton, Texas in the amount of \$1,728,689.32 for the construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project.

**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 **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #6  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with SSP Industries, LP, of Killeen for construction of the Shallowford Lift Station Improvements for a lump sum price of \$6,100,000.

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

**ITEM SUMMARY:** Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs. The Shallowford Lift Station receives wastewater from the Bird Creek basin, and now requires an upgrade to adequately convey discharge from the collection system to the TBP (Project Map attached).

On December 17, 2015, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (Engineer) in the amount of \$641,530 for professional services to relocate and expand the Shallowford Lift Station.

On February 27, 2018, eight bids were received that ranged from \$6,100,000 to \$7,725,000. Per the attached Recommendation Letter & Bid Tabulation, SSP submitted the low bid in the amount of \$6,100,000. The opinion of probable construction cost was \$7,900,000.

City Staff and the Engineer agree that SSP is qualified to complete this project and recommend award of a construction contract for the low bid of \$6,100,000. Time allotted to substantially complete the lift station is 390 calendar days, with an additional 60 days for demolition and cleanup, for a total of 450 calendar days.

**FISCAL IMPACT:** Funding for the construction contract with SSP Industries, LP for the construction of the Shallowford Lift Station Improvements in the amount of \$6,100,000 is available in account 561-5400-535-6905, project 101475, as follows:

Project Budget	\$ 8,841,530
Encumbered/Committed to Date	(654,643)
Construction Award - SSP Industries, LP	(6,100,000)
<b>Remaining Project Funds Available</b>	<b>\$ 2,086,887</b>

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Bid Tabulation](#)  
[Project Map](#)  
[Resolution](#)





# KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

Temple

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

**RICK N. KASBERG, P.E.**

**R. DAVID PATRICK, P.E., CFM**

**THOMAS D. VALLE, P.E.**

**GINGER R. TOLBERT, P.E.**

**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**

**JOHN A. SIMCIK, P.E., CFM**

Georgetown

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

March 1, 2018

Mr. James Billeck, P.E.

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple, Texas  
Shallowford Lift Station Improvements

Dear Mr. Billeck:

On February 27, 2018, the City of Temple received competitive bids from eight (8) contractors for the Shallowford Lift Station Improvements. The attached Bid Tabulation shows SSP Industries, LP of Killeen, Texas, as the low bidder at \$6,100,00.00 for the Total Bid. The bids ranged from the low bid of \$6,100,000 to \$7,725,000.00. Our original opinion of probable construction cost was \$6,900,000. However, after receiving bids on Phase 1 of the TBWWTP project, the OPC was revised to \$7,900,000 based on unit costs observed during the referenced bid phase. While we have not reviewed a breakdown of the lump sump bid items, it appears that the current bids are more in line with historical unit costs than those observed during the bidding of the TBWWTP project.

SSP Industries (previously performing work as Shelton and Shelton Plumbing) has completed many lift station projects in the surrounding area, including two (2) lift stations for KPA in the City of Belton. One of the lift stations was a packaged system while the other was built in place, similar in scope, but smaller than the proposed Shallowford Lift Station. We have reviewed SSP's previous similar projects, their availability to perform the work and have discussed their plan for constructing the improvements, including review of their major sub-contractors. Based on this information, we recommend that a contract be awarded to SSP Industries, LP for the Shallowford Lift Station Improvements project in the amount of 6,100,000.00.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc:

2015-152-40



BID TABULATION  
CITY OF TEMPLE  
SHALLOWFORD LIFT STATION IMPROVEMENTS  
February 27, 2018; 2 PM

				BIDDER INFORMATION															
				SSP Industries, LP 2749 Chaparral Road Killeen, Texas 76542		Archer Western Construction, LLC 1411 Greenway Drive Irving, Texas 75038		CSA Construction, Inc. 2314 McAllister Road Houston, Texas 77092		Skyblue Utilities, Inc. P.O. Box 1001 Kingsland, Texas 78639		Brunel Industrial & Pipeline Services 4460 Genoa-Red Bluff Pasadena, Texas 77505		Austin Engineering Company, Inc. P.O. Box 342349 Austin, Texas 78734		Associated Construction Partners, Ltd. 215 W. Bandera Road, Suite 114-461 Boerne, Texas 78006		Prota Jafer, Joint Venture P.O. Box 342195 Austin, Texas 78734	
Bid No.	Est. Qty	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 245,573.00	\$ 245,573.00	\$ 100,000.00	\$ 100,000.00	\$ 300,000.00	\$ 300,000.00	\$ 171,000.00	\$ 171,000.00	\$ 352,800.00	\$ 352,800.00	\$ 300,000.00	\$ 300,000.00	\$ 360,000.00	\$ 360,000.00	\$ 386,250.00	\$ 386,250.00
2	100%	LS	Submit Trench Safety Plan prepared and signed by P.E., in Conformance with State Law and OSHA	1,825.00	1,825.00	1,200.00	1,200.00	3,000.00	3,000.00	2,280.00	2,280.00	15,000.00	15,000.00	10,000.00	10,000.00	20,000.00	20,000.00	32,000.00	32,000.00
3	1,500	LF	Implement and Follow Trench Safety Plan (Pipe)	5.72	8,580.00	2.00	3,000.00	1.00	1,500.00	3.42	5,130.00	7.10	10,650.00	15.00	22,500.00	5.00	7,500.00	20.00	30,000.00
4	12,000	SF	Implement and Follow Trench Safety Plan (Structures & Manholes)	7.92	95,040.00	0.50	6,000.00	0.10	1,200.00	0.57	6,840.00	4.04	48,480.00	20.00	240,000.00	5.00	60,000.00	4.00	48,000.00
5	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	798.00	798.00	2,000.00	2,000.00	500.00	500.00	3,420.00	3,420.00	9,150.00	9,150.00	10,000.00	10,000.00	25,000.00	25,000.00	27,000.00	27,000.00
6	1,100	LF	Furnish, Install, Maintain and Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	3.00	3,300.00	3.00	3,300.00	1.00	1,100.00	2.57	2,827.00	2.70	2,970.00	3.00	3,300.00	3.00	3,300.00	20.00	22,000.00
7	1,000	LF	Final Cleanup and Grading along Force Main Extension	5.05	5,050.00	18.00	18,000.00	3.00	3,000.00	4.56	4,560.00	10.42	10,420.00	10.00	10,000.00	10.00	10,000.00	50.00	50,000.00
8	3	EA	Furnish and Install 6'-0" Diameter Manhole, with Concrete Protective Coating	25,488.00	76,464.00	23,000.00	69,000.00	30,000.00	90,000.00	18,512.56	55,537.68	15,980.00	47,940.00	15,000.00	45,000.00	30,000.00	90,000.00	45,000.00	135,000.00
9	80	LF	Furnish and Install 48" Gravity Sewer Extension	460.00	36,800.00	450.00	36,000.00	1,000.00	80,000.00	641.70	51,336.00	791.00	63,280.00	200.00	16,000.00	1,500.00	120,000.00	1,750.00	140,000.00
10	900	LF	Furnish and Install 30" Force Main Extensions (outside of Lift Station Fenceline)	162.00	145,800.00	310.00	279,000.00	250.00	225,000.00	427.67	384,903.00	395.91	* 356,319.00	180.00	162,000.00	1,000.00	900,000.00	500.00	450,000.00
11	100%	LS	Furnish and Install all Materials necessary for making Final Connection to Existing Piping at "Old Shallowford Lift Station", including necessary modifications shown to isolate Force Main from remainder of Discharge Piping	54,620.00	54,620.00	11,000.00	11,000.00	30,000.00	30,000.00	44,517.95	44,517.95	27,459.00	27,459.00	50,000.00	50,000.00	75,000.00	75,000.00	60,000.00	60,000.00
12	100%	LS	Furnish All Labor, Materials, Tools & Equipment for Constructing the Lift Station Improvements, Complete in all Details including all Mechanical, Structural, Electrical, Controls, Equipment, Piping, Piping Connections, Fencing, Site-Work, Earthwork, Demolition, Testing, Startup and all other components as Shown on the Plans, Specified Herein (and not included in another bid item) and as required to allow for fully functional processes	5,376,294.00	5,376,294.00	5,883,000.00	5,883,000.00	6,066,700.00	#####	6,072,695.37	6,072,695.37	5,944,282.00	5,944,282.00	6,466,200.00	6,466,200.00	6,000,000.00	6,000,000.00	6,254,750.00	6,254,750.00
13	100%	LS	Furnish all Labor, Materials, Tools and Equipment for Demolition of Existing Shallowford Lift Station (to remove all improvements to within 3' of natural ground and cover with top soil) including salvage, disposal and backfill/embedment of lift station and piping to remain	48,723.00	48,723.00	70,000.00	70,000.00	25,000.00	25,000.00	171,000.00	171,000.00	163,750.00	163,750.00	75,000.00	75,000.00	20,000.00	20,000.00	85,000.00	85,000.00
14	100%	LS	Provide Project Record Drawings (As Built)	1,133.00	1,133.00	500.00	500.00	1,000.00	1,000.00	4,560.00	4,560.00	3,500.00	3,500.00	15,000.00	15,000.00	5,000.00	5,000.00	5,000.00	5,000.00
TOTAL BASE BID AMOUNT - (Items 1 - 14)				\$ 6,100,000.00		\$ 6,482,000.00		\$ 6,828,000.00		\$ 6,980,607.00		** \$ 7,056,000.00		\$ 7,425,000.00		\$ 7,695,800.00		\$ 7,725,000.00	
Did Bidder Acknowledge Addenda No. 1 thru No. 6?				YES		YES		YES		YES		YES		YES		YES		YES	
Did Bidder provide Bid Security?				YES		YES		YES		YES		YES		YES		YES		YES	
Did Bidder provide required documents?				YES		YES		YES		YES		YES		YES		YES		YES	

I hereby certify that this is a correct & true tabulation of all bids received

*Thomas D. Valle*  
Thomas D. Valle, PE  
Kasberg, Patrick & Associates, LP

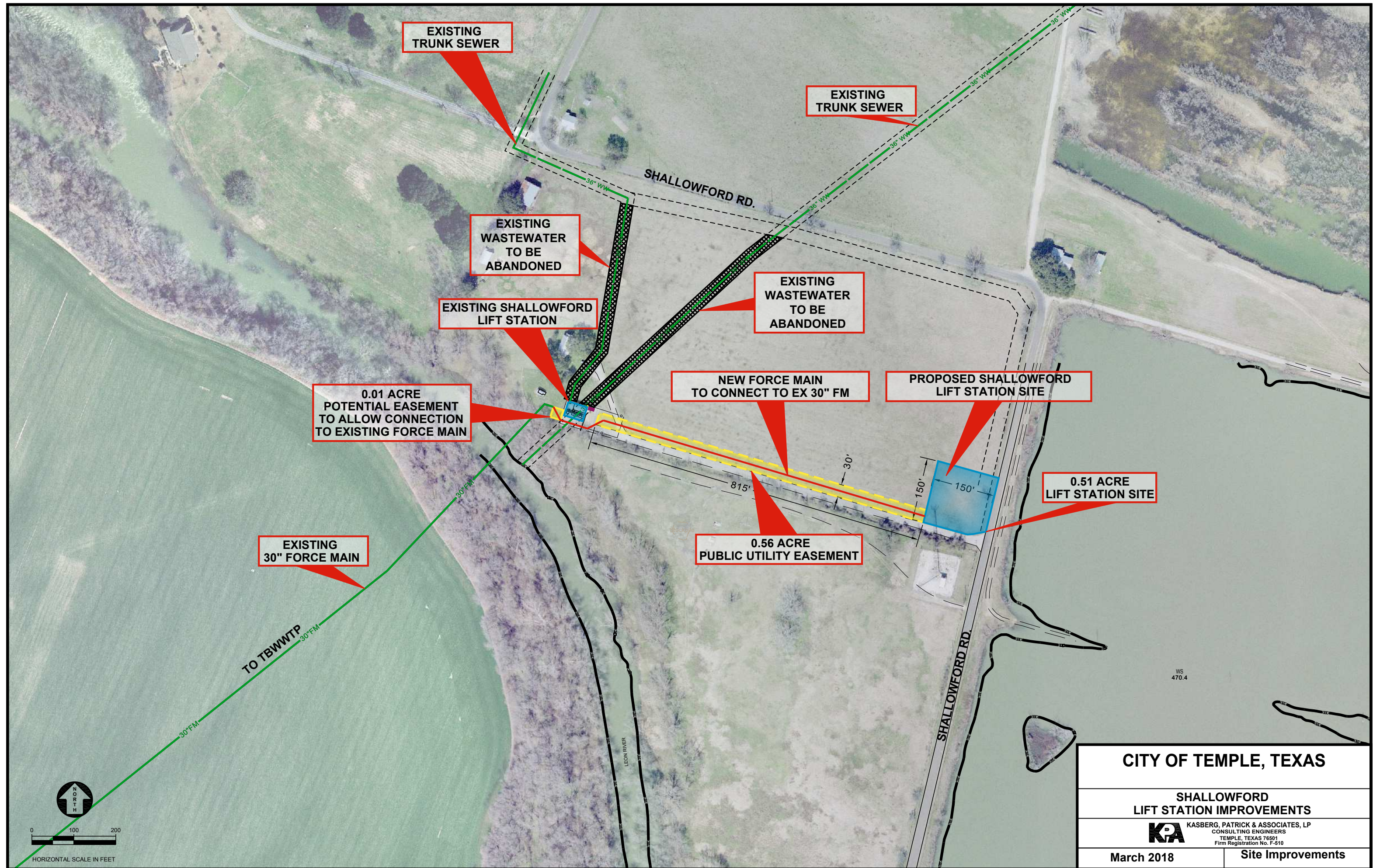
FEBRUARY 27, 2018  
Date



\* Extended amount has been corrected  
\*\* Total amount has been corrected.



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CITY OF TEMPLE, TEXAS

SHALLOWFORD  
LIFT STATION IMPROVEMENTS



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
Firm Registration No. F-510

March 2018

Site Improvements



RESOLUTION NO. 2018-9083-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SSP INDUSTRIES, LP OF KILLEEN, TEXAS IN THE LUMP SUM PRICE OF \$6,100,000, FOR CONSTRUCTION OF THE SHALLOWFORD LIFT STATION IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows;

**Whereas**, in 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs;

**Whereas**, the Shallowford Lift Station receives wastewater from the Bird Creek basin, and now requires an upgrade to adequately convey discharge from the collection system to the Temple-Belton Wastewater Treatment Plant;

**Whereas**, on December 17, 2015, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (KPA) for professional services to relocate and expand the Shallowford Lift Station;

**Whereas**, on February 27, 2018, eight bids were received with SSP Industries, LP of Killeen, Texas submitting the low bid in the amount of \$6,100,000 - Staff and KPA agree that SSP is qualified to complete this project and recommend Council award a construction contract to SSP Industries, LP in the lump sum of \$6,100,000;

**Whereas**, funding for this construction contract is available in Account No. 561-5400-535-6905, Project No. 101475; 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 her designee, after approval as to form by the City Attorney, to execute a construction contract with SSP Industries, LP of Killeen, Texas in the amount of \$6,100,000, for the construction of the Shallowford Lift Station Improvements.

**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 **15<sup>th</sup>** day of **March**, 2018.

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

---

03/15/18  
Item #7  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution pursuant to Government Code § 2206.053 finding that a 0.189-acre right-of-way and a 0.030-acre permanent easement situated in the George Givens Survey, Abstract 345, located along Daniels Drive in Temple, Texas, are necessary for the construction of the Bird Creek Interceptor Project, Phase 4 and for converting Daniels Drive from a private to public street and authorizing the use of eminent domain to condemn the property.

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

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

The design of Phase 4 includes a realignment of the interceptor beneath Daniels Drive, currently a private street in south Temple that runs parallel to Bird Creek, with a steep slope in between. Erosion from the creek requires significant repairs to Daniels Drive to ensure its integrity and protect the welfare of residents in the neighborhood. Therefore, to prevent the erosion of the slope between Daniels Drive and Bird Creek, and to realign the Bird Creek interceptor beneath the roadway, it was determined to be in the public interest to acquire the right-of-way necessary to convert the private road into a public street.

The design requires the acquisition of right-of-way and easements for wastewater utilities and the new public street from five property owners. Right-of-way and easements have been acquired from four property owners.

However, the design still requires the acquisition of fee simple title, being 0.189-acre, and a permanent easement, being 0.030-acre, to a portion of one property, both being legally described as situated in the GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas, embracing a portion of a called 0.574-acre tract conveyed to Susan Hansen in Document No. 2011-00044038, Official Public Records of Real Property, Bell County, Texas. A legal description of the real property needed is included with the Resolution attached to this memorandum.

An appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on January 6, 2017 via Stateside Right of Services, Inc., the right-of-way acquisition company assisting the City with this project. After negotiations were unsuccessful, a final offer letter was sent to the owner of record on November 8, 2017.

Staff is asking pursuant to Government Code § 2206.053, for the City Council to authorize the use of eminent domain to acquire the property described above.

**FISCAL IMPACT:** Funding for the purchase of property located along Daniels Drive for the construction of the Bird Creek Interceptor Project, Phase 4 is appropriated in account 520-5900-535-6110, project #101213.

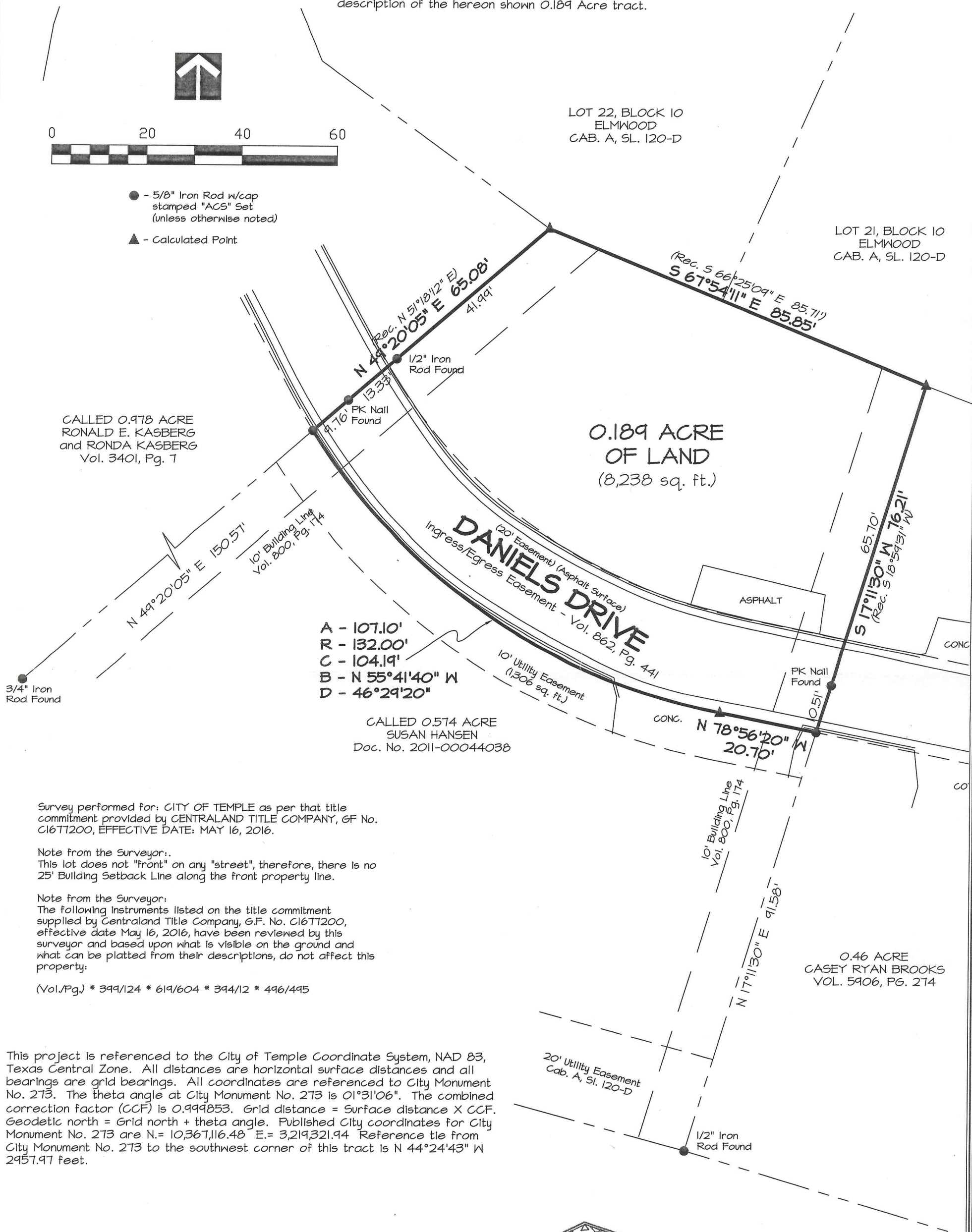
**ATTACHMENTS:**

[Surveys](#)  
[Resolution](#)



Survey showing 0.189 ACRE (8,238 sq. ft.), situated in the  
GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas.

This sketch to accompany a metes and bounds  
description of the hereon shown 0.189 Acre tract.



Survey performed for: CITY OF TEMPLE as per that title  
commitment provided by CENTRALAND TITLE COMPANY, G.F. No.  
C16TT200, EFFECTIVE DATE: MAY 16, 2016.

Note from the Surveyor:  
This lot does not "front" on any "street", therefore, there is no  
25' Building Setback Line along the front property line.

Note from the Surveyor:  
The following instruments listed on the title commitment  
supplied by Centraland Title Company, G.F. No. C16TT200,  
effective date May 16, 2016, have been reviewed by this  
surveyor and based upon what is visible on the ground and  
what can be platted from their descriptions, do not affect this  
property:

(Vol./Pg.) \* 399/124 \* 619/604 \* 394/12 \* 496/495

This project is referenced to the City of Temple Coordinate System, NAD 83,  
Texas Central Zone. All distances are horizontal surface distances and all  
bearings are grid bearings. All coordinates are referenced to City Monument  
No. 273. The theta angle at City Monument No. 273 is 01°31'06". The combined  
correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF.  
Geodetic north = Grid north + theta angle. Published City coordinates for City  
Monument No. 273 are N.= 10,367,116.48 E.= 3,219,321.94 Reference tie from  
City Monument No. 273 to the southwest corner of this tract is N 44°24'43" W  
2957.97 feet.



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



Survey  
completed: 08-18-2016  
Scale: 1" = 20'  
Job No.: 090131.10  
Dwg No.: 090131.10-HANSEN  
Drawn by: SLW  
Surveyor: CCL #4636  
Copyright 2017 All County Surveying, Inc.

Plot Date: 01-31-2017



# FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 22, 2016

Surveyor's Field Notes for:

**0.189 ACRE** (8,238 sq. ft.), situated in the **GEORGE GIVENS SURVEY, ABSTRACT 345**, Bell County, Texas, embracing a portion of a called 0.574 Acre tract conveyed to Susan Hansen in Document No. 2011-00044038, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod with cap stamped "ACS" set on the south line of Daniels Drive, a 20' easement described in Volume 862, Page 441, Deed Records of Bell County, Texas, being on the west line of said 0.574 Acre Hansen tract, same being the southeast line of a called 0.978 Acre tract conveyed to Ronald E. Kasberg and Ronda Kasberg in Volume 3401, Page 7, Official Public Records of Real Property, Bell County, Texas, which said iron rod set bears N 49° 20' 05" E – 150.57' from a ¾" iron rod found at the southwest corner of said 0.574 Acre Hansen tract, for the southwest corner of the herein described tract;

**THENCE**, in a northeasterly direction, with the southeast line of said 0.978 Acre Kasberg tract, **N 49° 20' 05" E** (Rec. N 51° 18' 12" E), at 9.76' pass a PK Nail in asphalt, at 23.09' pass a ½" iron rod found for reference, and continuing for a total distance of **65.08'**, to a calculated point on the southwesterly line of Lot 22, Block 10, Elmwood, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet S, Slide 120-D, Plat Records of Bell County, Texas, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, with the south line of said Lot 22 and the south line of Lot 21, **S 67° 54' 11" E – 85.85'** (Rec. S 66° 25' 09" E – 185.71'), to a calculated point at the northeast corner of said 0.574 Acre Hansen tract, same being the northwest corner of a called 0.46 Acre tract conveyed to Casey Ryan Brooks in Volume 5906, Page 274, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

**THENCE**, in a southerly direction, with the west line of said 0.46 Acre Brooks tract, **S 17° 11' 30" W** (Rec. S 18° 59' 31" W), at 65.70' pass a PK Nail found in asphalt for reference, and continuing for a total distance of **76.21'**, to a 5/8" iron rod with cap stamped "ACS" set, which bears N 17° 11' 30" E – 91.58' from a ½" iron rod found at the southeast corner of said 0.574 Acre Hansen tract, for the southeast corner of the herein described tract;

**THENCE**, in a westerly direction, with the south line of said Daniels Drive, **N 78° 56' 20" W – 20.70'**, to a calculated point at the beginning of a curve to the right;

**THENCE**, in a northwesterly direction, with said curve to the right; having a radius of **132.00'**, a delta angle of **46° 29' 20"**, and a long chord which bears **N 55° 41' 40" W – 104.19'**; an arc length of **107.10'**, to the **POINT OF BEGINNING** and containing 0.189 Acre (8,238 sq. ft.) of Land.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances and all bearings are grid bearings. All coordinates are referenced to City Monument No. 273. The theta angle at City Monument No. 273 is 01°31'06". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 273 are N.= 10,367,116.48 E.= 3,219,321.94 Reference tie from City Monument No. 273 to the southwest corner of this tract is N 44°24'43" W 2957.97 feet.

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

This metes and bounds description to accompany a Surveyor's Sketch of the herein described 0.189 Acre tract.

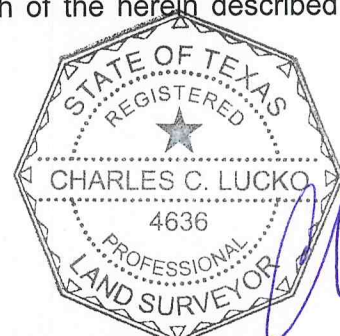
Surveyed July 5, 2016

**ALL COUNTY SURVEYING, INC.**

**1-800-749-PLAT**

**Tx. Firm Lic. No. 10023600**

server/projects/pro090000/090100/090131/090131.10/090131.10-HANSEN.doc



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

RESOLUTION NO. 2018-9084-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT AN APPROXIMATELY 0.189 ACRE RIGHT OF WAY AND AN APPROXIMATELY 0.030 ACRE PERMANENT EASEMENT SITUATED IN THE GEORGE GIVENS SURVEY, ABSTRACT 345, LOCATED ALONG DANIELS DRIVE IN TEMPLE, TEXAS, ARE NECESSARY FOR THE CONSTRUCTION OF THE BIRD CREEK INTERCEPTOR PROJECT, PHASE 4, AND FOR CONVERTING DANIELS DRIVE FROM A PRIVATE STREET TO A PUBLIC STREET; AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Whereas**, the design of Phase 4 of this project includes a realignment of the interceptor beneath Daniels Drive, currently a private street in south Temple that runs parallel to Bird Creek, with a steep slope in between;

**Whereas**, erosion from the creek requires significant repairs to Daniels Drive to ensure its integrity and protect the welfare of residents in the neighborhood - therefore, to prevent the erosion of the slope between Daniels Drive and Bird Creek, and to realign the Bird Creek interceptor beneath the roadway, it was determined to be in the public's interest to acquire the right-of-way necessary to convert the private road into a public street;

**Whereas**, the design requires the acquisition of right-of-way and easements for wastewater utilities and the new public street from five property owners - right of way and easements have been acquired from four property owners, however the design still requires the acquisition of fee simple title, being approximately 0.189-acre, and a permanent easement, being approximately 0.030-acre, to a portion of one property, both being legally described as situated in the GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas, embracing a portion of a called 0.574-acre tract conveyed to Susan Hansen in Document No. 2011-00044038, Official Public Records of Real Property, Bell County, Texas;

**Whereas**, an appraisal was performed on the property and the City made an offer to purchase, based on the appraisal, to the owner of record on January 6, 2017 via Stateside Right of Services, Inc., the right-of-way acquisition company assisting the City with this project - after negotiations were unsuccessful, a final offer letter was sent to the owner of record on November 8, 2017;

**Whereas**, Staff recommends Council, pursuant to Government Code § 2206.053, authorize the use of eminent domain to acquire the property described above;

**Whereas**, funding for the purchase of the above property 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 hereby finds and determines that the necessity exists for acquiring, by eminent domain, an approximately 0.189-acre right of way in fee title and an approximately 0.030-acre permanent easement situated in the George Givens Survey, Abstract 345, depicted in the attached Exhibit A and located along Daniels Drive in Temple, Texas, because the acquisitions are necessary for the construction of the Bird Creek Interceptor Project, Phase 4 and for converting Daniels Drive from a private to public street and authorizing the use of eminent domain to condemn the property.

**Part 3:** The City Council hereby finds and determines that the construction of the Bird Creek Interceptor Project, Phase 4 and the converting of Daniels Drive from a private street to a public street is a public use under Chapter 251, Local Government Code § 251.001(a)(1).

**Part 4:** The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

**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 and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the **15<sup>th</sup>** day of **March**, 2018.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #8  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a renewal of the franchise with Acadian Ambulance Service, Inc., to provide non-emergency ambulance transfer services within the City.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, with second and final reading on April 5<sup>th</sup>.

**ITEM SUMMARY:** Acadian Ambulance Service, Inc. (Acadian) is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013. That franchise agreement will expire on September 30, 2018. Acadian has asked for a renewal to the agreement so that it may continue operating within the City.

Acadian has submitted the necessary paperwork requesting renewal of the franchise and a copy of the paperwork is attached to this Memorandum. The Staff recommends authorizing a five year renewal. Five years is the normal franchise term pursuant to Chapter 5 of the City's Code of Ordinances. The commencement date for the renewal agreement would be October 1, 2018 and the expiration date would be September 30, 2023.

**FISCAL IMPACT:** By ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ % of the total amount billed per year. In FY 2017, Acadian paid the City \$9,359.70 in non-emergency ambulance transfer service franchise fees which was deposited into account 110-0000-413-0936.

**ATTACHMENTS:**

[Franchise Renewal Request Letter](#)  
[Ordinance](#)





February 15, 2018

Mr. Brynn Myers  
City Manager  
City of Temple  
2 N. Main St.  
Temple, TX 76501

RE: Acadian Ambulance Service Franchise Renewal Request

Dear Mr. Myers:

On behalf of Acadian Ambulance Service, I respectfully request renewal of our non-emergency ambulance transfer service franchise for the City of Temple.

I acknowledge that this is an exclusive agreement and that, according to Article III of the franchise agreement, "It shall be unlawful for any person to furnish, operate, advertise or otherwise engage or profess to be engaged in the operation of a non-emergency ambulance transfer service from a point originating and ending within the streets of the City without a franchise as provided by this article." On behalf of Acadian Ambulance Service, I also attest that neither our company nor officials representing the company have been convicted of a felony or a misdemeanor involving moral turpitude within the past 10 years.

Acadian continues to abide by all of the requirements outlined in the franchise application. A public liability insurance policy is in effect on all of our vehicles. This policy provides liability coverage for each vehicle of not less than \$250,000 per person or \$500,000 per occurrence for personal injury or death, and \$100,000 for property damage. The City of Temple is named as an additional insured, and we have provided a waiver of subrogation in favor of the city. This coverage does not contain a passenger liability exclusion. Additionally, we agree to provide at least 30 days prior written notice of cancellation to the city. A copy of the policy is included with this letter.

Regarding the ordinance requirement that "public convenience will be served," Acadian has established a station at 204 W. Calhoun Avenue, in Temple, which is approximately 3 miles from Scott & White Hospital. We are currently staffing five ambulances to fulfill the needs of the health-care facilities in the city; we operate seven days a week. A description of the ambulances stationed within Bell County is included below:

An **Acadian** company

4100 ED BLUESTEIN BLVD., SUITE 100 | AUSTIN, TEXAS 78721 | [www.Acadian.com/TEXAS](http://www.Acadian.com/TEXAS)

Unit #	Schedule	VIN #	Year/Make/Model
1201	Monday to Friday 0900 to 1900 ALS crew	1GB6G5CL3E1191122	2014 Chevy 4500 Express
1217	Monday to Friday 1000 to 2200 ALS crew	1FDSS3EL9CDA59967	2012 Ford E350
X924	Monday to Friday 1200 to 2200 ALS crew Unit 744	1FDSS3EL9CDB20928	2015 Mercedes Sprinter
1210	Sunday to Saturday 1900 to 0500 ALS crew	WD3PE7CD8D5763040	2013 Mercedes
B921	Sunday to Saturday 0700 to 1900 BLS crew Unit 1225	1FDXE4FP5ADA22206	2017 Mercedes Sprinter

Acadian's Central Texas service area includes Williamson, Travis, Hays, Falls, Lampasas, and Bastrop counties. Ambulances can be pulled from those areas to ensure prompt response to our customer and facility needs.

Acadian is a nationally accredited, employee-owned ground and air ambulance service. Our organization has extensive experience in providing medical transportation service for non-emergency customers and facilities, as well as wheelchair transport. Acadian has served as a federal contractor for FEMA, the U.S. Department of Veterans Affairs and other government agencies. The parties who have a financial interest under this application request include Richard Zuschlag, CEO and chairman of the board, who owns 20% of the interest in Acadian Ambulance Service, and the employees who own 80% of the interest in the company under an established Employee Stock Ownership Plan.

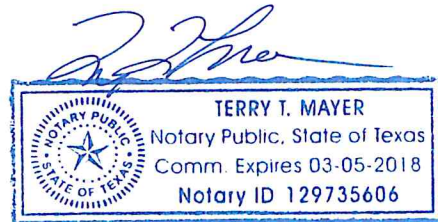
Acadian hopes to build upon the positive working relationships we have developed with local facilities and customers by continuing to deliver quality patient care and non-emergency transportation services.

I respectfully request your consideration to grant Acadian an extension to our current franchise agreement. If you need additional information, please do not hesitate to let me know.

Sincerely,



Eric Thibodeaux  
Director of Operations  
Acadian Ambulance Service



cc: City Attorney Kayla Landeros ✓  
Fire Chief Mitch Randles

An **Acadian** company

4100 ED BLUESTEIN BLVD., SUITE 100 | AUSTIN, TEXAS 78721 | [www.Acadian.com/TEXAS](http://www.Acadian.com/TEXAS)



ORDINANCE NO. 2018-4901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL OF THE FRANCHISE AGREEMENT WITH ACADIAN AMBULANCE SERVICE, INC, TO PROVIDE NON-EMERGENCY AMBULANCE TRANSFER SERVICES WITHIN THE CITY OF TEMPLE, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Acadian Ambulance Service, Inc. (Acadian) is operating a non-emergency ambulance transfer service in the City under a current franchise agreement that was authorized by Council in 2013;

**Whereas**, that franchise agreement expires September 30, 2018 and Acadian has approached the City requesting to renew the agreement so that they may continue operating within the City;

**Whereas**, Acadian has submitted the necessary paperwork required to request a renewal of the franchise agreement and Staff recommends Council authorize a five-year renewal with Acadian;

**Whereas**, five years is the normal franchise term pursuant to Chapter 5 of the City's Code of Ordinances and the commencement date for the renewal agreement would be October 1, 2018 and the expiration date would be September 30, 2023;

**Whereas**, by Ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ percent of the total amount billed per year - in fiscal year 2017, Acadian paid to the City the amount of \$9,359.70 in non-emergency ambulance transfer service franchise fees which was deposited into Account No. 110-0000-413-0936; and

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

**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 authorizes a five-year renewal of the franchise agreement with Acadian Ambulance Service, Inc to provide non-emergency transfer services within the City of Temple, Texas.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15<sup>th</sup>** day of **March**, 2018.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **April**, 2018.

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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03/15/18  
Item #9  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

Kevin Beavers, Director of Parks and Recreation

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing the closure of a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1<sup>st</sup> Street south of Avenue B.

**STAFF RECOMMENDATION:** Conduct a public hearing, and adopt ordinance as presented in the item description on first reading, with second and final reading set for April 5, 2018.

**ITEM SUMMARY:** The City of Temple Parks and Recreation Department has submitted a request to close a section of Avenue C, between Avenue B and Main Street, as shown in orange on the attached map, and a section of 1<sup>st</sup> Street, south of Avenue B, also shown in orange on the attached map. The request is for the planned construction of Santa Fe Market Trail. Pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley. Since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed streets will be retained by the City of Temple and will be accessible to pedestrians.

**FISCAL IMPACT:** Not applicable.

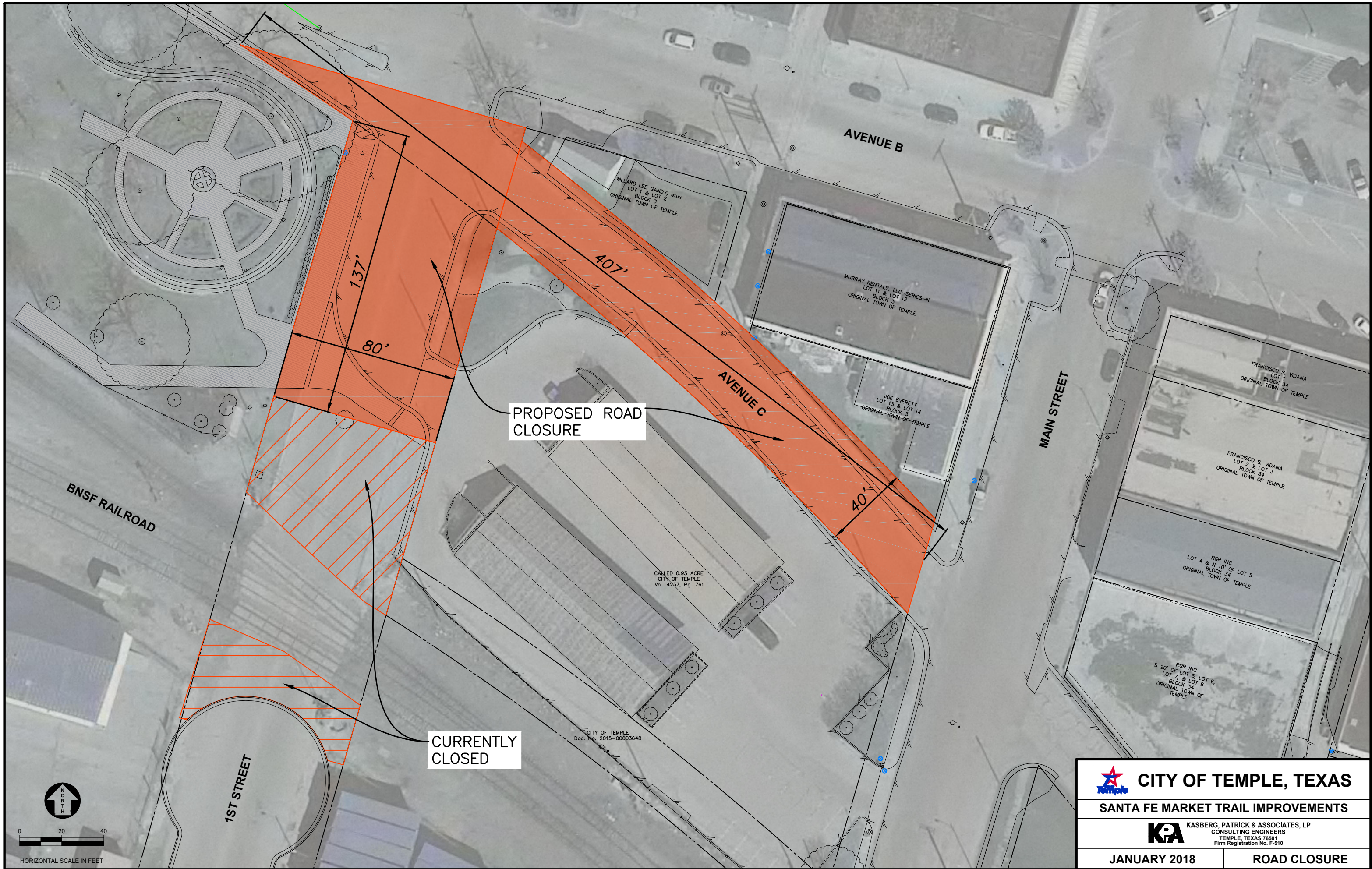
**ATTACHMENTS:**



[Map](#)

[Ordinance](#)



P:\Temple Reinvestment\2016\16-104 Santa Fe Market Trail\CAD\Working\Exhibit\SF MKT Trail area abandonment.dwg - MKT TRL ROAD CLOSURE plat



 <b>CITY OF TEMPLE, TEXAS</b>	
<b>SANTA FE MARKET TRAIL IMPROVEMENTS</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
<b>JANUARY 2018</b>	<b>ROAD CLOSURE</b>



ORDINANCE NO. 2018-4902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CLOSURE OF A SECTION OF AVENUE C, BETWEEN AVENUE B AND MAIN STREET, AND THE CLOSURE OF A SECTION OF 1<sup>ST</sup> STREET, SOUTH OF AVENUE B; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple Parks and Recreation Department has submitted a request to close a section of Avenue C, between Avenue B and Main Street and a section of 1<sup>st</sup> Street, south of Avenue B for the planned construction of the Santa Fe Market Trail;

**Whereas**, pursuant to Texas Transportation Code, Section 311.007, a home-rule municipality may vacate, abandon, or close a street or alley - since this is a closure, not an abandonment, and does not require private acquisition of the street, no conveyance is required and the land area encompassing the closed streets will be retained by the City of Temple and will be accessible to pedestrians; and

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

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

**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 of Temple, Texas, hereby closes a section of Avenue C, between Avenue B and Main Street, and the closure of a section of 1<sup>st</sup> Street south of Avenue B, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance 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 **15<sup>th</sup>** day of **March**, 2018.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/15/18  
Item #10  
Regular Agenda  
Page 1 of 3

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-18-11: Consider adopting an ordinance authorizing a rezoning from Agricultural district to General Retail district on Lots 1 & 2, Block 5 of South Pointe Phase I, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.

**STAFF RECOMMENDATION:** Staff recommends approval for a rezoning from AG to GR districts for the following reasons:

1. The proposed GR zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The proposal is in compliance with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their February 20, 2018 meeting, The Planning & Zoning Commission voted seven to zero to recommend approval of the proposed rezoning per staff's recommendation.

**ITEM SUMMARY:** The applicant, Short Term Lending Group Inc. requests rezoning of 2.21 +/- acres from Agricultural (AG) zoning district to General Retail (GR) zoning district. The subject property is described as Lots 1 and 2, Block 5 of the recently platted South Pointe, Phase I subdivision, approved by the Planning and Zoning Commission on September 18, 2017.

TxDOT responded during the subdivision plat process and concurred with the lot layout. At this time, no proposed development of the site has been proposed. While TxDOT is aware of the rezoning, they have not provided input relative to driveway access. Discussions may be on-going regarding the need for future access directly to Loop 363.

While it is anticipated for the property to be developed with non-residential uses, there are a number of residential and non-residential uses that are permitted by right or with a conditional use permit (CUP). A comparison between the existing and proposed zoning districts, which include but are not limited to, are shown in the attached table.

**COMPREHENSIVE PLAN (CP) COMPLIANCE:** Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

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

The subject property is split by two Future Land Use Map (FLUM) designations, the Auto-Urban Commercial designation. The Auto-Urban designation, which is established for a majority of the areas identified for commercial use. The Auto-Urban designation supports the proposed GR zoning and therefore the requested GR zoning **is** consistent with the Auto-Urban designation.

**Thoroughfare Plan (CP Map 5.2)**

The subject property takes access from Loop 363, an expressway and Alton Road, a local street. To date, since the final plat has been approved and recorded, no new dedication issues have been identified. While TxDOT interests are on-going, the state was notified of the proposed rezoning to general retail. No Transportation Capital Improvement Program (TCIP) improvements scheduled through FY 2024 have been identified.

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

Sewer is available through extension of an 8-inch and a 12-inch sewer line at several places in Case Road along the north and north east sides of the adjacent South Pointe development. Sewer is also available through extension of an 8-inch sewer line on the west side of South Martin Luther King Jr. Dr. Sewer is expected to be available to the subject property as South Pointe continues to develop. Water is available through an 8-inch waterline in the existing Alton Road alignment as well as along the northern property line of the subject property (Lot #1).

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

No proposed trails are shown on the Trails Master Plan and no sidewalks are required. It should be noted however that the applicant proposes a four foot sidewalk along the west side of Alton Road, which will be developed as an oversized local street, where it meets Loop 363.

**DEVELOPMENT REGULATIONS:** The attached tables compare and contrast, the current development standards for AG with the proposed GR standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

**PUBLIC NOTICE:** Thirteen notices, represented by seven separate property owners, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday March 6, 2018 at 9:00 AM, four notices, one of which represents eight separate properties, have been received in agreement.

The newspaper printed notice of the public hearing on February 8, 2018, in accordance with state law and local ordinance.



**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Boundary Map \(Exhibit A\)](#)

[Photos](#)

[Tables](#)

[Maps](#)

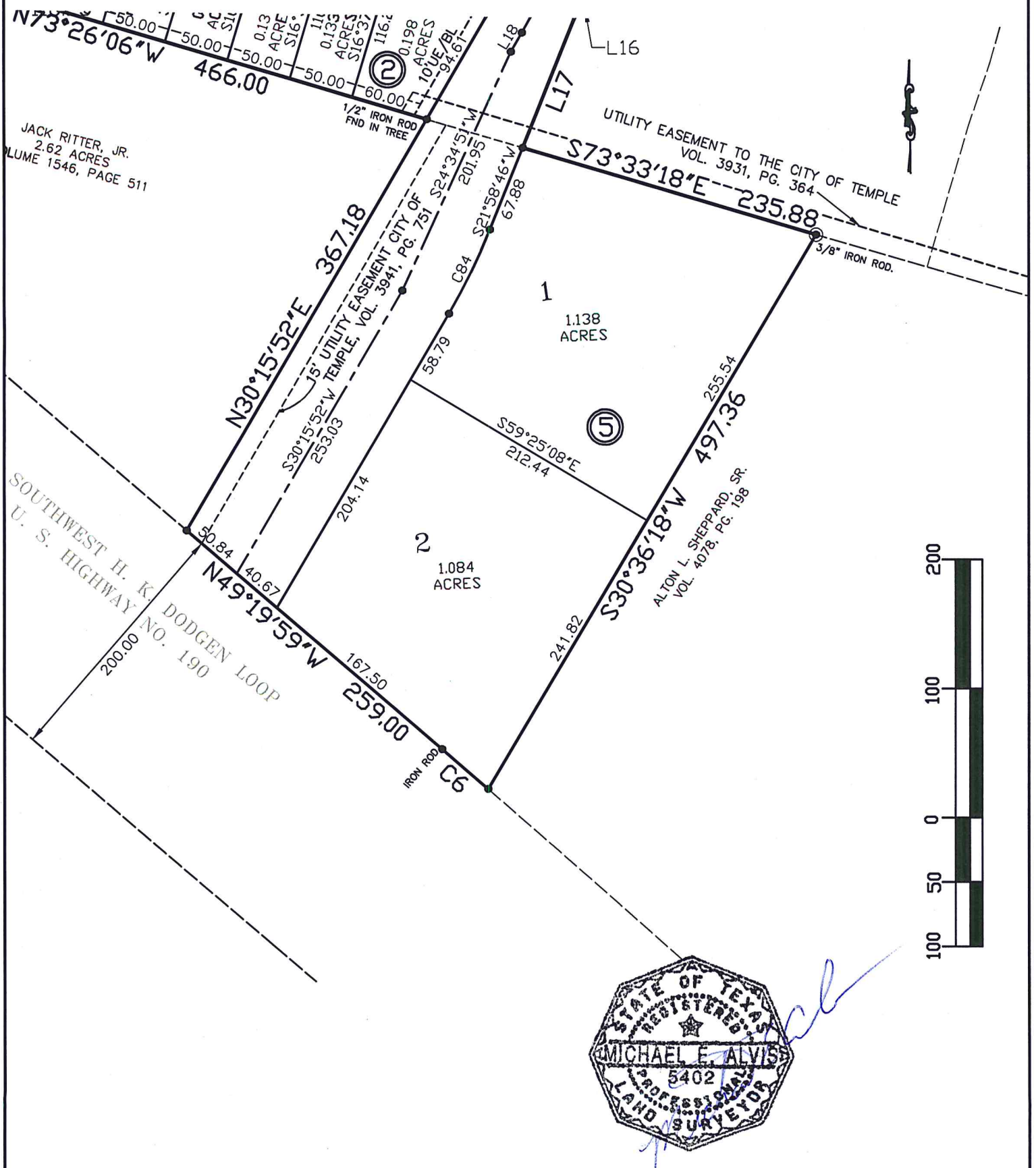
[Returned Property Notices](#)

[PZ Excerpts \(February 20, 2018\)](#)

[Ordinance](#)

# EXHIBIT "A"

## SOUTH POINTE PHASE I REZONING LOTS 1 & 2 BLOCK 5



# Site & Surrounding Property Photos



**Site: Undeveloped  
(AG)**



**Site: Undeveloped  
(AG)**





**West: Existing Retail & Service Uses (Conoco)  
(GR)**



**South: Scattered Residential Uses on Acreage  
(AG)**





**North – Aerial Google Earth Image: South Pointe Development – Image does not reflect current grading and early site development (SFA-3)**

**East - Aerial Google Earth Image: Existing Agricultural and Non-Residential Uses (AG)**

**NOTE: Subject property boundaries of rezoning, shown in RED, are approximate**

# Tables

**Permitted & Conditional Uses Table  
Comparison between AG & GR**

<b>Use Type</b>	<b>Agricultural (AG)</b>	<b>General Retail (GR)</b>
<b>Agricultural Uses</b>	<b>Farm, Ranch or Orchard</b>	<b>Same as AG</b>
<b>Residential Uses</b>	<b>Single Family Residence (Detached &amp; Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)</b>	<b>Same as AG Duplex Townhouse Home for the Aged (No CUP)</b>
<b>Retail &amp; Service Uses</b>	<b>None</b>	<b>Most Retail &amp; Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)</b>
<b>Commercial Uses</b>	<b>None</b>	<b>Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) Indoor Flea Market</b>
<b>Industrial Uses</b>	<b>Temporary Asphalt &amp; Concrete Batching Plat (CUP)</b>	<b>Temporary Asphalt &amp; Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location</b>
<b>Recreational Uses</b>	<b>None</b>	<b>Park or Playground Beer &amp; Wine (On Premise Consumption) &lt; 75%</b>
<b>Educational &amp; Institutional Uses</b>	<b>Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care (CUP)</b>	<b>Same as AG Child Care (No CUP) Hospital</b>
<b>Vehicle Service Uses</b>	<b>None</b>	<b>Auto Leasing, Rental Auto Sales - New &amp; Used (Outside Lot) Car Wash Vehicle Servicing (Minor)</b>
<b>Restaurant Uses</b>	<b>None</b>	<b>With &amp; Without Drive-In</b>
<b>Overnight Accommodations</b>	<b>RV Park (CUP)</b>	<b>Hotel or Motel</b>
<b>Transportation Uses</b>	<b>Emergency Vehicle Service (CUP) Helistop (CUP)</b>	<b>Same as AG (No CUP)</b>

### Surrounding Property Uses

	<u>Surrounding Property &amp; Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	AG	Undeveloped
North	Auto Urban Commercial	SF-3	Undeveloped (South Pointe)
South	Auto Urban Residential	C, GR & AG	Scattered SF Residential Uses on Acreage
East	Auto Urban Commercial	AG	Undeveloped
West	Auto Urban Commercial	GR	Scattered Retail & Service Uses

### 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		

## Dimensional Standards

	<u>Current (AG) Residential</u>	<u>Proposed (GR) Non-Res</u>
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	100 Feet	N/A
Minimum Lot Depth	150 Feet	N/A
Front Setback	50 Feet	15 Feet
Side Setback	15 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	❖ 10 Feet
Max Building Height	3 Stories	3 Stories

- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3)

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:

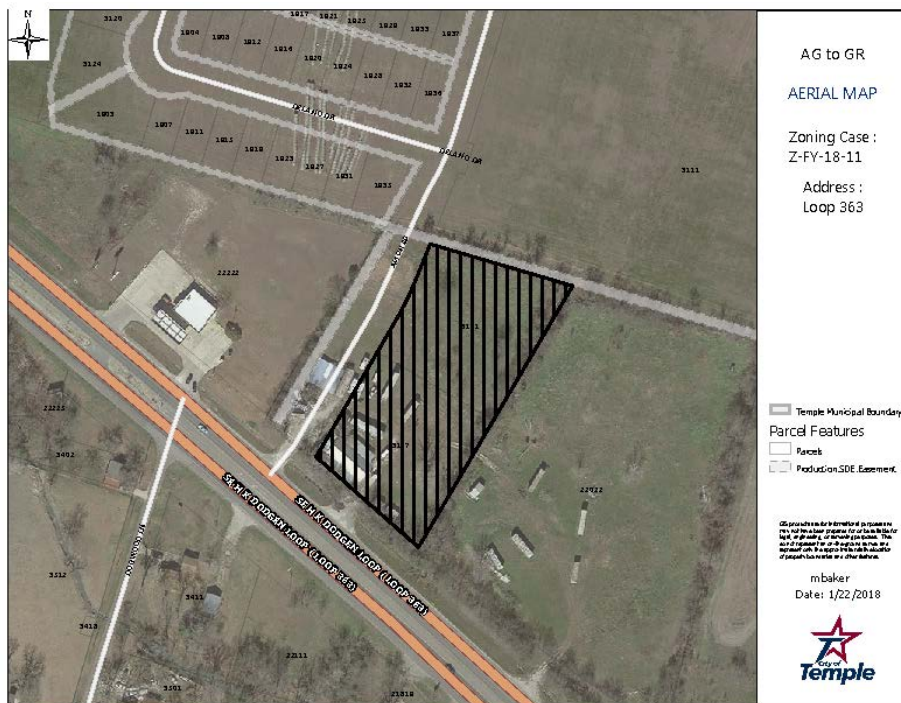
- \* Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- \* Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- \* Screened outdoor storage (UDC Section 7.7.8.B1).



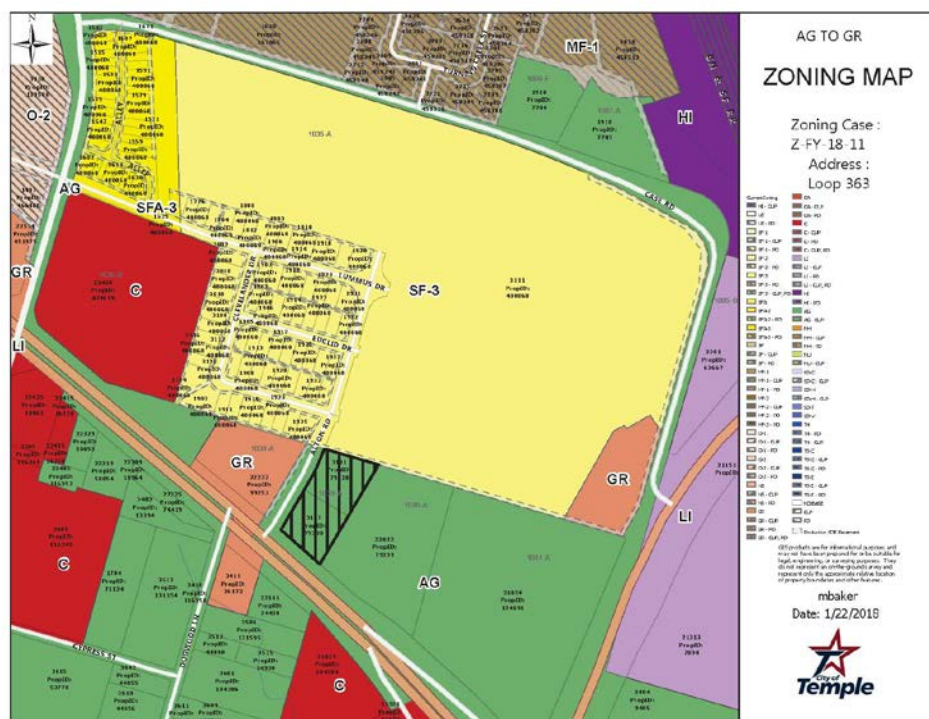
# Maps



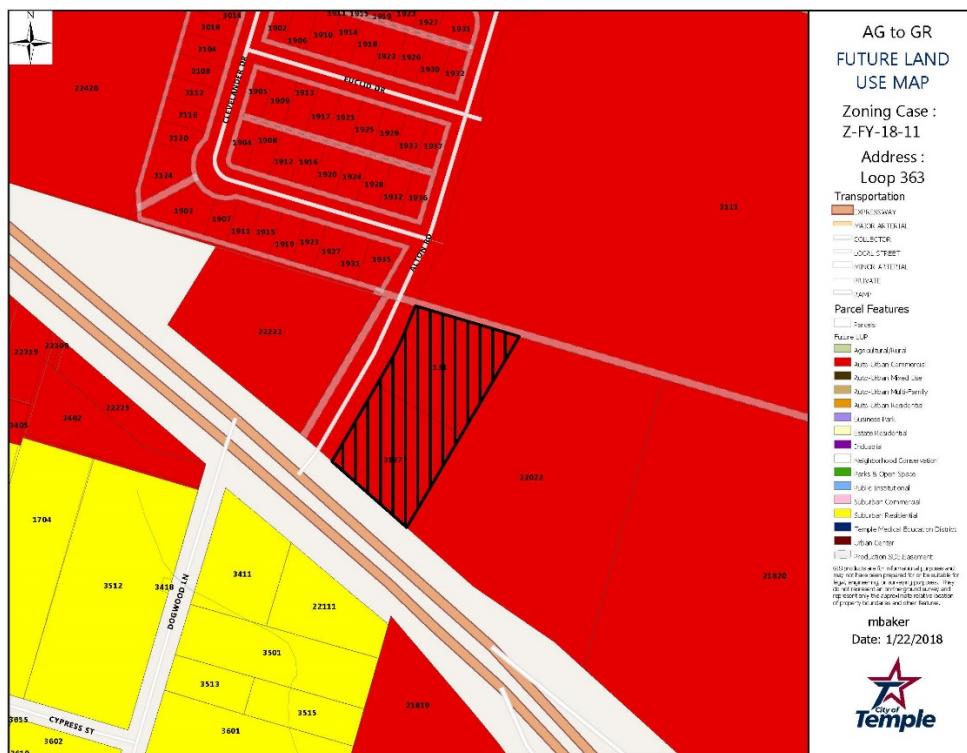
Location Map



Aerial Map



## Zoning Map

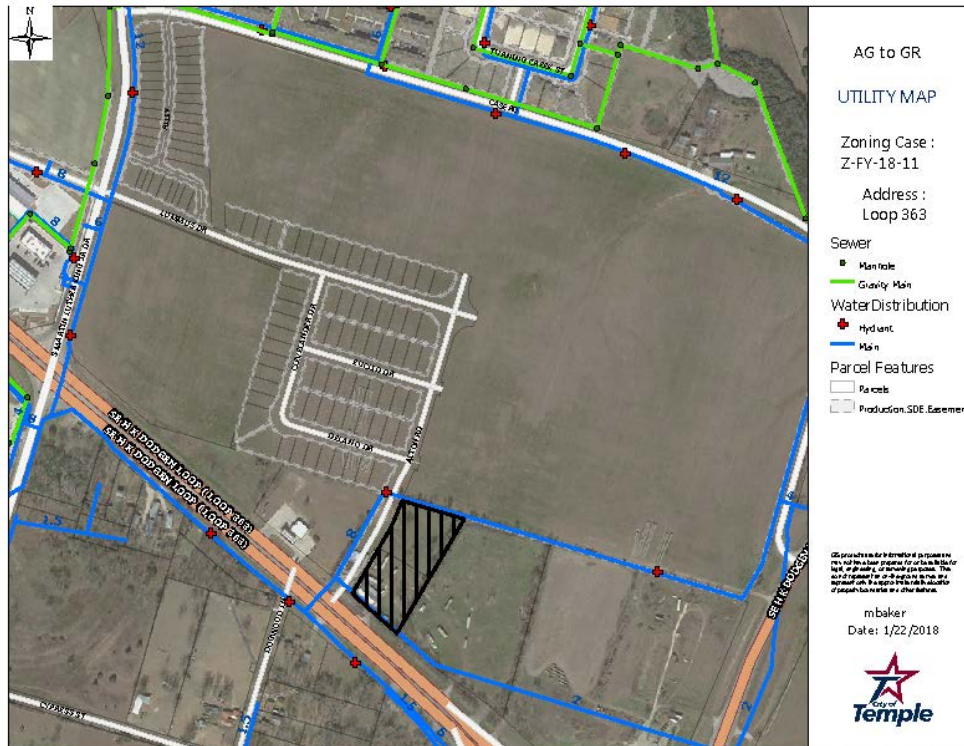


## Future Land Use Map

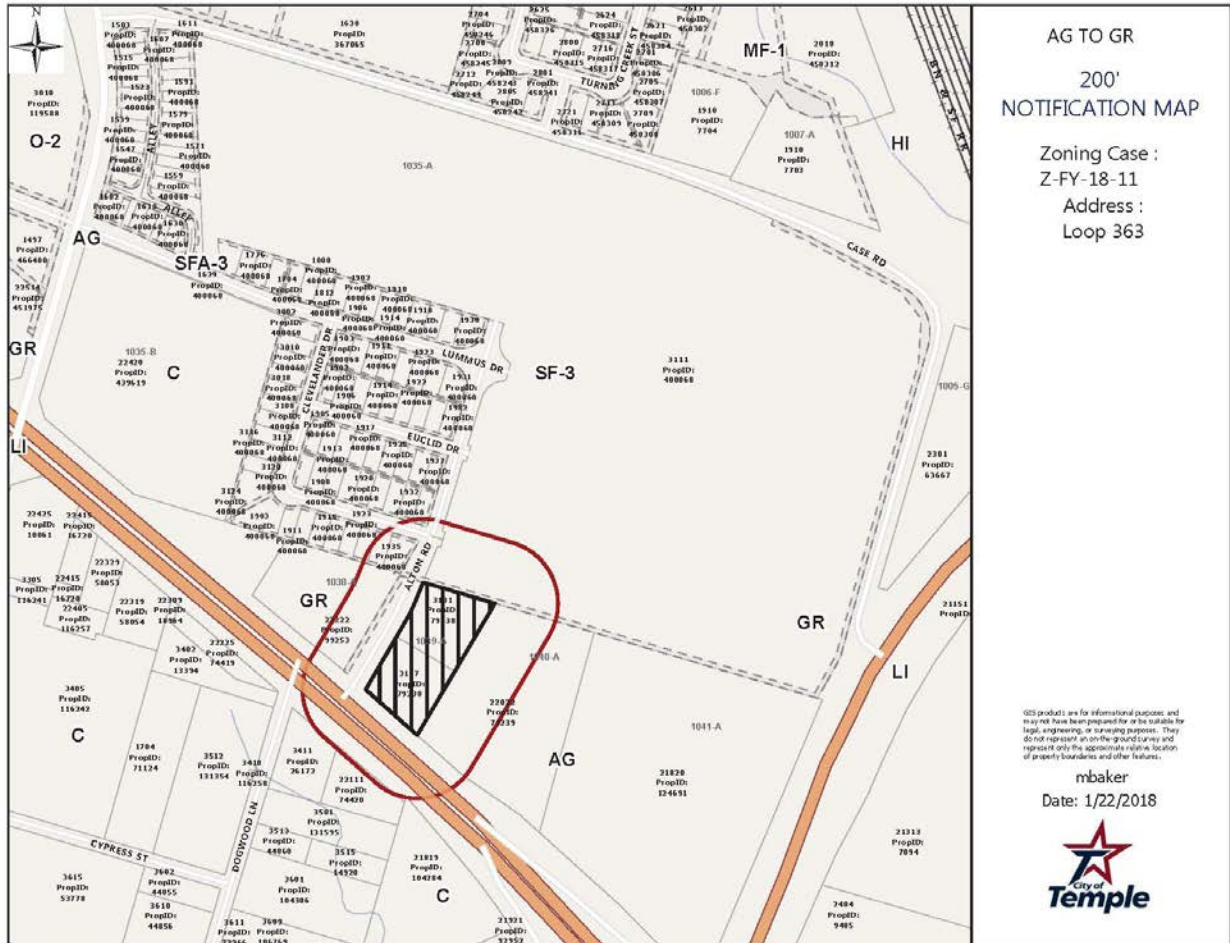




Thoroughfare & Trails Map



Utility Map



Notification Map





**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

LAMAR ADVANTAGE OUTDOOR COMPANY LP  
C/O TLC PROPERTIES INC  
5110 N GENERAL BRUCE DR  
TEMPLE, TX 76501-9722

**Zoning Application Number: Z-FY-18-11**

**Case Manager: Mark Baker**

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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:**


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---

  
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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

**City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501**

**RECEIVED**

**FEB 12 2018**

City of Temple  
Planning & Development

Number of Notices Mailed: 13

Date Mailed: February 8, 2018

**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**

CROUCH, LOIS FAMILY TRUST  
C/O TUBBS, MARCUS TRUSTEE  
10180 ROCKING H RD  
SALADO, TX 76571

**RECEIVED**

**FEB 22 2018**

City of Temple  
Planning & Development

**Zoning Application Number: Z-FY-18-11**

**Case Manager: Mark Baker**

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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 need City Sewer Across the street!!  
the City said they would put City Sewer in  
for over 20 years on my lot.

Debra Tubbs  
**Signature** DEBRA CROUCH TUBBS

DEBRA TUBBS  
**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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

**City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501**

Number of Notices Mailed: 13

Date Mailed: February 8, 2018

**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**

SCOTT, ELVIRA M  
5304 REEF LN  
TEMPLE, TX 76502-6837

**Zoning Application Number: Z-FY-18-11**

**Case Manager: Mark Baker**

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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 20 2018

City of Temple  
Planning & Development

  
Signature

ELVIRA M. SCOTT  
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](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

**City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501**

Number of Notices Mailed: 13

Date Mailed: February 8, 2018

**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**

KIELLA DEVELOPMENT, INC.  
P.O. BOX 1344  
TEMPLE, TX 76502

**Zoning Application Number:** Z-FY-18-11

**Case Manager:** Mark Baker

Location: 3137 & 3131 Alton Drive (Loop 363 & Alton Drive)

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:**

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**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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **February 20, 2018**.

**RECEIVED**

City of Temple  
Planning Department  
2 North Main Street, Suite 102  
Temple, Texas 76501

**FEB 23 2018**

City of Temple  
Planning & Development

Number of Notices Mailed: 13

Date Mailed: February 8, 2018

**OPTIONAL:** Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.





**Properties Owned within  
200 Feet of Requested Rezoning**

**Zoning Application Number:** Z-FY-18-11

**Case Manager:** Mark Baker

KIELLA DEVELOPMENT, INC.			
#	Property ID #	Address	City
1	400068	1935 DELANO DR	Temple, TX
2	400068	1932 DELANO DR	Temple, TX
3	400068	1936 DELANO DR	Temple, TX
4	400068	1927 DELANO DR	Temple, TX
5	400068	1931 DELANO DR	Temple, TX
6	79238	3137 ALTON DR	Temple, TX

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, FEBRUARY 20, 2018**

**ACTION ITEMS**

**Item 2: Z-FY-18-11** – Hold a public hearing to discuss and recommend action for rezoning from Agricultural (AG) district to General Retail (GR) district on Lots 1 & 2, Block 5 of South Pointe Phase 1, 2.21 +/- acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road.

Mr. Mark Baker, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on March 15, 2018 and second reading April 5, 2018.

No specific use has been identified with this request. This is part of the platted South Pointe, Phase I, as Lots 1 & 2, Block 5.

The zoning map is shown. GR is intended for retail and service uses, it fronts along Loop 363, and supports the adjacent South Pointe development. Adjacent GR is already in place.

The Future Land Use and Character Map designates the subject property as Auto Urban Commercial which is identified for commercial uses, generally concentrated at intersections versus strip development along major roads and supports GR zoning.

Both water and sewer from the developing South Pointe subdivision will provide utilities to serve the subject property.

The Thoroughfare Plan designates Loop 363 as an Expressway so no sidewalk is required. There are no anticipated Transportation Capital Improvement Projects (TCIP) funded or scheduled through 2024.

There are no proposed trails identified for the area.

On site photos shown.

Surrounding properties include the Conoco Station along Loop 363, zoned GR, to the west, and scattered residential uses on acreage, zoned AG, to the south.

Aerial map shown.

Comparison Table of uses (not all inclusive) and Development Standards for AG and GR are shown.

Buffering and Screening standards would be required adjacent to residential uses:

Per the Unified Development Code (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

Thirteen notices were mailed in accordance with all state and local regulations with two responses returned in agreement and zero responses returned in disagreement.

The request is in compliance with the Future Land Use and Character Map, the Thoroughfare Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the property.

Staff recommends approval of the request for a rezoning from AG District to GR District.

Chair Fettig opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Walker made a motion to approve Item 2, **Z-FY-18-11**, per Staff recommendation and Commissioner Crisp made a second.

*Motion passed: (7:0)*

Commissioners Armstrong and Marshall absent.

ORDINANCE NO. 2018-4903  
(Z-FY-18-11)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON LOTS 1 & 2, BLOCK 5 OF SOUTH POINTE PHASE I, APPROXIMATELY 2.21 ACRES, LOCATED ON THE NORTH SIDE OF LOOP 363, APPROXIMATELY 172 FEET SOUTH EAST OF ITS INTERSECTION WITH DOGWOOD LANE, ADDRESSED AS 3137 & 3131 ALTON ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1: 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 approves a rezoning from Agricultural zoning district to General Retail zoning district on lots 1 & 2, block 5 of South Pointe Phase I, approximately 2.21 acres, located on the north side of Loop 363, approximately 172 feet south east of its intersection with Dogwood Lane, addressed as 3137 & 3131 Alton Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**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 **15<sup>th</sup>** day of **March**, 2018.

PASSED AND APPROVED on Second Reading on the **5<sup>th</sup>** day of **April**, 2018.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney