

MEETING OF THE TEMPLE CITY COUNCIL MUNICIPAL BUILDING 2 NORTH MAIN STREET 3rd FLOOR – CONFERENCE ROOM THURSDAY, OCTOBER 4, 2018 3:00 P.M. AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 4, 2018.
- 2. Receive an update on the Transportation Capital Improvement Program.
- 3. Discuss the duties and work plan of the Municipal Court Judge.

Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the work plan and duties of the Municipal Court Judge. No final action will be taken.

5:00 P.M.

MUNICIPAL BUILDING

2 NORTH MAIN STREET CITY COUNCIL CHAMBERS – 2^{ND} 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 <u>discussion</u> or final action will be taken by the City Council.

III. CONSENT AGENDA

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

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

<u>Minutes</u>

- (A) September 13, 2018 Special Called Meeting
- (B) September 14, 2018 Special Called Meeting
- (C) September 20, 2018 Special & Regular Called Meeting

Contracts, Leases, & Bids

- (D) 2018-9355-R: Consider adopting a resolution authorizing an agreement with Bell County Water Control and Improvement District Number 5 ("WCID No. 5") to allow WCID No. 5 to provide water service to approximately 157.32 acres of land within the City of Temple's Certificate of Convenience and Necessity boundaries and located on Heidenheimer Road.
- (E) 2018-9356-R: Consider adopting a resolution authorizing a contract with Valley View Consulting, LLC for Investment Advisory Services.

- (F) 2018-9357-R: Consider adopting a resolution authorizing an Economic Development Agreement with United Way of Central Texas in an amount not to exceed \$125,000.
- (G) 2018-9358-R: Consider adopting a resolution authorizing an Interlocal Agreement with the Temple Charter Academy to provide after school latchkey programming.
- (H) 2018-9359-R: Consider adopting a resolution authorizing a change order to the contract with TexGlobal Contractors, Inc. (TexGlobal), of Fort Worth for construction of the Westfield Boulevard Extension in the net amount of \$ 16,993.60.
- (I) 2018-9360-R: Consider adopting a resolution authorizing a First Amendment to the Development Agreement covering property located at 10561 South Whitehall Road to allow for the placement of residential structures on the property.
- (J) 2018-9361-R: Consider adopting a resolution authorizing Contract Amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP, for final design of Phase 6 of the Outer Loop in an amount not to exceed \$816,400.
- (K) 2018-9362-R: Consider adopting a resolution authorizing a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$56,314 for bidding and construction phase services required for the rehabilitation of Water Treatment Plant Clarifier #3.
- (L) 2018-9363-R: Consider adopting a resolution authorizing Contract Amendment #1 to the professional services agreement with Kasberg, Patrick and Associates, LP, for construction administration and inspection required to construct the Membrane Water Treatment Facility Ductile Iron Pipe Rehabilitation Project in an amount not to exceed \$35,075.
- (M) 2018-9364-R: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$196,100 for acquisition and relocation services for the North Pea Ridge Road Expansion Project from West Adams Avenue to Prairie View Road.
- (N) 2018-9365-R: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$35,750 for securing rights of entry for Avenue C from Main Street to South 24th Street.
- (O) 2018-9366-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for design and bidding phase services required for the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank in an amount not to exceed \$159,590.
- (P) 2018-9367-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for concept, schematic, and final design services for Avenue C from Main Street to South 24th Street in an amount not to exceed \$612,580.
- (Q) 2018-9368-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for services required for Phase 5 of the Outer Loop in an amount not to exceed \$519,150.

- (R) 2018-9369-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP for services required to design and bid the Azalea Drive Project in the amount of \$102,800.
- (S) 2018-9370-R: Consider adopting a resolution a Lease Agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for lease of Hangar #11 at the Draughon-Miller Central Texas Regional Airport for a two-year term.
- (T) 2018-9371-R: Consider adopting a resolution authorizing a lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for lease of Hangar #10 at the Draughon-Miller Central Texas Regional Airport for a two-year term.
- (U) 2018-9372-R: Consider adopting a resolution authorizing a lease agreement with JR Aviation, LLC for lease of Hangar #18 at the Draughon-Miller Central Texas Regional Airport for a five-year term.
- (V) 2018-9373-R: Consider adopting a resolution authorizing a lease agreement with Samual Gacesa for lease of T-hangar #32 at the Draughon-Miller Central Texas Regional Airport.
- (W) 2018-9374-R: Consider adopting a resolution authorizing the renewal of an easement agreement for a water pipeline between the City and the Board of Regents of the Texas A&M University System.
- (X) 2018-9375-R: Consider adopting a resolution authorizing a one-year renewal to the service agreement for the sale of scrap metal for FY2019 with Temple Iron & Metal, a division of Bell County Iron & Recycling, of Temple.
- (Y) 2018-9376-R: Consider adopting a resolution authorizing the purchase of property located at 1 South 1st Street in Temple and authorizing the payment of closing costs in a total estimated amount of \$280,000.
- (Z) 2018-9377-R: Consider adopting a resolution authorizing the purchase of four cardiac monitor/defibrillators from Physio-Control, Inc. of Redmond, WA, in the total of \$133,417.
- (AA) 2018-9378-R: Consider adopting a resolution authorizing a purchase agreement for oil, lubricants, and grease for FY2019 with Arnold Oil Company of Austin, LP, dba Arnold Oil Company of Waco, in the estimated annual amount of \$80,164.71.

Ordinances- Second & Final Reading

(BB) 2018-4934: SECOND READING - FY-18-11-ZC: Consider adopting an ordinance to amend Ordinance 1995-2368 to add 0.49 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail and authorize rezoning the 0.49 +/- acres from Agricultural district to Planned Development-General Retail.

<u>Misc.</u>

(CC) 2018-9379-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

IV. REGULAR AGENDA

ORDINANCES- FIRST READING/PUBLIC HEARING

- 4. 2018-4935: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans which includes adjusting revenues, adjusting debt service payments for the Series 2018 bonds, and adjusting expenditures for years FY 2018-2062.
- 5. 2018-4936: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Police Officer and Sergeant classifications of certified police officers.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:15 pm, on Friday, September 28, 2018.

<u>Buy Bovy Dov</u> 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



10/04/18 Item #3(A-C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) September 13, 2018 Special Called Meeting
- (B) September 14, 2018 Special Called Meeting
- (C) September 20, 2018 Special & Regular Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

September 13, 2018 Special Called Meeting minutes September 14, 2018 Special Called Meeting minutes September 20, 2018 Special & Regular Called Meeting video / minutes

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

SEPTEMBER 13 & 14, 2018

The City Council of the City of Temple, Texas conducted a workshop/retreat City Council Meeting on Thursday, September 13 & 14, 2018, at the Silo and Oak, 7617 McGregor Park Road, Temple, Texas 76502.

Present:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Mike Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

Staff Present:

Brynn Myers, City Manager Erin Smith, Assistant City Manager Kayla Landeros, City Attorney Traci Barnard, Director of Finance Lacy Borgeson, City Secretary Heather Bates, Executive Assistant to the City Manager Stacey Hawkins, Human Resources

1. Hold a workshop to discuss an update to the City of Temple's Strategic Plan, to include, but not limited to a discussion of the City's vision and mission for the organization and the City's strategic goals and objectives.

The Temple City Council met on Thursday, September 13th and Friday, September 14th, 2018 for a Strategic Planning Retreat. Mayor Davis expressed to the group that eh wanted to know and understand the City's path for future growth; as well as clear definable direction for daily business. He reminded the Council that this was their obligation to the Staff.

Brynn Myers, City Manager also noted there is value in this process. In the absence of a strategic plan, we can go anywhere. But we need to know where we're going and when and how we need to get there. Ms. Myers also noted that it is critical that the Council understand the information that is being provided to them at its fullest. The decisions made are typically policy decisions, and important.

The retreat was led by David Eisenlohr, with Azimuth Group. He provided an overview of what would be discussed over the next two days to include, (1) what are our processes, (2) what are our strengths, (3) what is the long term vision, and (4) what are our priorities, goals, and objectives for the City of Temple.

Areas of discussion were:

*boundaries for the City of Temple and Belton Independent School District, and how to make them less confusing;

*housing stock and creating the balance between new and preserving the historical district;

*transportation funding and how it could impact the ability to build new roads:

*citizen expectations and how we can continue to provide the best 'quality of life' services to our community:

*making sure that our codes are updated and sustainable;

*professional development for city employees and council.

The council also worked on identifying the mission and vision of the City. Ms. Myers noted that the vision statement is one of the most important statements for the users, as it tell us where we want to go. These ideas will be delivered to staff and then brought back to the council at a later date.

Mayor Davis adjourned the retreat on Friday, September 14th at 11:51 pm.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson City Secretary

TEMPLE CITY COUNCIL

SEPTEMBER 20, 2018

The City Council of the City of Temple, Texas conducted a workshop City Council Meeting on Thursday, September 20, 2018 at 3:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Michael Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 20, 2018.

Traci Barnard provided a brief explanation regarding item #6(N) on the consent agenda related to the contract for an Advanced Meter Infrastructure system. She noted we have approximately 30,000 total meters throughout the City. There are approximately 26,400 3/4" and 100 meters that are 4"-8" which accounts for 30% of the total water used; approximately 1.3 billion gallons per year.

This project would be completed in two phases. Phase 1 is putting the infrastructure in place which would consist of meter vault and valve replacements. Phase 2 would be the AMI System which is more infrastructure (base stations and communications equipment), meter and data transmitters, data management software, customer portal, and training. The benefits of this system would be the dedicated and secure two-way communication of data; more effective monitoring for both the city and the customer; early notification of leaks, tampering, or equipment failures; and the online portal allows the customer to monitor their water usage.

Mayor Davis asked why the change now?

Ms. Barnard stated we have an opportunity to add services to the system, as well as the cost benefit.

Ms. Myers noted infrastructure would be in place city wide so that any new meters added will be capable of being read with this process.

Mr. Brantley provided a brief presentation on item #8 as it related to Local Preference Option. He note this is for the annual purchase agreements for utility supplies. On August 29, 2018, bids were open with 66 sections. Staff received four bidders - Core and Main of Belton; ACT Pipe & Supply of Temple; Fortiline Waterworks of Austin; and Ferguson Waterworks of Tyler. Ferguson Waterworks did not meet deliver requirement of 14 calendar days; therefore, Staff did not deem their bid responsive.

At this time Staff is recommending \$322,009.25 annual purchase award to the following low bidder: Core and Main of Belton for \$165,896.94 ACT Pipe and Supply of Temple for \$124,383.46; and

Fortiline Waterworks of Austin for \$31,728.85.

ACT Pipe and Supply is requesting that they be deemed a 'local business' under the City's Local Preference Policy. They are within 5% of the low bidder in 26 sections of the bid.

Mr. Brantley provided some history into the Local Preference Policy which was adopted on December 15, 2011, as well as the procedures followed. He noted that Council has the option to award to a bidder whose principal place of business is within the City limits and whose bid is within 5% of the lowest bid received if Council determines that the local vendor offers the best combination of price and additional economic development opportunities.

2. Receive an I-35 update.

John Habermann provided the Council and Staff with an update on I-35 to include the entrance ramp at 57th Street, as well as the bridge near Mikeska's. He noted they would be setting beams for the bridge soon, and the northbound frontage road and 57th Street would be opened and used. Other areas mentioned were Avenue H; the Central Avenue/Adams Avenue bridge. He provided several aerial photos and noted progress is being made daily.

3. Receive an update on the Transportation Capital Improvement Program.

This discussion was deferred until a later meeting.

4. Receive an update regarding Tax Increment Financing Reinvestment Zone #1 current and future projects; as well as discuss Reinvestment Zone Bonds Series 2018A and 2018B.

Ms. Myers noted there were five agenda items for the council's consideration this evening that are included in the Reinvestment Zone project update; which are Items #4, #5, #6(Q), #6(V), and #6(Y). She then provided an overview of the projects for the Reinvestment Zone to include

the Gateways, Airport Hangars and Outer Loop projects. She discussed the Santa Fe Plaza which is currently the largest RZ project at this time. The Business Center is open, while the TISD Administration Building hopes to conduct its November Board Meeting in their new facility. Next she mentioned the 1st Street Corridor project which includes pedestrian improvements under the 3rd Street overpass to connect the Santa Fe Market Trails project. 1st Street will be in three phases and will widen sidewalks and encourage downtown pedestrian movement. Also within this project is a proposed parking garage at the Extraco Building; which will use dollars from bond proceeds.

Also discussed was the Town Center Project, which includes the concept design for public improvements around the Hawn/Arcadia buildings. Ms. Myers highlighted the MLK District, to include the road and pedestrian linkages into the downtown area with the improvement from Avenue C to Central Avenue. This is a cohesive effort. Ms. Myers then discussed the Neighborhood Planning Districts, and the target area of Ferguson Park. The goal is to engage planning in the neighborhoods; invest in public infrastructure and remove barriers to private investments, and facilitate public-private partnerships.

Ms. Barnard briefly discussed the funding associated with the projects as presented by Ms. Myers. She noted the Bond Issue (items 4 & 5) on the agenda were for Series 2018A in the amount of \$23,945,000 & Series 2018B (taxable) in the amount of \$5,115,000. Ms. Barnard noted that Staff and Bond Counsel is asking that we defer the 2018B Series until a later date for better rates. The S&P Rating Report gave the issue a BB+ due to historically strong growth in property values; strong maximum annual debt services; and good bond provisions. The offsetting strengths were our high tax base concentration and the ability of the ISD's to reduce their participation in the Zone.

Ms. Barnard reminded the Council of the participating entities and there increment values; which are City of Temple, Bell County, Bell County Road Fund, Temple ISD, Belton ISD, Tory ISD, Temple College; and Elm Creek.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 20, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Susan Long Councilmember Jessica Walker Councilmember Mike Pilkington Mayor Pro Tem Judy Morales Mayor Timothy A. Davis

I. CALL TO ORDER

1. Invocation

Pastor Billy Koinm, with Heights Baptist Church voiced the Invocation.

2. Pledge of Allegiance

Members of the Betty Martin Chapter, NSDAR led the Pledge of Allegiance.

II. PUBLIC APPEARANCE

3. Receive comments from Mr. Thomas Hughes regarding a hydraulic fluid spill.

Mr. Hughes expressed his concern for the hydraulic fluid spill in front of his house. He noted that the City told him he'd have to allow time for it to fade. Mr. Hughe would like for the City to clean it up, or at least make an effort.

Mayor Davis asked Mr. Henderson what could be done regarding this matter.

Mr. Henderson stated he would have a crew out next week to attempt to power wash the area.

III. PUBLIC COMMENTS

Herman and Cynthia Hudson, of 415 N. 22nd Street addressed the Council with regards to the continued water leaks and breaks. We need a long term fix, not a temporary fix.

At this Mayor Davis read both items 4 & 5 into the record for discussion purposes.

IV. BOND ITEMS

4. 2018-4932: FIRST & FINAL READING-PUBLIC HEARING: Consider adopting a Second Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2018A.

Traci Barnard, noted the market was not desirable and at this time will request that item #5 be deferred until a later date. This include the downtown parking needs.

With regards to item #4 and the construction funds, Staff is recommending the award for the bonds.

Mr. Dan Wegmiller with Specialized Public Finance noted Series 2018A (\$23,945,000) was priced today and was rated a BB+ due to its structure of the TIRZ revenue stream and concentration. However it was received very well with the market place. We're selling \$23,565,000 in order to get the proceeds we need. The interest rate was 4.719% which included a 7 year fault for the flexibility to potentially refinance at a later date; as we do anticipate the bond rating to increase over time. There is a strong interest in the market place for the tax exempt piece of this.

Mayor Davis declared the public hearing open with regards to items 4 & 5 and asked if anyone wished to address these items. There being no comments, Mayor Davis declared the public hearings closed.

Motion by Councilmember Jessica Walker adopt ordinance as presented on first and final reading, seconded by Mayor Pro Tem Judy Morales.

5. 2018-4933: FIRST & FINAL READING-PUBLIC HEARING: Consider adopting a Third Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Financing Program to authorize the issuance of City of Temple, Texas Reinvestment Zone Number One Tax Increment Revenue Bonds, Series 2018B.

Motion by Councilmember Mike Pilkington , be Table, seconded by Councilmember Susan Long.

- V. CONSENT AGENDA All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.
 - 6. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions and ordinances for each of the following:

(A) September 6, 2018 Special & Regular Called Meeting

(B) 2018-9321-R: Consider adopting a resolution authorizing the purchase of Fire Records Management Software (RMS) software subscription and implementation services from Dell Marketing LP, of Round Rock, in the amount of \$29,383.

(C) 2018-9322-R: Consider adopting a resolution authorizing the purchase of a yearly 2018-2019 sole source financial systems

software maintenance contract with Superion, LLC of Chicago, Illinois, in the estimated amount of \$120,931.97.

(D) 2018-9323-R: Consider adopting a resolution authorizing the purchase of a yearly 2018-2019 sole source police records management software maintenance contract with Intergraph Corporation, dba Hexagon Safety & Infrastructure, in the amount of \$86,259.60.

(E) 2018-9324-R: Consider adopting a resolution authorizing the purchase of the annual CityWorks AMS asset management & work order software subscription from Azteca Systems LLC in the amount of \$60,000.

(F) 2018-9325-R: Consider adopting a resolution authorizing annual purchase agreements with various vendors for sign and traffic control supplies for FY2019 in the estimated annual amount of \$57,235.40.

(G) 2018-9326-R: Consider adopting a resolution authorizing annual purchase agreements with various vendors for herbicide and insecticide for FY2019 in the estimated annual amount of \$57,016.14.

(H) 2018-9327-R: Consider adopting a resolution authorizing the purchase of a 2020 Freightliner in the amount of \$102,081 from Houston Freightliner.

(I) 2018-9328-R: Consider adopting a resolution authorizing the single-source purchase of Heil repair parts and services during FY2019 from Heil of Texas in the estimated annual amount of \$60,000.

(J) 2018-9329-R: Consider adopting a resolution authorizing the single-source purchase of Spartan repair parts and service during FY 2019 from Metro Fire Apparatus Specialists in the estimated annual amount of \$50,000.

(K) 2018-9330-R: Consider adopting a resolution authorizing a one-year renewal to the professional services agreement for delinquent account collection services with McCreary, Veselka, Bragg & Allen (MVBA) of Round Rock.

(L) 2018-9331-R:Â Consider adopting a resolution authorizing a one-year renewal to a services agreement for non-clerical temporary employment services for FY2019 with Stafflink, Inc. dba Link Staffing Services of Houston, in the estimated annual amount of \$60,000. Â Â

(M) 2018-9332-R: Consider adopting a resolution authorizing an increase in the estimated expenditures in FY2018 from \$150,000 to \$215,000 for concrete repair and construction services provided by Wilson Construction Services, LLC of Belton.Â

(N) 2018-9333-R: Consider adopting a resolution authorizing a contract amendment with Clark & Fuller, PLLC, of Temple, for final design and bidding phase services for the Knob Creek Trunk Sewer Improvements Phases II-V, in the amount of \$889,003.14.

(O) 2018-9334-R: Consider adopting a resolution authorizing a contract and deductive change order with TMI Coatings, Inc. (TMI), of St. Paul, MN, for construction services required for the Water Treatment Plant Task 7 Membrane Ductile Iron Pipe Recoating and Modifications Project in the amount of \$345,000.

(P) 2018-9335-R: Consider adopting a resolution authorizing an amendment to the "Administration and Management Agreement†between the City of Temple, City of Belton, and the Brazos River Authority for administration of the Cities of Temple and Belton Industrial Pretreatment Programs.

(Q) 2018-9336-R: Consider a recommendation to the City Council to authorize a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, for services required to incorporate a concept design for the area in TXDOT rights-of-way between Central Avenue and Adams Avenue abutting both sides of Interstate 35 in an amount not to exceed \$59,700.

(R) 2018-9337-R: Consider adopting a resolution authorizing an agreement with Thirkettle Corporation, dba Aqua-Metric Sales Company of Riverside, CA, in the amount of \$519,227.22 for the installation of an Advanced Metering Infrastructure (AMI) system.

(S) 2018-9338-R: Consider adopting a resolution authorizing a Construction Manager-at-Risk guaranteed maximum price construction contract with RM Rodriguez Construction, LP of Temple in the amount of \$444,872 for four facility construction projects.

(T) Consider adopting resolutions authorizing the following cooperative contract purchases during FY2019:

1. 2018-9339-R: Cellular Services – Cello Partnership, dba Verizon Wireless, utilizing a State of Texas DIR

contract, in the total estimated annual amount of \$270,000

- 2. 2018-9340-R: Office Supplies Perry Office Plus, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$110,000
- 3. 2018-9341-R: Janitorial Supplies Gulf Coast Paper Company, utilizing a BuyBoard contract, in the estimated annual amount of \$100,000
- 4. 2018-9342-R: Automotive Repair Parts O'Reilly Auto Parts, utilizing a BuyBoard contract, in the estimated annual amount of \$70,000
- 5. 2018-9343-R: Tire Retreading Services Southern Tire Mart, LLC, utilizing a BuyBoard contract, in the estimated annual amount of \$65,000
- 2018-9344-R: Fire Department Bunker Gear National American Fire Equipment Co., Inc., utilizing a H-GAC contract, in the estimated annual amount of \$35,000
- 7. 2018-9345-R: Online Auction Services GovDeals, Inc., utilizing a BuyBoard contract, with an estimated annual revenue amount of \$150,000.

(U) 2018-9346-R: Consider adopting a resolution approving a Memorandum of Understanding with the Bell/Lampasas Counties Community Supervision and Corrections Department (CSCD) for the supervision of community service workers in the amount of \$7,500.

(V) 2018-9347-R: Consider adopting a resolution authorizing the acceptance of an assignment of a Commercial Contract from Monument Capital, Inc. for the purchase of property located at 503 North General Bruce Drive in Temple. Ordinances- Second & Final Reading

(W) 2018-4929: SECOND READING FY-18-10-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two on 169.72+/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 914 North Pea Ridge Road.

(X) 2018-4930: SECOND READING: Consider adopting an ordinance authorizing a five-year franchise with Scott & White

EMS, Inc., to provide non-emergency ambulance transfer services within the City.

(Y) 2018-4931: SECOND READING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to recognize additional tax increment revenue received from Agreements of Appraised Value on property omitted from the tax roll, allocating expenditures for public improvements for years FY 2018, and to fund a required debt service reserve fund associated with the issuance of 2018 Reinvestment Zone No. 1 Tax Increment Revenue Bonds Series 2018A and Taxable Series 2018B in FY 2018.

(Z) 2018-9348-R: Consider adopting a resolution authorizing the submission of Texas Intrastate Fire Mutual Aid System (TIFMAS) grant applications for the request of type three and type six wildland fire apparatuses, in an approximate amount of \$550,000.

(CC) 2018-9351-R: Consider adopting a resolution authorizing the rejection of the one bid received for Telemetry/SCADA Services on July 31, 2018.

V. REGULAR AGENDA

Motion by Mayor Pro Tem Judy Morales approve Consent Agenda as presented, seconded by Councilmember Jessica Walker.

ORDINANCES

7. 2018-4934: FIRST READING - PUBLIC HEARING - FY-18-11-ZC Consider adopting an ordinance to amend Ordinance 1995-2368 to add 0.49 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail and authorize rezoning the 0.49 +/- acres from Agricultural district to Planned Development-General Retail.

Mark Baker, Senior Planner presented this case to the Council. This is to amend an existing ordinance from 1995, that is approximately 11.5 acres, and the applicant wishes to add 0.49 acre from Agricultural to Planned Development-General Retail. The 0.49 acre was City owned in 1995 and not included in the original 11.5 acres acquired in 2003. The additional acreage is to accommodate the anticipated and forthcoming development plan / subdivision plat which are currently in review with staff.

As referenced earlier, this amendment does not include nor is the

applicant requesting development/ site plan approval at this time. The development/ site plan/ subdivision plat has been submitted under separate cover and is being reviewed on its own merits. It is currently scheduled to be reviewed by the Development Review Committee (DRC) on September 20, 2018 and will come forward for public review and evaluated in accordance with UDC Section 3.4.5. Development as a 59-lot single family subdivision plat is being considered by a prospective buyer of the property. Assuming the amendment for 0.49 +/- acres is approved, a subdivision plat named "Cottonwood Bend" (attached), includes a combination of 11.99 +/acres of Planned Development-General Retail and 4.42 +/- acres of Multiple-Family Dwelling-2-zoned land. Since the development/ site plan / subdivision plat are in process of being reviewed by the DRC, review of drainage and floodplain considerations have not been fully evaluated by Public Works. Therefore, the development/ site plan nor the plat are under public consideration at this time.

Access will be taken directly from South 31st Street (FM1741), an arterial street, which is TxDOT ROW. TxDOT has been provided a copy of the development plan / subdivision plat. In accordance with UDC Section 7.2.4, prohibition of residential drive approaches along arterial streets will be addressed during the review of the plat.

The subject property is within the Suburban Commercial Future Land Use Map (FLUM) designation. While the Suburban Commercial designation is intended retail & service uses, it is also compatible with residential development that supports such retail & service uses. Therefore, the requested expansion to the Planned Development with a base zoning of GR **is** consistent with the FLUM designation.

The property has frontage along South 31st Street (FM 1741), which is an existing major arterial. Any needed right-of-way will be evaluated during the DRC review of the plat. This section of South 31st Street is not scheduled for any Transportation Capital Improvement Plan (TCIP) program improvements through fiscal year 2024.

Water is available through a 12-inch waterline in South 31st Street. Sewer is available through a 12-inch sewer line located within an existing 60-foot public drainage and utility easement on the west side of the property.

A proposed community-wide connector trail is shown on the Trails Master Plan in South 31st Street, as a minor arterial, a 6' concrete sidewalk is in place. Provisions for the trail will be addressed with the review of the subdivision plat.

Mr. Baker noted there were 19 notices to property owners within 200feet of the subject property; and as of Tuesday, September 11, 2018 at 9:00 AM, four notices, two of which are owned by the applicant, have been received in agreement.

Staff recommends approval of the proposed amendment with the addition of the 0.49 +/- acres with the following conditions: (1) Conditions as prescribed by Ordinance 1995-2368 are still applicable; and Staff recommends the addition of the following condition (2) The Director of Planning, with consultation as needed by the Design Review Committee, may be authorized to approve minor changes to the development/ site plan for any residential or non-residential development which include but not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards.

During their August 20, 2018 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation to amend Ordinance 1995-2368 and rezone 0.49 +/- acres.

Mayor Davis declared the public hearing open with regards to agenda item 7, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Mike Pilkington adopt ordinance as presented on first reading, with second and final set for October 4, 2018, seconded by Councilmember Susan Long.

RESOLUTIONS

8. 2018-9353-R: Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2019 with the following vendors in the estimated annual amount of \$322,009.25:

Core and Main of Belton\$165,896.94ACT Pipe & Supply of Temple124,383.46Fortiline Waterworks of Austin31,728.85

Mr. Brantley was available for questions. He noted the presentation was provided at workshop.

Mayor Davis noted it was not necessary to see it again.

Motion by Councilmember Mike Pilkington adopt resolution authorizing annual purchase agreement for utility supplies for FY2019 with the following vendors in the estimated annual amount of \$322,009.25 to:

Core and Main of Belton, \$165,896.94; ACT Pipe & Supply of Temple, \$124,383.46; and Fortiline Waterworks of Austin, \$31,728.85, seconded by Councilmember Susan Long.

9. 2018-9354-R: Consider adopting a resolution pursuant to Government Code §2206.053 finding that a 0.008-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas is necessary for the construction of the Charter Oak Water Line and authorizing the use of eminent domain to condemn the property.

Ms. Demirs presented this case to the Council. She noted that the City is in the design phase for the proposed construction of the Charter Oak Water Line; and that the design requires the acquisition of a 0.008-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, for the construction of the water line with its necessary appurtenances under Local Government Code § 251.001.

The City made an initial offer to purchase the necessary easement on March 23, 2018 via Lone Star Right of Way Services, Inc. The property owner indicated acceptance of the City's offer and Council authorized acquisition of the easement at its July 19, 2018 meeting. However, the property owner has failed to cooperate with Lone Star to coordinate closing and is no longer responding to Lone Star's attempts to contact the owner. Therefore, on September 7, 2018, a final offer was sent. The property owner has at least 14 days to respond, as required by the Texas Property Code, and if rejects the offer or fails to respond, the City, with Council's authorization, can condemn the easement.

Ms. Demirs continued that Staff is asking pursuant to Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the easement legally described as being 0.008-acre permanent easement situated in the George Givens Survey, Abstract No. 345, Bell County, Texas, located along South General Bruce Drive, Temple, Texas, Bell County Appraisal District ID Number 479525.

Motion by Councilmember Susan Long approve Resolution No. 2018-9354-R and authorize the use of the power of eminent domain to acquire a permanent easement on a property located along South General Bruce Drive in Temple, Texas, and more particularly described as being 0.008-acre situated in the GEORGE GIVENS SURVEY, ABSTRACT 345, Bell County, Texas, embracing a portion of Lot 2, Block 1, Enterprise Row, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet C, Slide 243-A, Plat Records of Bell County, Texas for the construction of the Charter Oak Water Line. seconded by Councilmember Jessica Walker.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Bell County Water Control and Improvement District Number 5 ("WCID No. 5") to allow WCID No. 5 to provide water service to approximately 157.32 acres of land within the City of Temple's Certificate of Convenience and Necessity boundaries and located on Heidenheimer Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

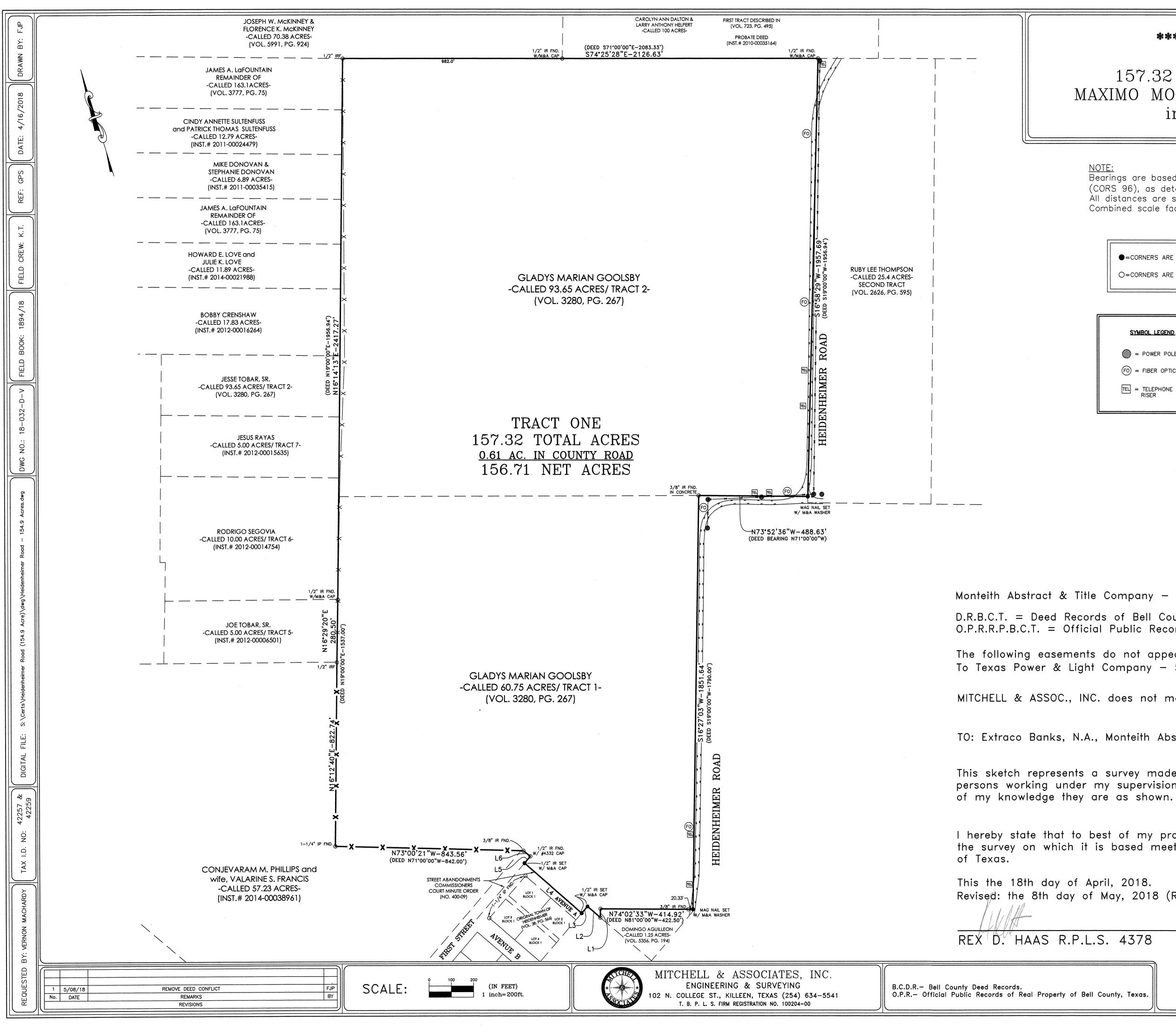
ITEM SUMMARY: Clinton and Janice Walker (the "Owners") own approximately 157.32 acres of land on Heidenheimer Road (the "Property"). The Property is located within the City's extraterritorial jurisdiction and within the City's Certificate of Convenience and Necessity ("CCN") boundaries. A CCN gives the CCN holder the exclusive right to provide retail water service to an identified geographic area. No other water provider may service an area within the City's CCN unless the City releases its CCN in the affected area or an agreement is reached between the City and the water provider.

The City currently has no water utility infrastructure located near the Property. The nearest water line which could be extended to service the Property is several hundred feet away and the cost to extend the line would be significant. WCID No. 5 operates a line running along the east side of the Property and can easily extend its service. To do so, the City and WCID #5 must enter into a written agreement.

Under the proposed agreement, the City will consent to WCID #5 providing water service to the Property. This will allow the property to be served while also maintaining the City's CCN boundaries. WCID #5 will install a 3-inch line across the length of the Property and will obtain an easement from the Owners which can be transferred to the City in the future. The agreement will allow WCID #5 to service the property until such time as the City has extended water utility infrastructure to the property which is adequate to provide water service.

FISCAL IMPACT: Not applicable

ATTACHMENTS: Survey of the Property Resolution



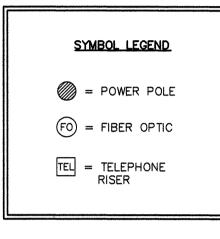
*** SEE FIELD NOTES ***

157.32 Acres of land out of the MAXIMO MORENO SURVEY, Abstract No. 14 in Bell County, Texas.

NOTE:

Bearings are based on the Texas Coordinate System, Central Zone, NAD 83 (CORS 96), as determined by Leica Texas SmartNet GPS observations. All distances are surface distance. Combined scale factor=1.0001168.

●=CORNERS ARE MAG NAIL SET W/ M&A WASHER UNLESS OTHERWISE NOTED. O=CORNERS ARE 1/2" FND. W/ "LETH 3879" CAP UNLESS OTHERWISE NOTED.



LINE TABLE						
LINE	BEARING	LENGTH				
L1	S16°19'11"W	39.51 '				
L2	N33°12'30"W	76.46'				
L3	S56°14'21"W	40.00'				
L4	N33°12'30"W	340.26'				
L5	N56°15'17"E	40.00'				
L6	N35°53'39"W	39.96'				

Monteith Abstract & Title Company — G.F. No. 18—1516 — Effective Date: March 5, 2018 D.R.B.C.T. = Deed Records of Bell County, Texas. O.P.R.R.P.B.C.T. = Official Public Records of Real Property, Bell County, Texas.

The following easements do not appear to affect this tract per (Vol./Pg. or Inst.#): To Texas Power & Light Company - 584/552 in the D.R.B.C.T.

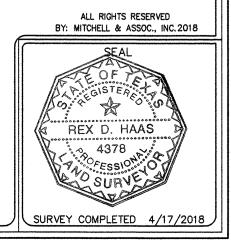
MITCHELL & ASSOC., INC. does not make or warrant any flood zone designation.

TO: Extraco Banks, N.A., Monteith Abstract & Title Company, & Clint Walker III and Janice Walker.

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions along the boundaries and to best

I hereby state that to best of my professional knowledge and belief that this plat and the survey on which it is based meets the requirements for land surveys in the State

Revised: the 8th day of May, 2018 (Remove Deed Conflict)



RESOLUTION NO. <u>2018-9355-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH BELL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER 5 TO ALLOW FOR THE PROVISION OF WATER SERVICE TO APPROXIMATELY 157.32 ACRES OF LAND WITHIN THE CITY OF TEMPLE'S CERTIFICATE OF CONVENIENCE AND NECESSITY BOUNDARIES LOCATED ON HEIDENHEIMER ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Clinton and Janice Walker (the "Owners") own approximately 157.32 acres of land on Heidenheimer Road (the "Property") which is located within the City's extraterritorial jurisdiction and within the City's Certificate of Convenience and Necessity ("CCN") boundaries;

Whereas, no other water provider may service an area within the City's CCN unless the City releases its CCN in the affected area, or an agreement is reached between the City and the water provider;

Whereas, the City currently has no water utility infrastructure located near the Property and the nearest water line which could be extended to service the Property, is several hundred feet away and the cost to extend the line would be significant;

Whereas, Bell County Water Control and Improvement District No. 5 (WCID No. 5) operates a line running along the east side of the Property from which service can be extended;

Whereas, under the proposed agreement, the City will consent to WCID No. 5 providing water service to the Property which will allow the property to be served while also maintaining the City's CCN boundaries;

Whereas, WCID No. 5 will install a 3-inch line across the length of the Property and will obtain an easement from the Owners which can be transferred to the City in the future allowing WCID No. 5 to service the property until such time as the City water utility infrastructure is extended to the property and is able to provide adequate water service;

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

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

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to enter into an agreement with Bell County Water Control and Improvement District Number 5 to allow WCID No. 5 to provide water service to approximately 157.32 acres of land within the City of Temple's Certificate of Convenience and Necessity boundaries located on Heidenheimer Road.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Valley View Consulting, LLC for Investment Advisory Services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has utilized the services of Valley View Consulting, LLC for the past six years to assist with the management of its investment portfolio. Based on the amount of the current investment portfolio and interest rate environment, staff has determined an investment consultant would continue to add value to the portfolio.

Staff recommends continuing services with Valley View Consulting for Investment Advisory Services. Valley View Consulting is a SEC registered investment advisory firm serving Texas public entities in a variety of cash and investment management and consulting roles. Valley View provides completely independent advice and consultation and is not affiliated with any investment pool, mutual fund, broker/dealer, financial institution, or investment provider. The investment services the City will receive include:

- Strategic portfolio advice,
- Investment policy and bond covenant review,
- Cash flow model development for all non-bond funds,
- Bond proceeds cash flow model assistance,
- Complete analysis of eligible investment options,
- Thorough deposit and transaction documentation,
- Effective broker/dealer management,
- Integrated bond proceeds investment,
- Customized communication, reporting, and training, and
- Assistance with the Bank Depository RFA process.

10/04/18 Item #3(E) Consent Agenda Page 2 of 2

FISCAL IMPACT: In consideration of these services, the annual fee would be based on the average quarter end book value of investments as follows:

.036% (3.6 basis points)Up to and including \$85,000,000.030% (3 basis points)Over \$85,000,000 up to and including \$150,000,000.020% (2 basis points)Over \$150,000,000 up to and including \$250,000,000.010% (1 basis point)Over \$250,000,000

Funding for the contract with Valley View Consulting, LLC for Investment Advisory Services is available in account 110-1200-515-2616 in the amount of \$40,000 and in account 520-5000-535-2616 in the amount of \$17,000.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9356-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH VALLEY VIEW CONSULTING, LLC FOR INVESTMENT ADVISORY SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has utilized the services of Valley View Consulting, LLC for the past six years to assist with the management of its investment portfolio and based on the amount of the current investment portfolio and interest rate environment, Staff has determined an investment consultant would continue to add value to the portfolio;

Whereas, Staff recommends Council authorize a contract with Valley View Consulting, LLC for investment advisory services - Valley View Consulting is a SEC registered investment advisory firm serving Texas public entities in a variety of cash and investment management and consulting roles;

Whereas, Valley View provides completely independent advice and consultation services and is not affiliated with any investment pool, mutual fund, broker/dealer, financial institution, or investment provider;

Whereas, the investment services the City will receive include strategic portfolio advice, investment policy and bond covenant review, cash flow model development for all non-bond funds, bond proceeds cash flow model assistance, complete analysis of eligible investment options, thorough deposit and transaction documentation, effective broker/dealer management, integrated bond proceeds investment, customized communication, reporting, and training, and assistance with the Bank Depository RFA process;

Whereas, in consideration of these services, the annual fee will be based on the average quarter end book value of investments – funding is available in Account Nos: 110-1200-515-2616 and 520-5000-535-2616;

Whereas, the City's obligations under the contract shall not constitute a general obligation of the City or indebtedness under the constitution or laws of the State of Texas and nothing contained in this Resolution or the contract shall ever be construed so as to require the City to create a sinking fund or to assess, levy and collect any tax to funds its obligations under the contract; and

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

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

<u>Part 1</u>: 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.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a contract with Valley View Consulting, LLC for investment advisory services.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(F) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Economic Development Agreement with United Way of Central Texas in an amount not to exceed \$125,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: United Way of Central Texas ("United Way") is planning to renovate the property located at 4 North 3rd Street to house its administrative offices. The total project investment for the renovation is \$456,903. The proposed Economic Development Agreement ("EDA") would authorize payment of \$125,000 to United Way to use for additional irrigation and landscaping improvements in the public sidewalks and right-of-way on the south and east sides of the building.

The property is located in the Central Avenue/Santa Fe Plaza Corridor which is a study area for the Reinvestment Zone. At its August 29, 2018 meeting, the Reinvestment Zone Board approved a recommendation to the City Council to authorize the proposed EDA with United Way.

FISCAL IMPACT: Funding for the agreement with United Way of Central Texas in an amount not to exceed of \$125,000 is available in Reinvestment Zone Financing and Project Plans, Lines 417, 3rd Street Corridor Enhancement, account 795-9500-531-6315, project 101977.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9357-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH UNITED WAY OF CENTRAL TEXAS IN AN AMOUNT NOT TO EXCEED \$125,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, United Way of Central Texas ("United Way") is planning to renovate the property located at 4 North 3rd Street to house its administrative offices - the property is located in the Central Avenue/Santa Fe Plaza Corridor which is a study area for the Reinvestment Zone;

Whereas, the total project investment for the renovation is \$456,903, and the proposed Economic Development Agreement ("EDA") would authorize payment of \$125,000 to United Way to use for additional irrigation and landscaping improvements in the public sidewalks, and right-of-way on the south and east sides of the building;

Whereas, at its August 29, 2018 meeting, the Reinvestment Zone Board recommended an agreement with United Way of Central Texas;

Whereas, Staff recommends Council authorize an Economic Development Agreement with United Way of Central Texas in an amount not to exceed \$125,000, for additional irrigation and landscaping at 4 North 3rd Street, Temple, Texas;

Whereas, funding for this agreement is available in the Reinvestment Zone Financing and Project Plans, Lines 417, 3rd Street Corridor Enhancement, Account No. 795-9500-531-6315, Project No. 101977; and

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

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

<u>Part 1</u>: 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 an Economic Development Agreement with United Way of Central Texas in an amount not to exceed \$125,000.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(G) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director, Parks and Recreation Chuck Ramm, Assistant Director, Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Agreement with the Temple Charter Academy to provide after school latchkey programming.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting City Council approval to enter into an Interlocal Agreement with the Temple Charter Academy. The agreement would allow the Parks and Recreation Department to provide an after school program at for children ages 5 to 13 at this location.

The term of this agreement will be from October 22, 2018 through the last day of the 2018-19 school year, at which time both parties may extend or renegotiate the agreement by mutual consent.

This agreement with Temple Charter Academy helps meet the City Council goal of jointly partnering with school districts to provide services and programs.

FISCAL IMPACT: Temple Charter Academy has agreed to waive all facility usage fees during the time the program is being offered, thus allowing the program to be offered at an affordable rate for the participants.

Since this is a new program, funding was not included in the FY 2019 Operating Budget. A budget adjustment is being presented for Council's approval allocating funding needed to implement the new Zone After School Program at Temple Charter Academy. All expenditures will be offset by revenues collected from the program.

ATTACHMENTS:

Budget Adjustment Resolution

FY	2019

BUDGET ADJUSTMENT FORM

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

				+	-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	IN	CREASE	DECREASE
110-3231-551-11-18		Seasonal Staff	\$	11,931	
110-3231-551-21-12		Food Items/Supplies		1,600	
110-3231-551-21-13		Clothing & Uniforms		74	
110-3231-551-21-20		Education/Recreation		1,200	
110-3231-551-25-14		Travel and Training		400	
110-3231-551-21-23		Medical Supplies		85	
110-3231-551-21-29		Advertising and Marketing		30	
110-0000-445-20-01		Special Events/Classes		15,320	
			-		
τοται			5	30 640	
TOTAL			. \$	30,640	\$-
EXPLANATION OF ADJ account are available.	ch Key accou	REQUEST- Include justification for increases unts in order to provide a new Zone After Schoo expenses.	s AND	reason why f	unds in decreased
EXPLANATION OF ADJ account are available. Additional funds needed in Lat	Ch Key accou I offset these	unts in order to provide a new Zone After School	s AND	reason why f am at Templ	unds in decreased
EXPLANATION OF ADJ account are available. Additional funds needed in Lat Revenue from the program wi	Ch Key accou I offset these	CIL APPROVAL?	s AND I Progr	reason why f am at Templ	e Charter Academy.
EXPLANATION OF ADJ account are available. Additional funds needed in Lat Revenue from the program wi DOES THIS REQUEST REQU DATE OF COUNCIL MEETIN	JIRE COUNC	CIL APPROVAL?	s AND I Progr	reason why f	e Charter Academy. No No Approved Disapproved
EXPLANATION OF ADJ account are available. Additional funds needed in Lat Revenue from the program wil DOES THIS REQUEST REQU DATE OF COUNCIL MEETIN WITH AGENDA ITEM?	JIRE COUNC	Unts in order to provide a new Zone After School expenses.	s AND I Progr	reason why f	e Charter Academy.

Revised form - 10/27/06

RESOLUTION NO. 2018-9358-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TEMPLE CHARTER ACADEMY TO PROVIDE AFTER SCHOOL LATCHKEY PROGRAMMING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple Charter Academy has requested after school latchkey programming which would allow the Parks and Recreation Department to provide programming for children ages 5 to 13 years of age;

Whereas, the term of this agreement will be from October 22, 2018 through the last day of the 2018-2019 school year, at which time both parties may renew or renegotiate the agreement by mutual consent;

Whereas, this agreement with the Temple Charter Academy helps meet the City Council's goal of jointly partnering with school districts to provide services and programs;

Whereas, Temple Charter Academy has agreed to waive all facility usage fees during the time the program is being offered, allowing the program to be offered at an affordable rate to the participants;

Whereas, funding was not included in the fiscal year 2019 Operating Budget for this program, therefore an amendment to the fiscal year 2019 budget needs to be approved to allocate funding needed to implement the new program – all expenditures will be offset by revenues collected from the program; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: 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.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with the Temple Charter Academy to provide after school latchkey programming beginning October 22, 2018 through the last day of the 2018-2019 school year.

Part 3: 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 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 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(H) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order to the contract with TexGlobal Contractors, Inc. (TexGlobal), of Fort Worth for construction of the Westfield Boulevard Extension in the net amount of \$ 16,993.60.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Westfield Boulevard Extension is an integral component of the City's Transportation Capital Improvement Plan. This phase of the connectivity project will complete Westfield Boulevard from the current terminus north of Prairie View Road to Airport Road (blue section on the attached Project Map). In addition to the roadway extension, the project includes extension of water and wastewater utilities.

On May 3, 2018, Council authorized a construction contract with TexGlobal for \$2,235,729.15 to construct the Westfield Boulevard Extension, Phase 2, Section 2. On August 3, 2018, the City executed Change Order #1 for \$3,825 for temporary cattle fencing to accommodate the box culvert construction activities.

As indicated in the attached Change Order and Engineer's Recommendation Letter, this change order includes adjustments in the road base section to conform with field observations of in-situ subgrade conditions and adjustments to street lighting facilities. This change order represents a contract increase of \$16,993.60 or 0.76% of the original contract amount. The net increase in the contract amount including previous change orders is \$20,818.60 or 0.93% of the original contract amount. The revised contract amount is \$2,256,547.75. The change order includes 14 additional calendar days representing delay that was requested by an adjacent property owner.

10/04/18 Item #3(H) Consent Agenda Page 2 of 2

The Change Order costs are:

Unclassified Excavation	\$ 806.05
16.5" Limestone Base	\$ 37,121.65
11" Limestone Base (Deduct)	\$ (26,803.85)
12" Casing	\$ 6,845.00
Street Light Foundation (Deduct)	\$ (3,824.15)
2" Electrical Conduit	\$ 1,985.60
Street Light Boxes	<u>\$ 863.30</u>

Total <u>\$ 16,993.60</u>

<u>FISCAL IMPACT</u>: Funding for the change order to the construction contract with TexGlobal Contractors, Inc. for the Westfield Boulevard Extension in the amount of \$16,993.60 is available for project 100970 as follows:

-	365-3400-531-6859		520-5200-535-6357		Total	
Project Budget	\$	4,758,631	\$	127,096	\$	4,885,727
Encumbered/Committed to Date		(4,623,723)		(106,474)		(4,730,197)
TexGlobal Contractors, Inc.		(10,149)		(6,845)		(16,994)
Remaining Project Funds	\$	124,759	\$	13,777	\$	138,536

ATTACHMENTS: Engineer's Recommendation Letter Project Map Change Order Form Resolution



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400 F-1658 TBPLS No. 10056000

September 19, 2018

Mr. Richard Wilson, PE Deputy City Engineer City of Temple, Public Works, Engineering 3210 East Avenue H, Bldg A, Ste 107 Temple, TX 76501

RE: Westfield Boulevard, Phase II, Section II: Change Order #2

Dear Richard:

Turley Associates, Inc. recommends approval of the following list of changes to the original bid quantities on the Westfield Boulevard, Phase II, Section II project.

- 1. Increase Roadway Item #11 (Unclassified excavation to achieve design grades) by 343 CY from 20,500 CY to 20,823 CY. This is to accommodate a revision in the approximated station delineations for fat clay versus lean clay subgrades and is pursuant to the recommendations provided by PSI (geotechnical engineer of record) in a letter dated September 4, 2018. Based on the letter, the station delineations will be modified to include approximately 280 addition linear feet of roadway constructed to the fat clay subgrade standard cross section, the result of which requires an additional 343 CY of roadway excavation.
- 2. Increase Roadway Item #14 (Furnish and install 16.5" crushed limestone base) by 2,243 SY from 12,945 SY to 15,188 SY. This is to accommodate a revision in the approximated station delineations for fat clay versus lean clay subgrades and is pursuant to the recommendations provided by PSI (geotechnical engineer of record) in a letter dated September 4, 2018. Based on the letter, the station delineations will be modified to include approximately 280 addition linear feet of roadway constructed to the fat clay subgrade standard cross section, the result of which requires an additional 2,243 SY of 16.5" crushed limestone base.
- 3. Decrease Roadway Item #15 (Furnish and install 11.0" crushed limestone base) by 2,243 SY from 7,063 SY to 4,820 SY. This is to accommodate a revision in the approximated station delineations for fat clay versus lean clay subgrades and is pursuant to the recommendations provided by PSI (geotechnical engineer of record) in a letter dated September 4, 2018. Based on the letter, the station delineations will be modified to include approximately 280 addition linear feet of roadway constructed to the fat clay subgrade standard cross section, the result of which requires a reduction of 2,243 SY of 11.0" crushed limestone base.

- Increase Water and Sewer Lines Item #12 (Furnish and install 12" steel casing) by 100 LF from 387 LF to 487 LF. This is to correct a bid quantity shortage on 12" steel casing.
- 5. Decrease Lighting and Signalization Item #1 (Furnish and install street light pole foundations) by 1 EA from 16 EA to 15 EA. This is to accommodate a design change which eliminates the proposed street light at the intersection of Westfield BLVD and Northgate Loop due to the presence of an existing dual head street light in the direct vicinity.
- 6. Increase Lighting and Signalization Item #2 (Furnish and install 2" electrical conduit for street lights) by 146 LF from 2,737 LF to 2,883 LF. This is to accommodate the final Oncor conduit layouts provided by Oncor on September 17, 2018, which includes an additional conduit for electrical service to the future traffic signal at SH 36, which was previously not included in the plan documents.
- Increase Lighting and Signalization Item #3 (Install street light secondary connection boxes) by 1 EA from 11 EA to 12 EA. This is to accommodate the final Oncor conduit layouts provided by Oncor on September 17, 2018.

In addition, the general contractor is requesting additional contract time in the amount of 14 days due to delays experienced during the fence demolition phase and during the excavation phase of the project. The delays were due to the contractor having limited ROW access while the City of Temple and Turley Associates resolved requests of an adjacent property owner. During that time, the adjacent property owner asked that fences be left in place which limited the contractor's ability to strip the site and begin excavation. Additionally, the adjacent property owner asked that the planned excavations, located within dedicated easements on the adjacent property, be delayed until all lingering issues were resolved, which limited the contractor's ability to complete the excavation phase of the project. For the reasons stated, Turley Associates, Inc. recommends approval of the additional contract time of 14 days, creating a revised contract time of 344 days and revised final completion date of May 14, 2019.

See the attached itemized list with associates pricing per the unit prices in the original contract documents and contract time/dates.

Sincerely,

William F. Sisco, PE Turley Associates, Inc.

Attachments: Itemized Item List (Change Order #2)



 TURLEY ASSOCIATES, INC.

 301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

 F-1658
 TBPLS No. 10056000

			CHANGE ORDER #2		
			WESTFIELD BOULEVARD, PHASE II, SECTIO	N 11	
			BID FOR LUMP SUM CONTRACT		
tem	Estimated				
No.	Quantity	Unit	Description of Items with Bid Prices Written In Words	Unit Price in Figures	Total Amount
. R	OADWAY				
11	343	CY	Unclassified excavation to achieve design grades. Striping and stockpiling topsoil for reuse is subsidiary. Complete and in place per cubic yard;	\$2.35	\$806.05
14	2,243	SY	Furnish and install 16.5" crushed limestone base, subgrade prep is subsidiary. Complete and in place per square yard;	\$16.55	\$37,121.65
15	-2,243	SY	Furnish and install 11" crushed limestone base, subgrade prep is subsidiary. Complete and in place per square yard;	\$11.95	-\$26,803.85
. W	ATER ANI	D SE	WER LINES		
12	100	LF	Furnish and install 12" steel casing. Complete and in place per linear foot;	\$68.45	\$6,845.00
. LI	GHTING A	ND S	SIGNALIZATION		
1	-1	EA	Furnish and install street light pole foundations. Complete and in place per each;	\$3,824.15	-\$3,824.15
2	146	LF	Furnish and install 2" electrical conduit for street lights, grey schedule 40 PVC. Complete and in place per linear foot;	\$13.60	\$1,985.60
3	1	EA	Install street light secondary connection boxes (provided by ONCOR). Complete and in place each;	\$863.30	\$863.30
			CHANGE O	RDER #2 SUBTOTAL	\$16,993.60
			0	RIGINAL CONTRACT	\$2,235,729.15
			PREVIOUS CHANGE	ORDER SUBTOTAL	\$3,825.00
-			ADJUSTE	CONTRACT TOTAL	\$2,256,547.75
ONT		ΛE			
			CHANGE O	RDER #2 SUBTOTAL	14 days
				RIGINAL CONTRACT	330 days
				ORDER SUBTOTAL	0 days
				CONTRACT TOTAL	344 days
				COMPLETION DATE	April 30, 2019
			REVISED FINAL	COMPLETION DATE	May 14, 2019

Westfield Boulevard Extension



CHANGE ORDER

PROJECT: Westfield Boulevard Extension, Phase 2, Section 2 OWNER: City of Temple CONTRACTOR: TexGlobal Contractors, Inc. ENGINEER: Turley Associates, Inc. CHANGE ORDER #: Two (2)

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

ITEM #: A-11	Unclassified Excavation	343 CY @ \$2.35 =	\$ 806.05
ITEM #: A-14	16.5" Limestone Base	2,243 SY @ \$16.55 =	\$37,121.65
ITEM #: A-15	11" Limestone Base	- 2,243 CY @ \$11.95 =	-\$26,803.85
ITEM #: C-12	12" Casing	100 LF (a) \$68.45 =	\$ 6,845.00
ITEM #: D-1	Street Light Foundation	- 1 EA @ \$3,824.15 =	-\$ 3,824.15
ITEM #: D-2	2" Electrical Conduit	146 LF @ \$13.60 =	\$ 1,985.60
ITEM #: D-3	Street Light Boxes	1 EA @ \$863.30 =	<u>\$ 863.30</u>
		Lump Sum Total	\$16,993.60

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:	\$ 2,235,729.15
Previous Net Change in Contract Amount:	\$ 3,825.00
Net Change in Contract Amount:	\$ 20,818.60
Revised Contract Amount:	\$ 2,256,547.75
Original Contract Time:	330 Days
Previous Net Change in Contract Time:	0 Days
Net Change in Contract Time:	14 Days
Revised Contract Time:	344 Days
Original Final Completion Date:	April 30, 2019
Revised Final Completion Date:	May 14, 2019

Recommended by:Recommended by:Project Manager (City Staff)Architect/EngineerAgreed to:Approved by City of Temple:ContractorBrynn Myers, City ManagerApproved as to form:Approved by Finance Department:

City Attorney's Office

RESOLUTION NO. 2018-9359-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO A CONSTRUCTION CONTRACT WITH TEXGLOBAL CONTRACTORS, INC. OF FORT WORTH, TEXAS IN THE NET AMOUNT OF \$16,993.60, FOR CONSTRUCTION OF THE WESTFIELD BOULEVARD EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Westfield Boulevard Extension is an integral component of the City's Transportation Capital Improvement Plan and this phase of the connectivity project will complete Westfield Boulevard from the current terminus north of Prairie View Road to Airport Road - in addition to the roadway extension, the project includes the extension of water and wastewater utilities;

Whereas, on May 3, 2018, Council authorized a construction contract with TexGlobal Contractors, Inc. (TexGlobal) to construct the Westfield Boulevard Extension, Phase 2, Section 2 - on August 3, 2018, the City executed Change Order No. 1 in the amount of \$3,825 for temporary cattle fencing to accommodate the box culvert construction activities;

Whereas, this proposed change order includes adjustments in the road base section to conform with field observations of in-situ subgrade conditions and adjustments to street lighting facilities;

Whereas, funding is available for this Change Order in Account Nos. 365-3400-531-6859, 520-5200-535-6357, Project No. 100970; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>**Part 1: Findings.**</u> 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.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a change order to the construction contract with TexGlobal Contractors, Inc. of Fort Worth, Texas in the net amount of \$ 16,993.60, for construction of the Westfield Boulevard Extension.

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(I) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Brian Chandler, Planning Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a First Amendment to the Development Agreement covering property located at 10561 South Whitehall Road to allow for the placement of residential structures on the property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2008, the City entered into a "Development Agreement" ("Agreement") with Winfred Bruton, the owner of property located at 10561 South Whitehall Road and designated by the Bell County Appraisal District as property number 186254. At the time of the Agreement, the City had initiated annexation proceedings on all or a portion of Mr. Bruton's property. Pursuant to Texas Local Government Code Sections 43.035 and 212.172, the property owner decided to enter into the Agreement with the City to have his property remain in the extraterritorial jurisdiction ("ETJ"). The property owner files a subdivision plat or takes any action to subdivide the property that would require a plat to be filed. If such actions are taken, the plat would serve as a voluntary petition for annexation.

Mr. Bruton recently sold the property to Gary Gallup. The property is approximately 21.77 acres with no permanent improvements. Mr. Gallup does not plan to subdivide the property, but desires to place two, double-wide mobile homes on the property, as well as additional accessory structures.

The Development Agreement states that the property owner agrees not to use the property for any use other than for agriculture, wildlife management, and/or timber land management, except for any existing single-family residential use of the property, without the prior written consent of the City. Mr. Gallup is asking for the City's consent to place the additional structures on the property.

Staff believes the best way to formalize the proposed consent is through a First Amendment to the Development Agreement which will state that the property owner is allowed to place up to two, doublewide mobile homes on the property. The mobile homes must not be more than 15 years in age. The property owner is also allowed to place accessory structures on the property as long as such structures are not used as living quarters. Staff is recommending that Council authorize a First Amendment to the Development Agreement to add these conditions. **<u>FISCAL IMPACT</u>**: The property covered by the Agreement is located in the ETJ and is not subject to City taxation. If the First Amendment is authorized and executed, the property will remain in the ETJ.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9360-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT COVERING PROPERTY LOCATED AT 10561 SOUTH WHITEHALL ROAD TO ALLOW FOR THE PLACEMENT OF RESIDENTIAL STRUCTURES ON THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2008, the City of Temple ("City") entered into a Development Agreement ("Agreement") with Winfred Bruton, the owner of property located at 10561 South Whitehall Road and designated by the Bell County Appraisal District as property number 186254;

Whereas, at the time of the Agreement, the City had initiated annexation proceedings on all or a portion of Mr. Bruton's property - pursuant to Texas Local Government Code Sections 43.035 and 212.172, the property owner decided to enter into the Agreement with the City to have his property remain in the extraterritorial jurisdiction ("ETJ") for a period of 12 years from the date of the Agreement, unless the property owner files a subdivision plat or takes any action to subdivide the property that would require a plat to be filed which would serve as a voluntary petition for annexation;

Whereas, Mr. Bruton recently sold the property which is approximately 21.77 acres with no permanent improvements to Gary Gallup - Mr. Gallup does not plan to subdivide the property, but desires to place two, double-wide mobile homes on the property, as well as additional accessory structures;

Whereas, the Development Agreement states that the property owner agrees not to use the property for any use other than for agriculture, wildlife management, and/or timber land management, except for any existing single-family residential use of the property, without the prior written consent of the City - Mr. Gallup is asking for the City's consent to place the additional structures on the property;

Whereas, Staff believes the best way to formalize the proposed consent is through a First Amendment to the Development Agreement which will state that the property owner is allowed to place up to two, double-wide mobile homes on the property and the mobile homes must not be more than 15 years in age;

Whereas, the property owner is also allowed to place accessory structures on the property as long as such structures are not used as living quarters;

Whereas, Staff recommends Council authorize a First Amendment to the Development Agreement to add these conditions;

Whereas, the property covered by the Agreement is located in the ETJ and is not subject to City taxation, and if the First Amendment is authorized and executed, the property will remain in the ETJ; and

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

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

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a First Amendment to the Development Agreement covering the property located at 10561 South Whitehall Road to allow for the placement of residential structures on the property.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



10/04/18 Item #3(J) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing Contract Amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP, for final design of Phase 6 of the Outer Loop in an amount not to exceed \$816,400.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Outer Loop south of FM 2305 is a critical north-south arterial that will connect the Adams Avenue growth corridor to IH 35. Phase 3A at Adams Avenue has recently been completed, Phase 3B is now under construction, and ROW is being acquired for the next phase (4) to extend just south of the future connection of Poison Oak Road. Phase 5 will continue the arterial roadway southward another 3,700 linear feet to the future connection of the Outer Loop Phase 6. Phase 6 will extend 4,500 linear feet of arterial roadway from Old Waco Road to IH 35 and includes elevated bridge structures over Pepper Creek, Charter Oak Road and the adjacent BNSF Railroad (see attached map).

On March 2, 2017, Council authorized a professional services agreement with KPA in the amount of \$391,906 for preliminary design of Phase 6 of the Outer Loop, which is now complete.

On June 26, 2017 and April 6, 2018, the City approved Contract Amendments #1 for \$13,600 for acquisitions of rights-of-entry and #2 for adding design time to the contract.

Consultant services recommended under this amendment include the following tasks and costs:

Route & Design Studies	\$ 1	0,800
Roadway Design	\$23	2,300
Drainage	\$9	9,700
Signage & Pavement Marking	\$ 1	9,200
Utility Design	\$7	9,300
Structural Design	\$ 29	6,800
Environmental	\$3	1,500

Tasks and costs continued:

\$ 23,000
\$ 9,100
\$ 7,900
\$ 6,800
\$ \$ \$ \$

On September 26, 2018, the Reinvestment Zone No. 1 Board approved to recommend that Council authorize this amendment to the professional services agreement.

Design will be completed within 10 months from the notice to proceed. The engineer's preliminary opinion of probable construction cost is \$14,300,000. Please refer to the attached proposal for further details.

FISCAL IMPACT: Funding for Contract Amendment #3 to the professional services agreement with Kasberg, Patrick & Associates, LP for final design of Phase 6 of the Outer Loop in an amount not to exceed \$816,400 is available in the Reinvestment Zone No. 1 Financing Plan, Line 320, project 101585, as follows:

-	795-9500-531-6557		795-9	795-9600-531-6557		Total	
Project Budget	\$	410,000	\$	3,340,000	\$	3,750,000	
Encumbered/Committed to Date		(405,506)		(61,000)		(466,506)	
KPA Contract Amendment #3		<u> </u>		(816,400)		(816,400)	
Remaining Project Funds	\$	4,494	\$	2,462,600	\$	2,467,094	

ATTACHMENTS:

Engineer's Proposal Project Map Contract Amendment Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

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

RICK N. KASBERG, P.E. R. DAVID PATRICK, P.E., CFM THOMAS D. VALLE, P.E. GINGER R. TOLBERT, P.E. ALVIN R. "TRAE" SUTTON, III, P.E., CFM JOHN A. SIMCIK, P.E., CFM <u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

September 14, 2018

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

Re: City of Temple Outer Loop Phase VI (IH35 South to Old Waco Road) 100% Design

Dear Mr. Billeck:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop 100% design for the Outer Loop from IH35 South to a connection point with Old Waco Road. An exhibit is included with this proposal for illustration. The connection to IH-35 will be north of the intersection of Twin City Boulevard and IH-35. The design will follow the previously completed 30% design project and match the sections that are currently under construction for the Outer Loop south of F.M. 2305. The final product will be 100% plans and estimates ready for bidding through the City of Temple Purchasing Department. Development of metes and bounds for the properties required for rights-of-way were included in the 30% design project. Our Preliminary Opinion of Probable Construction Cost for this project is \$14,300,000.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design, preparation of plans, and estimates. The project consists of reconstruction and construction of approximately 4,500 linear feet major arterial roadway with associated drainage, utilities as defined by the utility master plans, elevated bridge structures over the BNSF Railroad, Charter Oak and Pepper Creek, striping, signage, phasing plan and erosion control. The timeframe for design of the project is ten (10) months from the notice to proceed. Determination of rights-of-way requirements were completed with metes and bounds for rights-of-way and easements in the 30% project.

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

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

The following services will be performed:

I. ROUTE AND DESIGN STUDIES

- **A.** Geometric Design Finalize geometric design for the full length of the project. All designs shall be in accordance with AASHTO and City of Temple design guidelines and criteria.
- **B.** Utility Coordination

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

- 1. Field surveys have located horizontally; crossings of all utilities within the project area identified by markings obtained from performing a one call utility locate service during the 30% Design Set.
- 2. Notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
- 3. Upon final determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated.

II. PROJECT MANAGEMENT

- A. Meetings
 - 1. Prepare, attend and document Progress Meetings at the City Office.
 - 2. Prepare, attend and document Utility Coordination Meetings.
 - 3. Prepare, attend and present as necessary updates to the Temple Re-investment Zone Project Group and Board.
- B. General Contract Administration
 - 1. Develop monthly invoices and progress reports.
 - 2. Sub-consultant coordination.
 - 3. Design coordination with the City, TxDOT and BNSF.

III. <u>ROADWAY DESIGN CONTROLS</u>

- A. 100% Complete Plan Set
 - 1. Geometric Design Based on the 30% Design Set, develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.

- 2. Typical Sections Develop final existing and proposed roadway typical sections for the project.
- 3. Alignment Data Sheets Prepare final horizontal and vertical alignment data sheets.
- 4. Plan & Profile Drawings Prepare final plan & profile sheets for the project.
- 5. Intersection Layouts Develop final layouts that define horizontal and vertical geometry for the following intersections, overpasses and connections:
 - Old Waco Road
 - Charter Oak
 - Twin City Boulevard
 - IH-35
- 6. Bridge Layout Develop final geometric layout for the bridge structures at the crossing of the BNSF Railroad, Charter Oak and Pepper Creek. The layout shall include the geometry to clear Charter Oak, Pepper Creek drainage conveyance and the current BNSF right-of-way.
- 7. Coordination with private utilities After final engineering complete, all utilities that appear effected will be contacted for coordination for relocation.

IV. <u>DRAINAGE</u>

- A. 100% Complete Plan Set
 - 1. The hydrology shall be finalized in model form utilizing HEC-HMS 30% data with City of Temple drainage criteria. The model has incorporated the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall finalize storm water flows to all cross culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a final design format for the project area.
 - 2. Develop final hydraulics to all cross-culvert conveyances and the roadway system.
 - 3. Develop final designs for all cross-drainage structures throughout the project limits.
 - 4. Develop final designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area.
 - 5. Determine utility conflicts based on final design for the project area. Conflicts will be coordinated with the dry utilities.
 - 6. Coordinate the final design with the City of Temple. Comments and direction shall be incorporated into final designs.

V. <u>SIGNING AND MARKINGS</u>

- A. 100% Complete Plan Set
 - 1. Signing and Markings Layouts Based on the 30% Design Set, the final signing and pavement markings layouts for the full roadway sections shall be produced. The layouts shall be in accordance with TMUTCD.

VI. <u>UTILITY DESIGN</u>

- A. 100% Complete Plan Set
 - 1. Develop final layout for 12-inch water line as shown in the City of Temple Water Master Plan. Layout shall be along the roadway alignment.
 - 2. Develop plan and profile for all water utilities
 - 3. Develop final layouts for hydrants to meet the City of Temple codes and regulations.
 - 4. Develop final wastewater infrastructure layout and connections according to the City of Temple Wastewater Master Plan.

VII. <u>STRUCTURAL DESIGN</u>

- A. 100% Complete Plan Set
 - 1. Develop final structural design for elevated bridge structures over BNSF Railroad, Charter Oak and Pepper Creek.
 - 2. Design pier location, size and reinforcing for all abutments and bents to meet the span criteria for the project.
 - 3. Design abutment sizing and structural capacity including elevation, reinforcing, bearing pads, abutment walls, etc.
 - 4. Design columns for bents to meet the clearance requirements. Design shall include column size and reinforcing.
 - 5. Design bents for span location, sizing and structural capacity including elevation, reinforcing, bearing pads, etc.
 - 6. Design bridge slab components, reinforcing, thickness, capacity, etc.
 - 7. Design barrier rail including elements for pedestrian access.
 - 8. Design approach slabs.
- VIII. <u>ENVIRONMENTAL</u>
 - A. Waters of the U.S. (WOUS)
 - 1. During the 30% Design Set within the Environmental Investigations, it was determined that Stream A (Pepper Creek) falls within the designation of Waters of the US under the U.S Army Corps of Engineers guidelines and jurisdictions. Current USACE guidelines require a significant nexus evaluation for waterbodies and tributaries that are not relatively permanent waters (i.e. ephemeral), including adjacent wetlands if present; and wetlands adjacent to, but not directly abutting, a traditionally navigable or relatively permanent water. A significant nexus exists if the aquatic features in question have more than a speculative or insubstantial effect on the chemical, physical, or biological integrity of a traditionally navigable water. In the Final Design Phase, coordination and design for the project will include measures and advanced studies for Stream A (Pepper Creek).

IX. GEOTECHNICAL

- A. Geotechnical data and design
 - 1. Roadway Based on the data developed in the 30% Design Set, develop sections for the project. Specifications for excavation, fill, select fill, crushed limestone base material and hot-mix asphalt concrete paving will be developed.
 - 2. Bridge Finalize geotechnical capacities for all bridge sections, including bearing strength for piers.

X. LANDSCAPING NAD IRRIGATION

- A. 100% Complete Plan Set
 - 1. Develop the plan for landscaping the median area for Outer Loop Phase VI in conjunction with the standards set forth in previous projects. Coordination with the Temple Parks Department will be required to ensure the plan meets the needs of the project and future maintenance. Landscaping will include trees and establishment of turf within the median.
 - 2. Design the specifications for irrigation for all landscaping elements

XI. MISCELLANEOUS DESIGN

- B. 100% Complete Plan Set
 - 1. Traffic Control Plans (TCP), Detours and Sequence of Construction A final TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - Traffic sequencing for phased construction
 - TCP Phasing Overview Layout
 - TCP layouts showing work zones, number of lanes open, typical sections and any necessary detour schematics
 - 2. Miscellaneous Drawings Prepare the following final miscellaneous drawings:
 - Title Sheet
 - Index of Sheets
 - 3. Illumination and Electric
 - Design conduit layout for future installation of street lighting.
 - Coordinate with Oncor Electric for future installation of traffic lights.
 - 4. Cost Estimates Prepare a construction cost estimate for the 100% design.

The following scope of work for Outer Loop Phase VI (IH35 to Old Waco Road) 100% Design can be completed for the lump sum price of \$816,400. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

TOTAL	\$ 816,400.00
GENERAL MANAGEMENT & COORDINATION	\$ 23,000.00
MISC. DESIGN	\$ 9,100.00
LANDSCAPE AND IRRIGATION	\$ 7,900.00
GEOTECHNICAL	\$ 6,800.00
ENVIRONMENTAL	\$ 31,500.00
STRUCTURAL DESIGN	\$ 296,800.00
UTILITY DESIGN	\$ 79,300.00
SIGNING & PAVEMENT MARKING	\$ 19,200.00
DRAINAGE	\$ 99,700.00
ROADWAY DESIGN	\$ 232,300.00
ROUTE AND DESIGN STUDIES	\$ 10,800.00

Sincerely,

tata K. Lave

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple Outer Loop Phase VI (IH35 South to Old Waco Road) 100% Design

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







PHASE VI



OUTER LOOP PHASE VI (OLD WACO ROAD - IH35S)

CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Outer Loop, Phase VI (IH35 South to Old Waco Road) OWNER: City of Temple ENGINEER: Kasberg, Patrick & Associates, LP AMENDMENT #: 3

Make the following additions, modifications or deletions to the work described in the Contract Documents:

Design for the Outer Loop from IH35 South to a connection point with Old Waco Road.

Route and Design Studies	<u>\$</u>	10,800.00
Roadway Design	\$	232,300.00
Drainage	\$	<u>99,700.00</u>
Signing & Pavement Marking	<u>\$</u>	19,200.00
Utility Design	\$	79,300.00
Structural Design	\$	296,800.00
Environmental	\$	31,500.00
Geotechnical	\$	6,800.00
Landscape and Irrigation	\$	7,900.00
Misc. Design	\$	9,100.00
General Management & Coordination	\$	23,000.00
-		
Total	<u>\$</u>	816,400.00

The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment 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 Contract Amendment.

Original Contract Amount: Previous Net Change in Contract Amount: Amount This Amendment: Revised Contract Amount: Original Contract Completion Date: Revised Contract Completion Date:		\$ 391,906.00 \$ 13,600.00 \$ 816,400.00 \$ 1,221,906.00 June 4, 2018 August 11, 2019		
Recommended by:		Agreed to:	9/19/12	
Project Manager	Date	Architect or Engineer	Date	
Approved by City of Temple:		Approved as to form:		
City Manager	Date	City Attorney's Office	Date	
Approved by Finance Department	ment:			
-	_			

RESOLUTION NO. 2018-9361-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$816,400, FOR FINAL DESIGN OF PHASE 6 OF THE OUTER LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Outer Loop, south of FM 2305, is a critical north-south arterial that will connect the Adams Avenue growth corridor to IH 35 - Phase 3A at Adams Avenue has recently been completed, Phase 3B is now under construction, and right-of-way is being acquired for the next phase (Phase 4) to extend just south of the future connection of Poison Oak Road;

Whereas, Phase 5 will continue the arterial roadway southward another 3,700 linear feet to the future connection of the Outer Loop Phase 6, and Phase 6 will extend 4,500 linear feet of arterial roadway from Old Waco Road to IH 35 which will include elevated bridge structures over Pepper Creek, Charter Oak Road, and the adjacent BNSF Railroad;

Whereas, on March 2, 2017, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA) in the amount of \$391,906 for the preliminary design of Phase 6 of the Outer Loop, which is now complete;

Whereas, on June 26, 2017 and April 6, 2018, Council approved Contract Amendment No. 1 for \$13,600 for acquisition of rights-of-entry, and Contract Amendment No. 2 which added design time to the contract;

Whereas, on September 26, 2018, the Reinvestment Zone No. 1 Board approved Contract Amendment No. 3 for additional services needed to finalize the design of Outer Loop Phase 6;

Whereas, Staff recommends Council authorize Contract Amendment No. 3 to the professional services agreement with KPA in an amount not to exceed \$816,400, for final design of Phase 6 of the Outer Loop Project;

Whereas, funding for this Contract Amendment is available in the Reinvestment Zone No. 1 Financing Plan, Line 320, Account No. 795-9500-531-6557 and Account No. 795-9600-531-6557, Project No. 101585; and

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Contract Amendment No. 3 to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$816,400, for additional services needed for final design of Phase 6 of the Outer Loop.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

Lacy Borgeson City Secretary APPROVED AS TO FORM:

Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(K) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$56,314 for bidding and construction phase services required for the rehabilitation of Water Treatment Plant Clarifier #3.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple owns a water treatment plant located on the north side of the Leon River just off Charter Oak Drive. The plant comprises a conventional water treatment train (CWTT) and a membrane water treatment train. The 29.4-MGD CWTT is an aging facility that has been renovated and expanded several times since its construction in 1957. Clarifiers #1 and #2 were recently rehabilitated, and now Clarifier #3 is also in need of surface rehabilitation and recoating.

On August 1, 2018, Council authorized a professional services agreement with KPA in the amount of \$24,800 to design the rehabilitation of Clarifier #3.

In order to publicly bid the project and to accomplish proper construction oversite, consultant services recommended under this contract amendment include the following tasks and costs:

Total	<u>\$ 56,314</u>
On-Site Representation Specialized Recoating and Welding Inspection	\$ 12,000 <u>\$ 25,014</u>
Construction Administration	\$ 12,300 \$ 12,000
Bidding Services	\$ 7,000

This contract amendment would increase the total professional fees to \$81,114 (see attached Contract Amendment).

Please refer to the attached proposal and project map for further details. The construction award is anticipated in November with construction to begin in December 2018. The engineer's preliminary opinion of probable cost is \$500,000 and the proposed timeline for construction is 120 calendar days.

FISCAL IMPACT: Funding for contract amendment #1 to the professional services agreement with Kasberg, Patrick & Associates, LP for bidding and construction phase services required for the rehabilitation of Water Treatment Plant Clarifier #3 in an amount not to exceed \$56,314 is available in account 561-5100-535-6990, project 101947, as follows:

Project Budget	\$ 750,000
Encumbered/Committed to Date	(24,800)
KPA Contract Amendment #1	(56,314)
Remaining Project Funds Available	\$ 668,886

ATTACHMENTS:

Engineer's Proposal Project Map Contract Amendment Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> 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

<u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

September 6, 2018

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

Re: Rehabilitation of Water Plant Clarifier 3

Dear Mr. Billeck:

This letter is in response to your request to amend the current contract for the Rehabilitation of Clarifier 3 at the Conventional Water Treatment Plant as shown on Exhibit A to add bidding and construction phase services. The project is anticipated to begin bidding this month and begin construction in December. We will provide construction administration services, daily on-site representation and coatings/welding inspections.

The following not-to-exceed lump sum amounts will be applicable as part of this Contract Amendment No. 1:

	Fotal	\$ 56,314.00
B. HOT Inspection		25,014.00
A. On-site Representation		12,000.00
Special Services		
B. Construction Administration		12,300.00
A. Bidding		\$ 7,000.00
Basic Services		

Exhibit B provides a more detailed breakdown and description of the tasks included in our Scope of Services. HOT Inspection Services, Inc. will observe containment systems, blasting, welding and coating applications. KPA's on-site representative will observe general daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits to observe completed blasting and coating applications by the Contractor. These services are based on a 4 month construction period. The KPA portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction.

insen R. Delbent Sincerely,

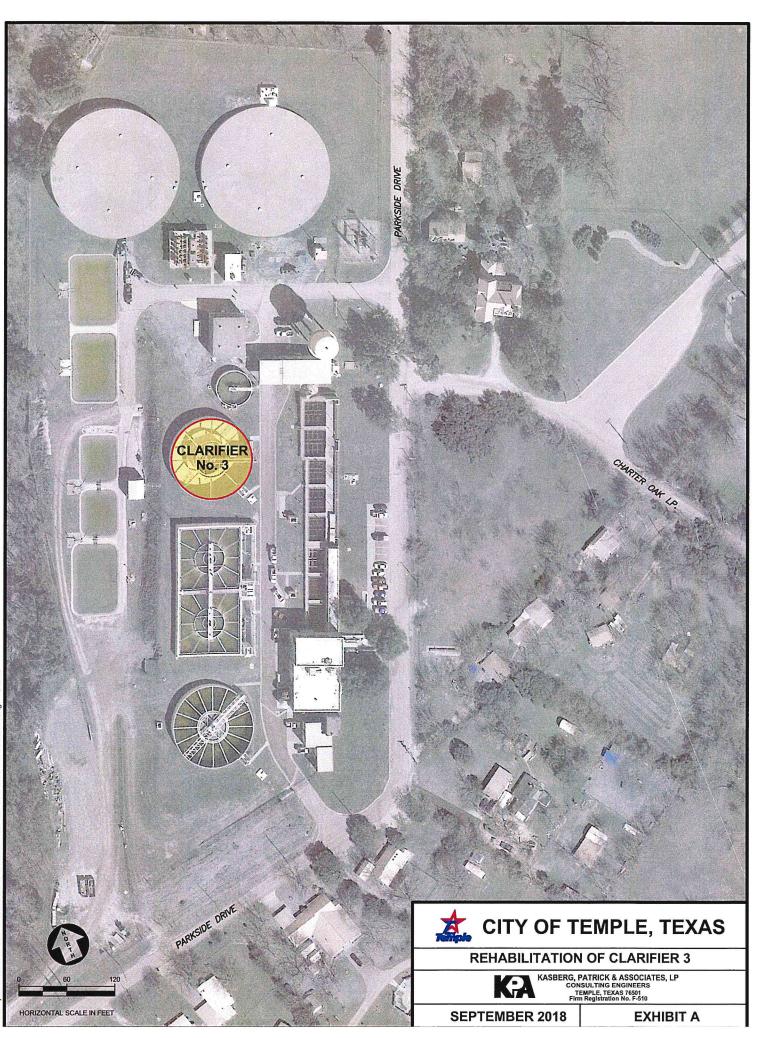
Ginger R. Tolbert, P.E. GRT/

EXHIBIT "B"

Scope of Services Rehabilitation of Water Plant Clarifier 3

- I. Basic Services
 - A. Bidding
 - 1. Assist in soliciting bidders;
 - 2. Monitor status/number of bidders on plan holders list;
 - 3. Answer potential bidders questions;
 - 4. Conduct pre-bid conference;
 - 5. Prepare addenda as required;
 - 6. Attend bid opening;
 - 7. Tabulate bids and recommend contract award.
 - B. Contract Administration
 - 1. Conduct pre-construction conference;
 - 2. Prepare Partial Payment forms and review partial payment requests;
 - 3. Make periodic project visits during construction;
 - 4. Communicate with City Project Manager weekly regarding project status and schedule;
 - 5. Conduct construction progress meetings;
 - 6. Coordinate contractor schedule with Water Plant Staff;
 - 7. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
 - 8. Review submittals;
 - 9. Check final pay quantities and pay requests;
 - 10. Prepare Record Drawings.
- II. Special Services
 - A. On-Site Representation
 - 1. **KPA** will respond to Contractor's requests for information (RFI);
 - 2. **KPA** will prepare daily reports, including weather conditions, and deliver to Project Manager weekly;
 - 3. **KPA** will utilize HOT Inspection Services, Inc. as a sub-consultant to perform observations of construction, which will include containment systems, blasting, welding, miscellaneous metal work and coating applications for conformance with the project Contract Documents. These services are based on a 6 month construction period.

KPA will observe daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits at critical hold points. The **KPA** portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction, including associated vehicle cost; **KPA** will provide construction reports.



CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Rehabilitation of Water Plant Clarifier 3 OWNER: City of Temple ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP AMENDMENT #: 1

Make the following additions, modifications or deletions to the work described in the Contract Documents:

Additional funding required for the following construction phase services:

Bidding	\$	7,000.00
Construction Administration	\$	12,300.00
On-Site Representation	\$	12,000.00
HOT Inspection	<u>\$</u>	25,014.00
TOTAL	, \$	56,314.00

The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment 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 Contract Amendment.

Original Contract Amount:	\$24,800.00
Previous Net Change in Contract Amount:	\$0.00
Amount This Amendment:	\$56,314.00
Revised Contract Amount:	\$ <u>81,114.00</u>
Original Contract Completion Date:	
Revised Contract Completion Date:	(to coincide with
	construction completion)

Recommended by:

Project Manager

Approved by City of Temple:

Agreed to:

: Delbent

Architector Engineer

Approved as to form:

Brynn Myers, City Manager

City Attorney's Office

Approved by Finance Department:

RESOLUTION NO. 2018-9362-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$56,314, FOR BIDDING AND CONSTRUCTION PHASE SERVICES REQUIRED FOR THE REHABILITATION OF WATER TREATMENT PLANT CLARIFIER NO. 3; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns a water treatment plant located on the north side of the Leon River just off Charter Oak Drive which comprises a conventional water treatment train (CWTT) and a membrane water treatment train;

Whereas, the 29.4-MGD CWTT is an aging facility that has been renovated and expanded several times since its construction in 1957 - Clarifiers No. 1 and No. 2 were recently rehabilitated, and now Clarifier No. 3 is in need of surface rehabilitation and recoating;

Whereas, on August 1, 2018, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP to design the rehabilitation of Clarifier No. 3, and in order to publicly bid the project to accomplish proper construction oversite, Staff recommends Council authorize a Contract Amendment to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$56,314 for bidding and construction phase services;

Whereas, funding for this Contract Amendment is available in Account No. 561-5100-535-6990, Project No. 101947; and

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

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

<u>**Part 1**</u>: **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 Contract Amendment to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$56,314, for bidding and construction phase services required for the rehabilitation of Water Treatment Plant Clarifier No. 3.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(L) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing Contract Amendment #1 to the professional services agreement with Kasberg, Patrick and Associates, LP, for construction administration and inspection required to construct the Membrane Water Treatment Facility Ductile Iron Pipe Rehabilitation Project in an amount not to exceed \$35,075.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple owns a water treatment plant located on the north side of the Leon River just off Charter Oak Drive. The plant consists of a conventional water treatment (CWT) train and a membrane water treatment (MWT) train, which ultimately combine through shared storage and pumping facilities and operate as one plant which delivers water to customers along the distribution system. The 29.4-MGD CWT train is an aging facility that has been renovated and expanded several times since its construction in 1957. In 2004, the 11.6-MGD MWT facility was constructed and is now in need of rehabilitation of the ductile iron piping due to its age and the wet conditions.

On January 29, 2018, the City executed a professional services contract with KPA in the amount of \$18,275 for final design and bidding of the MWT Facility Ductile Iron Pipe Rehabilitation Project (WTP Task 7). On September 20, 2018, the City Council authorized a contract and deductive change order with TMI Coatings, Inc., of St. Paul, MN, for \$345,000 to construct the project.

To accomplish proper construction oversite, consultant services recommended under this contract amendment include the following tasks and costs:

	Total	<u>\$ 35,075</u>
Special Services A. Specialized Coating Inspection		<u>\$ 22,100</u>
Basic ServicesA. Construction Administration		\$ 12,975

This contract amendment would increase the total professional fees to \$53,350 (see attached Contract Amendment).

Please refer to the attached proposal and project map for further details. Construction is anticipated to begin in November 2018. Construction time allotted for this project is 180 calendar days.

FISCAL IMPACT: Funding for Contract Amendment #1 to the professional services agreement with Kasberg, Patrick and Associates, LP for construction administration and inspection required to construct the Membrane Water Treatment Facility Ductile Iron Pipe Rehabilitation (Task 7) Project in an amount not to exceed \$35,075 is available in account 520-5100-535-6310, project 101420, as follows:

Project Budget	\$ 494,000
Encumbered/Committed to Date	(363,480)
KPA Contract Amendment #1	(35,075)
Remaining Project Funds Available	\$ 95,445

ATTACHMENTS:

Engineer's Proposal Project Map Contract Amendment Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> 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 <u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

September 24, 2018

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

Re: Task 7 -- Temple Water Treatment Plant Membrane Ductile Iron Pipe Recoating and Modifications

Dear Mr. Billeck:

This letter is in response to your request to amend the current contract for the Membrane Ductile Iron Pipe Recoating and Modifications at the Membrane Water Treatment Facility to add construction phase services. The construction contract to TMI Coatings was previously awarded. We will provide construction administration services and coating inspections. Please note that we have not included "daily on-site representation" on this project. The project is predominately a "coatings' project. As such, we will utilize HOT Inspection Services, Inc. during the coating process. KPA's engineers will make site visits to observe bolt replacement and address other construction items as required.

The following not-to-exceed lump sum amounts will be applicable as part of this Contract Amendment No. 1:

Total	<u>م</u>	35,075.00
Special Services A. HOT Inspection	¢	22,100.00
A. Construction Administration	\$	12,975.00
Basic Services		

Exhibit A provides a more detailed breakdown and description of the tasks included in our Scope of Services. HOT Inspection Services, Inc. will observe containment systems, blasting, machine tool cleaning and coating applications. These services are based on a 6 month construction period.

Sincerely,

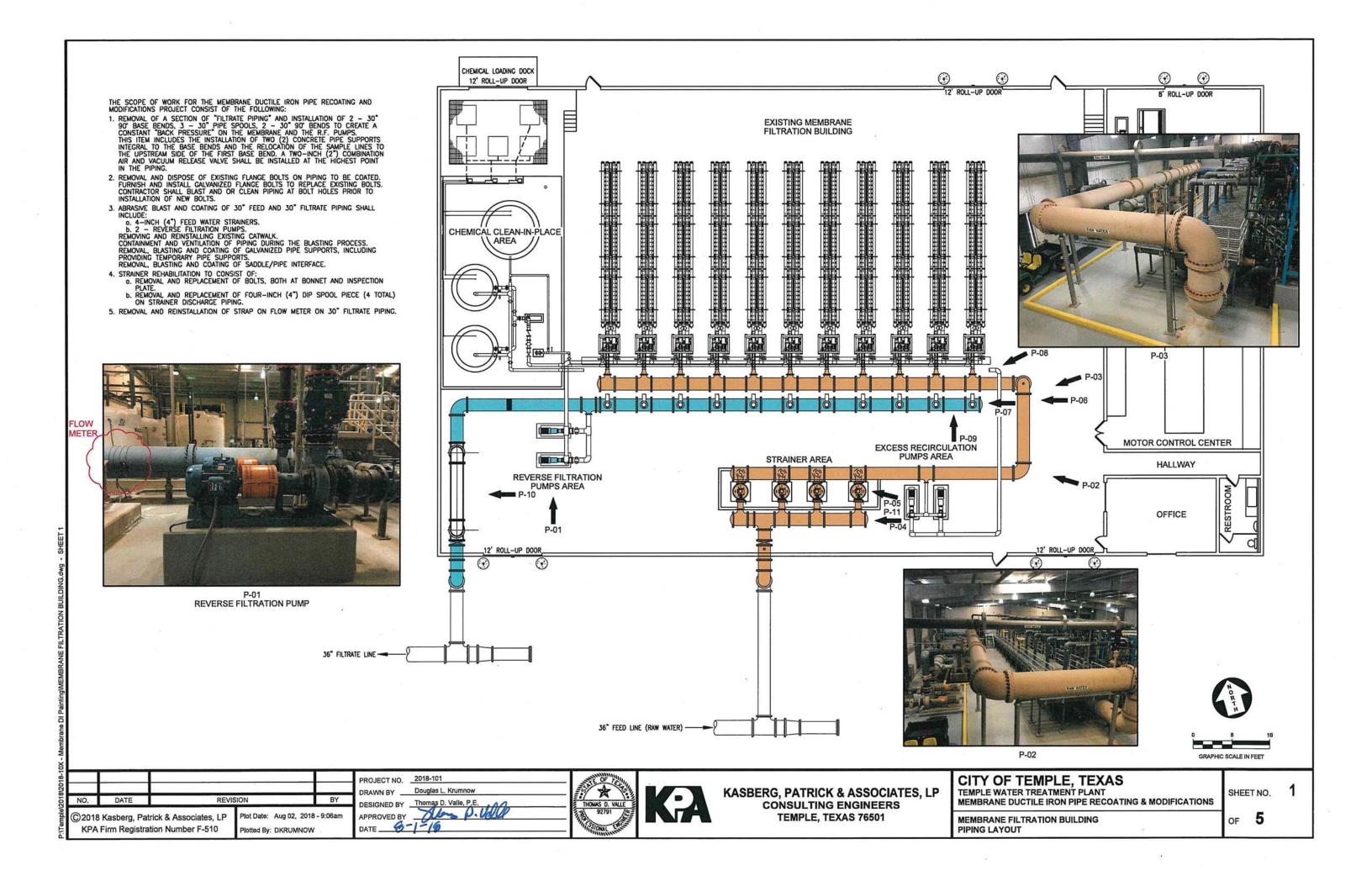
Thomas D. Valle, P.E. TDV/

EXHIBIT "A"

Scope of Services Membrane Ductile Iron Pipe Recoating and Modifications

I. Basic Services

- A. Contract Administration
 - 1. Conduct pre-construction conference;
 - 2. Prepare Partial Payment forms and review partial payment requests;
 - 3. Make periodic project visits during construction;
 - 4. Communicate with City Project Manager weekly regarding project status and schedule;
 - 5. Conduct construction progress meetings;
 - 6. Coordinate contractor schedule with Water Plant Staff;
 - 7. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
 - 8. Review submittals;
 - 9. Check final pay quantities and pay requests;
 - 10. Prepare Record Drawings.
- II. Special Services
 - A. Coating Inspection
 - 1. **KPA** will utilize HOT Inspection Services, Inc. as a sub-consultant to perform observations of construction, which will include containment systems, blasting, machine tool cleaning and coating applications for conformance with the project Contract Documents. These services are based on a 6 month construction period.
 - 2. Daily construction reports will not be provided. However, a summary of coating inspections will be provided.



CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Task 7 WTP Membrane Ductile Iron Pipe Recoating and Modifications OWNER: City of Temple ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP AMENDMENT #: One (1)					
Make the following additions, modifications or deletions to the work described in the Contract Documents:					
Additions:		– Construction Adm es – HOT Inspection Tota l	inistration Added	12,975.00 22,100.00 35,075.00	
The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment 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 Contract Amendment.					
Original Contract Amount:\$ _ 18,275.00Previous Net Change in Contract Amount:\$ _ 0.00Amount This Amendment:\$ _ 35 075.00Revised Contract Amount:\$ _ 53,350.00Original Contract Completion Date:February 23, 201Revised Contract Completion Date:April 15, 2019		0.00 075.00 350.00 ry 23, 2018			
Recommended	l by:		Agreed to: Abba D	11000	0 mile
Project Manage	er	Date	Architect or Er		Date
Approved by	City of Temple:		Approved as t	o form:	
Brynn Myers, (City Manager	Date	City Attorney's	s Office	Date
			Approved by I	Finance Dep	artment:
					Date

RESOLUTION NO. 2018-9363-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$35,075, FOR CONSTRUCTION ADMINISTRATION AND INSPECTION REQUIRED TO CONSTRUCT THE MEMBRANE WATER TREATMENT FACILITY DUCTILE IRON PIPE REHABILITATION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns a water treatment plant located on the north side of the Leon River just off Charter Oak Drive that consists of a conventional water treatment (CWT) train and a membrane water treatment (MWT) train, which ultimately combine through shared storage and pumping facilities and operate as one plant which delivers water to customers along the distribution system;

Whereas, the 29.4-MGD CWT train is an aging facility that has been renovated and expanded several times since its construction in 1957 - in 2004, the 11.6-MGD MWT facility was constructed and is now in need of rehabilitation of the ductile iron piping due to its age and the wet conditions;

Whereas, on January 29, 2018, the City executed a professional services agreement with Kasberg, Patrick & Associates for final design and bidding of the MWT Facility Ductile Iron Pipe Rehabilitation Project (WTP Task 7);

Whereas, on September 20, 2018, Council authorized a contract and deductive change order with TMI Coatings, Inc., of St. Paul, Minnesota, in the amount of \$345,000 to construct the project;

Whereas, in order to accomplish proper construction oversite, Staff recommends Council authorize Contract Amendment No. 1 to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$35,075 for construction administration and inspection required to construct the Membrane Water Treatment Facility Ductile Iron Pipe Rehabilitation Project;

Whereas, funding is available for Contract Amendment No. 1 in Account No. 520-5100-535-6310, Project No. 101420;

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

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

<u>**Part 1**</u>: **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.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Contract Amendment No. 1 to the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$35,075, for construction administration and inspection required to construct the Membrane Water Treatment Facility Ductile Iron Pipe Rehabilitation Project.</u>

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(M) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$196,100 for acquisition and relocation services for the North Pea Ridge Road Expansion Project from West Adams Avenue to Prairie View Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is in the design phase for roadway improvements to North Pea Ridge Road Expansion Project from West Adams Avenue to Prairie View Road. Improvements include an expanded pavement section with a continuous left-turn lane, pedestrian facilities, drainage conveyance, and water utilities.

At this time, Staff anticipates right of way will be needed from approximately 26 tracts of land. Additionally, the project could involve 3 relocations. Staff has received a proposal for land acquisition and relocation services from Stateside Right of Way Services, Inc. (Stateside).

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

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$196,100 for acquisition and relocation services for the North Pea Ridge Road Expansion Project. The not to exceed amount does not include all condemnation services that may be required. Stateside will provide such services at the request of the City.

FISCAL IMPACT: Funding for the professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$196,100 for land acquisition and relocation services for North Pea Ridge Road Expansion Project is available in accounts 365-3400-531-6985 and 520-5900-535-6985, project 101713.

ATTACHMENTS:

Stateside Proposal Resolution

99 Regency Parkway, Suite 105 Mansfield, Texas 76063



6208 West Adams Ave. Temple, Texas 76502

September 11, 2018

City of Temple, Texas Christina A. Demirs Deputy City Attorney, Right of Way 2 North Main, Suite 308 Temple, Texas 76501

Re: Proposal for Project Management, Acquisition, Title Curative and Closings in Temple, Texas – North Pea Ridge Road

<u>RIGHT OF WAY SCOPE OF SERVICES</u>

Acquisition / Negotiation:

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel. <u>Set up Files</u>: Stateside will set up and maintain paper files as well as electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District print out, Secretary of State print out, and title research backup. All information will remain confidential and must be requested through City of Temple.

- <u>Initial Offer Packet</u>: Upon written approval by the City of Temple (City), the Stateside Right of Way Agent (Agent) will notify the property owners in writing of the City's interest in acquiring their property and the approved offer amount for that interest. This packet will be sent by certified mail, return receipt requested to the owner's current address as listed on the Bell County Appraisal District website. All individuals that may be affected by this project will be given an opportunity to meet and discuss the procedures to which they may be interested or by which they may be affected. Arrangements will be made, as required, to present information to persons who are unable to read or write English or otherwise need additional assistance.
- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or lease hold interests prior to closing.
- <u>Counteroffer</u>: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation for review. The Agent will provide an appropriate response to the property owner based upon the City's decision.
- <u>Final Offer Letter</u>: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

Title/Closing:

Stateside will complete title / closing with Centraland Title Company as the designated closing agent.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
- Upon receipt of the Title Commitments and supporting documents, the Agent will:
 - \circ Review Commitment and supporting documents
 - Vesting Deeds will be verified with ownership shown on the Commitment
 - Secretary of State information will be researched for Corporations, LLC or other entity information
 - Lien information and clouded or complicated title issues will be noted for:
 - Long lead time issues
 - Condemnation by Publication actions needed
 - Provide a copy of the Title Commitment and backup documents to the appraisal firm.
- Prior to acquiring any real property, the Agent will take all appropriate steps necessary to ensure that the area being acquired is purchased with acceptable title and clear title, if possible.
- Upon receipt of properly executed conveyance and title curative documents, all originals will be submitted to the Title Company to be held in escrow until closing.
- The Title Company will provide a check request or wire transfer with the Settlement Statement as per the U.S. Department of Housing and Urban Development (HUD-1) and their contact information for the purchase price and closing costs will be sent to the City.
- The Agent will prepare a Closing Packet for the City which will include an executed Memorandum of Agreement.
- The City will sign all closing documents and Stateside will attend closing.
- The Title Company will record all Deeds and title curative release documents and provide file marked copies to the Agent. The original recorded Deed shall be returned to the City Attorney.
- The Title Company will provide a Title Policy for the purchase price on all fee acquisitions.

Condemnation Support Services:

Stateside will provide condemnation support services for an hourly rate of \$80 per hour for Right of Way Technician tasks, and \$110 per hour for Right of Way Agent tasks.

- The Agent will provide a summary of activities related to the acquisition efforts for review and consideration by the City for Eminent Domain proceedings.
- The Agent will be available to assist the City Attorney as necessary.

Pass-Through Costs:

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, mover estimates, interpreter fees, and relocation costs.

Reporting:

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. All information will remain confidential and must be requested through the City of Temple Project Manager.

Invoice:

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

Fees:

Appraisal	Services:
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• Appraisals 26 parcels		<u>\$ 80,100</u>
	The Appraisal total amount:	\$ 80,100
Acquisition Services:		

The fees will be submitted on a milestone basis:

•	Negotiation Services – up to 26 acquisitions - @ \$4,000 each	\$ 104,000
•	Relocation Services – up to 3 residential relocations @ \$4,000 each	\$ 12,000

The Acquisition and Relocation amount: \$ 116,000

The Stateside total amoun	t is not to exceed:	\$ 196.100

Milestone Payments:

The fees will be submitted on a milestone basis:

- Acquisition
 - Set up 20% per parcel
 - Offer Packet 50%
 - Final Offer/Closing 20%
 - File Close Out/Submit for ED 10%

Residential

- Set up 20% per relocation
- Interview 20% per relocation
- Submit Replacement Payment Packet to City of Temple 40%
- Move Out and Inspection 20%
- Appraisals
 - Completion 100%

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely, STATESIDE RIGHT OF WAY SERVICES, L.L.C.

ion Bralik

Diane Burkhardt Valek President

MAN CHORF FIN No.	Canado	VERING AND THEFT ADDRESS	STRUCK ONDER MANNO	CONTACT	OWNER CONTACT	NECONDART 1	and the prostant	iot out	CONCERN FERMANENT	TANFORARY	
14027	HALL LOYD LA MANE	ATTO BEARDAE LAGUE AN TEAMLETY "LEGNO		Personal a	a desired	5	Chino		_		
-		DITY FROME ATM NO. ILMETE IA. 10502		DIANE HALL			N/A	YES	N/N	N/A	
423480	- r	7907 PRAINE VIEW ROAD, TEMPLE TX, 76504	1220 HUEY DR., BELFON TX. 76513	DAVID BENNETT	254.215.2160		N/A	YES	N/A	N/A	
36599		FEA RIDGE RD. TEMPLE TX. 76504	1195 PEA RUGGE RD, TEMPLE IX. 74504	JOHN RELLA	2400 B/J/ 192		N/A	YES	N/N	A N/A	PROPERTY PURCHASED FROM CLAWSON
44833	HARSTON, ORBIE R	1215 PEA BIDGE RD, TEMPLE TX. 76504	1215 FEA RIDGE RD, TEMPLE TX, 76504	JOELLA HAIRSTON			N/A	YE	N/A	+	
22055	DELLA LAND INVESTMENTS LTD	PEA RIDGE RD, TEMPLE TX. 74504	1195 FEA NOGE RD. TEMPLE IX. 74504	VOHN REELLA	254.778 0092		N/A	YES	N/A	-	PROFERT PURCHASED FROM CLAWSON
454511	KIELLA LAND INVESTMENTS LTD	PEA RIDGE RD, TEMPLE TX 74504	7462 W. Adams Ave., Temple TX. 76502	JOHN KIELLA	264 778,0092		N/A	YES	N/A	+	
454513	DELLA LAND INVESTMENTS LTD	PEA RIDGE RD. TEMPLE TX. 76504	7462 W. Adams Ave. Temple TX 76502	JOHN KIELLA	254 778,0092		A/A	YES	N/A	+	
NOT USED	D NOT USED	NOT USED	NOT USED	NOT USED	NOT USED		N/A	N/A	N/A	+	NOT USED
444097	IDELLA LAND INVESTMENTS LTD	PEA RIDGE RD, TEMPLE TX. 74504	7462 W. Adams Ave., Temple TX. 76502	ALIAN NUCL	254.778.0092		N/A	YES	N/A		
16230	WAW LAND INVESTMENTS, U	PEA NDGE RD TEMPLETX. 76504	2000 Illinois Ave. Killeen TX.	Josh Weich	254 368,9649		N/A	YES	A/A	+	
61485	LOCKETT, SUE	310 N. PEA NUDGE RD, TEMPLE TX, 76504	4016 S. 314 ST. TEMPLE TX. 76502	SUE LOCKET			N/A	YES	N/A	+	
72430	MEDINA. FRANK	306 N. FEA BUGE RD, TEMPLE TX, 76504	8614 DELAWARE AVE. TEMPLE TX. 76502	NICARDO DE LA GARZA				PENDING	N/A	-	
16835	C.AMPOS, ROSIE	302 N. PEA RUDGE RD. TEMPLE TX. 76502	313 N. CARDINAL RD, TEMPLE TX 76502	ROSA CAMPOSE			N/A	YES	A/N	+	
16836	CAMPOS, ROSIE	N PEA RIDGE ND, TEMPLE TX. 76502	ATA N. CARDINAL ED. TEMPLETX, 76503	ROSA CAMPOSE			N/A	YES	N/A	+	
98849	WRGHT, DIANA GAIL	218 FEA RIDGE RD, TEMPLE TX. 74504	218 PEA RIDGE ND, TEMPLE IX, 76504				N/A	534	NA	-	
43135	REYES, JOSEPHINE	214 N. FEA RIDGE RD. TEMPLE TX. 76502	ARROWHEAD POINT ND. BEITON TX 76513	JOSEPHINE REYES	254217.3121		NA	YB	N/A	N/A	
68621	MARINEL FELFE EN CORNA C	204 N. FEA NIDGE RD, TEMPLE TX. 74502	206 N. PEA NDGE ND, TEMPLE TX. 74502	FILEPE MAKTINEZ			N/A	YES	N/A	N/A	
51469	UPTON, CHARLES S	114 N. FEA NDGE, TEMPLE TX, 76502	116 N. PEA BDGE TEMPLE TX. 76502	2			N/A	YES	N/A	N/A	
10298	BLACK DOZES N	104 PEA NDGE RD, TEMPLE TX, 74502	108 PEA NDGE KO, TEMPLE TX, 74502				N/A	151	N/A	N/A	WILL PICK UP WEEK OF 7/9/18
21680	CITY OF TEMPLE	102 FEA BDGE RD, TEMPLE TX, 74502					N/A		N/A	M/A	CITY PROPERTY
116229	HOMAS, JAMES WALTER	16 N. PEA RIDGE RD, TEMPLE TX. 76502	16 N. PEA RIDGE RD, TEMPLETX. 76502	Decorpt?			N/A PE	PENDING	NIA	NIA	ND CONTACT MADE NO SIGNATURE
44380	FRYE, BARBERA KAY	10 N. PEA NDGE RD, TEMPLE TX. 76502	10 N. FEA NDGE RD. TEMME 1X, 74502				N/A	YES	N/A	N/A	
44381	FRYE. BARBERA KAY	2 N. PEA RIDGE RD, TEMPLE TX. 76502	10 N PEA RIDGE RD, TEMPLE IX, 76502				N/A	YES	N/A	N/A	
99354	NVERA, JUANA	2 PEA RUDGE RD, TEMPLE TX, 76502	7172 PECASUS DR., TEMPLE TX, 74501	JUANA PIVERA	254.534.4166		N/A	YE	N/A	N/A	
55266	NUVERA, JUANA	6 FEA BIDGE RD, TEMPLE TX 74502	7172 PEGASU\$ DB., TEMPLE TX. 76501	JUANA RIVERA	254.534.4166		N/A	YES	N/N	N/A	
95266	NUVERA JUANA	10 PEA RDGE RD. TEMPLE TX. 76502	7172 PEGASUS DR., TEMPLE IX. 74501	JUANA RVERA	264 534.4146		N/A	YES	N/A	N/A	
125420	GUESS, LARRY	10 PEA RUDGE RD, TEMPLE TX, 74502	18 PEA RIDGE RD, TEMPLE TX, 76502	LARRY GUESS	254 718-2897		N/A	YES	N/A	N/A	
\$\$245	JOIG VENTURES LLC	30 \$ PEA RIDGE RD, TEMPLE TX. 74502	202 E. BARTON AVE, TEMPLE IX. 74501	LABRY GUESS	254.718.2897		N/A	YES	N/A	N/A	
39277	JDIG VENTURES LLC	110 S FEA RIDGE ND. TEMPLE TX. 76502	202 E BALTON AVE, TEMPLE TX 76601	LARRY GUESS	254 718-2897		N/A	YES	NA	-	
366871		a february and we share the second									

RESOLUTION NO. 2018-9364-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$196,100, FOR ACQUISITION AND RELOCATION SERVICES FOR THE NORTH PEA RIDGE ROAD EXPANSION PROJECT FROM WEST ADAMS TO PRAIRIE VIEW ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for roadway improvements to North Pea Ridge Road Expansion Project from West Adams Avenue to Prairie View Road which include an expanded pavement section with a continuous left-turn lane, pedestrian facilities, drainage conveyance, and water utilities;

Whereas, at this time, Staff anticipates right of way will be needed from approximately 26 tracts of land - additionally, the project could involve 3 relocations;

Whereas, Staff received a proposal for the land acquisition services from Stateside Right of Way Services, Inc. ("Stateside") of Temple, Texas who will offer multiple services during the acquisition process, including, but not limited to, project management, title, appraisal services, and relocation services;

Whereas, Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$196,100 for acquisition and relocation services for the North Pea Ridge Road Expansion Project - the not to exceed amount does not include all condemnation services that may be required which Stateside will provide at the request of the City;

Whereas, funding for this agreement is available in Account Nos. 365-3400-531-6985 and 520-5900-535-6985, Project 101713; and

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas in the amount of \$196,100, for acquisition and relocation services for the North Pea Ridge Road Expansion Project.

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(N) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$35,750 for securing rights of entry for Avenue C from Main Street to South 24th Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will follow the concepts of the Downtown Masterplan created in 2013 to explore options for development of a revised corridor street section to include elements such as landscaping, signage, monuments, and pedestrian and bike amenities.

At this time, Staff anticipates rights of entry will be needed for approximately 65 properties. Rights of entry are needed for City consultants to access private land for activities such as surveying, environmental studies, and appraisal studies.

Stateside will contact property owners to secure the rights of entry needed to finalize design plans.

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$35,750 for securing rights of entry for Avenue C from Main Street to South 24th Street.

FISCAL IMPACT: Funding for the professional services agreement with Stateside Right of Way Services, Inc. to secure rights of entry for Avenue C from Main Street to South 24th Street in an amount not to exceed \$35,750 is available in Reinvestment Zone No. 1 Financing and Project Plans, line 414, account 795-9600-531-6892, project 101841.

ATTACHMENTS:

Stateside Proposal Resolution

99 Regency Parkway, Suite 105 Mansfield, Texas 76063



6208 West Adams Ave. Temple, Texas 76502

September 24, 2018

City of Temple, Texas Christina A. Demirs Deputy City Attorney, Right of Way 2 North Main, Suite 308 Temple, Texas 76501

Re: Proposal for Right of Entries for the Avenue C Project

<u>RIGHT OF WAY SCOPE OF SERVICES</u>

Stateside will complete right of entries for surveys and other activities, as requested, for \$500 per parcel.

Title/Vesting Deed/CAD

Per the provided map, Stateside will research the properties on CAD and confirm ownership with the vesting deed.

RIGHT OF ENTRIES

Stateside will complete right of entry agreements for surveys for the project.

- Stateside will identify the subject property, verified by the County or its representatives.
- Stateside will secure the vesting deed.
- Stateside will send an Introductory Packet (Packet) by Certified Mail Return Receipt Requested (CMRRR) to the landowner/s:
 - Address as posted on tax documentation in the Bell County Tax Assessors Office.
 - Letter/s will include authorization for access (Right of Entry "ROE") for Kasberg, Patrick and Associates (KPA) personnel and agents and other consultants of the City of Temple:
 - Stateside Agents
 - Surveyor/s (as provided by KPA)
 - Request for Contact Information
 - Name
 - Phone
 - Email
 - Address
 - Landowner Bill of Rights
 - Information About Brokerage Services
 - Acknowledgement of Receipt
 - Self-Addressed Stamped Envelope
- If the landowner does not contact the agent within a day or two of receiving the Introductory Packet, Stateside will research contact information.
- If needed, Stateside will meet with the owner/s at the property to discuss the proposed project.
- All information is entered into the data base, logged onto the tracker and placed in an electronic and paper file for each parcel.

Reporting:

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. All information will remain confidential and must be requested through the City of Temple Project Manager.

Invoice:

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

Fees:

Right of Entry Services:

The fees will be submitted on a milestone basis:

•	Right of Entries Services – up to 65 @ \$500 each	\$ 32,500
•	CAD and Vesting Deeds – up to 65 @ \$50 each	\$ 3,250

Total Not To Exceed Amount: \$35,750

Milestone Payments:

The fees will be submitted on a milestone basis:

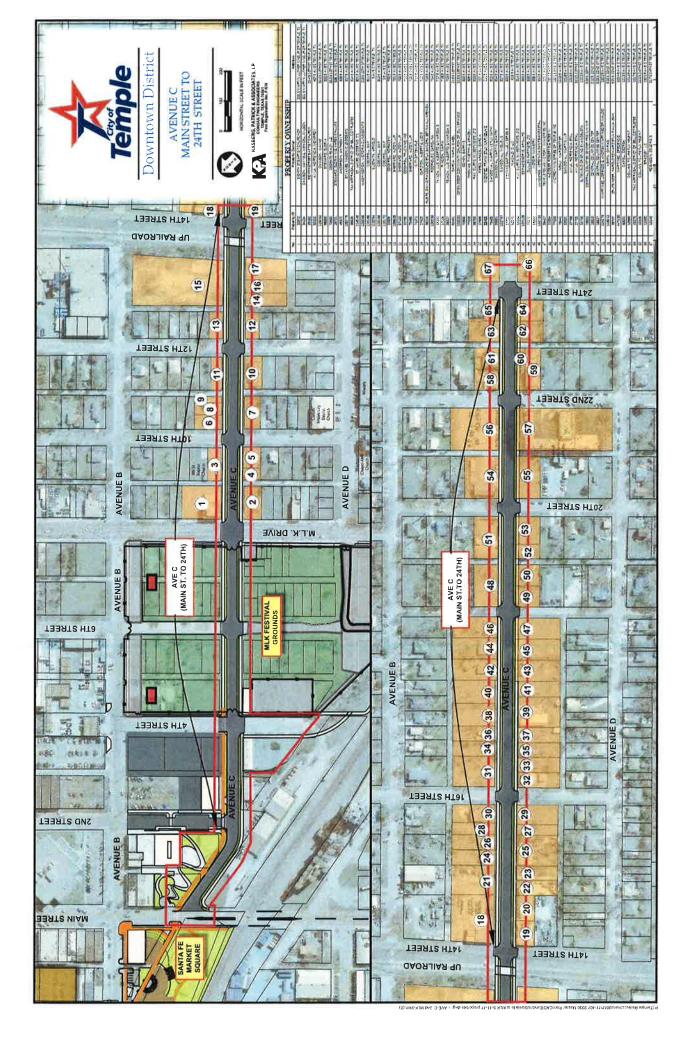
- Right of Entries
 - Request to Landowner 50%
 - Completed/Received from Landowner 50%
- CAD/Vesting Deeds
 - Set Up 100% per parcel

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely, **STATESIDE RIGHT OF WAY SERVICES, L.L.C.**

in Black

Diane Burkhardt Valek President



RESOLUTION NO. 2018-9365-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$35,750, FOR SECURING RIGHTS OF ENTRY FOR AVENUE C FROM MAIN STREET TO SOUTH 24TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project will follow the concepts of the Downtown Masterplan created in 2013 to explore options for development of a revised corridor street section to include elements such as landscaping, signage, monuments, and pedestrian and bike amenities;.

Whereas, Staff anticipates rights of entry will be needed for approximately 65 properties from Main Street to South 24th Street - rights of entry are needed for City consultants to access private land for activities such as surveying, environmental studies, and appraisal studies;

Whereas, Stateside Right of Way Services, Inc. ("Stateside") will contact property owners to secure the rights of entry needed to finalize design plans;

Whereas, Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$35,750 for securing rights of entry for Avenue C from Main Street to South 24th Street;

Whereas, funding for this agreement is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, Account No. 795-9600-531-6892, Project No. 101847; and

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

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

<u>**Part 1**</u>: **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.

<u>**Part 2:**</u> The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas in an amount not to exceed \$35,750, for securing rights of entry for Avenue C from Main Street to South 24th Street.

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 **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(O) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for design and bidding phase services required for the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank in an amount not to exceed \$159,590.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2017, Council authorized a professional services agreement with KPA to analyze and update Temple's Water Master Plan. The results of this on-going study include replacement of the existing 250,000-gallon elevated storage tank (EST) located on FM 2305 west of FM 2271 with a new 1.0-MG EST located in the same general vicinity, addressing low pressure and water quality concerns in the area. A Project Map is attached for reference.

KPA's proposal (see attached) includes design and bidding phase services to erect the new EST and demolish the existing EST once the new EST is in service. Cost for construction phase services will be addressed with award of the construction contract. The proposed timeline for design is 120 calendar days after the right of entry for the selected site is obtained. Staff recommends authorizing the following scope of services and fees under this contract:

Design Surveys	\$	8,970
Civil Plans and Specifications	\$	94,660
Electrical Plans and Specifications	\$	24,000
Geotechnical Investigations	\$	7,370
Environmental/Archeological Investigations	\$	9,790
Field Notes and Sketch for Site Acquisition	\$	2,000
Field Notes and Sketches for Easements (4)	\$	4,800
Bidding	<u>\$</u>	8,000
TOTAL	<u>\$</u>	<u>159,590</u>

10/04/18 Item #3(O) Consent Agenda Page 2 of 2

Construction is anticipated to begin in spring 2019 and is estimated to require 365 calendar days to complete. The preliminary opinion of probable construction cost is \$3,000,000.

FISCAL IMPACT: Funding for the professional services agreement with Kasberg, Patrick & Associates, LP for design and bidding phase services required for the Pepper Creek elevated storage tank in an amount not to exceed \$159,590 is available in account 561-5100-535-6991, project 101948, as follows:

Project Budget	\$ 500,000
Encumbered/Committed to Date	-
Kasberg, Patrick & Associates, LP	(159,590)
Remaining Project Funds Available	\$ 340,410

ATTACHMENTS: Engineer's Proposal Project Map Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> 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

<u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

September 11, 2018

Mr. Don Bond, P.E., CFM City Engineer 3210 E. Avenue H Building A Temple, Texas 76501

Re: City of Temple Proposed 1 MG Pepper Creek Tank, Water Line Extension and Demolition of Existing Pepper Creek Tank

Dear Mr. Bond:

This letter proposal is in response to your request for engineering services required for a 1 Million Gallon Elevated Storage Tank to be located at a site to be determined, but in the same general area of the Existing Pepper Creek Tank on FM 2305 west of FM 2271. The proposal also includes engineering services required for the demolition of the existing Pepper Creek Tank once the newly constructed tank is in service.

This project consists of the elevated tank design, geotechnical investigations, including topographic surveys, environmental, cultural resources and endangered species assessments. The proposal includes survey and design to extend the existing 12" Water Line up to 2,500 ft and a specification for the demolition of the existing elevated storage tank. It is anticipated that the project will bid once the site is acquired, with construction phase services contracted for at that time. Our preliminary of opinion of probable construction cost is \$3,000,000 for the elevated storage tank, water line extension and demolition of the existing tank.

Mr. Don Bond, P.E., CFM September 11, 2018 Page Two

The charges for our services will be a lump sum amount of \$159,590, as detailed below.

Professional Services for Elevated Storage Tank and Design Surveys	water \$	<u>Line</u> 8,970.00
e .	φ	,
Plans and Specifications (Civil)		94,660.00
Plans and Specifications (Electrical)		24,000.00
Geotechnical Investigations		7,370.00
Environmental/Archeological Investigations		9,790.00
Field Notes and Sketch for Site Acquisition		2,000.00
Field Notes and Sketches for Easements		
(4 parcels @ \$1,200/parcel)		4,800.00
Bidding		8,000.00
Total	\$	159,590.00

The Lump Sum Amount for the project will not be exceeded unless the scope of the project is changed and additional work is authorized in writing. We will invoice this work for percent complete on a monthly basis.

If this proposal meets with your approval, please execute below and return one copy to us for our files. We will complete the work within 120 calendar days after right of entry for the selected site is obtained. As always, we look forward to working with you on this project.

Sincerely,

Amer R. Albert

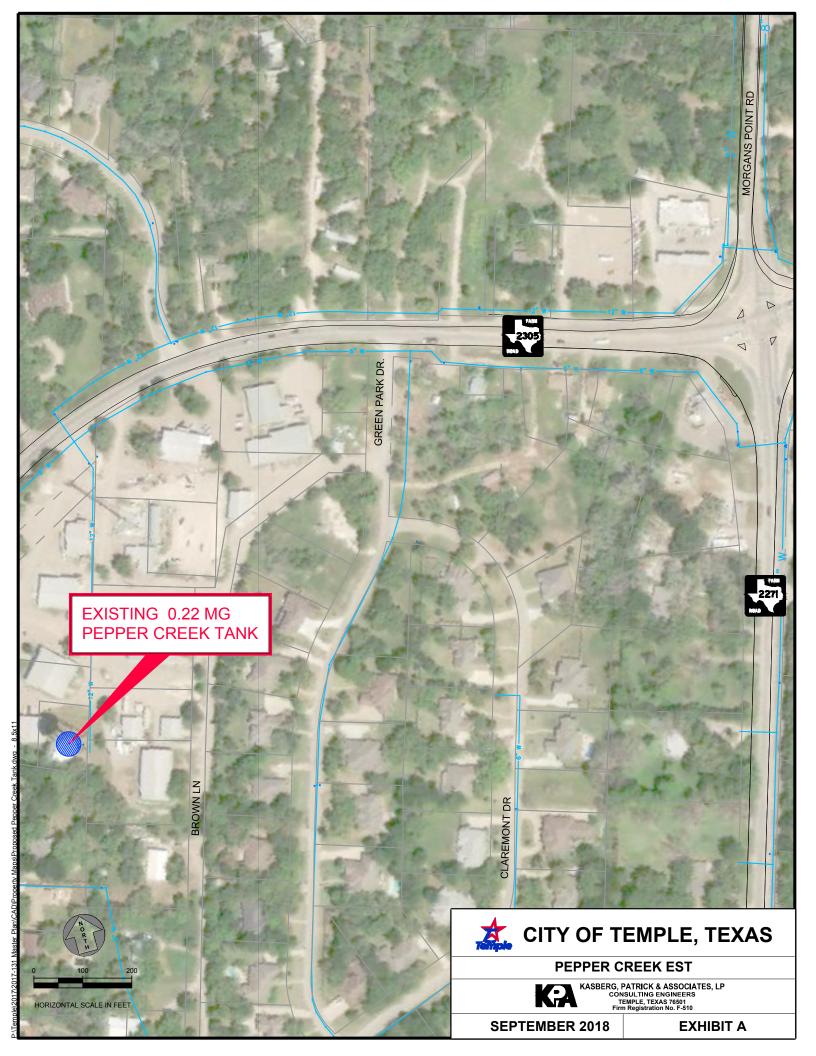
Ginger R. Tolbert, P.E. Partner

EXHIBIT B

Scope of Services

Proposed 1 MG Elevated Storage Tank, Water Line Extension and Demolition of Existing Pepper Creek Tank

- I. Basic Services
 - A. Plans and Specifications
 - 1. Provide Design Survey for site and up to 2,500 ft for water line extension;
 - 2. Provide environmental site assessment, cultural resources, and endangered species clearances;
 - 3. Provide geotechnical investigation for tank site;
 - 4. Process design survey, create existing ground surface and illustrate topographical features;
 - 5. Prepare Plans and Specifications for construction of the new 1MG Tank and demolition of existing PC Tank for Review by City Staff;
 - 6. Prepare Quantity Take-off;
 - 7. Prepare Opinion of Probable Construction Cost;
 - 8. Prepare Bid Schedule;
 - 9. Incorporate Comments;
 - 10. Prepare Final Bid Documents.
 - B. Bidding
 - 1. Solicit bidders;
 - 2. Monitor status/number of bidders on plan holders list;
 - 3. Answer potential bidders questions;
 - 4. Conduct pre-bid conference;
 - 5. Prepare addenda as required;
 - 6. Attend bid opening;
 - 7. Tabulate bids and recommend contract award.



RESOLUTION NO. 2018-9366-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$159,590, FOR DESIGN AND BIDDING PHASE SERVICES REQUIRED FOR THE NEW PEPPER CREEK 1.0-MG ELEVATED STORAGE TANK AND DEMOLITION OF THE EXISTING PEPPER CREEK ELEVATED STORAGE TANK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April 2017, Council authorized a professional services agreement with Kasberg, Patrick and Associates, LP (KPA) to analyze and update Temple's Water Master Plan;

Whereas, the results of this on-going study included replacement of the existing 250,000-gallon elevated storage tank (EST) located on FM 2305 west of FM 2271 with a new 1.0-MG EST located in the same general vicinity, addressing low pressure and water quality concerns in the area;

Whereas, KPA's proposal for the design and bidding phase services includes erecting the new EST and demolishing the existing EST once the new EST is in service;

Whereas, Staff recommends Council approve a professional services agreement with Kasberg, Patrick and Associates, LP in an amount not to exceed \$159,590, for design and bidding phase services required for the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank;

Whereas, funding is available for this agreement in Account No. 561-5100-535-6991, Project No. 101948; and

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick and Associates, LP for design and bidding phase services required for the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank in an amount not to exceed \$159,590.

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(P) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for concept, schematic, and final design services for Avenue C from Main Street to South 24th Street in an amount not to exceed \$612,580.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will follow the concepts of the Downtown Masterplan created in 2013 to explore options for development of a revised corridor street section to include elements such as landscaping, signage, monuments, and pedestrian and bike amenities. The final product of the conceptual design will include renderings illustrating the main design concepts and the schematic design portion will include schematic roadway sections, alignments, utility improvements, and pedestrian enhancements. The schematic design phase will then lead to the final design including documents ready for bidding and construction.

Consultant services recommended under this contract include the following tasks and costs:

Tasks and costs continued:

MLK Festival Grounds Staff/Storage Building Design	\$ 16,500
Phasing & Cost Estimates	\$ 7,800
Renderings and Deliverables	<u>\$ 18,700</u>

TOTAL

On September 26, 2018, the Reinvestment Zone No. 1 Board approved to recommend that Council authorize this professional services agreement.

<u>\$ 612,58</u>0

Time required for design is 365 calendar days from the notice to proceed and receipt of all necessary rights-of-entry. Please refer to the attached proposal for further details.

FISCAL IMPACT: Funding for the professional services contract with Kasberg, Patrick & Associates, LP for Avenue C from Main Street to South 24th Street in an amount not to exceed \$612,580 is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 414, account 795-9600-531-6892, project 101841, as follows:

Project Budget	\$ 2,540,000
Encumbered/Committed to Date	-
Professional Services Agreement - KPA	(612,580)
Remaining Project Funds Available	\$ 1,927,420

ATTACHMENTS:

Engineer's Proposal Project Map Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> 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 <u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

August 22, 2018

Ms. Brynn Myers 2 North Main Street Temple, Texas 76501

Re: City of Temple Avenue C (Main Street to 24th Street) Concept, Schematic and Final Design

Dear Ms. Myers:

At the request of the City of Temple and the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop Concept Design, Schematic Design and Final Design for Avenue C from Main Street to South 24th Street.

The work to be performed by KPA under this contract consists of providing planning and engineering services for design of Avenue C from Main Street to 24th Street. The project shall follow the concepts of the Downtown Masterplan created in 2013. The timeframe for design of the project is twelve (12) months from the Notice to Proceed and any required rights-of-entry.

The purpose of the scope of work as described in this proposal is to develop conceptual design, schematic design and final design for Avenue C from Main Street to 24th Street. The Concept designs will explore options for development of a revised corridor street section in conjunction with the Downtown Master Plan. Elements for pedestrian, bike and vehicular mobility will be explored as well as beautification elements such as landscaping, signage, monuments, etc. The final product will be a conceptual design for the full extents of project and include design for amenities such as pedestrian and bike access, landscaping, signage, etc. Renderings will be produced illustrating the main concepts for the project. The schematic design portion will develop schematic roadway sections, alignments, utility improvements, pedestrian enhancements, etc. developed and vetted during the concept design phase. The schematic design phase will be the genesis for final design plans producing documents ready for bidding and construction.

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

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

- 1) FIELD SURVEYING FOR AVENUE C FROM MAIN STREET TO 24TH STREET
 - a) Topographic Surveys for Engineering and Landscape Design.
 - i) Data collection shall consist of surveying all elements of the project to complete the design requirements. Elements shall include roadways, curb and gutter, existing streetscape amenities, existing property corners, etc.
- 2) <u>GEOTECHNICAL INVESTIGATIONS</u>
 - a) Roadway Geotechnical field data will be taken for the length of the project every 500 feet to establish the subsurface conditions. Boring logs will be established for inclusion in the final report. Borings will be 5 to10 feet in depth. Traffic loading will be based on City of Temple criteria.
 - b) A final report of the subsurface investigations and geotechnical design for the roadway will be completed for the project.
 - c) Traffic Control will be required for these activities and will be supplied with this contract.
- 3) ENVIRONMENTAL INVESTIGATIONS
 - a) Prepare Phase I Site Assessment for the length of the project in accordance with the procedures included in ASTM E 1527-05.
 - b) A full report of all findings will be completed with a recommendation. If additional investigations are required which are not a part of this proposal, a contract amendment will be required.
 - c) Traffic Control will be required for these activities and will be supplied with this contract.
 - d) At this time there are not any expected submittal or review fees by state or federal agencies and therefore no fees of this kind are included in the proposal.
- 4) ARCHAEOLOGICAL INVESTIGATIONS
 - a) Complete field investigations in accordance with regulatory requirements to clear the length of the project not currently cleared for archaeological review with the State of Texas.
 - b) A full report of all findings will be completed with a recommendation. If additional investigations are required which are not a part of this proposal, a contract amendment will be required. The finding will be submitted to the Texas Historical Commission for review and clearance of the project.
 - c) Traffic Control will be required for these activities and will be supplied with this contract.
 - d) At this time there are not any expected submittal or review fees by state or federal agencies and therefore no fees of this kind are included in the proposal.
- 5) PLANNING AND CONCEPT DESIGN STUDIES FOR AVENUE C
 - a) Data Collection Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. The facilities within the defined project area and immediate surrounding area will be reviewed and documented.
 - b) Develop initial concept design for Avenue C from Main Street to South 24th Street. Existing infrastructure will be analyzed and incorporated with the Downtown Master Plan concepts.
 - c) Identify streetscape concepts for the project limits on Avenue C.
 - d) Develop full Concept Design Plan for Avenue C within the project limits to include:

- i) Streetscape amenities that will complement and enhance the full Concept Design and coordinate with the outline of the Downtown Master Plan.
- ii) Pedestrian Facilities to enhance the mobility to the Downtown Corridor.
- iii) Develop lighting concepts for pedestrian safety and beautification.
- iv) Develop wayfinding elements.
- v) Develop completed concept designs for Martin Luther King Jr. Festival Grounds including pedestrian enhancements, green room(s), storage and staff facilities, underground electric and communication as required, dedicated power options, dance floor options, etc.
- vi) Develop amenities and features for the City owned property located at Main Street and Avenue C to coincide with the elements and features of Santa Fe Market and the future Temple Children's Museum.
- e) Explore options for enhancements within the design corridor. Enhancements will be items such as area signage, landscaping, pedestrian facilities, etc.
- f) A model of the final design amenities will be developed.
- g) Renderings for the final design concepts will be created.
- h) Cost estimates and phasing options for implementing the Concept Design will be developed. The cost estimate will consider new roadway improvements, water utilities, wastewater utilities, drainage infrastructure, potential relocations for dry utilities, pedestrian improvements, landscaping and irrigation, etc.

6) SCHEMATIC DESIGN (AVENUE C FROM MAIN STREET TO 24th STREET)

- a) Roadway Alignment Roadway alignment will be developed for the schematic design utilizing a 35 mile per hour design speed. For schematic design, only horizontal alignment will be developed. The alignment will be in coordination with the concepts from the Downtown Master Plan.
- b) Property Owner Research After the centerline alignment has been established, property owner research will be conducted along the route. Information will be derived from Bell County Property records via Bell CAD. All information from Bell Cad will be inventoried and illustrated for the project in a separate exhibit and in spreadsheet format.
- c) Utilities Based on the centerline alignment and the City of Temple Utility Master Plans, general utility alignments will be developed with sizes based on the current Master Plan that is in progress. Utilities will be illustrated in plan view only and in a general location.
- d) Roadway Section and Rights of Way Roadway sections will be developed for the project as well as schematic rights-of-way requirements. The roadway section will be based off of soil information obtained in the Geotechnical Investigations and data from previous projects in the vicinity. Schematic right-of-way requirements will be established based on the roadway sections and general topography.
- e) Drainage Schematic drainage design will include a general assessment of drainage requirements and major drainage conveyance. Detailed modeling will not be included in schematic design.
- f) Connections Connections will be established based on aerial data. Connections will be schematically designed for:
 - (1) Main Street
 - (2) South 2nd Street
 - (3) South 4th Street

- (4) South 6th Street
- (5) Martin Luther King Jr Drive
- (6) South 10th Street
- (7) South 12th Street
- (8) South 14th Street
- (9) South 16th Street
- (10) South 18th Street
- (11) South 20th Street
- (12) South 22^{nd} Street
- (13) South 24th Street
- g) Union Pacific Railroad Schematic design for crossing of the Union Pacific Railroad between 12th and 14th Streets will be completed. All elements of design requirements will be considered in the schematic design.
- h) Schematic Plans Based on the criteria listed above, Schematic Design Plans will be developed for the section from Main Street to 24th Street. Plans will be on 11x17 at 1":40' scale.
- i) Schematic Plans for the repurposing the building located on the southwest corner of Avenue C and 4th Street. This building is preliminarily planned for staff facilities and storage to serve Santa Fe Plaza, Santa Fe Market Trail and the Martin Luther King, Jr. Festival Grounds.
- j) Schematic Plans for the repurposing the building located on the southeast corner of Avenue C and 4th Street. This building is preliminarily planned for a green room to serve the Martin Luther King, Jr. Festival Grounds.
- k) Develop schematic design for landscaping for the project.
- 1) Incorporate Downtown Master Plan amenities into the schematic design.
- m) Prepare exhibits illustrating schematic landscape design.
- n) Prepare exhibits illustrating Downtown Master Plan amenities in conjunction with proposed landscaping improvements.
- o) Develop Sketchup Model and visual aids.
- p) OPCs Based on the Schematic Design Plans, OPCs for the project will be created. Review of potential phasing will be concluded and the OPCs will be broken down into phases, as applicable.

7) <u>FINAL DESIGN FOR AVENUE C FROM MAIN STREET TO SOUTH 24TH STREET</u>

- a) Roadway Design
 - i) Develop final typical Sections for the project.
 - ii) Finalize plan & profile drawings for the project.
 - iii) Finalize intersection and connection layouts for the project.
 - iv) Develop typical driveway designs and summarize driveway features including material type and geometric design. Driveways shall be replaced with HMAC or concrete, conforming to existing. Profiles for each driveway will be completed to illustrate the connection with proposed infrastructure and existing private access. All access facilities will meet the requirements of the City of Temple criteria.
 - v) Develop various details, as required, for pavement, curb, riprap, etc.
- b) Drainage Design

- Develop final designs for all cross-drainage structures within the project limits. All crossdrainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
- ii) Develop final designs for the storm water collection system for the curb-and gutter portion of the project. Flow lines shall be detailed as well as hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events. All drainage infrastructure shall be designed and presented in the drawings in plan and profile.
- iii) Design storm water conveyance to existing streams and channel ways. Design shall include conveyance for positive drainage and shall check current water surface elevations to proposed water surface elevations after project completion.
- iv) Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
- v) Develop final drainage easement requirements for the project area. Layouts for drainage easements shall be prepared for review with the City. Details will be provided for the production of metes and bounds for acquisition.
- vi) Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed cross road culverts and storm sewer systems.
- vii)Develop summary of final quantities for all drainage infrastructure and prepare OPCs based on current bid data.
- viii) Coordinate with the City of Temple to review the final drainage design, phasing for the project, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
- ix) Storm Water Pollution Prevention Plans (SW3P) Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices and any required permanent erosion control measures in accordance with the City of Temple Policy.
- c) Utilities
 - i) Prepare plan and profile for water line for the project as shown in the City of Temple Water Master Plan
 - ii) Call out fittings, hydrants, valves, etc. on the plan profile sheets.
 - iii) Prepare details for water utilities. Details shall be in accordance with current City of Temple standards.
 - iv) Develop summary of final quantities for all utility infrastructure and prepare OPCs based on current bid data.
 - v) Develop final plan and profile for the gravity fed wastewater to connect to the existing City of Temple system.
 - vi) Prepare details for all wastewater improvements.
- d) Signage & Markings
 - Signing and Markings Layouts Prepare signing and pavement markings layouts for the full roadway sections. The layouts shall include signing and striping, roadway layout, centerline with stationing, existing signs to remain, to be removed or to be relocated, proposed signs and proposed permanent markings including pavement markings, object markers and delineation. Details shall be in accordance with TMUTCD,

- ii) Sign Details Prepare details for signs included in the Project.
- iii) Intersection Layouts Prepare detailed signing and striping layouts at intersections
- e) Landscape Design
 - i) Compete final design of landscape amenities for the project.
 - ii) Complete final design for street and intersection enhancements for the project.
 - iii) Develop material and color palates for the project.
 - iv) Complete irrigation development for the project.
- f) Miscellaneous Design
 - i) Traffic Control Plans TCP, Detours and Sequence of Construction A detailed TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the design of temporary drainage, if required, throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - ii) Traffic control layout for each phase of construction
 - iii) Advance Warning Signs
 - iv) TCP Phasing Overview Layout
 - v) Any necessary miscellaneous drawings relevant to traffic control
 - vi) Illumination and Electric
 - vii)Develop final conduit layout for future installation of street lighting.
 - viii) Coordinate with Oncor for final layout for the project.
 - ix) OPCs Prepare detailed construction OPCs.
 - x) General Notes and Specifications Prepare project specific general notes including standard notes for City of Temple.
 - xi) Bid Proposal- Prepare the project bid proposal that shall include the following:
 - (1) General Notes
 - (2) Standard and Special Specifications
 - (3) Bid Form
 - (4) Miscellaneous Drawings Prepare the following miscellaneous drawings:
 - (5) Title Sheet / Index of Sheets
 - (6) Project Layout
- 8) FINAL DESIGN FOR REMODEL OF THE SUNOCO BUILDING
 - a) Code Analysis and ADA-compliance analysis for the Sunoco Building.
 - b) Mechanical, Electrical and Plumbing schematic design for the Sunoco Building.
 - c) Overall layout of interior of Sunoco Building.
 - d) Design Development of the Sunoco Building to include: Create floor plans to further develop space plans into scaled and dimensioned plans.
 - e) Construction Documents for the improvements to the Sunoco Building including specifications, for bidding, permitting, agency review and construction.
- 9) FINAL DESIGN OF THE MLK FESTIVAL GROUNDS STAFF & STORAGE BUILDING
 - a) Code Analysis and ADA-compliance analysis for the MLK Festival Grounds Staff & Storage Building.
 - b) Overall layout of interior of MLK Festival Grounds Staff & Storage Building.
 - c) Design Development of MLK Festival Grounds Staff & Storage Building to include: Create floor plans to further develop space plans into scaled and dimensioned plans.

Ms. Brynn Myers August 22, 2018 Page 7

- d) Construction Documents for the improvements to the MLK Festival Grounds Staff & Storage Building including specifications, for bidding, permitting, agency review and construction.
- 10) MLK FESTIVAL GROUNDS SCHEMATIC AND FINAL DESIGN
 - a) In conjunction with the current layout for the MLK Festival Grounds, the project team will work cohesively with the Parks Team to develop a high-level plan that fits the needs for festival and events at MLK Festival Grounds.
 - b) Schematic Design will be completed based on the meetings and data collected.
 - c) Coordination with overhead and dry utility providers currently in and around the vicinity of the MLK Festival Grounds will be completed. A plan to remove the existing utility poles within the MLK Festival Grounds will be developed. This will coincide with the planning with the Parks Team for electric and communication needs.
 - d) Final design plans for the section of Avenue C (4th Street to Martin Luther King Jr. Drive) will be developed that work in conjunction with the MLK Festival Grounds and the Avenue C projects.

11) LANDSCAPE DESIGN FOR THE AREA AT MAIN STREET AND AVENUE C

- a) In conjunction with the efforts of Santa Fe Plaza, Santa Fe Market Trail and the future Temple Children's Museum, a conceptual design for the area east of the intersection of Main Street and Avenue C and south and west of the future Temple Children's Museum will be developed on property owned by the City of Temple. Concepts will relate and be in conjunction with all elements. We will meet with a committee chosen by the City of Temple to develop the concepts to derive a unified plan that includes amenities meeting the goals of the Park sites created by the City and the future of the Temple Children's Museum. Models and renderings will be developed in this phase.
- b) After development and finalization of the Concept Design, Schematic Design will complete the vision for the area. Models and renderings will be finalized during this phase.
- c) Final Design will follow the Schematic Design and follow the concepts developed and agreed upon. Final Design plans and specifications will be developed and include all amenities, landscaping, irrigation, materials specification, color palates, etc.

The following scope of work for the Avenue C (Main Street to 24th Street) Concept, Schematic and Final Design project can be completed for the lump sum price of \$612,580. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Ms. Brynn Myers August 22, 2018 Page 8

Design Surveys	\$ 35,000.00
Geotechnical Investigations	\$ 18,700.00
Archaeological & Environmental Investigations	\$ 12,800.00
Avenue C Data Collection & Initial Concept Civil Design	\$ 9,500.00
Avenue C Data Collection & Initial Concept Landscape Design	\$ 16,800.00
Avenue C Schematic Civil Design	\$ 13,100.00
Avenue C Schematic Landscape Design	\$ 15,800.00
MLK Festival Grounds Civil Schematic Design	\$ 6,900.00
MLK Festival Grounds Landscape Schematic Design	\$ 8,300.00
Avenue C Final Civil Design	\$ 196,300.00
Avenue C Final Landscape Design	\$ 76,800.00
Eletrical Design	\$ 36,900.00
Utility Design	\$ 63,800.00
Design for thr Property at Main Street and Avenue C	\$ 36,900.00
Sunglow Building Design	\$ 21,980.00
MLK Festival Grounds Staff & Storage Building Design	\$ 16,500.00
Project Phasing and Cost Estimates	\$ 7,800.00
Renderings and Deliverables	\$ 18,700.00
TOTAL	\$ 612,580.00

Sincerely,

16. Da D Pot

R. David Patrick, P.E., CFM

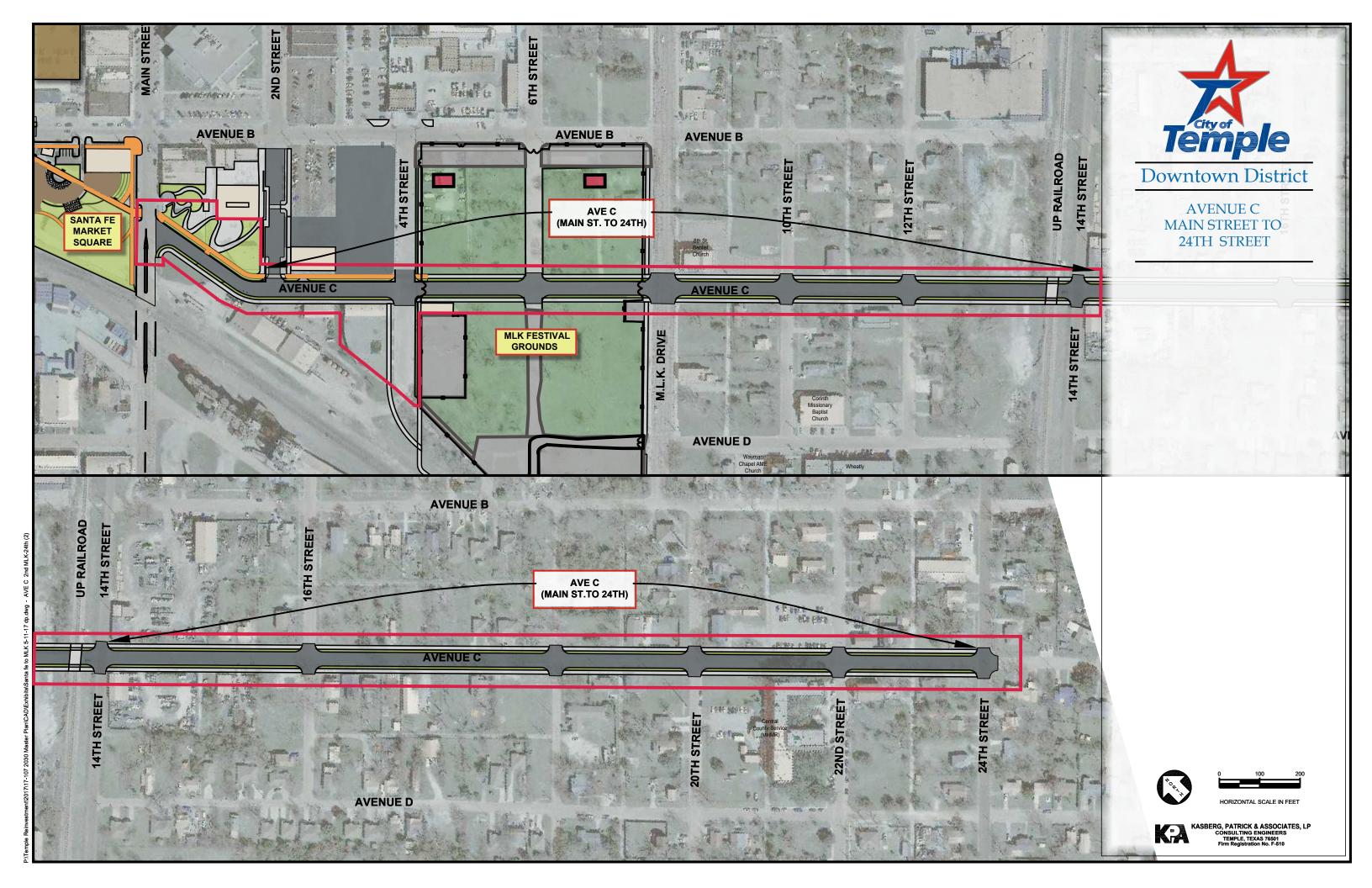
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ATTACHMENT "C"

Charges for Additional Services

City of Temple Avenue C from Main Street to South 24th Street Concept Design, Schematic Design and Final Design

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



RESOLUTION NO. 2018-9367-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$612,580, FOR CONCEPT, SCHEMATIC, AND FINAL DESIGNS FOR AVENUE C FROM MAIN STREET TO SOUTH 24TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project will follow the concepts of the Downtown Masterplan created in 2013 to explore options for development of a revised corridor street section to include elements such as landscaping, signage, monuments, and pedestrian and bike amenities;

Whereas, the final product of the conceptual design will include renderings illustrating the main design concepts and the schematic design portion will include schematic roadway sections, alignments, utility improvements, and pedestrian enhancements - the schematic design phase will then lead to the final design including documents ready for bidding and construction;

Whereas, on September 26, 2018, the Reinvestment Zone No. 1 Board recommended approval of this professional services agreement;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$612,580, for conceptual and schematic design services for Avenue C from Main Street to South 24th Street;

Whereas, funding for the professional services agreement is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, Account No. 795-9600-531-6892, Project No. 101841; and

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute the professional services agreement with Kasberg, Patrick and Associates, LP in an amount not to exceed \$612,580, for conceptual, schematic, and final design services for Avenue C from Main Street to South 24th Street.

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(Q) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for services required for Phase 5 of the Outer Loop in an amount not to exceed \$519,150.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Outer Loop south of FM 2305 is a critical north-south arterial that will connect the Adams Avenue growth corridor to IH 35. Phase 3A at Adams Avenue has recently been completed, Phase 3B is now under construction, and ROW is being acquired for the next phase (4) to extend just south of the future connection of Poison Oak Road. Phase 5 will continue the arterial roadway southward another 3,700 linear feet to the future connection of the Outer Loop (Phase 6) and Old Waco Road (see Project Map).

Consultant services recommended under this contract include the following tasks and costs:

Route & Design Studies	\$	23,100
Surveying	\$	35,400
Metes & Bounds	\$	33,400
Road Design	\$	181,900
Drainage	\$	109,900
Signage & Striping	\$	16,900
Utility Design	\$	55,200
Environmental	\$	24,450
Geotech	\$	19,200
Landscape and Irrigation	\$	7,900
Misc. Design	\$	5,800
Management & Coordination	<u>\$</u>	6,000
TOTAL	\$	<u>519,150</u>

On September 26, 2018, the Reinvestment Zone No. 1 Board approved to recommend that Council authorize this professional services agreement.

Design will be completed within 10 months from the notice to proceed and receipt of all necessary rights-of-entry. The engineer's preliminary opinion of probable construction cost is \$6,300,000. Please refer to the attached proposal for further details.

FISCAL IMPACT: Funding for the professional services agreement with Kasberg, Patrick & Associates, LP for Phase 5 of the Outer Loop in an amount not to exceed \$519,150 is available in the Reinvestment Zone No. 1 Financing Plan, Line 316, account 795-9600-531-6813, project 101824, as follows:

Project Budget Encumbered/Committed to Date	\$ 2,820,000 (168,011)
Kasberg, Patrick & Associates, LP	(108,011)
Remaining Project Funds Available	\$ 2,132,839

ATTACHMENTS: Engineer's Proposal Project Map Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

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

<u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

September 14, 2018

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

Re: City of Temple Outer Loop Phase V 100% Design Services

Dear Mr. Billeck:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will develop 100% design services for the Outer Loop Phase V Project. This project will begin at the end of the Outer Loop Phase IV project just south of the proposed Poison Oak Road and continue to the connection of the Outer Loop and Old Waco Road at the north end of Outer Loop Phase VI. The 100% design plans for the project will be in conjunction with previous projects for the Outer Loop. The final product will be a 100% design of the project including 100% plans, Opinion of Probable Cost (OPC), geotechnical investigations, environmental investigations and metes and bounds for acquisition of rights-of-way. Based on the current bidding landscape for projects of this nature, we believe the order of magnitude of preliminary opinion of probable construction cost is \$6,300,000. We have included an exhibit with this proposal for reference purposes.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project as described above to include 100% design and preparation of plans and OPCs for the Outer Loop from just south of the proposed Poison Oak Road and continue to the connection of the Outer Loop and Old Waco Road at the north end of Outer Loop Phase VI. The overall project consists of 100% design of arterial roadway with associated drainage, water utilities, landscaping, associated wastewater, pedestrian facilities, striping and signage. The timeframe for design of the project is ten (10) months from the notice to proceed and receipt of all necessary rights-of-entry. Metes and bounds for rights-of-way and easements will be delivered to the designated City of Temple Project Manager. Acquisition processes shall be the responsibility of the City. Right-of-entry services are not included in this proposal.

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

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

The following services will be performed:

I. <u>ROUTE AND DESIGN STUDIES</u>

- A. Data Collection Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. i.e. Atmos, AT&T, Oncor, etc.
- B. Geometric Design Develop geometric design for the full length of the project to establish survey and investigation limits. All designs shall be in accordance with AASHTO and City of Temple design guidelines and criteria.
- C. Rights-of-Way Data
 - 1. Perform sufficient property records research to obtain current ownership and deed information of affected properties current per Bell County Appraisal District Records at the time of plan development.
 - 2. Prepare revised overall ROW Plan Sets to be used by the City of Temple for required ROW acquisition and easement process.
 - 3. Prepare metes and bounds for the required right-of-way and easements. Metes and bounds will be delivered to the designated City of Temple Project Manager to utilize in the City's efforts to acquire rights-of-way and easements. There is not any acquisition services included in this proposal.
- D. Utility Coordination Efforts to ensure utility relocations and adjustments required to accommodate the proposed project development shall include Field Surveys and Utility Adjustment Coordination.
 - 1. Field surveys shall locate horizontally: crossings of all utilities identified by markings obtained from performing a one call utility locate service.
 - 2. After design surveys have located marked utilities from the one call service, verification of utilities will be performed as available from meeting with the utility companies (Atmos, AT&T, Oncor, etc.).
 - 3. Initial notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
 - 4. Upon determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated.

II. <u>PROJECT MANAGEMENT</u>

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

- B. General Contract Administration
 - 1. Develop monthly invoices and progress reports.
 - 2. Sub-consultant coordination.
 - 3. Design coordination with the City.

III. <u>FIELD SURVEYING</u>

- A. General
 - 1. Verify and compare any previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.
- B. Topographic Surveys for Engineering Design and Hydraulic Analysis
 - 1. Reasonable attempts shall be made to recover any existing horizontal control points from previous work performed in the vicinity this project. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
 - 2. Reasonable attempts at recovering and verifying existing vertical control in the project vicinity shall be made. Additional benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000-foot intervals for future reference on the plans.
 - 3. Survey files with previously obtained project data in the vicinity shall be compared to and merged with survey files generated through this proposal. In areas of uncertainty, changes in previous existing conditions, and/or limited topographic information, additional data shall be collected.
 - 4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at approximate 100-foot intervals or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
 - 5. The survey shall include topographic features within approximately 200 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 200 feet left and right of the proposed roadway centerline, provided ROE allows such access.
 - 6. Channel cross sections shall be provided from the face of the existing drainage structures or edge of channel connection (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, etc., that define the actual contour of the section and the overbank area, provided ROE allows such access.

- 7. A stream alignment and profile extending the entire limits of the channel cross sections described above shall be developed from the channel cross section information.
- 8. Profiles of intersecting driveways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
- 9. Field surveys shall provide the locations of small signs, mailboxes and other visible surface features.

IV. ROADWAY DESIGN CONTROLS

- A. 30% Complete Plan Set
 - 1. Geometric Design Develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.
 - 2. Typical Sections Develop existing and proposed roadway typical sections for the project.
 - 3. Alignment Data Sheets Prepare horizontal and vertical alignment data sheets.
 - 4. Plan & Profile Drawings Prepare preliminary plan & profile sheets for the project.
 - 5. Intersection Layouts Develop layouts that define preliminary horizontal and vertical geometry for connections.
 - 6. Develop preliminary rights-of-way and easement requirements for the proposed roadway infrastructure.
 - 7. Review potential landscaping and amenity options for the roadway.
 - 8. Coordination with private utilities After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation.
- B. 100% Complete Plan Set

The following items shall be prepared for the project:

- 1. Typical Sections Finalize typical sections prepared during the 30% completion phase.
- 2. Plan & Profile Drawings Finalize plan & profile drawings prepared during the 30% completion phase.
- 3. Intersection Layouts Finalize intersection and connection layouts prepared during the 30% completion phase for connections.
- 4. Driveway Details Develop typical driveway designs and summarize driveway features including material type and geometric design. Driveways shall be replaced with HMAC or concrete, conforming to existing. Profiles for each driveway will be completed to illustrate the connection with proposed infrastructure and existing private access. All access facilities will meet the requirements of the City of Temple criteria.
- 5. Miscellaneous Roadway Details Develop various details, as required, for pavement, curb, riprap, etc.

- 6. Removal Layouts Prepare removal and demolition layout sheets showing all features that are to be removed including pavement, structures, signing, etc.
- 7. Roadway Cross Sections Finalize roadway cross sections prepared during the 30% completion phase.
- 8. Finalize requirements for rights-of-way and easements for all proposed roadway infrastructure.
- 9. Develop summary of final quantities for all roadway infrastructure and prepare OPCs based on current bid data.

V. <u>DRAINAGE</u>

- A. 30% Complete Plan Set
 - 1. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
 - 2. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall develop storm water flows to all cross culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates.
 - 3. Develop preliminary hydraulics to all cross-culvert conveyances and the roadway system.
 - 4. Develop preliminary designs for all cross-drainage structures throughout the project limits.
 - 5. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area.
 - 6. Determine potential utility conflicts based on preliminary design for the project area.
 - 7. Develop preliminary drainage easement requirements for the project area.
 - 8. Coordinate the preliminary design with the City of Temple. Comments and direction shall be incorporated into final designs.

- B. 100% Complete Plan Set
 - 1. Develop final designs for all cross-drainage structures within the project limits. All cross-drainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
 - 2. Develop final designs for the storm water collection system for the curb-and gutter portion of the project. Flow lines shall be detailed as well as hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events. All drainage infrastructure shall be designed and presented in the drawings in plan and profile.
 - 3. Design storm water conveyance to existing streams and channel ways. Design shall include conveyance for positive drainage and shall check current water surface elevations to proposed water surface elevations after project completion.
 - 4. Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
 - 5. Develop final drainage easement requirements for the project area. Layouts for drainage easements shall be prepared for review with the City. Details will be provided for the production of metes and bounds for acquisition.
 - 6. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed cross road culverts and storm sewer systems.
 - 7. Develop summary of final quantities for all drainage infrastructure and prepare OPCs based on current bid data.
 - 8. Coordinate with the City of Temple to review the final drainage design, phasing for the project, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
 - 9. Storm Water Pollution Prevention Plans (SW3P) Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices and any required permanent erosion control measures in accordance with the City of Temple Policy.

VI. <u>SIGNING AND MARKINGS</u>

- A. 100% Complete Plan Set
 - 1. Signing and Markings Layouts Prepare signing and pavement markings layouts for the full roadway sections. The layouts shall include the signing and striping, roadway layout, centerline with stationing, existing signs to remain, to be removed or to be relocated, proposed signs and proposed permanent markings including pavement markings, object markers and delineation. Details shall be in accordance with TMUTCD,
 - 2. Sign Details Prepare details for signs included in the Project.

3. Intersection Layouts - Prepare detailed signing and striping layouts at intersections.

VII. <u>UTILITY DESIGN</u>

- A. 30% Complete Plan Set
 - 1. Develop layout for water lines as shown in the City of Temple Water Master Plan. Layout shall be along the roadway alignment.
 - 2. Develop layouts for hydrants to meet the City of Temple codes and regulations.
 - 3. Develop preliminary designs and alignment for wastewater infrastructure.
- B. 100 % Complete Plan Set
 - 1. Prepare plan and profile for water line for the project as shown in the City of Temple Water Master Plan
 - 2. Call out fittings, hydrants, valves, etc. on the plan profile sheets.
 - 3. Prepare details for water utilities. Details shall be in accordance with current City of Temple standards.
 - 4. Develop summary of final quantities for all utility infrastructure and prepare OPCs based on current bid data.
 - 5. Develop final plan and profile for the gravity fed wastewater to connect to the existing City of Temple system.
 - 6. Prepare details for all wastewater improvements.

VIII. <u>ENVIRONMENTAL</u>

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

IX. <u>GEOTECHNICAL</u>

- A. Geotechnical data and design
 - 1. Roadway Geotechnical field data will be taken for the length of the project every 500 feet in order to establish the subsurface conditions. Boring logs will be established for inclusion in the final report. Borings will be 5 to 10 feet in depth. Traffic loading will be based on City of Temple criteria.
 - 2. A final report of the subsurface investigations and geotechnical design for the roadway will be completed for the project.
 - 3. Traffic Control will be required for these activities and will be supplied with this contract.

X. LANDSCAPING NAD IRRIGATION

- A. 100% Complete Plan Set
 - 1. Develop the plan for landscaping the median area for Outer Loop Phase V in conjunction with the standards set forth in previous projects. Coordination with the Temple Parks Department will be required to ensure the plan meets the needs of the project and future maintenance. Landscaping will include trees and establishment of turf within the median.
 - 2. Design the specifications for irrigation for all landscaping elements.

XI. <u>MISCELLANEOUS DESIGN</u>

- B. 30% Complete Plan Set
 - 1. Traffic Control Plans (TCP), Detours and Sequence of Construction A conceptual TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - Traffic control layout for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - TCP layouts showing work zones, number of lanes open, advance warning signs, typical sections and any necessary detour geometry
 - 2. Miscellaneous Drawings Prepare the following miscellaneous drawings:
 - Title Sheet
 - Index of Sheets
 - 3. Illumination and Electric
 - Design conduit layout for future installation of street lighting.
 - Coordinate with Oncor Electric for future installation of traffic lights.
 - 4. OPCs Prepare a construction OPCs for the 30% design.

C. 100% Complete Plan Set

- 1. Traffic Control Plans TCP, Detours and Sequence of Construction A detailed TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the design of temporary drainage, if required, throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - Traffic control layout for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - Any necessary miscellaneous drawings relevant to traffic control
- 2. Illumination and Electric
 - Develop final conduit layout for future installation of street lighting.
 - Coordinate with Oncor for final layout for the project.
- 3. OPCs Prepare detailed construction OPCs.
- 4. General Notes and Specifications Prepare project specific general notes including standard notes for City of Temple.
- 5. Bid Proposal- Prepare the project bid proposal that shall include the following:
 - General Notes
 - Standard and Special Specifications
 - Bid Form
- 6. Miscellaneous Drawings Prepare the following miscellaneous drawings:
 - Title Sheet / Index of Sheets
 - Project Layout

The following scope of work for Outer Loop Phase V 100% Design can be completed for the lump sum price of \$519,150. Below is a breakdown of project costs. We appreciate the opportunity to submit this proposal and look forward to the benefit it will bring the City of Temple.

ROUTE AND DESIGN STUDIES	\$	23,100
FIELD SURVEYING	\$	35,400
METES AND BOUNDS	\$	33,400
ROADWAY DESIGN	\$	181,900
DRAINAGE	\$	109,900
SIGNING & PAVEMENT MARKING	\$	16,900
UTILITY DESIGN	\$	55,200
ENVIRONMENTAL & ARCHAEOLOGICAL	\$	24,450
GEOTECHNICAL	\$	19,200
LANDSCAPE AND IRRIGATION	\$	7,900
MISC. DESIGN	\$	5,800
GENERAL MANAGEMENT & COORDINATION	\$	6,000
ТО	TAL \$	519,150

Sincerely,

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R. David Patrick, P.E., CFM

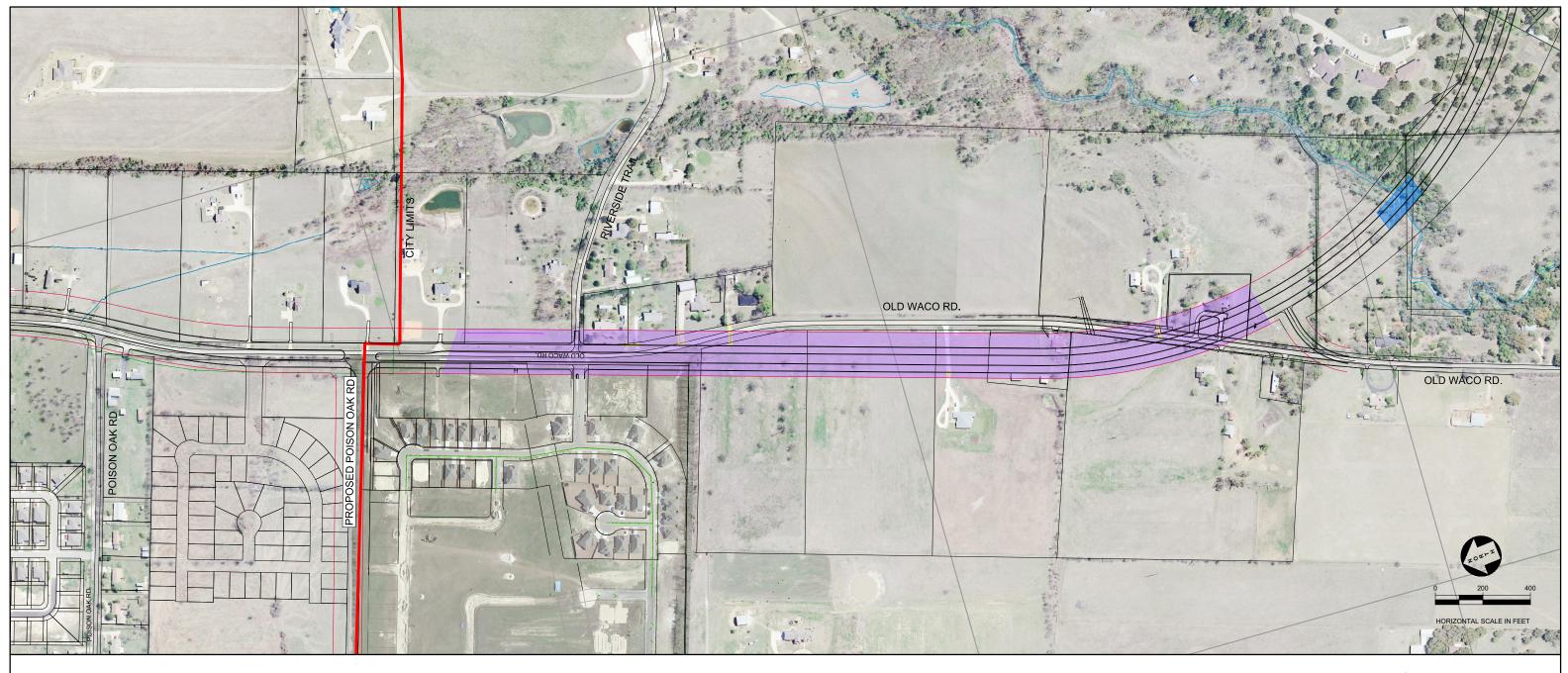
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ATTACHMENT "C"

Charges for Additional Services

City of Temple Outer Loop Phase V 100% Design

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



kpaengineers.com



Outer Loop

PHASE V



OUTER LOOP PHASE V (POISON OAK -OLD WACO ROAD)

RESOLUTION NO. 2018-9368-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$519,150, FOR SERVICES REQUIRED FOR PHASE 5 OF THE OUTER LOOP PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Outer Loop, south of FM 2305, is a critical north-south arterial that will connect the Adams Avenue growth corridor to IH 35;

Whereas, Phase 3A at Adams Avenue has recently been completed, Phase 3B is now under construction, and right-of-way is currently being acquired for the next phase (Phase 4) to extend the Outer Loop just south of the future connection of Poison Oak Road;

Whereas, Phase 5 will continue the arterial roadway southward another 3,700 linear feet to the future connection of the Outer Loop (Phase 6) and Old Waco Road;

Whereas, on September 26, 2018, the Reinvestment Zone No. 1 Board recommended approval of this professional services agreement;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$519,150, for professional services required for Phase 5 of the Outer Loop Project;

Whereas, funding for this professional services agreement is available in the Reinvestment Zone No. 1 Financing Plan, Line 316, Account No. 795-9600-531-6813, Project No. 101824; and

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

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

<u>Part 1</u>: 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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas, in the amount of \$519,150, for professional services required for Phase 5 of the Outer Loop.

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(R) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services contract with Kasberg, Patrick, & Associates, LP for services required to design and bid the Azalea Drive Project in the amount of \$102,800.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Summary.

ITEM SUMMARY: This proposed project will improve traffic flow on Azalea Drive by realigning the roadway from 31st Street heading east to the existing roadway along the northside of Walmart. The study area and design for this project will also encompass the traffic signal and striping/signage at the 31st Street intersection (see attached Project Map). The proposed realignment will provide safer access points to the Temple Mall, Walmart, and other shopping areas adjacent to the Azalea Drive collector. The proposed project scope includes drainage conveyance, striping, signage, utility relocations, landscaping and pedestrian facilities.

Consultant services recommended under this professional services agreement include:

Route & Design Studies Field Surveying	\$ \$	5,500 12,700
Metes & Bounds (2 sets)	\$	3,700
Landscape Design	\$	4,400
Roadway Design	\$	21,800
Drainage Design	\$	13,100
Signing & Pavement Marking	\$	3,600
Utility Design	\$	6,800
Traffic Signal Design	\$	15,500
Environmental	\$	3,200
Geotechnical	\$	7,500
Bidding	<u>\$</u>	5,000

Total

<u>\$ 102,800</u>

Please refer to the attached proposal for further details. Time required for design is 210 calendar days from the notice to proceed and receipt of all necessary rights-of-entry. The engineer's preliminary opinion of probable cost for construction is \$1,260,000.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the Azalea Drive Project. Funding for the professional services agreement with Kasberg, Patrick & Associates, LP to design and bid the project in the amount of \$102,800 will be available in account 365-3400-531-6715, project 101985, as follows:

Project Budget	\$ 1,442,800
Encumbered/Committed to Date	-
Kasberg, Patrick & Associates, LP	(102,800)
Remaining Project Funds Available	\$ 1,340,000

ATTACHMENTS:

Budget Adjustment Engineer's Proposal Project Map 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.

			+		-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCRE	ASE	DECREASE
365-3400-531-67-15	101985	Capital - Bonds / Azalea Drive	1,442	2,800	
365-3400-531-68-13	101121	Capital - Bonds / Outer Loop			721,400
365-3400-531-68-62	101257	Prairie View (N Pea Ridge to FM 2483)			721,400
365-3400-531-68-62	101257	Prairie View (N Pea Ridge to FM 2483)	721	,400	
365-9100-591-81-60		Operating Transfer Out/Transfer Out			721,400
260-0000-490-25-82		Transfer In			721,400
260-3400-531-68-62	101257	Prairie View (N Pea Ridge to FM 2483)			721,400
		· · · · · · · · · · · · · · · · · · ·			
TOTAL			\$2,164	.200	\$3,607,000
			· · · · · ·	,	+ -,
available.		REQUEST- Include justification for increases Al			
To reappropriate funds required for the construction of Azalea Drive, project 101985 for a total of \$1,442,800 (\$102,800 - Design ; \$1,260,000 -					
Construction ; \$80,000 - Cons	struction Admir	& Material Testing).			
				 ,	2
DOES THIS REQUEST REQ			X Yes	N	0
DATE OF COUNCIL MEETIN	IG	10/4/2018			
WITH AGENDA ITEM?			X Yes	N	0
			X	LI	
				A	pproved
Department Head/Divisio	on Director		Date	Di	isapproved
				 _	
					pproved
Finance			Date		isapproved
				Δι	pproved
City Manager			Date		isapproved
,					

Revised form - 10/27/06



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS Texas Firm F-510

<u>Temple</u> 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 <u>Georgetown</u> 1008 South Main Street Georgetown, Texas 78626 (512) 819-9478

August 13, 2018

Mr. Don Bond, P.E., CFM 3210 E. Avenue H Building A Temple, Texas 76501

Re: City of Temple Azalea Drive Final Design and Bidding Services

Dear Mr. Bond:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will develop 100% final design and bidding phase services for the Azalea Drive Project. This project will begin at 31st Street and connect to Azalea Drive east of the intersection of 31st Street and Azalea Drive. The final design plans for the project will be in conjunction with City of Temple and AASHTO Standards. The final product will be a full design of the project including final plans, specifications and Opinion of Probable Cost (OPC) ready for construction. Based on the current bidding landscape for projects of this nature, we believe the order of magnitude of preliminary opinion of probable construction cost is \$985,000. Traffic Signal could have as much as a \$275,000 impact to the overall cost of the project. We have included an exhibit with this proposal for reference purposes.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project as described above to include 100% design and preparation of plans, specifications and OPCs for Azalea Drive from the intersection of 31st Street to the connection point east as well as potential improvements at the 31st Street Intersection and west of 31st Street on Azalea Drive. The overall project consists of final design of collector roadway with associated drainage, water utilities, landscaping, associated wastewater, pedestrian facilities, striping, signage and erosion control. The timeframe for design of the project is seven months from the notice to proceed and receipt of all necessary rights-of-entry. Metes and bounds for rights-of-way and easements will be determined after design considerations and discussions with property partners for the project. Acquisition processes shall be determined and submitted in a future contract amendment.

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

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

The following services will be performed:

I. ROUTE AND DESIGN STUDIES

- A. Data Collection Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. i.e. Atmos, AT&T, Oncor, etc.
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 - 1. Field surveys shall locate horizontally: crossings of all utilities identified by markings obtained from performing a one call utility locate service.
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 - 4. Upon determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated.

II. PROJECT MANAGEMENT

- A. Meetings
 - 1. Prepare, attend and document Progress Meetings at the City Office.
 - 2. Prepare, attend and document Utility Coordination Meetings.
- B. General Contract Administration
 - 1. Develop monthly invoices and progress reports.
 - 2. Sub-consultant coordination.
 - 3. Design coordination with the City.

III. FIELD SURVEYING

- A. General
 - 1. Unless previously obtained, the City of Temple shall obtain right-of-entry (ROE) agreements with property owners for the required field surveys.
 - 2. Verify and compare any applicable previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.
- B. Topographic Surveys for Engineering Design and Hydraulic Analysis
 - 1. Reasonable attempts shall be made to recover any existing horizontal control points from applicable previous work performed in the vicinity this project. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
 - 2. Reasonable attempts at recovering and verifying existing vertical control in the project vicinity shall be made. Additional benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000 foot intervals for future reference on the plans.
 - 3. Survey files with previously obtained project data in the vicinity shall be compared to and merged with survey files generated through this proposal. In areas of uncertainty, changes in previous existing conditions, and/or limited topographic information, additional data shall be collected.
 - 4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at approximate 100-foot intervals or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
 - 5. The survey shall include topographic features within approximately 200 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 100 feet left and right of the proposed roadway centerline, provided ROE allows such access.
 - 6. Profiles of intersecting driveways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
 - 7. Field surveys shall provide the locations of small signs, mailboxes and other visible surface features.

C. Metes and Bounds

1. We have allowed for two (2) sets of metes and bounds for rights-of-way in the project. Once all survey and investigative work on property corners and ownership are complete for the project, the required metes and bounds may change. Metes and bounds for rights-of-way will be billed at \$1,850 each.

IV. TRAFFIC SIGNAL DESIGN

- A. 30% Complete Plan Set
 - 1. Data for the traffic signal and traffic timing and movements will be gathered in conjunction with the City of Temple.
 - 2. The exiting intersection configuration and traffic patterns will be reviewed. Intersection geometrics as well as any existing features will be analyzed to determine proposed modifications.
 - 3. Once preliminary review and design for the intersection, traffic patterns and traffic signal are developed, a meeting with City Staff will be conducted to review and discuss the findings.
- B. 100% Complete Plan Set
 - 1. Upon approval and direction from the City of Temple, all required plan sheets for final design will be created. All signal pole, locations, conduit and wiring runs, foundation locations, signage and striping, specifications, etc. will be included in the final design based on consensus from the City and TxDOT in the 30% design phase.
 - 2. Final cost estimates and specifications will be developed for the final design phase.

V. ROADWAY DESIGN CONTROLS

- A. 30% Complete Plan Set
 - 1. Geometric Design Develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.
 - 2. Typical Sections Develop existing and proposed roadway typical sections for the project.
 - 3. Alignment Data Sheets Prepare horizontal and vertical alignment data sheets.
 - 4. Plan & Profile Drawings Prepare preliminary plan & profile sheets for the project.
 - 5. Intersection Layouts Develop layouts that define preliminary horizontal and vertical geometry for 31ST Street and future realignment for Azalea Drive.

- 6. Develop preliminary rights-of-way and easement requirements for the proposed roadway infrastructure based on design. These options will be reviewed with City Staff and property owner partners. Services for metes and bounds for required rights-of-way will be submitted in a future contract amendment.
- 7. Review potential landscaping and amenity options for the roadway.
- 8. Coordination with private utilities After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation.
- B. 100% Complete Plan Set

The following items shall be prepared for the project:

- 1. Typical Sections Finalize typical sections prepared during the 30% completion phase.
- 2. Plan & Profile Drawings Finalize plan & profile drawings prepared during the 30% completion phase.
- 3. Intersection Layouts Finalize intersection and connection layouts prepared during the 30% completion phase for 31st Street and future realignment for Azalea Drive.
- 4. Driveway Details Develop typical driveway designs and summarize driveway features including material type and geometric design. Driveways shall be replaced with HMAC, conforming to existing materials. Profiles for each driveway will be completed to illustrate the connection with proposed infrastructure and existing private access. All access facilities will meet the requirements of the City of Temple criteria.
- 5. Miscellaneous Roadway Details Develop various details, as required, for pavement, curb, riprap, etc.
- 6. Removal Layouts Prepare removal and demolition layout sheets showing all features that are to be removed including pavement, structures, signing, etc.
- 7. Roadway Cross Sections Finalize roadway cross sections prepared during the 30% completion phase.
- 8. Finalize requirements for rights-of-way and easements for all proposed roadway infrastructure. Services for metes and bounds for required rights-of-way will be submitted in a future contract amendment.
- 9. Design all final landscaping and amenity options developed in the preliminary design phase.
- 10. Design irrigation specifications and notes meeting the City of Temple guidelines that will perform with the final landscape design elements.
- 11. Develop summary of final quantities for all roadway infrastructure and prepare OPCs based on current bid data.

VI. DRAINAGE

- A. 30% Complete Plan Set
 - 1. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
 - 2. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall develop storm water flows to all conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates.
 - 3. Develop preliminary hydraulics to all conveyances and the roadway system.
 - 4. Develop preliminary designs for all cross-drainage structures throughout the project limits.
 - 5. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter sections of the project area.
 - 6. Determine potential utility conflicts based on preliminary design for the project area.
 - 7. Develop preliminary drainage easement requirements for the project area.
 - 8. Coordinate the preliminary design with the City of Temple. Comments and direction shall be incorporated into final designs.
- B. 100% Complete Plan Set
 - 1. Develop final designs for all cross-drainage structures within the project limits. All cross-drainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
 - 2. Develop final designs for the storm water collection system for the curb-and gutter portion of the project. Flow lines shall be detailed as well as hydraulic grade lines. All drainage infrastructure shall be designed and presented in the drawings in plan and profile.
 - 3. Design storm water conveyance to existing systems. Design shall include conveyance for positive drainage.
 - 4. Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.

- 5. Develop final drainage easement requirements for the project area. Layouts for drainage easements shall be prepared for review with the City. Details will be provided for future production of metes and bounds for acquisition as required. Metes and bounds will be developed with a contract amendment after requirements have been established.
- 6. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed storm sewer systems.
- 7. Develop summary of final quantities for all drainage infrastructure and prepare OPCs based on current bid data.
- 8. Coordinate with the City of Temple to review the final drainage design, phasing for the project, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
- 9. Storm Water Pollution Prevention Plans (SW3P) Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices and any required permanent erosion control measures in accordance with the City of Temple Policy.

VII. SIGNING AND MARKINGS

- A. 100% Complete Plan Set
 - 1. Signing and Markings Layouts Prepare signing and pavement markings layouts for the full roadway sections. The layouts shall include the signing and striping, roadway layout, centerline with stationing, existing signs to remain, to be removed or to be relocated, proposed signs and proposed permanent markings including pavement markings, object markers and delineation. Details shall be in accordance with TMUTCD,
 - 2. Sign Details Prepare details for signs included in the Project.
 - 3. Intersection Layouts Prepare detailed signing and striping layouts at intersections.

VIII. <u>UTILITY DESIGN</u>

- A. 30% Complete Plan Set
 - 1. Develop layout for water lines as shown in the City of Temple Water Master Plan. Layout shall be along the roadway alignment.
 - 2. Develop layouts for hydrants to meet the City of Temple codes and regulations.
 - 3. Develop preliminary designs and alignment for wastewater infrastructure.
- B. 100 % Complete Plan Set
 - 1. Prepare plan and profile for water line for the project as shown in the City of Temple Water Master Plan
 - 2. Call out fittings, hydrants, valves, etc. on the plan profile sheets.
 - 3. Prepare details for water utilities. Details shall be in accordance with current City of Temple standards.

- 4. Develop summary of final quantities for all utility infrastructure and prepare OPCs based on current bid data.
- 5. Develop final plan and profile for gravity fed wastewater to connect to the existing City of Temple system, as required.
- 6. Prepare details for all wastewater improvements, as required.

IX. ENVIRONMENTAL

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

X. <u>GEOTECHNICAL</u>

- A. Geotechnical data and design
 - 1. Roadway Geotechnical field data will be taken for the length of the project every 500 feet in order to establish the subsurface conditions. Boring logs will be established for inclusion in the final report. Borings will be 5 feet in depth. Traffic loading will be based on City of Temple criteria.
 - 2. A final report of the subsurface investigations and geotechnical design for the roadway will be completed for the project.
 - 3. Traffic Control will be required for these activities and will be supplied with this contract.

XI. MISCELLANEOUS DESIGN

- A. 30% Complete Plan Set
 - 1. Traffic Control Plans (TCP), Detours and Sequence of Construction A conceptual TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - Traffic control layout for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - TCP layouts showing work zones, number of lanes open, advance warning signs, typical sections and any necessary detour geometry
 - 2. Miscellaneous Drawings Prepare the following miscellaneous drawings:
 - Title Sheet
 - Index of Sheets
 - OPCs Prepare a construction OPCs for the 30% design.
- B. 100% Complete Plan Set

3.

4.

- 1. Traffic Control Plans TCP, Detours and Sequence of Construction A detailed TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the design of temporary drainage, if required, throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - Traffic control layout for each phase of construction
 - Advance Warning Signs
 - TCP Phasing Overview Layout
 - Any necessary miscellaneous drawings relevant to traffic control
- 2. OPCs Prepare detailed construction OPCs.
- 3. General Notes and Specifications Prepare project specific general notes including standard notes for City of Temple.
 - Bid Proposal- Prepare the project bid proposal that shall include the following:
 - General Notes
 - Standard and Special Specifications
 - Bid Form

- 5. Miscellaneous Drawings Prepare the following miscellaneous drawings:
 - Title Sheet / Index of Sheets
 - Project Layout

The following scope of work for Azalea Drive can be completed for the lump sum price of \$102,800. Below is a breakdown of project costs. We appreciate the opportunity to submit this proposal and look forward to the benefit it will bring the City of Temple.

ROUTE AND DESIGN STUDIES	\$ 5,500
FIELD SURVEYING	\$ 12,700
METES & BOUNDS (2 SETS)	\$ 3,700
LANDSCAPE DESIGN	\$ 4,400
ROADWAY DESIGN	\$ 21,800
DRAINAGE	\$ 13,100
SIGNING & PAVEMENT MARKING	\$ 3,600
UTILITY DESIGN	\$ 6,800
TRAFFIC SIGNAL DESIGN	\$ 15,500
ENVIRONMENTAL	\$ 3,200
GEOTECHNICAL	\$ 7,500
BIDDING	\$ 5,000
TOTAL	\$ 102,800

This proposal does not include any construction phase services.

Sincerely,

and tak

R. David Patrick, P.E., CFM

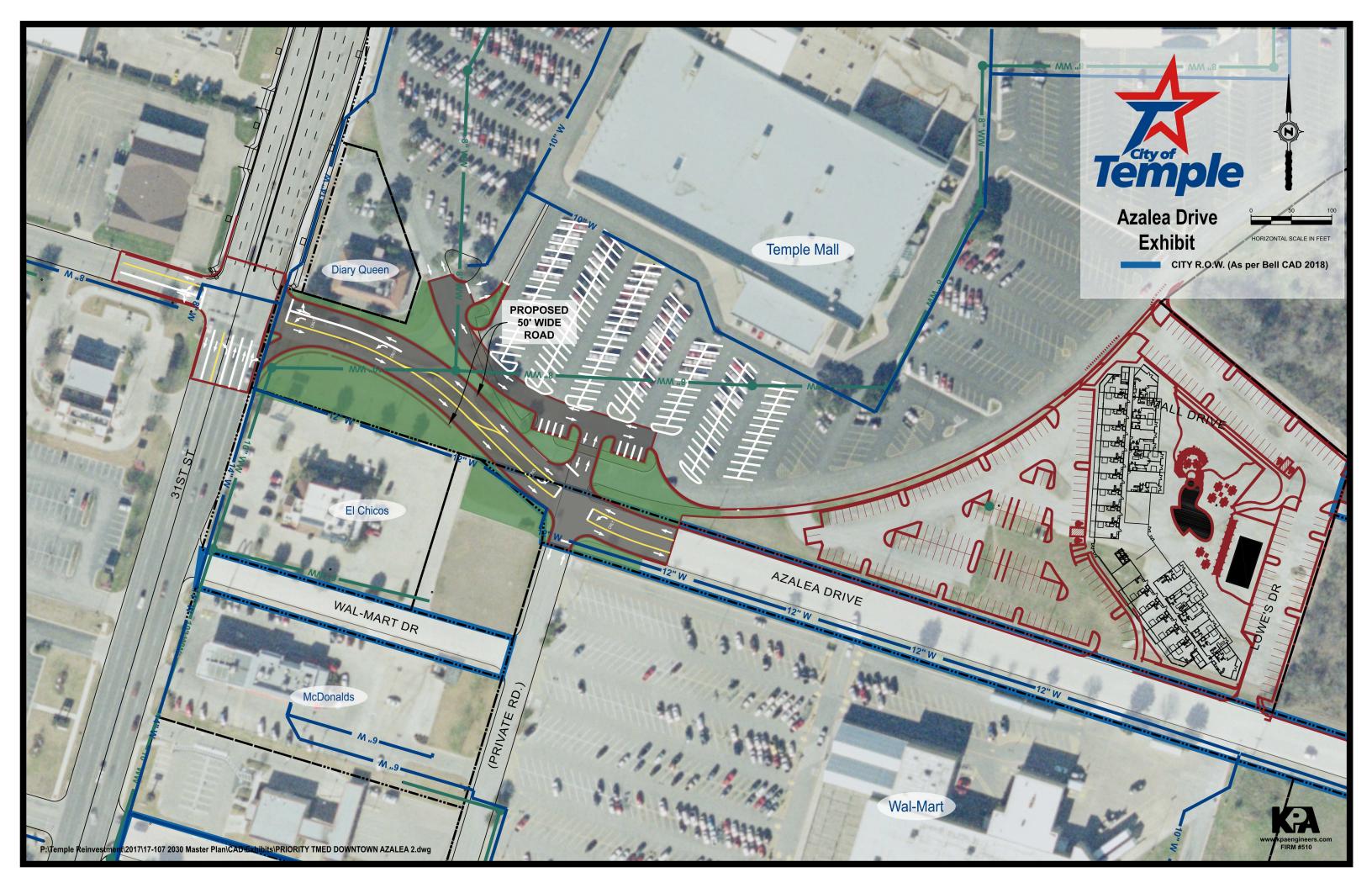
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ATTACHMENT "C"

Charges for Additional Services

City of Temple Azalea Drive

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



RESOLUTION NO. 2018-9369-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$102,800, FOR SERVICES REQUIRED TO DESIGN AND BID THE AZALEA DRIVE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the design of this project will improve traffic flow on Azalea Drive by realigning the roadway from 31st Street heading east to the existing roadway along the north side of Walmart;

Whereas, the study area and design will encompass the traffic signal and striping/signage at the 31st Street intersection, and the realignment will provide safer access points to the Temple Mall, Walmart, and other shopping areas adjacent to the Azalea Drive collector;

Whereas, the project scope includes drainage conveyance, striping, signage, utility relocations, landscaping and pedestrian facilities;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$102,800, for professional services required to design and bid the Azalea Drive Project;

Whereas, funds are available for this agreement, but an amendment to the fiscal year 2018 budget needs to be approved to transfer the funds to Account No. 365-3400-531-6715, Project No. 101985; and

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas in the amount of \$102,800, for professional services required to design and bid the Azalea Drive Project.

Part 3: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(S) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Barry Bratton, Interim Airport Director Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution a Lease Agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for lease of Hangar #11 at the Draughon-Miller Central Texas Regional Airport for a two-year term.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this lease agreement will provide for a two-year lease with Kachemak Bay Flying Service (KBFS) commencing November 1, 2018, of Hangar #11, a 7,500 square foot aviation hangar, at the Airport, which was recently vacated by Wilsonart.

On June 28, 2018, the City received three proposals for the lease of the Hangar #11 at the Airport from the following interested parties: Donna & Ace Connell/Connell Insurance Agency, LLC; Kachemak Bay Flying Services; and Eclipse Air Works, LLC. As stated in the RFP, the scoring criteria for the proposals was as follows: 50%, positive financial impact to the City related to projected lease compensation, financial impact of fuel purchase commitment, and any in-kind services and/or proposed capital leasehold improvements that will enhance the City's value of the facility; 20%, expected overall benefit to the enhancement of general aviation to the City; 10%, qualifications and experience of key individuals responsible for the operation of the hangar; 10%, viability to the City of proposed lease terms and commencement date; and 10%, financial viability and insurance coverage of offeror.

An evaluation committee was formed to evaluate the three proposals with representation from the City Attorney's Office, Finance, Airport Advisory Board, and Airport. The committee scored Eclipse Air Works, LLC (Eclipse) as the highest rated proposal. However, Staff was unable to negotiate a contract with Eclipse with mutually agreeable terms.

Accordingly, Staff cutoff negotiations with Eclipse, and Staff then began negotiations with the second highest rated proposer, Kachemak Bay Flying Service (KBFS). KBFS currently leases Hangars #10, #14, and #22 at the Airport. By leasing Hangar #11, KPFS would be able to consolidate its operations to the east side of the airfield, and it would free up Hangar #22. KBFS intends to use Hangar #11 to perform aircraft repairs and to conduct flight school training, both of which add value to the Airport.

The lease rate for the first year will be at \$2,250 per month (30ϕ per SF), while the lease rate for the second year will be at \$2,625 per month (35ϕ per SF). KBFS has committed to paint the exterior of the building during the first year of the lease term. The lease will provide for the option for three 1-year extensions to the lease, if agreed to by the City and KBFS, at a lease rate of 35ϕ per SF plus an annual

Consumer Price Index (CPI) escalation for the Killeen-Temple-Fort Hood region, not to exceed 5% per annum.

<u>FISCAL IMPACT</u>: Annual lease revenue for the rental of the 7,500 square foot hangar to Kachemak Bay Flying Service in the amount of \$27,000 for the first year and \$31,500 for the second year will be deposited into account 110-0000-446-3026.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9370-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO-YEAR LEASE AGREEMENT WITH KACHEMAK BAY FLYING SERVICE, A WHOLLY OWNED SUBSIDIARY OF SYSTEM STUDIES AND SIMULATION, INC., OF HUNTSVILLE, ALABAMA, FOR LEASE OF HANGAR NO. 11 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 28, 2018, the City received three proposals for the lease of Hangar No. 11 at the Draughon-Miller Central Texas Regional Airport (Airport) from the following interested parties: Donna & Ace Connell/Connell Insurance Agency, LLC; Kachemak Bay Flying Service; and Eclipse Air Works, LLC;

Whereas, a Staff committee was formed to evaluate the three proposals, and the committee scored Eclipse Air Works, LLC (Eclipse) as the highest rated proposal, however Staff was unable to negotiate a contract with Eclipse under mutually agreeable;

Whereas, Staff began negotiations with the second highest rated proposer, Kachemak Bay Flying Service (KBFS) who currently leases Hangars No. 10, No. 14, and No. 22 at the Airport - by leasing Hangar No. 11, KPFS would be able to consolidate its operations to the east side of the airfield, and would free up Hangar No. 22;

Whereas, KBFS intends to use Hangar No. 11 to perform aircraft repairs and conduct flight school training, both of which add value to the Airport;

Whereas, the lease rate for the first year will be at 2,250 per month (30¢ per square foot), while the lease rate for the second year will be at 2,625 per month (35¢ per square foot), and KBFS has committed to paint the exterior of the hangar during the first year of the lease term;

Whereas, the lease will provide for the option of three one-year renewals to the lease, if agreed to by the City and KBFS, at a lease rate of 35ϕ per square foot, plus an annual Consumer Price Index (CPI) escalation for the Killeen-Temple-Fort Hood region, not to exceed 5% per annum;

Whereas, Staff recommends Council authorize a two-year lease agreement with Kachemak Bay Flying Service for lease of Hangar No. 11 at the Airport;

Whereas, annual lease revenue for the rental of Hangar No. 11 will be deposited into Account No. 110-0000-446-3026;

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a two-year lease agreement with Kachemak Bay Flying Service of Huntsville, Alabama for lease of Hangar No. 11 at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(T) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Barry Bratton, Interim Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for lease of Hangar #10 at the Draughon-Miller Central Texas Regional Airport for a two-year term.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Kachemak Bay Flying Service ("KBFS") currently leases Hangar #10, a 6,000 square foot hangar, from the City and has occupied the space for several years. KBFS operates an aircraft maintenance and avionics shop and provides other general aviation services out of Hangar #10. KBFS's lease of this hangar expired on June 30, 2018. In accordance with the lease, KBFS was allowed to hold-over in the space until a long-term agreement was reached.

At this time, Staff and KBFS desire to enter into a new lease for Hangar #10 which would allow KBFS to lease Hangar #10 for two years beginning November 1, 2018. Under the proposed lease, KBFS would pay a rental rate of \$0.1521 per square foot (\$912.60/month) for the first year and \$0.1597 per square foot (\$958.20/month) for the second year. The lease will provide for the option for three 1-year extensions, if agreed to by the City and KBFS. The lease will allow for annual lease rate increases during the extension periods.

KBFS has demonstrated that it is capable of operating a professional aircraft maintenance and avionics shop and therefore, Staff recommends Council authorize a Lease Agreement with KBFS for a two-year lease of Hangar #10 at the Airport.

FISCAL IMPACT: Annual lease revenue for the rental of the 6,000 square foot hangar to Kachemak Bay Flying Service in the amount of \$10,951.20 for the first year and \$11,498.40 for the second year will be deposited into account 110-0000-446-3026.

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9371-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO-YEAR LEASE AGREEMENT WITH KACHEMAK BAY FLYING SERVICE, A WHOLLY OWNED SUBSIDIARY OF SYSTEM STUDIES AND SIMULATION, INC., FOR LEASE OF HANGAR 10 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kachemak Bay Flying Service ("KBFS") currently leases Hangar No. 10 at the Draughon-Miller Central Texas Regional Airport, and has occupied this space for several years, operating an aircraft maintenance and avionics shop and providing other general aviation services;

Whereas, KBFS's lease of this commercial hangar expired June 30, 2018, and in accordance with the lease, KBFS was allowed to hold-over in the space until a long-term agreement was reached;

Whereas, Staff and KBFS desire to enter into a new lease for Hangar No. 10 which would allow KBFS to lease Hangar No. 10 for two years beginning November 1, 2018, and under the proposed lease, KBFS would pay a rental rate of \$0.1521 per square foot (\$912.60/month) for the first year, and \$0.1597 per square foot (\$958.20/month) for the second year;

Whereas, the lease will provide for the option of three one-year renewals, if agreed to by the City and KBFS and will allow for annual lease rate increases during the renewal periods;

Whereas, KBFS has demonstrated that it is capable of operating a professional aircraft maintenance and avionics shop and therefore, Staff recommends Council authorize a two-year lease agreement with KBFS for lease of Hangar No. 10 at the Draughon-Miller Central Texas Regional Airport;

Whereas, annual lease revenue for the rental of Hangar No. 10 to Kachemak Bay Flying Service will be deposited into Account No. 110-0000-446-3026; and

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a two-year lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for lease of Hangar No. 10 at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(U) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Barry Bratton, Interim Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with JR Aviation, LLC for lease of Hangar #18 at the Draughon-Miller Central Texas Regional Airport for a five-year term.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: JR Aviation, LLC currently leases Hangar #18, an 8,300 square foot hangar, from the City and has occupied the space for several years. JR Aviation provides rotary wing flight services, aircraft maintenance and storage, aerial dispensing, and other related aviation services for flying customers at the Airport. JR Aviation's lease of this hangar expired on August 31, 2018. In accordance with the lease, JR Aviation was allowed to hold-over in the space until a long-term agreement was reached.

At this time, Staff and JR Aviation desire to enter into a new lease for Hangar #18 which would allow JR Aviation to lease Hangar #18 for five years beginning November 1, 2018. Under the proposed lease, JR Aviation would pay a rental rate of \$0.1752 per square foot (\$1,454.16/month) for the first year of the lease. The rental rate will increase by 5% for each remaining year of the five-year term.

JR Aviation has demonstrated that it is capable of operating a professional aviation business and therefore, Staff recommends Council authorize a lease agreement with JR Aviation for a five-year lease of Hangar #18 at the Airport.

FISCAL IMPACT: Annual lease revenue for the rental of the 8,300 square foot hangar to JR Aviation will be deposited into account 110-0000-446-3026 as follows:

Year	Lease Term	Annual Revenue			
Year 1	November 2018 - October 2019	\$	17,450		
Year 2	November 2019 - October 2020		18,322		
Year 3	November 2020 - October 2021		19,239		
Year 4	November 2021 - October 2022		20,200		
Year 5	November 2022 - October 2023		21,210		
Total revenue over five-year term			96,421		

ATTACHMENTS: Resolution

RESOLUTION NO. 2018-9372-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR LEASE AGREEMENT WITH JR AVIATION, LLC FOR LEASE OF HANGAR NO. 18 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, JR Aviation, LLC currently leases Hangar No. 18 at the Draughon-Miller Central Texas Regional Airport (Airport) and has occupied this space for several years, providing rotary wing flight services, aircraft maintenance and storage, aerial dispensing, and other related aviation services for flying customers at the Airport;

Whereas, JR Aviation's lease of this hangar expired August 31, 2018, and in accordance with the lease, JR Aviation was allowed to hold-over in the space until a long-term agreement was reached;

Whereas, Staff and JR Aviation desire to enter into a new lease for Hangar No. 18 which would allow JR Aviation to lease Hangar No. 18 for five years beginning November 1, 2018, and under the proposed lease, JR Aviation would pay a rental rate of \$0.1752 per square foot (\$1,454.16/month) for the first year, and the rate would increase by 5% for each remaining year of the five-year term;

Whereas, JR Aviation has demonstrated that it is capable of operating a professional aviation business and therefore, Staff recommends Council authorize a five-year lease agreement with JR Aviation, LLC for lease of Hangar No. 18 at the Airport;

Whereas, annual lease revenue from Hangar No. 18 will be deposited into Account No. 110-0000-446-3026;

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

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

<u>**Part 1**</u>: **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.

<u>Part 2</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a five-year lease agreement with JR Aviation, LLC, for lease of Hangar No. 18 at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



10/04/18 Item #3(V) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Barry Bratton, Interim Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Samual Gacesa for lease of T-hangar #32 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Samual Gacesa has requested to lease T-hangar #32 at the Airport for aircraft storage and aeronautical purposes. The rent for this T-hangar will be \$185 per month, due on the 1st day of the month.

Mr. Gacesa will be leasing T-Hangar #32, which will be used to store a Cessna 150 Tail # N6987F; Mr. Gacesa began utilizing this space on September 13, 2018.

The initial term of the lease will be for 12 months and may be renewed for additional 12-month terms at the agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions. Staff recommends that the lease have an effective date of September 13, 2018.

Mr. Gacesa agrees to use the T-hangars solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft. Mr. Gacesa further understands that commercial activity is prohibited in the T-hangar.

Pursuant to the lease agreement, Mr. Gacesa will: timely pay rent, store only aircraft and items related to aeronautical operations on the leased premises, grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs, furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar, keep the premises in a good and orderly condition, comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport, and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Annual lease revenue of \$2,220 for rental of T-Hanger #32 will be deposited into account 110-0000-446-3021.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2018-9373-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH SAMUAL GACESA FOR THE LEASE OF T-HANGAR 32 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Samual Gacesa has requested to lease T-hangar No. 32 at the Draughon-Miller Central Texas Regional Airport ("Airport") for aircraft storage and aeronautical purposes including the storage of a Cessna 150 Tail No. N6987F - Mr. Gacesa began utilizing this space on September 13, 2018;

Whereas, the initial term of the lease will be for 12 months and may be renewed for additional 12-month terms upon agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions;

Whereas, Staff recommends September 13, 2018 as an effective date with a rental rate for this T-hangar of \$185 per month, due on the 1st day of each month;

Whereas, Mr. Gacesa agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft and that commercial activity is prohibited in the T-hangar;

Whereas, pursuant to the lease agreement, Mr. Gacesa will: timely pay rent, store only aircraft and items related to aeronautical operations on the leased premises, grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs, furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar, keep the premises in a good and orderly condition, comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport, and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured - this is an as-is lease, the City will not be making any adjustments or upgrades to the space;

Whereas, annual lease revenue for rental of T-hangar No. 32 will be deposited into Account No. 110-0000-446-3021;

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

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

<u>**Part 1**</u>: **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 lease agreement with Samual Gacesa for lease of Thangar No. 32 at the Draughon-Miller Central Texas Regional Airport and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be required for this lease.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(W) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of an easement agreement for a water pipeline between the City and the Board of Regents of the Texas A&M University System.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City entered into an Easement Agreement for a water pipeline with the Board of Regents of the Texas A&M University System (A&M System) in November 2007. The purpose of the easement is for the City to maintain a waterline on A&M System property. In accordance with Tex. Educ. Code Ann. §85.26(c), the easement can only be granted for a 10-year term and may only be renewed at the election of A&M System. A&M System has elected to renew the Easement Agreement with the City. This Agreement will be deemed to be in force as of November 12, 2017 and will be a renewal and replacement of the Easement Agreement between the City and A&M System dated November 12, 2007 and recorded as Document No. 2007-00052745 of the Real Property Records of Bell County, Texas.

FISCAL IMPACT: Per the agreement, the City is responsible for maintaining, repairing, replacing, and/or rebuilding the pipeline and shall keep the property, the improvements, and its equipment in good working order and repair and in a clean, safe, and healthful condition.

ATTACHMENTS: Easement Agreement Resolution

EASEMENT AGREEMENT (Pipeline) (Renewal)

1. <u>Grant of Easement</u>. The BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM, as grantor ("A&M SYSTEM"), on behalf of the State of Texas, acting by and through its duly authorized officer, under authority of System Policy 41.01, and by virtue of authority granted to the Board of Regents by TEX. EDUC. CODE ANN. §85.26, for \$10 and other good and valuable consideration, hereby GRANTS, BARGAINS, SELLS and CONVEYS to CITY OF TEMPLE, as grantee ("CITY"), its permitted successors and assigns, a nonexclusive easement (the "Easement") for maintenance of a water pipeline. The Easement is 15 feet in width across certain property of A&M SYSTEM (the "Property"), located in Bell County, Texas, more particularly described in <u>Exhibit A</u> attached and made a part of this Easement Agreement (this "Agreement").

2. <u>Purpose of Easement</u>. The Easement is granted for the purpose of maintaining a water pipeline (the "Pipeline") and extends the term of an existing easement. A plat of the Property showing the surface area affected by the Easement and the location of the Pipeline and **CITY's** right-of-way is depicted on <u>Exhibit B</u> attached and made a part of this Agreement.

3. <u>Right of Access</u>. **CITY** has the right of ingress and egress across the Property for the purpose of maintaining, repairing, replacing, and rebuilding the Pipeline. **CITY** agrees to occupy the surface of the Property only to the extent and for the length of time necessary for maintaining, repairing, replacing, and rebuilding the Pipeline. Any gate or opening used by **CITY** for ingress or egress in the exercise of its rights must be kept in proper condition and closed at all times.

4. <u>Duties</u>. **CITY** will clearly mark the location of the Pipeline in a manner and to the extent required by law. The Pipeline will be buried not less than 36 inches below the surface. If **CITY** damages or destroys any fence, road, bridge, culvert, building, or other improvement, or any personal property, other than its own personal property, **CITY** must, within a reasonable period of time, repair or replace the improvement or personal property to the extent that such improvement or personal property will, as nearly as practicable, be in like condition as before such damage or destruction. In lieu of requiring repair or replacement, **A&M SYSTEM** may, at its option, require that **CITY** pay money damages, including without limitation, those damages incurred as a result of **CITY** or its agents or employees entering or departing the Property, or by reason of being present on the Property. **CITY** agrees to cooperate with **A&M SYSTEM**'s personnel in an onsite inspection to assess any damages resulting from **CITY**'s activities. **CITY** agrees to notify **A&M SYSTEM** five business days prior to commencement of any repairs, replacements or additional construction on the Property.

5. <u>No Fee Interest Granted</u>. This is a grant of a nonexclusive easement only, and does not grant any fee interest to the surface, subsurface, or any interest in the minerals on or under the Property. The conveyance is made subject to any and all outstanding restrictions, reservations, covenants, conditions, leases, easements and other encumbrances filed of record or apparent on the ground. **A&M SYSTEM** expressly retains all rights to grant, control and renew



all restrictions, reservations, covenants, conditions, leases, easements and other encumbrances, of every kind and character, on, over or under the Property.

6. <u>Duration of Easement</u>. In accordance with TEX. EDUC. CODE ANN. §85.26(c), this grant is for a term of 10 years from the Effective Date and may be renewed only at the election of **A&M SYSTEM**. **CITY** expressly understands that its continued possession of the Property under this Agreement after expiration of its term, without first obtaining a renewal from the Board of Regents of The Texas A&M University System, is a violation of state law that subjects **CITY** to a penalty of \$100 for each day of such violation. **CITY** agrees to pay **A&M SYSTEM** such penalty within 10 business days after receipt of notice from **A&M SYSTEM** sent in compliance with Section 13 of this Agreement.

7. <u>Removal of Equipment and Improvements</u>. Provided all obligations to **A&M SYSTEM** under this Agreement are fully satisfied, unless otherwise directed by **A&M SYSTEM** in writing, **CITY** shall remove any of its above-ground equipment and improvements from the Property within 60 calendar days following the date of termination or abandonment of the Easement granted by this Agreement. If removal causes injury to the Property or to any improvements of **A&M SYSTEM**, **CITY** will restore the Property or improvements or, at **A&M SYSTEM's** option, pay for such damage within 60 calendar days after completion of such removal. If **CITY** fails to remove the above-ground equipment and improvements within the time set forth in this paragraph, **A&M SYSTEM** shall have the right to retain the equipment and improvements or remove and dispose of same and collect on demand all costs of removal and disposal from **CITY**, plus interest at the lesser of 10 percent per annum or the highest rate permitted by Texas law from the date such costs are incurred until the date of payment.

Upon termination or abandonment of the Easement granted by this Agreement, at its sole option A&M SYSTEM can elect the following by giving CITY written notice: (A) require CITY to remove and dispose of the Pipeline within 60 days following the date of the written notice; (B) require CITY to purge the Pipeline within 30 days following the date of the written notice and leave it in the ground in a safe condition, capped or plugged, in compliance with all applicable laws and regulations related thereto, and A&M SYSTEM shall thereafter have all rights, title, ownership and possession to the Pipeline, including the right to sell, assign, grant, and/or use the Pipeline; or (C) A&M SYSTEM can undertake to remove and dispose of the Pipeline at the expense of CITY. If CITY removes and disposes of the Pipeline, CITY shall repair any damages caused by the removal or pay A&M SYSTEM for such damage within 30 calendar days after completion of such removal. If A&M SYSTEM removes and disposes of the Pipeline, CITY agrees to pay A&M SYSTEM, upon demand, the costs incurred by A&M SYSTEM for removal and disposal, and all damages occasioned thereby, plus interest at the lesser of 10 percent per annum or the highest rate permitted by Texas law from the date such costs are incurred until the date of payment.

8. <u>Nonexclusive Easement</u>. The Easement is nonexclusive. A&M SYSTEM reserves for A&M SYSTEM and A&M SYSTEM's successors and assigns the right to full use



and enjoyment of the Property and the right to convey the Property or other rights or easements to others, so long as such use or conveyance does not unduly interfere with **CITY's** use.

9. <u>Hold Harmless</u>. TO THE EXTENT ALLOWED BY APPLICABLE LAW, CITY AGREES TO INDEMNIFY AND HOLD A&M SYSTEM HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, LIABILITIES, AND CAUSES OF ACTION FOR PERSONAL INJURY OR DEATH AND/OR DAMAGE TO OR DESTRUCTION OF PROPERTY OR IMPROVEMENTS CAUSED BY, ARISING OUT OF, OR RESULTING FROM THE EXERCISE OF RIGHTS GRANTED TO CITY, ITS EMPLOYEES, AGENTS, OR OTHER PERSONS ACTING UNDER CITY'S DIRECTION. CITY FURTHER AGREES TO PAY ALL EXPENSES, COSTS, AND ATTORNEYS' FEES ASSOCIATED WITH SUCH CLAIMS, DEMANDS, LIABILITIES, AND CAUSES OF ACTION, AS WELL AS THOSE INCURRED BY A&M SYSTEM IN THE ENFORCEMENT OF THIS INDEMNITY PROVISION.

10. <u>Use and Maintenance of Property: Compliance</u>. **CITY** will not commit or suffer to be committed waste upon the Property. **CITY** shall maintain, repair, replace, and/or rebuild the Pipeline and shall keep the Property, the improvements, and its equipment in good working order and repair and in a clean, safe, and healthful condition. Before breaking ground and during the term of this Agreement, **CITY** shall comply with and obtain any permits or licenses which may be required by federal, state or local statute in connection with the use of the Property, including the Antiquities Code of Texas, Chapter 191 of the Texas Natural Resources Code. **CITY** agrees that title to all archaeological objects and artifacts, if any, discovered in or on the Property shall remain with **A&M SYSTEM**.

11. <u>Hazardous Waste</u>. **CITY** will not use the Property or permit the Property to be used so as to cause, suffer, or allow any contamination of soils, ground water, surface water, or natural resources on or adjacent to the Property resulting from, but not limited to, spills or leaks of oil, gasoline, hazardous materials, hazardous wastes, or other chemical compounds. **CITY** is solely responsible for cleanup of any contamination resulting from violation of this provision.

IF THE PRESENCE OF HAZARDOUS MATERIALS ON THE PROPERTY IS CAUSED OR PERMITTED BY CITY AND SUCH MATERIALS RESULT IN CONTAMINATION OF THE PROPERTY OR IF CONTAMINATION OF THE PROPERTY BY HAZARDOUS MATERIAL OTHERWISE OCCURS AND IS RELATED TO CITY'S USE, THEN CITY SHALL INDEMNIFY, DEFEND, AND HOLD A&M SYSTEM HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, JUDGMENTS, DAMAGES, PENALTIES, FINES, COSTS, LIABILITIES, OR LOSSES (INCLUDING DIMINUTION IN VALUE OF THE PROPERTY, DAMAGES FOR THE LOSS OF OR RESTRICTION ON USE OF THE PROPERTY OR OF ANY AMENITY OF THE PROPERTY, AND SUMS PAID IN SETTLEMENT OF CLAIMS, ATTORNEYS' FEES, CONSULTANTS' FEES AND EXPERTS' FEES) WHICH ARISE DURING OR AFTER THE EASEMENT TERM AS A RESULT OF SUCH CONTAMINATION. THIS INDEMNIFICATION OF A&M SYSTEM BY CITY



INCLUDES COSTS INCURRED IN CONNECTION WITH ANY INVESTIGATION OF SITE CONDITIONS AND ANY CLEANUP, REMEDIAL, REMOVAL, OR RESTORATION WORK REQUIRED BY ANY FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION BECAUSE OF THE PRESENCE OF HAZARDOUS MATERIAL.

Default and Termination. It is agreed that upon default by CITY of any of the 12. covenants and conditions set forth in this Agreement, A&M SYSTEM has the right, and such right is expressly reserved, to declare the Easement forfeited, without prejudice to any claim A&M SYSTEM may have against CITY; provided, however, A&M SYSTEM will give CITY written notice of its intention to terminate the Easement and the reasons for termination, and, except as otherwise provided in Section 20, CITY will have 30 calendar days after receipt of notice to rectify the default or violation. Upon timely correction, as determined by A&M SYSTEM in its sole discretion, the Easement will remain in full force and effect. Termination or abandonment of the Easement for any cause is automatic and all rights granted revert to A&M SYSTEM without the necessity of any further action or suit on the part of A&M SYSTEM. Upon termination or abandonment, CITY agrees to file a Release of Easement in the Deed Records of the County in which the Property is located, but if it fails to do so within 10 days following termination or abandonment, then A&M SYSTEM shall have the right to file the Release of Easement. Abandonment will be deemed to have occurred when the Easement is not used for the purposes granted for a continuous period of one calendar year.

13. <u>Notices</u>. Any notice required or permitted under this Agreement must be in writing, and shall be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address set out below. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, email, or other commercially reasonable means and will be effective when actually received. A&M SYSTEM and CITY may change their respective notice address by sending to the other party a notice of the new address. Notices should be addressed as follows:

A&M SYSTEM:

The Texas A&M University System Office of General Counsel Attention: System Real Estate Office 301 Tarrow, 6th Floor College Station, Texas 77840-7896 Phone: (979) 458-6350 Fax: (979) 458-6359 Email: sreo@tamus.edu

CITY:

City of Temple 2 North Main Street Temple, Texas 76501 Phone: (254) 298-5674



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14. <u>Waiver</u>. The failure of **CITY** or **A&M SYSTEM** to insist in any one or more instances on a strict performance of any of the covenants of this Agreement shall not be construed as a waiver or relinquishment of such covenants in future instances, but the same shall continue and remain in full force and effect.

15. <u>Privileges and Immunities</u>. **CITY** acknowledges that **A&M SYSTEM** is an agency of the State of Texas and nothing in this Agreement will be construed as a waiver or relinquishment by **A&M SYSTEM** of its right to claim exemptions, privileges, and immunities as may be provided by law. **A&M SYSTEM** acknowledges that **CITY** is a home rule municipality and political subdivision of the State of Texas and nothing in this Agreement will be construed as a waiver or relinquishment by **CITY** of its right to claim exemptions, privileges, and immunities as may be provided by law.

16. <u>Governing Law and Venue</u>. The validity of this Agreement and all matters pertaining to this Agreement, including but not limited to, matters of performance, non-performance, breach, remedies, procedures, rights, duties, and interpretation or construction, shall be governed and determined by the Constitution and the laws of the State of Texas. Pursuant to Section 85.18, *Texas Education Code*, venue for any suit filed against A&M SYSTEM shall be in the county in which the primary office of the chief executive officer of A&M SYSTEM is located.

17. <u>Grammatical Interpretation</u>. When the singular number is used, it also includes the plural, and the masculine gender includes the feminine and neuter gender.

18. <u>Headings</u>. Headings are for reference and will not be construed to limit or alter the meaning of the provisions of this Agreement.

19. <u>Saving Clause</u>. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions will remain in full force and effect and will not be affected, impaired or invalidated.

20. <u>Assignment</u>. **CITY** may not sell, assign, encumber or convey the Easement without the prior written consent of **A&M SYSTEM**. Any such sale, assignment, encumbrance or conveyance may be subject to payment to **A&M SYSTEM** of an administrative fee. If **CITY** attempts to sell, assign, encumber or convey the Easement without **A&M SYSTEM's** prior consent, **A&M SYSTEM** may, in its sole discretion, terminate this Agreement upon written notice to **CITY**.

21. <u>Successors and Assigns</u>. This Agreement and each and all of its covenants, obligations, and conditions shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and permitted assigns of the parties.



22. <u>Entire Agreement</u>. This Agreement constitutes the complete agreement of the parties and supersedes any prior understanding or agreement, written or oral, between them regarding the issues covered by this Agreement. This Agreement may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their permitted successors or assigns.

23. <u>Effective Date</u>. This Agreement is deemed to be in force as of the 12th day of November, 2017, and is intended as a renewal and replacement of that certain Easement Agreement by and between **A&M SYSTEM** and **CITY** dated November 12, 2007 and recorded as Document Number 2007-00052745 of the Real Property Records of Bell County, Texas.

[SIGNATURES TO FOLLOW ON NEXT PAGE]



BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM, an agency of the State of Texas

By:

JOSEPH

Managing Counsel, Property & Construction The Texas A&M University System

APPROVED AS TO FORM:

JENNIFER J. WRIGHT Assistant General Counsel Office of General Counsel The Texas A&M University System

ACKNOWLEDGEMENT

STATE OF TEXAS COUNTY OF BRAZOS

\$ \$ \$ \$

This instrument was acknowledged before me this 25 day of <u>Jupterne</u> 2018 by **GINA JOSEPH**, Managing Counsel, Property and Construction of The Texas A&M University System, on behalf of the Board of Regents of The Texas A&M University System, an agency of the State of Texas.



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7 of 8

Prepared by Office of General Counsel TALR – City of Temple Easement, 201766025 Legal Files No. 2018-0046541 JWW 9/4/18

TERMS AND CONDITIONS EXPRESSLY ACKNOWLEDGED AND ACCEPTED:

CITY OF TEMPLE

By:

TIMOTHY A. DAVIS Mayor

APPROVED AS TO FORM:

Name:______ Title:______ CITY ATTORNEY'S OFFICE

ACKNOWLEDGEMENT

STATE OF TEXAS	§		
	§		
COUNTY OF BELL	§		

This instrument was acknowledged before me this ____ day of _____, 2018 by **TIMOTHY A . DAVIS**, Mayor of the City of Temple.

Notary Public







July 23, 2007

page 1 of 2

Field notes for the City of Temple Engineering Department for: TRACT A (State of Texas tract)

Part of the MAXIMO MORENO SURVEY, Abstract Number 14, situated in Temple, in Bell County, Texas and embracing a portion of the tract described in the deed to the State of Texas recorded in volume 383, page 214 of the Bell County Deed Records.

Commencing at a 5/8 inch iron rod set in the east right of way line of South 5th Street, for the east line of a tract described in the deed to the City of Temple recorded in volume 3287, page 758 of said Deed Records, and being at the north end of a cutback line to Blackland Road, and being the northwest corner of a Road Right of Way Easement to the City of Temple recorded in volume 4097, page 680 of said Deed Records, from said 5/8 inch iron rod set, a 5/8 inch iron rod found at the intersection of said east right of way line of South 5th Street, with the south right of way line of Blackland Road, for the southwest corner of a tract described in the deed to the City of Temple recorded in volume 4003, page 294 of said Deed Records, bears south 16 degrees-25 minutes-10 seconds west 243-82/100 feet, and then run from said 5/8 inch iron rod set, south 28 degrees-19 minutes-40 seconds east along a north line of said City of Temple Road Right of Way Easement line, 60-75/100 feet to a 5/8 inch iron rod set for the northwest corner of the Tract being described.

Thence south 73 degrees-11 minutes-25 seconds east along a line 15 feet northerly and parallel to the north line of said City of Temple Road Right of Way Easement, 1856-48/100 feet to a 5/8 inch iron rod set in a northeast line of said City of Temple Road Right of Way Easement, from said 5/8 inch iron rod set, a 5/8 inch iron rod found for the northerly angle point of said Road Right of Way Easement bears north 88 degrees-36 minutes-15 seconds east 249-15/100 feet, and from said angle point to the intersection of the west right of way line of the Union Pacific Railroad Company tract, with said north line of the Road Right of Way Easement, bears south 70 degrees-48 minutes-45 seconds east 161-6/10 feet to a 5/8 inch iron rod found.

Thence south 88 degrees-36 minutes-15 seconds west along said north line of the Road Right of Way Easement, 48-01/100 feet to a 5/8 inch iron rod found for an angle point in said north line of the Road Right of Way Easement.

Thence north 73 degrees-11 minutes-25 seconds west along said north line of the Road Right of Way Easement, 1795-80/100 feet to a 5/8 inch iron rod set for an angle point in said north line of the Road Right of Way Easement.

Thence north 28 degrees-19 minutes-40 seconds west along said north line of the Road Right of Way Easement, 21-26/100 feet to the place of beginning and containing 0-63/100 of an acre.



5302 5. 31st Street • Temple, Texos • 76502 254) 773-1447 • Fax (254) 773-1728 • rcsurvey@rcsurveyors.com www.rcsurveyors.com July 23, 2007

page 2 of 2

Field notes for the City of Temple Engineering Department for: TEMPORARY CONSTRUCTION EASEMENT

Part of the MAXIMO MORENO SURVEY, Abstract Number 14, situated in Temple, in Bell County, Texas and embracing a portion of the tract described in the deed to the State of Texas recorded in volume 383, page 214 of the Bell County Deed Records.

Commencing at a 5/8 inch iron rod set in the east right of way line of South 5th Street, for the east line of a tract described in the deed to the City of Temple recorded in volume 3287, page 758 of said Deed Records, and being at the north end of a cutback line to Blackland Road, and being the northwest corner of a Road Right of Way Easement to the City of Temple recorded in volume 4097, page 680 of said Deed Records, from said 5/8 inch iron rod set, a 5/8 inch iron rod found at the intersection of said east right of way line of South 5th Street, with the south right of way line of Blackland Road, for the southwest corner of a tract described in the deed to the City of Temple recorded in volume 4003, page 294 of said Deed Records, bears south 16 degrees-25 minutes-10 seconds west 243-82/100 feet, then run from said 5/8 inch iron rod set, south 28 degrees-19 minutes-40 seconds east along a north line of said City of Temple Road Right of Way Easement line, at 60-75/100 feet pass a 5/8 inch iron rod set for the northwest corner of the above Tract A, and continue in all 82-01/100 feet to a 5/8 inch iron rod set for an angle point in said north line of the Road Right of Way Easement, and then run south 73 degrees-11 minutes-25 seconds east 2-5/10 feet to a point for the southwest and beginning corner of the Temporary Construction Easement being described.

Thence north 16 degrees-48 minutes-35 seconds east 45 feet to a point.

Thence south 73 degrees-11 minutes-25 seconds east 90 feet to a point.

Thence south 16 degrees-48 minutes-35 seconds west 45 feet to a point in said north line of the Road Right of Way Easement.

Thence north 73 degrees-11 minutes-25 seconds west along the north line of said Road Right of Way Easement, 90 feet to the place of beginning and containing 0-09/100 of an acre.

See attached (3) 11 inch by 17-inch sketches that accompany these field notes. Basis of bearings was taken from the Texas State Plane Coordinate System, as referenced to the N.G.S. "CORS" Base Station at Temple College in Temple, Texas.

Surveyed July 12, 2007.

RONALD CARROLL SURVEYORS, INC.

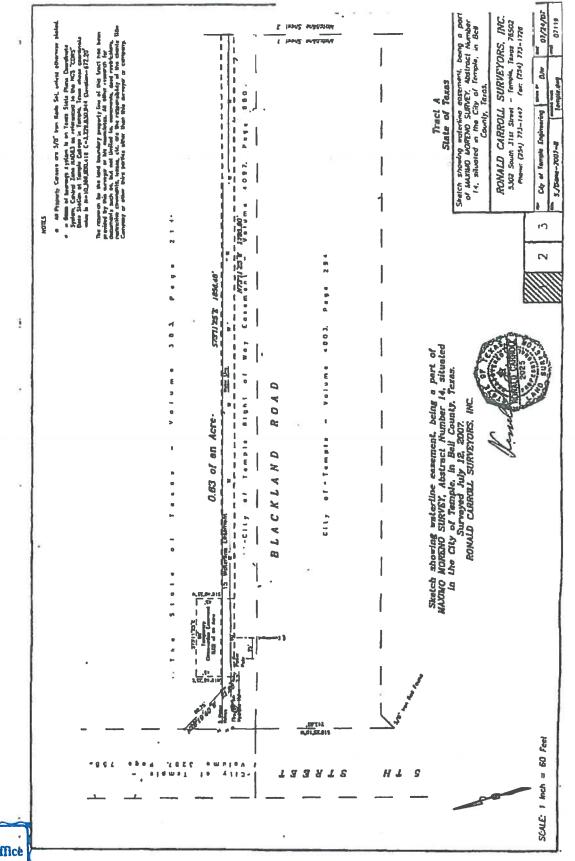
and Call

Ronald Carroll, RPLS President

fn surv COT BlacklandRd Ease Dhond 07119 072307.

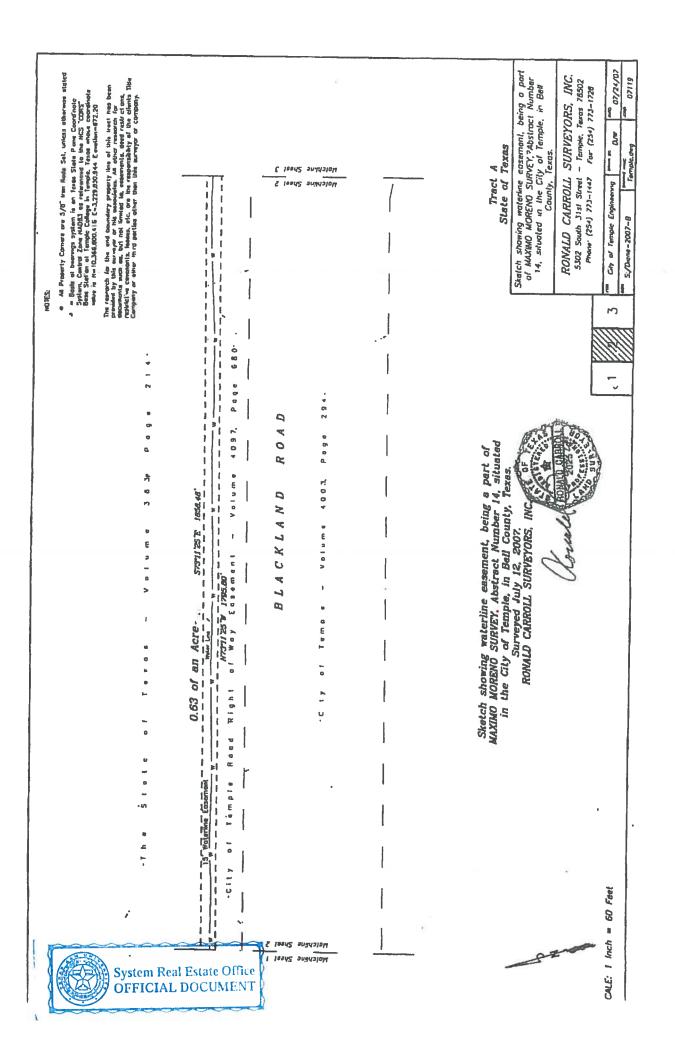


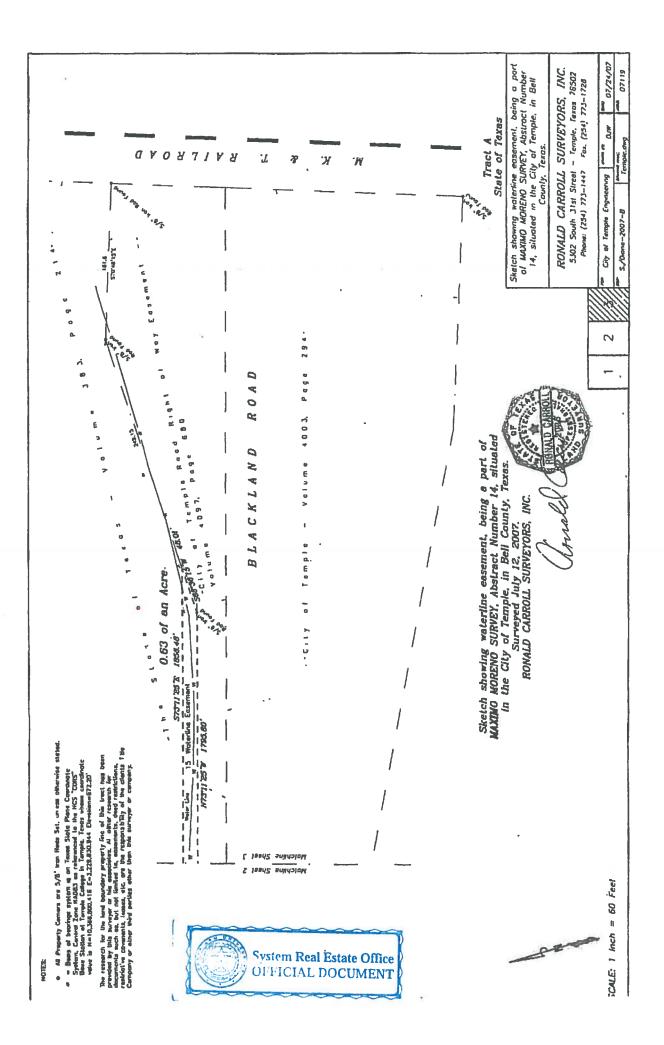
5302 S. 31' Street • Temple, Texas • 76502 (254) 773-1447 • Fax (254) 773-1728 • resurvey@resurveyors.com Mice www.resurveyors.com EXHIBIT B



System Real Estate Office OFFICIAL DOCUMENT

1





RESOLUTION NO. 2018-9374-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF AN EASEMENT AGREEMENT FOR A WATER PIPELINE BETWEEN THE CITY OF TEMPLE AND THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in November 2007, the City entered into an Easement Agreement for a water pipeline with the Board of Regents of the Texas A&M University System (A&M);

Whereas, the purpose of the easement is for the City to maintain a waterline on A&M property - in accordance with Texas Education Code Annotated §85.26(c), the easement can only be granted for a 10-year term and may only be renewed at the election of A&M;

Whereas, A&M has elected to renew the Easement Agreement with the City and this Agreement will be deemed to be in force as of November 12, 2017 – this lease will be a renewal and replacement of the Easement Agreement between the City and A&M dated November 12, 2007, recorded as Document No. 2007-00052745 of the Real Property Records of Bell County, Texas;

Whereas, City will be responsible for maintaining, repairing, replacing, and/or rebuilding the pipeline and will continue to keep the property, the improvements, and its equipment in good working order; and

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

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

<u>Part 1</u>: 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.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute the renewal of an easement agreement for a water pipeline between the City and the Board of Regents of the Texas A&M University System.

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

PASSED AND APPROVED this the **4**th day of **October**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(X) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Transportation Director Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the service agreement for the sale of scrap metal for FY2019 with Temple Iron & Metal, a division of Bell County Iron & Recycling, of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The extension of this service agreement will provide for the continued generation of revenues from the sale of scrap metals during FY2019.

On September 18, 2014, Council authorized an annual contract with Temple Iron and Metal for the sale of scrap metal. The pricing the City receives for the sale of scrap metal is based on a percentage of the American Metals Market (AMM) index and Steel Mill Pricing quotes. The payment structure to the City is based on a percentage of published market indexes as stated in the detailed Bid Tabulation attached to the September 18, 2014, Council Agenda Item Memorandum Item #4(I).

The current agreement expires on September 30, 2018. The original bid allowed for four additional oneyear renewals. In order to renew the contract, the vendors must agree to hold their pricing structure firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by Temple Iron and Metal and recommends Council authorize an extension to the contract. This will be the fourth and final renewal available under this contract.

FISCAL IMPACT: Revenue generated from the sale of scrap metal is expected to be approximately \$6,000 for FY 2019 and will be deposited into account 110-0000-444-2056, Other Recycling Sales.

ATTACHMENTS:

Resolution

RESOLUTION NO. <u>2018-9375-R</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH TEMPLE IRON AND METAL, A DIVISION OF BELL COUNTY IRON AND RECYCLING, OF TEMPLE, TEXAS FOR THE SALE OF SCRAP METAL FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 18, 2014, Council authorized an annual service agreement for the sale of scrap metal to Temple Iron and Metal;

Whereas, the pricing the City receives for the sale of scrap metal is based on a percentage of the American Metals Market (AMM) index and Steel Mill Pricing quotes - the payment structure to the City is based on a percentage of published market indexes;

Whereas, the current service agreement expires September 30, 2018 and the original bid allowed for four additional one-year renewals – in order to renew the contract, the vendor must agree to hold its pricing structure firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by Temple Iron and Metal and recommends Council authorize a one-year renewal to the services agreement - this will be the fourth and final renewal available under this agreement;

Whereas, revenues generated from the sale of scrap metal for fiscal year 2019 will total approximately \$6,000 and be deposited into Account No. 110-0000-444-2056; and

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

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

<u>Part 1</u>: 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.

<u>**Part 2**</u>: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a one-year renewal to the annual services agreement with Temple Iron and Metal of Temple, Texas, for the sale of scrap metal for fiscal year 2019.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(Y) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of property located at 1 South 1st Street in Temple and authorizing the payment of closing costs in a total estimated amount of \$280,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation ("TEDC") has vacated its current building located at 1 South 1st Street. TEDC's offices in the Santa Fe Business Center are now complete and the staff has moved to the new location.

TEDC is interested in selling the building at 1 South 1st Street. The building was recently appraised at a fair market value of \$270,000. City Staff is interested in purchasing the building for the appraised amount. The building will be used for City offices which will free up additional offices in City Hall.

As stated above, the purchase price is \$270,000 which also includes the furniture in the building. Staff estimates closing costs at approximately \$10,000.

FISCAL IMPACT: A budget adjustment in the amount of \$235,760 is being presented to Council for approval to appropriate funding for the purchase of property located at 1 South 1st Street. Funding for the purchase of the property in an estimated amount of \$280,000 is available in project 101984 as follows:

	351-1100-513-6310	520	-5000-535-6310	240-	4400-551-6310	292	-2900-534-6310	 Total
Project Budget	\$-	\$	33,880	\$	5,320	\$	5,040	\$ 44,240
Budget Adjustment	235,760		-		-		-	235,760
Purchase Property - 1 South 1st Street	(235,760)		(33,880)		(5,320)		(5,040)	(280,000)
Remaining Project Funds Available	\$-	\$	-	\$	-	\$	-	\$ -

ATTACHMENTS: Budget Adjustment Resolution

FY 2019

BUDGET ADJUSTMENT FORM

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

	-		+	-	_
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
351-1100-513-63-10	101984	Capital Land / 1 South 1st Street	\$ 235,760		
351-0000-490-25-82		Transfer In - General Fund	235,760		T
110-9100-591-81-51		Transfer Out - Desg Cap Proj	235,760		Γ
110-0000-352-13-45		Desg Cap Proj - Unallocated		235,760	
		DO NOT POST			
TOTAL			\$ 707,280	\$ 235,760	
available.		REQUEST- Include justification for increases AND reas			
		operty located at 1 South 1st Street. The purchase price at approximately \$10,000. This purchase will be split as			re
* General Fund - * Hotel/Motel Fur * Drainage Fund * Water/Wastewa	nd - 1.90% - 1.80%	10%			
		neral Fund's portion of the purchase price and closing cos	to		
		istant und s portion of the purchase price and closing cos			
DOES THIS REQUEST REQU DATE OF COUNCIL MEETIN		L APPROVAL? X 10/04/18	Yes	No	
WITH AGENDA ITEM?		X	Yes	No	
Department Head/Divisio	n Director	Date		Approved Disapproved	
Finance		Date		Approved Disapproved	
City Manager		Date		Approved Disapproved	

Revised form - 10/27/06

RESOLUTION NO. 2018-9376-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 1 SOUTH 1ST STREET, TEMPLE, TEXAS; AUTHORIZING THE PAYMENT OF CLOSING COSTS IN A TOTAL ESTIMATED AMOUNT OF \$280,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation ("TEDC") has vacated its current building located at 1 South 1st Street to occupy their new offices in the now complete Santa Fe Business Center;

Whereas, TEDC is interested in selling the building at 1 South 1st Street which was recently appraised at a fair market value of \$270,000, and City Staff is interested in purchasing the building for the appraised amount;

Whereas, this building will be used for City offices which will free up additional office space in City Hall;

Whereas, the purchase price of \$270,000 also includes the furniture inside of the building and Staff estimates closing costs at approximately \$10,000;

Whereas, a budget adjustment is being presented to Council for approval to appropriate funding for the purchase of property located at 1 South 1st Street - funding is available in Account No. 351-1100-513-6310, Account No. 520-5000-535-6310, Account No. 240-4400-551-6310, and Account No. 292-2900-534-6310, Project No. 101984; and

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

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

<u>**Part 1**</u>: **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 property located at 1 South 1st Street, Temple, Texas, and authorizes the payment of closing costs in a total estimated amount of \$280,000, and 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 the purchase of this property.

<u>**Part 3:**</u> The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(Z) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of four cardiac monitor/defibrillators from Physio-Control, Inc. of Redmond, WA, in the total of \$133,417.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase would provide for the purchase of four cardiac monitors/defibrillators to replace four units that have reached the end of their useful life. Cardiac monitor/defibrillators have a life expectancy of 5-7 years. Currently four of the Fire Department's 14 monitors/defibrillators are 13 years old (purchased 2005).

Cardiac monitors/defibrillators are a vital part of the Fire Department's first response responsibilities. The monitors/defibrillators are used for the early recognition of heart attack, as well as other cardiac related problems. In addition, the monitors/defibrillators allow for the early activation of the heart cath lab.

Staff is requesting the purchase of four 12-lead cardiac monitors/defibrillators from Physio-Control, Inc., a sole source provider of the Lifepak 15 V4. Currently, Baylor Scott & White and AMR, the City's contracted emergency medical transport service, all use the Physio-Control cardiac defibrillators/monitors. It is important that all emergency medical service providers within the City use the same type of cardiac defibrillators/monitors in order to provide a seamless stream medical service.

The proposal from Physio-Control, Inc. in the net amount of \$117,417 includes a trade-in allowance of \$16,000 for the four cardiac monitors/defibrillators that have reached the end of their useful life.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate the trade in value to be received for the four cardiac monitors/defibrillators in the amount of \$16,000. Funding for the purchase of the four cardiac monitors/defibrillators from Physio-Control, Inc in the amount of \$133,417 is available in account 110-5900-522-6211, project 101878, as follows:

Project Budget	\$ 126,093
Budget Adjustment - Trade In Value	16,000
Encumbered/Committed to Date	-
Physio-Control, Inc 4 Cardiac Monitors/Defibrillators	(133,417)
Remaining Project Funds Available	\$ 8,676

ATTACHMENTS: Budget Adjustment Resolution

FY 2019

BUDGET ADJUSTMENT FORM

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

				+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION		INCREASE		DECREASE	
110-0000-461-04-24		Sale of Fixed Assets / Sale of Assets		16,000			
110-5900-522-62-11	101878	Capital Equipment / Instruments/Special Equipm	ent	16,000			
							-
							-
							-
							-
				* • • • • • •		•	-
TOTAL				\$ 32,000		\$-	
EXPLANATION OF ADJ available.	USTMENT I	REQUEST- Include justification for increases AND r	eason wh	y funds in decre	eas	ed account are	
		diac monitors/defibrillators that have reached the end itors/defibrillators, project 101878, with the total cost					0
DOES THIS REQUEST REQ DATE OF COUNCIL MEETIN		L APPROVAL? 10/4/2018	x Y	/es	No		
WITH AGENDA ITEM?			XY	′es	No	,	
Department Head/Divisio	on Director	D	ate		-	proved sapproved	
Finance		D	ate			proved sapproved	
City Manager		D	ate			proved sapproved	

Revised form - 10/27/06

RESOLUTION NO. 2018-9377-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FOUR CARDIAC MONITOR/DEFIBRILLATORS IN THE AMOUNT OF \$133,417, FROM PHYSIO-CONTROL, INC. OF REDMOND, WASHINGTON; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this purchase of four cardiac monitors/defibrillators will replace four units that have reached the end of their useful life - cardiac monitor/defibrillators have a life expectancy of 5-7 years and the Fire Department's 14 monitors/defibrillators are 13 years old (purchased in 2005);

Whereas, cardiac monitors/defibrillators are a vital part of the Fire Department's first response responsibilities - these monitors/defibrillators are used for the early recognition of a heart attack, as well as other cardiac related problems, and allow for the early activation of the heart cath lab;

Whereas, Staff recommends Council authorize the purchase of four 12-lead cardiac monitors/defibrillators from Physio-Control, Inc., a sole source provider of the Lifepak 15 V4 in the amount of \$133,417;

Whereas, currently, Baylor Scott & White and AMR, the City's contracted emergency medical transport service, all use the Physio-Control cardiac defibrillators/monitors and it is important that all emergency medical service providers within the City use the same type of cardiac defibrillators/monitors in order to provide seamless stream medical services;

Whereas, the proposal received from Physio-Control, Inc. includes a trade-in allowance of \$16,000 for the four cardiac monitors/defibrillators that have reached the end of their useful life;

Whereas, a budget adjustment is being presented to Council for approval to appropriate the trade-in value to be received for the four cardiac monitors/defibrillators in the amount of \$16,000 - funding for the purchase of the four cardiac monitors/defibrillators is available in Account No. 110-5900-522-6211, Project No. 101878; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: 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.

<u>**Part 2</u>**: The City Council authorizes the purchase of four cardiac monitor/defibrillators in the total of \$133,417, from Physio-Control, Inc. of Redmond, Washington, and 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.</u>

Part 3: The City Council authorizes an amendment to the fiscal year 2018 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(AA) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Director of Fleet Services Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for oil, lubricants, and grease for FY2019 with Arnold Oil Company of Austin, LP, dba Arnold Oil Company of Waco, in the estimated annual amount of \$80,164.71.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase agreement will provide for the purchase of as-needed oil, lubricants, and grease from Arnold Oil Company of Waco during FY2019.

On September 6, 2018, Council authorized the rejection of all bids received for oil and lubricants on August 23, 2018. As shown on the attached bid tabulation, on September 25, 2018, the City received five new bids for oil, lubricants, and grease. The invitation to bid stated that the purchase award would be made to the low bidder of each of the two bid sections: (1) conventional oil and grease and (2) CNG engine oil.

Arnold Oil Company of Waco (Arnold) was the lowest responsive bidder of both sections. Brazos Valley Lubricants (BVL) was actually the low bidder of Section 1; however, the products BVL bid were not responsive to the product bid specifications. Accordingly, Staff is recommending rejection of BVL's bid and award of both bid sections to Arnold. The City has done business with Arnold, and Staff deems them to be responsive and responsible vendor.

The proposed purchase agreement is for a one year period commencing immediately through September 30, 2019, with the option to extend the agreements for four additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Departments have budgeted for oils and lubricants in their FY2019 departmental automotive repair & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. Estimated annual expenditure based on historical expenditures is \$80,164.71.

ATTACHMENTS:

Bid Tabulation Resolution

Tabulation of Bids Red	ceived on S	eptember					BID	DERS				
25, 2018 Re-Bid of Oil	at 2:00 pm			Sales ble,TX	HJDJ American San Ant	Lube Supply, Inc. onio, TX	Arnold Oil Company of Austin, LP dba Arnold Oil Company of Waco Austin, TX Sun Coast Resources, Inc. Houston, TX			Brazos Valley Lubricants Bryan, TX		
Description	UOM	Est Annual Qtv	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Section 1	55 Gallon Drum	2	\$887.38	\$1,774.76	\$596.12	\$1,192.24	\$558.80	\$1,117.60	\$506.55	\$1,013.10	\$328.90	\$657.80
AUTOMATIC												
TRANSMISSION FLUID	Gallon Bulk 12 Quarts per	300	\$8.90	\$2,670.72	\$8.88	\$2,664.00	\$8.96	\$2,688.00	\$9.21	\$2,763.00	\$5.98	\$1,794.00
	Case	7	\$22.7195 6 Qt / Case x 14 Cases	\$318.07	\$34.86	\$244.02	\$4.26 Qt Cost	\$357.84	\$31.68	\$221.76	\$26.30	\$184.10
SYNTHETIC AUTOMATIC TRANSMISSION FLUID	55 Gallon Drum	4	\$2,090.00	\$8,360.00	\$777.82	\$3,111.28	\$1,842.81	\$7,371.24	\$2,012.45	\$8,049.80	\$784.75	\$3,139.00
GEAR LUBRICANT (80W140)	400 Pound Drum	1	\$971.34	\$971.34	\$545.38	\$545.38	\$1,570.00	\$1,570.00	\$1,490.00	\$1,490.00	\$453.75	\$453.75
SYNTHETIC GEAR LUBRICANT (75W90)	400 Pound Drum	1	\$1,602.44	\$1,602.44	\$1,363.19	\$1,363.19	\$1,446.09	\$1,446.09	\$1,480.00	\$1,480.00	\$1,070.35	\$1,070.35
SYNTHETIC MANUAL TRANSMISSION LUBRICANT (50W)	120 Pound Keg	1	\$524.45	\$524.45	\$436.94	\$436.94	\$584.25	\$584.25	\$480.00	\$480.00	\$375.04	\$375.04
ANTI-WEAR HYDRAULIC	55 Gallon Drum	2	\$483.48	\$966.95	\$323.12	\$646.24	\$431.36	\$862.72	\$484.55	\$969.10	\$325.75	\$651.50
OIL (68)	Gallon Bulk	2,500	\$7.99	\$19,969.50	\$4.59	\$11,475.00	\$6.56	\$16,400.00	\$6.39	\$15,975.00	\$5.55	\$13,875.00
ANTI-WEAR FOOD GRADE HYDRAULIC OIL (32)	55 Gallon Drum	1	\$1,224.76	\$1,224.76	No Bid	No Bid	\$998.83	\$998.83	\$986.15	\$986.15	\$654.21	\$654.21
ANTI-WEAR FOOD GRADE HYDRAULIC OIL (68)	55 Gallon Drum	1	\$1,227.44	\$1,227.44	No Bid	No Bid	\$1,028.13	\$1,028.13	\$986.15	\$986.15	\$665.25	\$665.25
ANTI-WEAR FOOD GRADE HYDRAULIC OIL (100)	55 Gallon Drum	1	\$230.13 5 Gal Pails x 11 Pails	\$2,531.43	No Bid	No Bid	\$1,045.73	\$1,045.73	\$1,258.40	\$1,258.40	\$734.39	\$734.39
MACHINERY FOOD GRADE GEAR OIL (220)	55 Gallon Drum	1	\$232.80 5 Gal Pails x 11 Pails	\$2,560.80	No Bid	No Bid	\$1,091.20	\$1,091.20	\$1,258.40	\$1,258.40	\$734.39	\$734.39
MACHINERY FOOD GRADE GEAR OIL (460)	55 Gallon Drum	1	\$242.05 5 Gal Pails x 11 Pails	\$2,662.55	No Bid	No Bid	\$1,120.53	\$1,120.53	\$1,288.65	\$1,288.65	\$749.10	\$749.10
HIGH PERFORMANCE, MULTI-PURPOSE	55 Gallon Drum	10	\$392.93	\$3,929.27	\$413.75	\$4,137.50	\$ 541.93	\$5,419.30	\$488.40	\$4,884.00	\$318.00	\$3,180.00
TRACTOR TRANSMISSION / HYDRAULIC FLUID	Gallon Bulk	500	\$6.34	\$3,170.75	\$8.02	\$4,010.00	\$8.65	\$4,325.00	\$7.67	\$3,835.00	\$5.93	\$2,965.00
TRANSMISSION AND	55 Gallon Drum	1	\$688.84	\$688.84	\$564.88	\$564.88	\$665.87	\$665.87	\$569.25	\$569.25	\$439.00	\$439.00
DRIVE TRAIN OIL	55 Gallon Drum	2	\$297.68	\$595.37	\$412.06	\$824.12	\$368.13	\$736.26	\$512.05	\$1,024.10	\$439.00	\$878.00
PREMIUM MULTI-GRADE	Gallon Bulk	700	\$6.83	\$4,780.51	\$4.69	\$3,283.00	\$6.01	\$4,207.00	\$7.89	\$5,523.00	\$5.90	\$4,130.00
ENGINE OIL (5W20)	12 Quarts per						\$3.65					
	Case	10	\$48.40	\$484.02	\$48.14	\$481.40	Qt Cost	\$438.00	\$34.59	\$345.90	\$26.30	\$263.00
PREMIUM MULTI-GRADE ENGINE OIL (10W30)	55 Gallon Drum 12 Quarts per	2	\$297.68	\$595.36	\$347.38	\$694.76	Gal Cost	\$603.90	\$512.05	\$1,024.10	\$344.50	\$689.00
	Case	10	\$47.49	\$474.88	No Bid	No Bid	\$3.65 Qt Cost	\$438.00	\$34.59	\$345.90	\$26.30	\$263.00
SYNTHETIC DIESEL ENGINE OIL (5W40)	55 Gallon Drum	2	\$1,383.72	\$2,767.44	\$773.75	\$1,547.50	\$1,188.73	\$2,377.46	\$1,058.75	\$2,117.50	\$703.53	\$1,407.06
SYNTHETIC ENGINE OIL (5W30)	55 Gallon Drum	3	\$1,073.17	\$3,219.51	\$446.56	\$1,339.68	\$671.00	\$2,013.00	\$695.75	\$2,087.25	\$415.05	\$1,245.15
	120 Pound Drum	3	\$302.43	\$907.29	\$405.00	\$1,215.00	\$291.20	\$873.60	\$313.20	\$939.60	\$284.12	\$852.36
HI-TEMPERATURE GREASE	400 Pound Drum	2	\$989.61	\$1,979.22	\$1,280.00	\$2,560.00	\$949.33	\$1,898.66	\$984.00	\$1,968.00	\$974.42	\$1,948.84
	10 -14 Ounce Tubes per Case	10	\$24.39	\$243.90	\$31.82	\$318.20	\$3.95 Tube Cost	\$395.00	\$23.60	\$236.00	\$25.13	\$251.30
FOOD GRADE WATER RESISTANT GREASE	10 - 14 Ounce Tubes Per Case	25	\$45.50	\$1,137.53	No Bid	No Bid	\$3.21 Tube Cost	\$802.50	\$36.90	\$922.50	\$35.63	\$890.75
ENGINE OIL SAMPLES	200	1	No Cost	\$0.00	No Bid	No Bid	\$12.15	\$2,430.00	\$20.00	\$4,000.00	No Cost	\$0.00
TRANSMISSION FLUID SAMPLES	100	1	No Cost	\$0.00	No Bid	No Bid	\$12.15	\$1,215.00	\$20.00	\$2,000.00	No Cost	\$0.00
DIFFERINTIAL OIL SAMPLES	100	1	No Cost	\$0.00	No Bid	No Bid	\$12.15	\$1,215.00	\$20.00	\$2,000.00	No Cost	\$0.00
	al Bid Amount	и	\$72,3	39.10	No	Bid	\$67,7	35.71	\$72,04	1.61	\$45,1	40.34
Section 2			I			0						
CNG ENGINE OIL (15W40)	Gallon Bulk	900 Gallons	No Bid	No Bid	No Bid	No Bid	\$13.81	\$12,429.00	\$16.65	\$14,985.00	\$16.38	\$14,742.00
Section 2 To	tal Bid Amount		No	Bid	No	Bid	\$12,4	29.00	\$14,98	5.00	\$14,7	742.00
Delivery within 48 hours?			Y	es	Y	es	Y	es	Ye	s	Y	es
Exceptions?			N	lo	Y	es	Ye	es	Ye	s	N	ło
Acknowledge Addendum (3)			N	lo	Y	es	Ye	es	Ye	s	1	ło
Local Preference				within 5%		ło		lo	No			ło
Credit Check Authorization			Y	es	Y	es	Ye	es	Ye	S	Y	es

Recommended for Council Award Variation in Unit of Measure Accounted For Product Did Not Meet City Specifications

RESOLUTION NO. 2018-9378-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH ARNOLD OIL COMPANY OF AUSTIN, LP, DBA ARNOLD OIL COMPANY OF WACO, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$80,164.71, FOR THE PURCHASE OF OILS, LUBRICANTS, AND GREASE FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2018, Council authorized the rejection of all bids received on August 23, 2018 for oil and lubricants - on September 25, 2018, the City received five new bids for oil, lubricants, and grease in which the invitation to bid stated that the purchase award would be awarded to the low bidder of each of the two bid sections: 1) conventional oil and grease, and 2) CNG engine oil;

Whereas, Arnold Oil Company of Waco (Arnold) provided the lowest responsive bid for both sections, however, Brazos Valley Lubricants (BVL) was actually the low bidder of Section 1;

Whereas, the products BVL bid were not responsive to the product bid specifications and therefore, Staff recommends rejection of BVL's bid and recommends Council award both bid sections to Arnold;

Whereas, the City has done business with Arnold in the past, and deems them to be responsive and responsible vendor;

Whereas, the proposed purchase agreement is for a one-year period commencing immediately through September 30, 2019, with the option to renew the agreements for four additional one-year periods, if so agreed to by both parties;

Whereas, departments have budgeted for oils, lubricants, and grease in their departmental automotive repair and maintenance accounts in the adopted fiscal year 2019 budget; and

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

Now, Therefore, be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: 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.

<u>**Part 2</u>**: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Arnold Oil Company of Austin, LP dba Arnold Oil Company of Waco, Texas in the estimated annual amount of \$80,164.71, for the purchase of oils, lubricants, and grease for fiscal year 2019.</u>

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(BB) Consent Agenda Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING - FY-18-11-ZC: Consider adopting an ordinance to amend Ordinance 1995-2368 to add 0.49 +/- acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail and authorize rezoning the 0.49 +/- acres from Agricultural district to Planned Development-General General Retail.

<u>STAFF RECOMMENDATION</u>: Staff recommends approval of the proposed amendment with the addition of the 0.49 +/- acres with the following conditions:

1. Conditions as prescribed by Ordinance 1995-2368 are still applicable; and

Staff recommends the addition of the following condition:

2. The Director of Planning, with consultation as needed by the Design Review Committee (DRC), may be authorized to approve minor changes to the development/ site plan for any residential or non-residential development which include but not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards.

PLANNING & ZONING COMMISSION RECOMMENDATION: During their August 20, 2018 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation to amend Ordinance 1995-2368 and rezone 0.49 +/- acres.

ITEM SUMMARY: The applicant, DB Commercial, on behalf of the property owner Barge Properties, requests an amendment to Ordinance 1995-2368 to add 0.49 +/- acres to the existing Planned Development with a base-zoning of General Retail. In accordance with Ordinance 1995-2368, the following are still applicable to this current request:

- 1. The use and development of the property shall conform to the requirements of the General Retail (GR) district;
- 2. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to South 31st Street, signage landscaping, parking and other related development issues. This review will follow the routine procedure required for a rezoning request in all respects, including legal notification, and review by the Planning Commission and City Council; and

3. A subdivision plat is required prior to the development of this property and shall include attention to the flood plain in this area.

This request to expand the current boundaries of the existing planned development from its present 11.55 +/- acres may be interpreted as a housekeeping action since the 0.49 +/- acres was City-owned property and purchased from the City by the current owner in 2003 after the PD was established. The additional acreage will bring the total PD-GR acreage to 11.99 +/- acres.

The addition of the 0.49 +/- acres will allow a prospective developer of the property to consider the property with a combination of the Planned Development and Multiple Family-2 (MF-2) zoning. While a development/ site plan has not been submitted with this amendment, review of the development plan / subdivision plat are in process as discussed later in this report.

PLANNED DEVELOPMENT (UDC SEC. 3.4): A Planned development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development / site plan approval.

As a Planned Development (PD), per UDC Sec.3.4, a development / site plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

DEVELOPMENT / SITE PLAN / SUBDIVISION PLAT (COTTOWNOOD BEND): As referenced earlier, this amendment does not include nor is the applicant requesting development/ site plan approval at this time. The development/ site plan/ subdivision plat has been submitted under separate cover and is being reviewed on its own merits. It is currently scheduled to be reviewed by the Development Review Committee (DRC) on September 20, 2018 and will come forward for public review and evaluated in accordance with UDC Section 3.4.5 (PD Criteria).

Development as a 59-lot single family subdivision plat is being considered by a prospective buyer of the property. Assuming the amendment for 0.49 +/- acres is approved, a subdivision plat named "Cottonwood Bend" (attached), includes a combination of 11.99 +/- acres of Planned Development-General Retail (PD-GR) & 4.42 +/- acres of Multiple-Family Dwelling-2 (MF-2)-zoned land.

Since the development/ site plan / subdivision plat are in process of being reviewed by the DRC, review of drainage and floodplain considerations have not been fully evaluated by Public Works. Therefore, the development/ site plan nor the plat are under public consideration at this time.

<u>ACCESS</u>: Access will be taken directly from South 31st Street (FM1741), an arterial street, which is TxDOT ROW. TxDOT has been provided a copy of the development plan / subdivision plat. In accordance with UDC Section 7.2.4, prohibition of residential drive approaches along arterial streets will be addressed during the review of the plat.

<u>COMPREHENSIVE PLAN (CP) COMPLIANCE</u>: 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 within the Suburban Commercial Future Land Use Map (FLUM) designation. While the Suburban Commercial designation is intended retail & service uses, it is also compatible with residential development that supports such retail & service uses. Therefore, the requested expansion to the Planned Development with a base zoning of GR <u>is</u> consistent with the FLUM designation.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along South 31st Street (FM 1741), which is an existing major arterial. Any needed right-of-way will be evaluated during the DRC review of the plat. This section of South 31st Street is not scheduled for any Transportation Capital Improvement Plan (TCIP) program improvements through fiscal year 2024.

Availability of Public Facilities (CP Goal 4.1)

Water is available through a 12-inch waterline in South 31st Street. Sewer is available through a 12-inch sewer line located within an existing 60-foot public drainage and utility easement on the west side of the property.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed community-wide connector trail is shown on the Trails Master Plan in South 31st Street, as a minor arterial, a 6' concrete sidewalk is in place. Provisions for the trail will be addressed with the review of the subdivision plat.

DEVELOPMENT REGULATIONS: The attached table show the required dimensional standards for non-residential uses as well as single-family detached homes developed within the base GR zoning district.

<u>PUBLIC NOTICE</u>: Nineteen (19) notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday, September 11, 2018 at 9:00 AM, four notices, two of which are owned by the applicant, have been received in agreement.

The newspaper printed notice of the public hearing on August 9, 2018, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS: Ordinance 1995-2368 Cottonwood Bend Development/ Site Plan / Subdivision Plat Photos Maps Tables Returned Property Notices P&Z Excerpts (August 20, 2018) Ordinance AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT AND MULTIPLE FAMILY-TWO DISTRICT TO PLANNED DEVELOPMENT DISTRICT (GR) ON APPROXIMATELY 14.432 ACRES OUT OF OUTBLOCK 3102-A, CITY ADDITION, LOCATED ON THE WEST SIDE OF SOUTH 31ST STREET, SOUTH OF WATERS DAIRY ROAD, ADJACENT TO THE FIRST CHURCH OF THE NAZARENE, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVEZONINGORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner/developer of the property described as approximately 14.432 acres out of outblock 3102-A, City Addition, located on the west side of South 31st Street, south of Waters Dairy Road, adjacent to the First Church of the Nazarene in the City of Temple, Texas has requested a zoning change from General Retail District and Multiple Family-Two District Planned Development (GR) District; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

<u>Part 1</u>: The zoning classification of the property described as approximately 14.432 acres out of outblock 3102-A, City Addition, located on the west side of South 31st Street, south of Waters Dairy Road, adjacent to the First Church of the Nazarene in the City of Temple, Texas is changed from General Retail District and Multiple Family-Two District to Planned Development District (GR), more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes.

<u>**Part 2**</u>: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of General Retail District and Multiple Family-Two District to Planned Development District (GR) subject to the following conditions:

- a. The use and development of the property shall conform to the requirements of the General Retail District.
- b. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to 31st Street, signage, landscaping, parking, and other related development issues. This review will follow the routine procedure required for a rezoning request in all respects, including legal notification, and review by the Planning Commission and City Council.
- c. A subdivision plat is required prior to development of this property and shall include attention to the flood plain in this area.

These conditions shall be expression on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

<u>**Part 3**</u>: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

<u>Part 4</u>: 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.

<u>Part 5</u>: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>Part 6</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings.

PASSED AND APPROVED on First Reading on the 3rd day of August, 1995.

PASSED AND APPROVED on Second and Final Reading on the 17th day of August, 1995.



ATTEST:

Clydette Entzminger

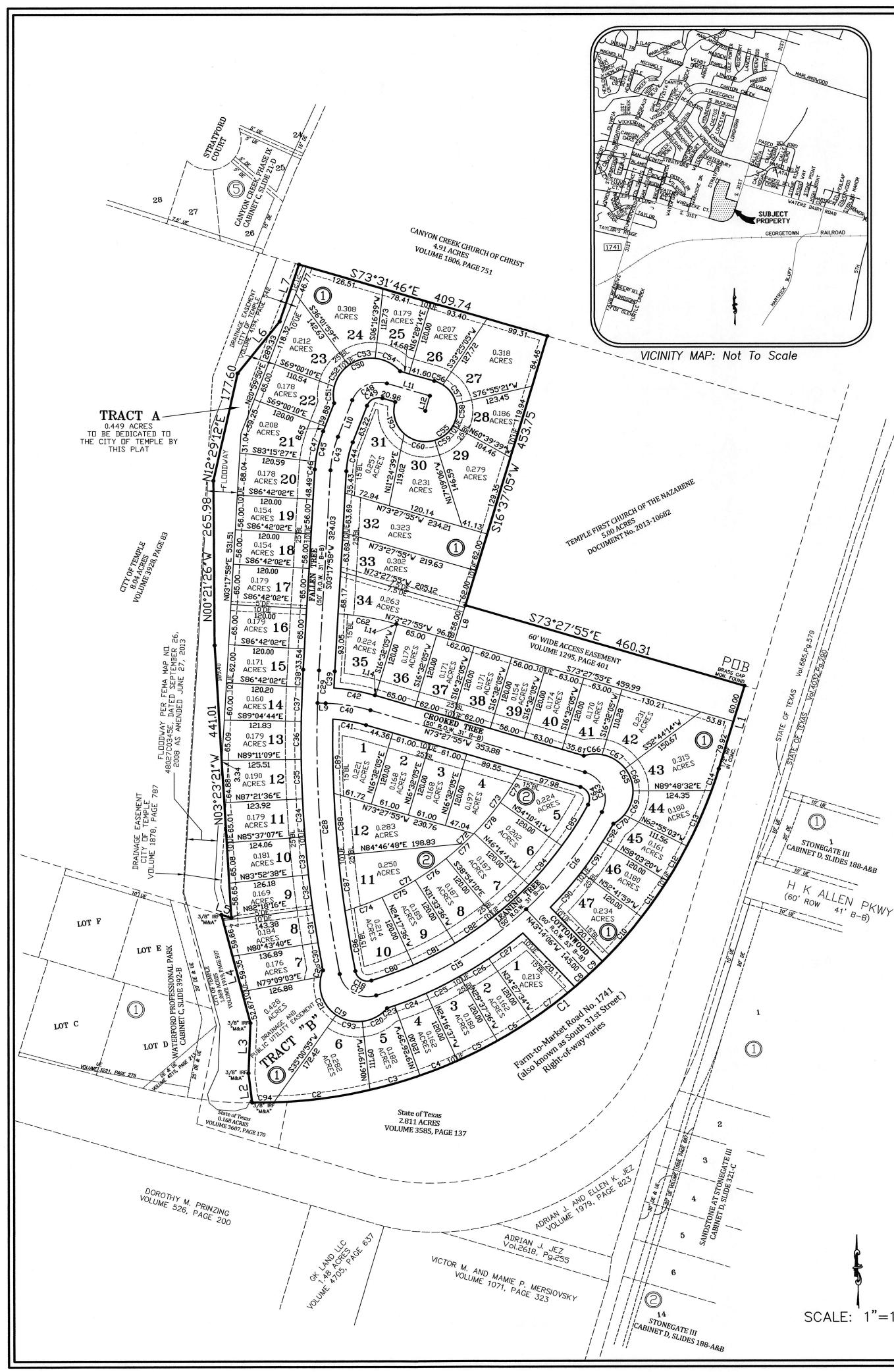
City Secretary

THE CITY OF TEMPLE, TEXAS

APPROVED AS TO FORM:

Jønathan Graham City Attorney





		Curve	? Table	
Curve #	Length	Radius	Delta	Chord
C1	980.94	758.51	74°05′52 ′	S53°57′09″W 914.00
C2	153.79	758.51	11°37′01″	N82°35'39"E 153.53
C3	82.47	758.51	6°13′48″	N73°40′15″E 82.43
C4	63.98	758.51	4°49′58 ″	N68°08'22"E 63.96
C5	70.82	758.51	5°20′59 ″	N63*02'53"E 70.80
C6	63.98	758.51	4°49′58 ″	N57*57'25"E 63.96
C7	86.59	758.51	6°32′26″	N52°16'13"E 86.54
C8	30.01	758.51	2°16′00″	N47*51'59"E 30.01
С9	30.01	758.51	2°16′00″	N45°35′59″E 30.01
C10	94,87	758.51	7°09′58 ″	N40°53'00"E 94.81
C11	70.90	758.51	5°21′21″	N34°37'20"E 70.88
C12	64.36	758.51	4*51′42 ″	N29°30'49"E 64.34
C13	97.70	758.51	7°22′49 ″	N23°23'33"E 97.64
C14	37.05	758.51	2°47′55 ″	N18°18'11"E 37.05
C15	277.19	613.51	25°53′14″	N59°40'09"E 274.84
C16	198.35	613.51	18°31′25 ″	N37*27'50"E 197.48
C17	75.79	45.00	96°30′02″	S59°08'13"E 67.15
C18	33.69	20.00	96*30'02"	S59°08'13"E 29.84
C19	170.59	60.00	162°53′54″	S58°54'36"E 118.67
C20	46.12	60.00	44°02'24 '	N61°39'38"E 44.99
C21	70.11	60.00	66°56′48 ′	S21°30'41"E 66.19
C22	11.08	60.00	10°34′38″	S17°15′02″W 11.06
C23	12.52	638.51	1°07′25 ′	N71°07′03″E 12.52
C24	53.86	638.51	4°49′58 ″	N68*08'22"E 53.84
C25	59.62	638.51	5°20′59 ′	N63*02'53"E 59.60
C26	53.86	638.51	4°49′58 ″	N57°57'25"E 53.84
C27	68.21	638.51	6*07′13 ″	N52*28'49"E 68.17
C28	440.34	1990.00	12°40′41″	S4°32'51"E 439.44
C29	52.37	1990.00	1°30′28 ″	S2°32'44"W 52.37
C30	45.69	2015.00	1°17′57″	S9°55′19″E 45.69
C31	55.45	2015.00	1*34′36 ″	S8°29'02"E 55.45
C32	55.32	2015.00	1*34′22″	S6°54'33'E 55.31
C33	61.24	2015.00	1°44′29″	S5°15'07"E 61.24
C34	61.24	2015.00	1°44′29″	S3*30'38"E 61.24
C35	64.21	2015.00	1°49′32″	S1°43'37"E 64.20
C36	61.24	2015.00	1°44′29″	S0°03'23"W 61.24
C37	54.97	2015.00	1°33′47″	S1°42'31"W 54.96
C38	28.46	2015.00	0°48′33″	S2°53'41"W 28.46
C39	26.96	1965.00	0°47′10 ″	S2°54'23"W 26.96
C40	72.05	280.00	14*44'36"	N80°50′13″W 71.85
C41	53.25	255.00	11°57′49 ″	N79°26′49 ′ W 53.15
C42	66.12	305.00	12*25′15 ′	N79°40′33″W 65.99
C43	55.60	180.00	17°41′52 ″	S12°08′54″W 55.38
C44	47.88	155.00	17°41′52 ′	S12°08′54″W 47.69
C45	63.32	205.00	17°41′52 ′	S12°08′54″W 63.07
C46	12.32	205.00	3*26′35 ′	S5°01'15" V 12.32

		Curve	? Table	
Curve #	Length	Radius	Delta	Chord
C47	51.00	205.00	14°15′17″	S13°52′11″W 50.87
C48	67.13	45.00	85*28'24"	S63°44'02"W 61.08
C49	29.84	20.00	85*28'24"	S63*44'02"W 27.15
C50	159.79	60.00	152°35′17″	S63°44'02"W 116.58
C51	27.07	60.00	25°51′12″	S0*21/59"W 26.84
C52	42.59	60.00	40°40'26"	S33*37'48" \ 41.70
C53	44.31	60.00	42°18′38″	\$75*07'20" ¥ 43.31
C54	45.82	60.00	43°45′02″	N61*50'50"W 44.71
C55	235.62	50.00	270°00′00 ″	N61°28'14"E 70.71
C56	14.79	50.00	16°56′51 ′	N65°03'20" V 14.74
C57	37.96	50.00	43*30′16 ″	N34°49′47″W 37.06
C58	37.02	50.00	42°25′00″	N8*07'51"E 36.18
C59	37.97	50.00	43°30′33″	N51°05'38"E 37.06
C60	51.87	50.00	59°26′39 ′	S77°25'46'E 49.58
C61	56.01	50.00	64°10′41″	\$15°37′06″E 53.12
C62	94.02	425.00	12°40′33″	N79°48′11″W 93.83
C63	79.85	45.00	101*40'03"	N22°37′54″W 69.78
C64	35.49	20.00	101°40′03″	N22°37′54″W 31.01
C65	175.91	60.00	167°58′59 ″	N23°01′52″W 119.34
C66	29.35	60.00	28°01′48″	S86*59'33"W 29.06
C67	43.70	60.00	41°43′48″	N58°07'40" 42.74
C68	38.82	60.00	37°04′18″	N18°43'37″W 38.15
C69	41.62	60.00	39°44′31″	N19°40′48″E 40.79
C70	22.42	60.00	21*24'34"	N50°15′21″E 22.29
C71	218.37	468,51	26°42′20 ′	N60°01'20"E 216.40
C72	23.08	468.51	2°49′22 ″	N45°15'29"E 23.08
C73	127.70	468.51	15°37′01 ″	N36°02'18"E 127.30
C74	62.71	468.51	7°40′07 ″	N69°32'27"E 62.66
C75	59.42	468.51	7*16′00 ″	N62*04'24"E 59.38
C76	60.04	468.51	7°20′34 ″	N54°46′07″E 60.00
C77	60.04	468.51	7°20′34″	N47°25'34"E 60.00
C78	64.87	468.51	7°55′58 ″	N39°47′18″E 64.81
C79	62.08	468.51	7°35′31 ″	N32*01'33"E 62.03
C80	70.94	588.51	6*54′22 ″	N69°09'35'E 70.89
C81	74.64	588.51	7°16′00″	N62°04'24"E 74.59
C82	75.42	588.51	7°20′34 ″	N54°46'07"E 75.37
C83	75.42	588.51	7*20′33 ″	N47°25'34"E 75.37
C84	81.48	588.51	7*55′58 ′	N39°47′18″E 81.42
C85	78.27	588.51	7°37′11″	N32°00'43"E 78.21
C86	98.73	1965.00	2*52′44 ″	S9*26'50"E 98.72
C87	90.66	1965.00	2*38'37 "	S6°41'09"E 90.65
C88	100.25	1965.00	2*55′24 ″	S3°54'09"E 100.24
C89	119.86	1965.00	3°29′41 ″	S0*41'37"E 119.84
C90	75.04	638.51	6°44′02 ″	N40°40′02″E 75.00
C91	59.69	638.51	5°21′21″	N34°37'20"E 59.66
071				

"Y Cm 1			
Y STONEGATE III CABINET D, SLIDE	C45	63.32	20
- UFC	C46	12.32	20
10' UE			
H K ALLEN PKWY (60' ROW 41' B-B)		Line Tabl	e
ROW LEN PKWY	Line #	Direction	L
B-B)	L1	S16*55'42"W	1
	L2	N6*47'35 " W	
	L3	N2*26'05 ' E	
	L4	N14°43′19 ″ W	1
	L5	\$72*26'06 " E	
	L6	N38°34'07"E	1

Curve Table						
Curve	#	Length	Radius	Delta	Chord	
C93		43.29	60.00	41°20′05 ″	\$75°39'08"E 42.35	
C94		34.40	758.51	2*35′56 ″	N89°42'07"E 34.40	

NOTES:

Direction Length

S16*55'42"W 139.92'

N6°47′35″W 47.47′

N2*26'05"E 81.08' N14°43′19″W 181.06′

S72°26′06″E 16.48′ N38°34'07"E 106.94'

N18°16'34"E 97.06'

60.00'

70.96′

S16*37'05"W

L9 N88°12'30"W 12.80'

L10 S20*59'50"W 63.22'

S73*31'46"E

L12 N16°28'14'E 25.00'

L7

L8

L11

THE RESIDENTIAL LOTS AS SHOWN ON THIS PROPERTY ARE NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP No. 48027C0345E DATED SEPTEMBER 26, 2008 AS AMENDED JUNE 27, 2013.

2. TRACT "A' SHALL BE DEDICATED TO THE CITY OF TEMPLE BY THIS PLAT. 3. TRACT "B" SHALL BE UTILIZED AS A DRAINAGE EASEMENT AND PUBLIC UTILITY EASEMENT AND SHALL BE OWNED AND MAINTAINED BY THE COTTONWODD BEND

HOMEOWNERS ASSOCIATION 4. THERE SHALL BE A 5' BUILDING LINE ON ALL SIDE LOT LINES UNLESS OTHERWISE SHOWN HEREON. 5. THERE SHALL BE A 10' REAR BUILDING LINE UNLESS OTHERWISE SHOWN HEREON.

6. ALL RESIDENTIAL LOTS SHALL HAVE A 10' UTILITY EASEMENT ALONG THE REAR LOT LINES UNLESS OTHERWISE SHOWN HEREON. 7. LOTS 1-5 AND 43-47, BLOCK 1 SHALL HAVE NO ACCESS OFF OF SOUTH 31ST

STREET. 8. ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP STAMPED "RPLS 2475" SET UNLESS OTHERWISE NOTED HEREON. 9. UTILITY COMPANIES HAVE BEEN PROVIDED A COPY OF THIS PLAT FOR THEIR REVIEW.

THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 149 THE THETA ANGLE AT SAID CITY MONUMENT IS 01*31'21"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999855 PUBLISHED CITY COORDINATES ARE X=3,222,070.66 Y=10,357,884.24 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N21*05'15"E, 985.38 FEET

FILED FOR RECORD THIS _____ DAY OF_____ ____, 2018, IN YEAR_____, PLAT #_____, PLAT RECORDS OF BELL COUNTY, TEXAS.

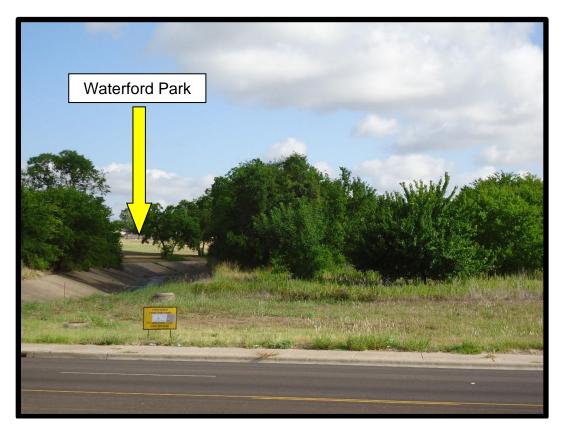
DEDICATION INSTRUMENT #_____

_____, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

SCALE: 1"=100'

	STATE OF TEXAS COUNTY OF BELL CAROTHERS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE BEND, A SUBDIVISION IN THIS PLAT AND DESIGNATED HEREIN AS FINAL PLAT OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS FINAL PLAT OF THE VIBLIC CORREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON. CAROTHERS DEVELOPMENT, LLC A TEXAS LIMITED LIABILITY COMPANY USED CAROTHERS PESIDENT STATE OF TEXAS COUNTY OF BELL THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THEDAY OF 2018 BY ACCON CAROTHERS PESIDENT STATE OF TEXAS COUNTY OF BELL NTHE INDERSIDENT OF CAROTHERS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY. NOTARY PUBLIC STATE OF TEXAS COUNTY OF BELL I, THE UNDERSIDENT OF CAROTHERS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY. NOTARY PUBLIC STATE OF TEXAS COUNTY OF BELL I, THE UNDERSIDENT OF CAROTHERS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY. NOTARY PUBLIC STATE OF TEXAS COUNTY OF BELL STATE OF TEXAS COUNTY OF BELL I, THE UNDERSIDENT OF CAROTHERS DEVELOPMENT, LLC, A TEXAS, HEREBY CERTIFY, THAT PROPER DEMAEDING CONSIDERING IN HIS STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER DEMAEDING CONSIDERING IN HIS BEEN GREN TO THIS PLAT. WINDERS REVER, PLOCFM NO, 62277 STATE OF TEXAS COUNTY OF BELL I, THE UNDERSIDENT OF WINNOWLEDGE AND BELEN GREN TO THIS PLAT. I, THE UNDERSIDENT OF WINNOWLEDGE AND BELEN GREN TO THIS PLAT. I, THE UNDERSIDENT OF MINING AND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MIX KNOWLEDGE AND BELEN, I, THE UNDERSIDENT OF MIX KNOWLEDGE AND BELEN, I, THE UNDERSIDENT OF THE PROPERTY MORE UNDER IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MIX KNOWLEDGE AND BELEN, I, THE UNDERSIDENT ON THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MIX KNOWLEDGE AND BELEN, I, THE UNDERSIDENT ON THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MIX KNOWLEDGE AND BELEN, I, THE UNDERSIDENT ON THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MIX KNOWLEDGE AND BELENT, I, THE STATE OF TEXAS, HEREBY APPROVED BY	E-MALL®TURLEY-INC.COM FINITING * SURVEYING * CONSTRUCTION MANAGEMENT TURLEY ASSOCIATES, INC. 301 N. 3rd ST. E-MALL®TURLEY-INC.COM F-MALL®TURLEY F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MALL F-MAL
	DATED THIS DAY OF, 2018 CHAIRMAN, PLANNING and ZEINING CEIMMISSION DATE THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DAY OF, 2018. SECRETARY TO PLANNING & ZONING COMMISSION:	FINAL PLAT of: COTTONWOOD BEND PART OF THE REDDING ROBERTS SURVEY, ABSTRACT #692, A SUBDINSION IN THE CITY OF TEMPLE BELL COUNTY, TEXAS FREPARED FOR: CAROTHERS DEVELOPMENT, LLC
TRACT TRAC as a and th PART O	FINAL PLAT of: TTONWOOD BEND 16.461 ACRES 2 BLOCKS, 59 LOTS LOTS 1 thru 47, BLOCK 1 LOTS 1 thru 12, BLOCK 2 T "A" - 0.449 Acres dedicated to City of Temple by this plat CT "B" - 0.428 Acres to be utilized drainage and public utility easement shall be owned and maintained by the Cottonwood Bend homeowners association. F THE REDDING ROBERTS SURVEY, ABSTRACT #692, A SUBDIVISION IN THE CITY OF TEMPLE BELL COUNTY, TEXAS TRACT SURVEYED JULY 9, 2018 MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE REPARED AND ATTACHED TO DEDICATION INSTRUMENT	REVISIONS REVISIONS DATE: 07/12/18 DRN. BY: MEA REF.: FB/LB JOB NO.: 18–480 SHEET 1 OF 1 COMPUTER 18–480

Site & Surrounding Property Photos



Site: Undeveloped (AG)



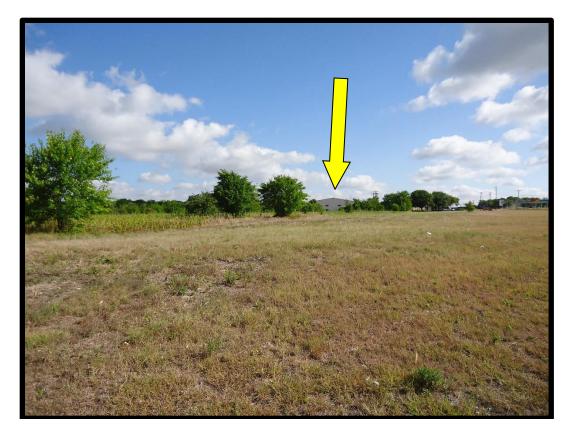
West: Existing Non-Residential Uses (Waterford Professional Park) (O-1 & O-2)



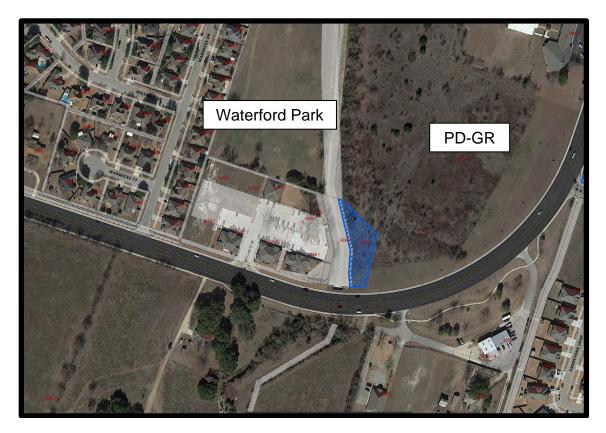
South: Looking across South 31st Street - Undeveloped, Scattered Residential & Non-Residental Uses (AG & PD-GR)



East: Looking across South 31st Street - Undeveloped, Scattered Residential & Non-Residental Uses (AG, PD-GR & SF-1)

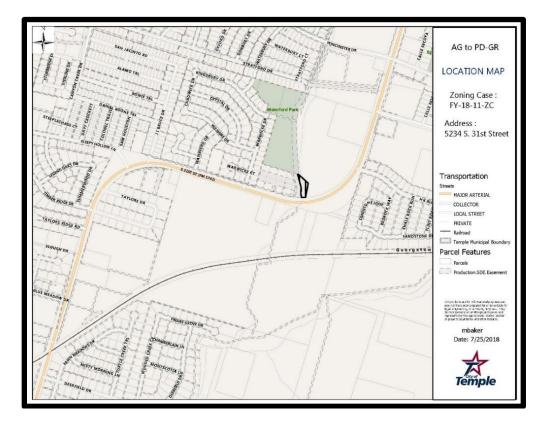


North: Undeveloped & Temple First Church of the Nazarene (Yellow Arrow) (PD-GR & AG)



Aerial: Temple GIS Maps (Undeveloped & Waterford Park) (SFA-2 & PD-GR) 0.49 +/- acres proposed to be added to PD-GR shown by cross-hatching

Maps



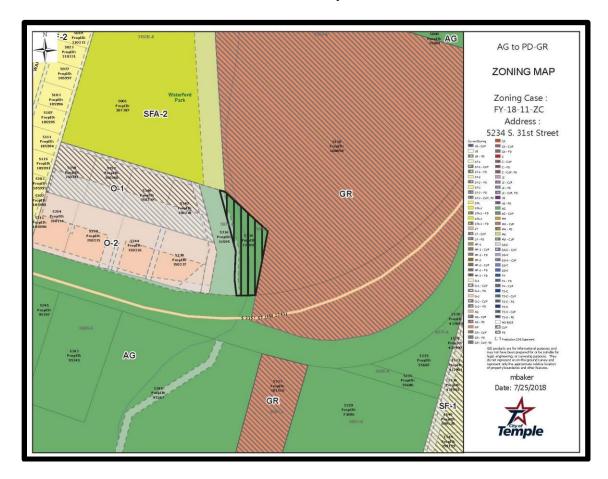
Location Map



Aerial Map: Relationship of 0.49 +/- Acres to the existing Planned Development



Aerial Map



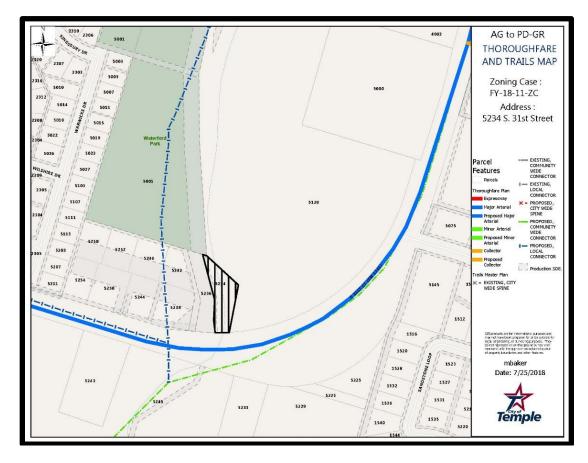
Zoning Map (Localized)



Zoning Map – Showing adjacent MF-2 zoning: Temple GIS Maps



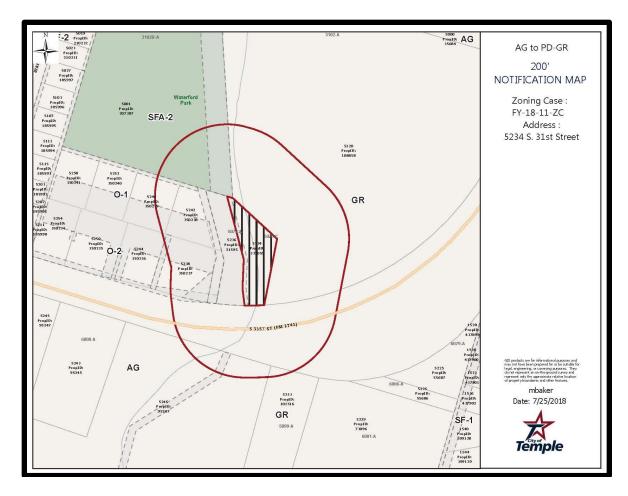
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map

Tables

Permitted & Conditional Uses Table Comparison between AG & PD-GR

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

	Surrounding Property & Uses				
Direction	<u>FLUP</u>	<u>Zoning</u>	Current Land Use		
Site	Suburban Commercial	AG	Undeveloped		
North	Suburban Commercial / Parks & Open Space	PD-GR & SFA-2	Undeveloped & Waterford Park		
South	Suburban Residential	AG & GR	Scattered SF Residential Uses on Acreage		
East	Suburban Commercial	AG, PD-GR & SF-1	Scattered Non-Residential & SF Residential Uses		
West	Suburban Commercial	O-1 & O-2	Office & Service Uses Waterford Professional Park		

Surrounding Property Uses

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?		
СР	Map 3.1 - Future Land Use Map	YES		
СР	Map 5.2 - Thoroughfare Plan	YES		
СР	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</u> (AG) <u>Residential</u>	<u>Proposed</u> (PD-GR) Non-Res	<u>Proposed</u> (PD-GR) SF Residential
Minimum Lot Size	1 Acre	N/A	5,000 SF (7 Units Per Acre)
Minimum Lot Width	100 Feet	N/A	50 Feet
Minimum Lot Depth	150 Feet	N/A	100 Feet
Front Setback	50 Feet	15 Feet	15 Feet
Side Setback	15 Feet	10 Feet	10% Lot Width 5-foot min
Side Setback (corner)	15 Feet	10 Feet	15 Feet
Rear Setback	✤ 10 Feet	✤ 10 Feet	10 Feet
Max Building Height	3 Stories	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).



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

350238 KIELLA FAMILY LTD PO BOX 1344 TEMPLE, TX 76503-1344

Zoning Application Number: FY-18-11-ZC

Case Manager: Mark Baker

(Optional)

Location: 5234 South 31st Street

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

-	
	(Vagree
	(M adree
	() agroc

() disagree with this request

Comments:

Signature	Print Name

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>mbaker@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **August 20, 2018**.

		RECEIVED
	City of Temple	
	Planning Department	AUG 1 5 2018
	2 North Main Street, Suite 1	02
	Temple, Texas 76501	CITY OF TEMPLE PLANNING & DEVELOPMENT
Number of Notices Mailed: 8	Date Mailed:	August 9, 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

108858 SOUTH THIRTY-FIRST LTD C/O BARGE PROPERTIES 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502-1002

Zoning Application Number: FY-18-11-ZC

Case Manager: Mark Baker

Location: 5234 South 31st Street

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I (Vagree

() disagree with this request

Comments:

aral Signature (Optional)

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>mbaker@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than August 20, 2018.

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

Number of Notices Mailed: 8

Date Mailed:

CITY OF TEMPLE PLANNING & DEVELOPMENT August 9, 2018

AUG 2 7 2018

RECEIVED

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

332059 BARGE, V W III 2005 BIRDCREEK DR STE 211 TEMPLE, TX 76502-1002

Zoning Application Number: FY-18-11-ZC

Case Manager: Mark Baker

Location: 5234 South 31st Street

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 <u>possible</u> rezoning of the property described on the attached notice, and provide any additional comments you may have.

I (Magree

() disagree with this request

Comments:

non W. B aran Signature

Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>mbaker@templetx.gov</u> or mail or hand deliver this comment form to the address below, no later than August 20, 2018.

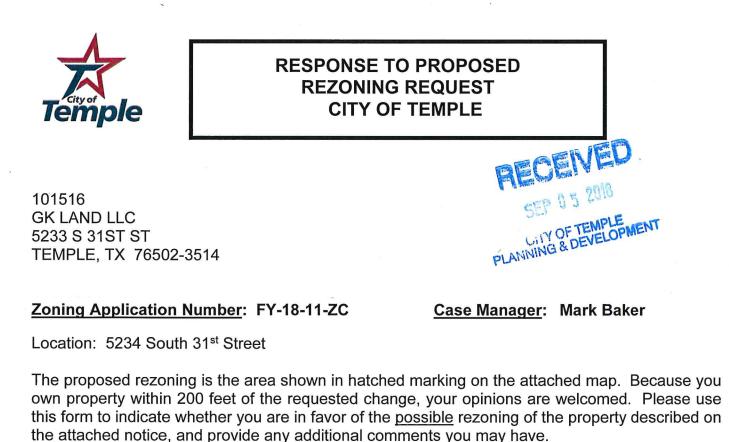
City of TempleAUG 2 7 2018Planning Department22 North Main Street, Suite 102CITY OF TEMPLETemple, Texas 76501PLANNING & DEVELOPMENT

Number of Notices Mailed: 8

Date Mailed: August 9, 2018

(Optional)

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



Comments:	() disagree with this request	
Signature	Rena M Durahoo DM, Print Name	
VIIII	(Optional)	

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, <u>mbaker@templetx.gov</u> or mail or hand-deliver this comment form to the address below, no later than **August 20, 2018.**

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

Number of Notices Mailed: 8

Date Mailed: August 9, 2018

<u>OPTIONAL</u>: Please feel free to email questions or comments directly to the Case Manager or call us at 254.298.5668.

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, AUGUST 20, 2018

ACTION ITEMS

Item 2: <u>FY-18-11-ZC</u>- Hold a public hearing to consider and recommend action to amend Ordinance 1995-2368 to add 0.49 +/- acres to an existing Planned Development-General Retail (PD-GR) and rezone the 0.49 +/- acres from Agricultural (AG) district to Planned Development-General Retail (PD-GR), situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 S. 31st Street, Temple, Texas.

Mr. Mark Baker, Senior Planner, stated this case is scheduled for City Council first reading on September 20, 2018 and second reading for October 4, 2018.

Aerial map shown. Mr. Baker stated this request involves amending Ordinance 1995-2368 to rezone an additional 0.49 +/- acres, currently zoned Agricultural (AG), to the existing 11.55 +/- acres zoned Planned Development General Retail (PD-GR) zoning.

Additional acreage is to accommodate a forthcoming development plan which is anticipated to be a subdivision plat. This item tonight involves only the rezoning request with a development plan and layout forthcoming called "The Bend" with a proposal of 58 single-family lots and is not part of this rezoning request.

Once the plat is actually submitted it will go through the review process along with the required public review of the site and development plan.

Location aerial map shown.

The UDC Sec. 3.4 defines Planned Development as:

A Flexible Overlay Zoning District designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas that does include development site plan approval that is binding.

Conceptual layout image for "The Bend" subdivision shown. The additional 0.49 +/- acreage is included in this conceptual layout. The overall layout is within two zonings: Multiple Family-2 (MF-2) and PD-GR. The development plan and the subdivision plat would be reviewed that would be overlapped with the two zoning districts.

Zoning map shown exhibits the proposed GR zoning base and expands GR which is intended for retail and service uses. It has frontal along major arterial and is deemed in compliance.

Future Land Use Map shown which designates the area as Suburban Commercial and identified for retail and service zoning uses. It does support planned developments with a GR base zoning and is in compliance.

Existing water and sewer map shown. Water is supplied with a 12-inch line in South 31st Street and sewer is supplied with a 12-inch line within a 60-foot public drainage and utility easement on the west side of the subject property. Staff considers the plan in compliance.

Thoroughfare and Trails Plan shown. South 31st Street is designated as an Arterial with an existing six-foot sidewalk. No anticipated Transportation Capital Improvement Program (TCIP) projects are funded or scheduled through the year 2024. A community-wide connector trail is proposed and requirements would be addressed during the plat process. The request is considered in compliance.

An aerial image of the site is shown and illustrates how the proposed rezoning area associates with the existing undeveloped PD-GR area.

On-site photos shown.

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

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. Screening may consist of a six-foot to eight-foot tall fence or wall, constructed with allowed materials per the UDC.

Nineteen notices were mailed in accordance with all state and local regulations with one response returned in agreement and zero responses returned in disagreement.

Compliance Summary shown with all areas deemed in compliance.

Staff recommends approval of the request to amend Ordinance 1995-2368 subject to the following conditions:

- 1. Conditions as prescribed by Ordinance 1995-2368 are still applicable and staff recommends the addition of the following:
- 2. Director of Planning be authorized to approve minor changes to the Development/Site Plan

Mr. Baker addressed the previously mentioned conditions again with further specifications and details.

Discussion ensued over the reason the subject property was not rezoned originally in 1995, and it was identified as under city ownership at that time.

Discussion regarding TxDOT's supervision over traffic visibility.

Chair Fettig opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **FY-18-11-ZC**, per staff recommendation and conditions, and Commissioner Ward made a second.

Motion passed: (8:0) Commissioner Crisp absent

ORDINANCE NO. (FY-18-11-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE 1995-2368 TO ADD APPROXIMATELY 0.49 ACRES, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, ADDRESSED AS 5234 SOUTH 31ST STREET, TEMPLE, TEXAS, TO AN EXISTING PLANNED DEVELOPMENT - GENERAL RETAIL PROPERTY; AUTHORIZE REZONING OF THE APPROXIMATELY 0.49 ACRES FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, DB Commercial, on behalf of the property owner, Barge Properties, requests an amendment to Ordinance 1995-2368 to add approximately 0.49 acres, and as more generally depicted in Exhibit A, to the existing Planned Development with a base-zoning of General Retail;

Whereas, in accordance with Ordinance 1995-2368, the following are still applicable to this current request:

- 1. The use and development of the property shall conform to the requirements of the General Retail district;
- 2. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to South 31st Street, signage, landscaping, parking and other related development issues. This review will follow the routine procedure required for a rezoning request in all respects, including legal notification, and review by the Planning Commission and City Council; and
- 3. A subdivision plat is required prior to the development of this property and shall include attention to the flood plain in this area;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends Council amend Ordinance 1995-2368 to add approximately 0.49 acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail, and authorize rezoning the approximately 0.49 acres from Agricultural zoning district to Planned Development-General Retail zoning district, with the following conditions:

1. Conditions as prescribed by Ordinance 1995-2368 are still applicable; and

Staff recommends the addition of the following condition:

2. The Director of Planning, with consultation as needed by the Design Review Committee, shall be authorized to approve minor changes to the development/site plan for any residential or non-residential development which includes but is not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards; and Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

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

<u>**Part 1: Findings.**</u> 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.

<u>**Part 2</u>**: The City Council amends Ordinance 1995-2368 to add approximately 0.49 acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail, and authorize rezoning the approximately 0.49 acres from Agricultural zoning district to Planned Development-General Retail zoning district, with the following conditions:</u>

1. Conditions as prescribed by Ordinance 1995-2368 are still applicable; and

Staff recommends the addition of the following condition:

2. The Director of Planning, with consultation as needed by the Design Review Committee, shall be authorized to approve minor changes to the development/site plan for any residential or non-residential development which includes but is not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards.

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

<u>Part 4</u>: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

<u>**Part 5**</u>: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>**Part 6**</u>: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **20**th day of **September**, 2018.

PASSED AND APPROVED on Second Reading on the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #3(CC) 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 \$36,411

ATTACHMENTS: Budget Amendments Resolution

		CITY OF TEMPLE				
		BUDGET AMENDMENTS FOR FY 2018 BUDGET				
		October 4, 2018				
				APPROP	RIAT	
ACCOUNT # 358-2400-519-6310	PROJECT # 101775	DESCRIPTION Capital Buildings & Grounds / Design Fees for LoanSTAR	\$	Debit 6,750		Credit
358-3200-551-6310	101755	Capital Buildings & Grounds / HVAC Improvements - Summit Fitness Center	э \$	5,151		
358-2400-519-6310	101756	Capital Buildings & Grounds / HVAC Improvements - Service Centers A, B, C	\$ \$	2,630		
358-4400-551-6310	101752	Capital Buildings & Grounds / HVAC Improvements - Mayborn Convention Center	\$	8,639		
358-2400-519-6310	101729	Capital Buildings & Grounds / Lighting Improvements - City Hall	\$	1,694		
358-3200-551-6310	101720	Capital Buildings & Grounds / Lighting Improvements - Summit Fitness Center	\$	498		
358-2000-521-6310	101568	Capital Buildings & Grounds / Lighting Improvements - Police	\$	6,175		
358-2200-521-6310	101732	Capital Buildings & Grounds / Central Fire Station	•	-,	\$	22,000
358-2400-519-6310	101403	Capital Buildings & Grounds / Lighting Improvements - Service Centers A, B, C			\$	9,537
		To reallocate funding for several change orders related to the LoanSTAR projects: * Change order # 1 with ESA Energy Systems - \$6,750 * Change order # 3 with Clear Blue Energy - \$8,366.88 * Change order # 3 and # 4 with Lochridge Priest - \$19,861 and \$20,724				
561-5000-535-1112		Salaries / Professional	\$	4,421		
561-5000-535-6532		Capital - Special Projects / Contingency	Ψ	7,721	\$	4,421
		To appropriate bond proceeds for the Deputy City Attorney interim assignment for FY 2018.				
362-1300-515-1115		Salaries / Skilled	\$	102		
362-3500-552-6406	101466	Capital - Bonds / Linkage Trails			\$	102
		To appropriate bond proceeds for salaries and benefits for bond funded position (Purchasing Manager).				
110-2033-521-2120		Supplies / Education/Recreation	\$	25		
110-0000-442-0722		Police Revenue / Police Donations/Gifts			\$	25
		To appropriate a donation received from citizen for community programs.				
110-2031-521-2333 110-0000-461-0554		Repair & Maintenance / Auto & Equipment (Fleet Services) Insurance Claims / Insurance Claims	\$	326	\$	326
		To appropriate insurance proceeds received from TML related to damages occurring to asset # 14050 on July 11, 2018.	,			
		TOTAL AMENDMENTS	\$	36,411	\$	36,411
		GENERAL FUND				
		Beginning Contingency Balance			\$	-
		Added to Contingency Sweep Account				-
		Carry forward from Prior Year				-
		Taken From Contingency				-
		Net Balance of Contingency Account			\$	-
		Designing Indemonte & Demonse Continuence				
		Beginning Judgments & Damages Contingency			\$	25,182
		Added to Contingency Judgments & Damages from Council Contingency Taken From Judgments & Damages				- (25,000)
1		Net Balance of Judgments & Damages Contingency Account			\$	182
1					Ţ	102
					\$	343,000
		Beginning Compensation Contingency				_
		Beginning Compensation Contingency Added to Compensation Contingency				
		Added to Compensation Contingency Taken From Compensation Contingency				(343,000)
		Added to Compensation Contingency			\$	(343,000) -
		Added to Compensation Contingency Taken From Compensation Contingency			\$ \$	<u>(343,000)</u> - 182
		Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account Net Balance Council Contingency			\$	-
		Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account Net Balance Council Contingency Beginning Balance Budget Sweep Contingency			\$ \$ \$	-
		Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account Net Balance Council Contingency Beginning Balance Budget Sweep Contingency Added to Budget Sweep Contingency			\$	-
		Added to Compensation Contingency Taken From Compensation Contingency Net Balance of Compensation Contingency Account Net Balance Council Contingency Beginning Balance Budget Sweep Contingency			\$	-

Added to Contingency Sweep Account Image: Contingency State Procession Contingency Contingency Account Image: Contingency State Procession Contingency Contentent Contingency Contingency Contingency Co	
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Added to Compensation Contingency (60) Taken From Compensation Contingency Account \$ Net Balance of Compensation Contingency \$ Net Balance Water & Wastewater Fund Contingency \$ HOTEL/MOTEL TAX FUND \$ Beginning Contingency Balance \$ Added to Contingency Sweep Account \$ Carry forward from Prior Year Taken From Contingency Taken From Contingency \$ Net Balance of Contingency \$ Added to Compensation Contingency \$ Net Balance of Contingency \$ Image: State S	-
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Added to Compensation Contingency (1) Taken From Compensation Contingency (1) Net Balance of Compensation Contingency Account \$	-
Added to Compensation Contingency (19) Taken From Compensation Contingency (19) Net Balance of Compensation Contingency Account \$	9,000
Net Balance of Compensation Contingency Account \$	-
	9,000)
Net Balance Hotel/Motel Tax Fund Contingency	-
	-
DRAINAGE FUND	
	7,065
Added to Contingency Sweep Account	-
Carry forward from Prior Year	-
Taken From Contingency (69-	4,864)
Net Balance of Contingency Account	2,201
Beginning Compensation Contingency \$ 12	2,500
Added to Compensation Contingency	-
	2,500)
Net Balance of Compensation Contingency Account	-
Net Balance Drainage Fund Contingency	2,201
FEDERAL/STATE GRANT FUND	
Beginning Contingency Balance \$	_
	9,299
	6,926
	7,343)
Net Balance Federal/State Grant Fund Contingency	8,882

RESOLUTION NO. 2018-9379-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.

Whereas, on the 25th 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:

<u>Part 1</u>: 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.

<u>**Part 2:**</u> 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.

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

PASSED AND APPROVED this the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney

10/04/18 Item #4 Regular Agenda

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans which includes adjusting revenues, adjusting debt service payments for the Series 2018 bonds, and adjusting expenditures for years FY 2018-2062.

COUNCIL AGENDA ITEM MEMORANDUM

<u>STAFF RECOMMENDATION</u>: Conduct a public hearing and adopt ordinance as presented in item description on first reading with second reading and final adoption on October 18, 2018.

ITEM SUMMARY: On September 12, 2018 the Reinvestment Zone No. 1 (RZ#1) Finance and Project Committees held a joint meeting. The meeting consisted of reviewing available funding sources and aligning funding with project needs. All projects were reviewed for updated cost estimates, project scope, and project readiness/delivery. The available funding sources identified were from the combination of revised tax increment revenues estimates based on the receipt of certified values from the Bell County Appraisal District, reallocation of funding from existing projects, and the issuance of TIRZ Revenue Bonds.

The focus of the proposed amendment is for the fiscal years 2018-2020, however, state law requires a financing and project plan to span the life of the Zone. The result of the meetings is recommended changes to the Financing and Project Plans to continue with the execution of the RZ No. 1 Board's master planning and visioning.

On September 26, 2018, the Reinvestment Zone No. 1 Board approved to recommended amendments.

Below are highlights of **selected line items**:

Sources of Funds:

Tax Increment Revenues, Line 4: FY 2019 - Taxable values were revised to reflect the certified tax roll received from the Bell County Appraisal District. Total anticipated revenues are \$18,049,958 from all participating taxing entities which is an increase of \$878,107 from the current Financing Plan. Future revenues were adjusted using FY 2019 revenues as a base. Assumptions for forecasting future revenues included decreasing the value of Panda I and II valuations to reflect current operational factors associated with Panda I and II and market trends for power generation plants. The

future annual valuations were adjusted equally to reach approximately 40% of replacement cost in FY 2024. In addition, revenue forecast were adjusted for expiring tax abatements and future real property developments identified through building permits issued, a growth factor was applied to the adjusted projected values and adjustments were made for changes to existing future real property improvements/expansions to the applicable years. Assumptions are reviewed annually upon receipt of certified tax rolls and will be adjusted as necessary.

Interest Income, Lines 8 and 9: Interest income has been adjusted to reflect actual and future projected interest earnings.

Grant Funds, Line 10: Funding of \$50,000 is available from an Airport RAMP grant from the Texas Department of Transportation to help fund the Airport Fence Realignment Project, Line 517. Funding of \$500,000 is available from Keep Temple Beautiful from the Texas Department of Transportation to fund the East/West IH 35 Gateway Project, Line 603.

Other Revenues, Line 14: Forecasted \$1,250,000 of cost sharing funds for the North 31st Street (Nugent to Central) Project, Line 602.

Uses of Funds:

Debt Service, Lines 32A and 32B: Adjusting the debt service payments in FY 2019 – FY 2038 for the Series 2018 bonds based on actual amounts and the Series 2019 taxable bonds based on estimated amounts.

Zone Park Maintenance, Line 54: Beginning in FY 2019 through FY 2062, Zone Park Maintenance was increased. In FY 2019, maintenance was increased to \$720,000 and in FY 2020 to FY 2062, maintenance was increased to \$420,000 to cover the increased cost of maintenance related to the Santa Fe Plaza, Santa Fe Market area, and landscaping improvements on South 1st Street and Loop 363.

Projects: The following is a summary of proposed changes to projects. These changes focus on FY 2018, FY 2019 and FY 2020.

10/04/18 Item #4 Regular Agenda Page 3 of 5

		Increase (Decrease)	Increase (Decrease)	Increase (Decrease)
Line #		FY 2018	FY 2019	FY 2020
	Sources of Funds:			
800	Beginning Balance/Carryover from prior year	\$ 3,355,283	\$ 3,608,366	\$ 179,596
2A	Fund Balance - net replenishment of debt service reserve	-	2,090,750	-
2B	Release of Reserve Fund - Taxable Bond Issue	509,250	-	-
8/9	Interest Income	200,000	500,000	200,000
17	Bond Proceeds - Parking Garage	(5,000,000)	5,000,000	-
4	Property Taxes	-	864,935	2,046,424
10	RAMP Grant	-	50,000	-
14	Cost Sharing - North 31st Street	-	1,250,000	-
10	KTB Grant - East/West Gateway Landscaping	-	500,000	-
	Total Sources of Funds:	(935,467)	13,864,051	2,426,020
	Uses of Funds:	(, -,
	General Administrative Expenditures			
50	Maintenance	\$-	\$ 390,000	\$ 90,000
56	Road Maintenance - Mouser Road	-	140,000	-
32A	Debt Service - 2018 Issue {\$24 mil}	-	(689,629)	(410,550)
32B	Debt Service - 2018 Issue {\$5 mil}	_	396,584	395,590
35	Bond Paying Agent Fees	325	1,500	1,500
00	Temple Industrial Park	020	1,000	1,000
102	Rail Backage Road & Rail Improvements (E-W) GST Tract	(450,000)	2,500,000	-
102	Outer Loop	(100,000)	2,000,000	
305	Outer Loop (IH 35 to Wendland) ROW	141,000		
310	Outer Loop (Wendland to McLane Pkwy) ROW	165,000	-	
315	Outer Loop (McLane Pkwy to Central Point Pkwy) ROW	(306,000)	-	
313	Synergy Park	(300,000)	-	
354	Synergy Park Land		(750,000)	
554	Downtown		(730,000)	
404	Santa Fe Plaza {partially bond funded}	445,000		
407	Santa Fe Market	90,000	-	
407	1st Street from Avenue A to Avenue B	215,000	-	
411	1st Street from Avenue A to Central Avenue {bond funded}	100,000	-	
412	1st Street Parking Garage	100,000	1,450,000	
413	1st Street Parking Garage {bond issue}	(5,000,000)	5,000,000	
413	Avenue C from Main Street to 24th Street {bond funded}	200,000	3,000,000	
414	Central/Adams Corridor Concept Design {bond funded}	155,000	-	
415	Santa Fe Plaza - Parking Enhancement - 11th to 9th {bond funded}	(155,000)		
410	TMED	(155,000)		
462	Ave U TMED Ave. to 1st Street	(145,108)		
402	Ave of MED Ave. to ist Street	(145,106)	-	-
507	Taxiway for Hangars		950,000	
		-	950,000	-
510	Corporate Hangar Phase III	950	-	-
517	Fence Realignment & Gate	-	51,000	
	Gateway Projects		0.40.000	4 500 000
602	North 31st Street (Nugent to Central)	-	840,000	4,560,000
603	East/West IH 35 Gateway	-	500,000	-
605	Adams & Central Avenue Bicycle & Pedestrian Improv Design	-	155,000	-
	Public Improvements			
701	Public Improvements	-	2,000,000	2,000,000
702	Land	-	750,000	-
	Total Uses of Funds:	(4,543,833)	13,684,455	6,636,540
	Net increase (decrease) in fund balance	\$ 3,608,366	\$ 179,596	\$(4,210,520)

TIRZ Revenue Bonds: The projects to be funded with the 2018 and 2019 bond proceeds are as follows:

	FY 2018	FY 2019
Outer Loop		
Outer Loop (IH35 to Wendland) ROW	\$ 500,000	\$ -
Outer Loop (McLane to Central Point Parkway)	7,250,000	-
Outer Loop Phase V (Poison Oak to Old Waco Road)	2,820,000	-
Outer Loop Phase VI (Old Waco Road to I35 South)	3,340,000	-
East Outer Loop	623,000	-
Downtown		
Downtown City Center/Hawn	2,050,000	-
1st Street from Avenue A to Central Avenue	1,380,000	-
1st Street Parking Garage	-	5,000,000
Avenue C from MLK to 24th Street	2,740,000	-
Santa Fe Plaza Additional Funding for Construction	1,300,000	-
Central/Adams Ave Corridor Concept Design	325,000	-
Temple Industrial Park - Milling & Overlay Industrial Blvd	650,000	-
TMED - 31st Street Monumentation Construction	450,000	-
Airport Park		
Draughon-Miller Regional Airport FBO Center & Parking Design	440,000	-
Corporate Hangar Phase IV Design	132,000	-
Total Bond Projects	\$ 24,000,000	\$ 5,000,000

The amendment for FY 2019 and FY 2020 also allocates funding for new projects as shown below:

	 FY 2019		FY 2020	 Totals
North 31st Street - Nugent to Central	\$ 840,000	\$	4,560,000	\$ 5,400,000
East/West Gateway Design	500,000		-	500,000
Adams & Central Ave Bicycle & Pedestrian Improvements Design	155,000		-	155,000
Rail Backage Road and Rail Improvements	2,500,000		-	2,500,000
Taxiway to Hangars	950,000		-	950,000
Total New Projects	\$ 4,945,000	\$	4,560,000	\$ 9,505,000

Public Improvements: Beginning in FY 2019 through 2062, the balance of funding for general "non-project specific" improvements is allocated to this line item. The amount was determined based on the remaining funds available after amounts were allocated for operating expenditures, debt service, projects and maintaining an amount of fund balance of no less than \$2,000,000.

See the attached "TRZ Master Plan Project Funding (2018-2025)" schedule for more detail on the projects.

FISCAL IMPACT: Below is a table summarizing the Source and Use of funds included in the Financing and Project Plans.

Description	2018	2019	2020	2021	2022	2023	F	uture Years
Available FB ⁽¹⁾ @ October 1	\$ 18,449,144	\$ 4,966,561	\$ 4,895,039	\$ 3,425,232	\$ 7,938,997	\$ 2,230,958	\$	2,330,736
Total Source of Funds	51,329,968	25,155,209	18,662,384	18,541,860	19,121,319	19,355,378		942,130,080
Total Debt & Operating Exp.	6,741,793	9,071,731	8,622,191	8,578,095	8,579,358	5,605,600		99,861,305
Total Planned Project Exp.	58,070,758	16,155,000	11,510,000	5,450,000	16,250,000	13,650,000		844,599,511
Available FB ⁽¹⁾ @ September 30	\$ 4,966,561	\$ 4,895,039	\$ 3,425,232	\$ 7,938,997	\$ 2,230,958	\$ 2,330,736	\$	(0)

⁽¹⁾ - Fund Balance

ATTACHMENTS:

Financing Plan Summary Financing Plan with Detailed Project Plan Summary - TRZ Master Plan Project Funding (2018 - 2025) TRZ Master Plan Project Funding (2018 - 2025) Reinvestment Zone No. 1 Funding Worksheet Ordinance

FINANCING PLAN Page 1 of 5

	Y	'/E 9/30/18	Y/E 9/30/19	Y/E 9	9/30/20	Y/I	E 9/30/21	Y/E 9/3	0/22	2023	2024	2025
DESCRIPTION		Year 36	Year 37	Yea	ar 38	١	Year 39	Year	10	41	42	43
"Taxable Increment"	\$	426,069,294 \$	415,287,167	\$ 409	9,874,095	\$	397,412,766	\$ 426,8	371,090 \$	430,495,341 \$	473,225,671 \$	510,957,
FUND BALANCE, Begin	\$	20,539,894 \$	4,966,561	\$ 4,	,895,039	\$	3,425,232	\$ 7,9	38,997 \$	2,230,958 \$	2,330,736 \$	2,104,3
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018		(2,090,750)	-		-		-		-	-	-	
Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2019		-	-		-		-		-	-	-	
Fund Balance Available for Appropriation	\$	18,449,144 \$	4,966,561	\$4,	,895,039	\$	3,425,232	\$7,9	38,997 \$	2,230,958 \$	2,330,736 \$	2,104,3
SOURCES OF FUNDS:												
Tax Revenues		25,434,278	18,049,958		,666,380		18,757,218		65,806	19,603,429	20,083,870	21,548,
Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(266,910)	(270,749)		(279,996)		(281,358)		90,487)	(294,051)	(301,258)	(323,
Interest Income		250,000	240,000		240,000		30,000		10,000	10,000	10,000	10,
Interest Income-Bonds Grant Funds		- 1,170,000	300,000 550,000		-		-		-	-	-	
License Fee - Central Texas Railway		36,000	36,000		36,000		36,000		- 36,000	- 36,000	36,000	36,
Other Revenues		106,600	1,250,000		- 30,000		50,000		50,000	-	30,000	50,
Sale of land		600,000	1,230,000		_		_		_	_	_	
Bond Proceeds		23,565,000	5,000,000		-		-		-	-	-	
Bond Reoffering Premium, Underwriter's Discount & Cost of Issuance		435,000	-		-		-		-	-	-	
Total Sources of Funds	\$	51,329,968 \$	25,155,209	\$ 18,	,662,384	\$	18,541,860 \$	\$ 19,1	21,319 \$	19,355,378 \$	19,828,612 \$	21,271
TOTAL AVAILABLE FOR APPROPRIATION	\$	69,779,112 \$	30,121,770	\$ 23,	,557,423	\$	21,967,092	\$ 27,0	60,315 \$	21,586,336 \$	22,159,348 \$	23,375
USE OF FUNDS:	1											
DEBT SERVICE	_											
2009 Bond Refunding	-	1,488,750	1,485,000		-		-		-	-	-	
2008 Bond Issue-Taxable {\$10.365 mil}		1,241,957	1,241,173	1,	,237,744		1,241,670	1,2	42,422	-	-	
Debt Service - 2011A Issue {Refunding}		908,350	915,950		,497,800		2,497,550	2,4	94,950	-	-	
Debt Service - 2012 Issue {Refunding}		79,600	77,650		80,050		77,250		78,750	-	-	
Debt Service - 2013 Issue {\$25.260 mil}		2,047,694	2,048,344	2,	,047,944		2,046,494	2,0	31,494	2,030,094	2,026,694	2,038
Debt Service - 2018 Issue {\$24 mil}		-	1,439,967	1,	,336,000		1,287,000	1,3	05,000	2,086,750	2,089,000	2,088
Debt Service - 2019 Issue {\$5 mil}		-	396,584		395,590		399,690	3	98,200	461,415	460,500	458
Paying Agent Services		2,025	3,200		3,200		3,200		3,200	2,000	2,000	2,
Subtotal-Debt Service		5,768,376	7,607,868	7,	,598,328		7,552,854	7,5	54,016	4,580,259	4,578,194	4,588,
OPERATING EXPENDITURES	_											
Prof Svcs/Proj Mgmt		102,454	175,000		175,000		175,000	1	75,000	175,000	175,000	175
Legal/Audit		1,300	1,300		1,300		1,300		1,400	1,400	1,400	1
Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000	720,000		420,000		420,000		20,000	420,000	420,000	420
Rail Maintenance		112,100	100,000		100,000		100,000		00,000	100,000	100,000	100
Road/Signage Maintenance		200,000	240,000		100,000		100,000		00,000	100,000	100,000	100
Contractual Payments [TEDC - Marketing]		200,000	200,000		200,000		200,000		00,000	200,000	200,000	200
TISD-Reimbursement [per contract]		27,563	27,563		27,563		28,941		28,941	28,941	30,388	30
Subtotal-Operating Expenditures		973,417	1,463,863	1,	,023,863		1,025,241	1,0	25,341	1,025,341	1,026,788	1,026
TOTAL DEBT & OPERATING EXPENDITURES	\$	6,741,793 \$	9,071,731	\$8,	,622,191	\$	8,578,095 \$	\$ 8,5	79,357 \$	5,605,600 \$	5,604,982 \$	5,614
Funds Available for Projects	\$	63,037,319 \$	21,050,039	\$14,	,935,232	\$	13,388,997 \$	\$ 18,4	80,958 \$	15,980,736 \$	16,554,366 \$	17,760
PROJECTS	_											
Temple Industrial Park		671,920	2,500,000		-		-		-	-	-	
Corporate Campus Park		907,813	250,000		-		-		-	-	-	
Bioscience Park/Crossroads Park		3,191,551	-		-		-		-	-	-	
Outer Loop		19,485,419	-		-		-	14,8	00,000	11,700,000	-	
Synergy Park		46,846	-		-		-		-	-	-	
Downtown		26,433,112	7,175,000		450,000		450,000	4	50,000	450,000	450,000	450
		3,084,084	300,000	4,	,500,000		-		-	-	-	
TMED		2,478,013	1,585,000		-		-		-	-	-	
Airport Park		1,772,000	1,595,000		,560,000		-		-	-	-	
Airport Park Gateway Projects			0 750 555					1 0			14000000	14,250
Airport Park Gateway Projects Public Improvements		-	2,750,000		,000,000		5,000,000		00,000	1,500,000	14,000,000	
Airport Park Gateway Projects		- 58,070,758	2,750,000 16,155,000		,000,000 ,510,000		5,450,000		50,000	13,650,000	14,450,000	
Airport Park Gateway Projects Public Improvements	\$	- 58,070,758 64,812,551 \$	16,155,000	11,		\$		16,2				14,700 20,314

G:\Traci's Files\RZ # 1 (TIF)\!Financing & Project Plans\Financing & Project Plan 09-26-18

DESCRIPTION		2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1 "Taxable Increment"	\$	603,517,507 \$	632,140,107 \$	638,461,508 \$	644,846,123 \$	651,294,584 \$	657,807,530 \$	664,385,606
1 FUND BALANCE, Begin	\$	3,060,508 \$	2,410,598 \$	2,386,056 \$	2,924,557 \$	3,464,377 \$	3,572,797 \$	2,906,792
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	φ	- 5,000,508 φ	- 2,410,598	2,300,030 \$ -	- 2,924,007	- 5,404,577 -		2,900,792
B Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 20	19	-	-	-	-	-	-	
3 Fund Balance Available for Appropriation	\$	3,060,508 \$	2,410,598 \$	2,386,056 \$	2,924,557 \$	3,464,377 \$	3,572,797 \$	2,906,792
SOURCES OF FUNDS:								
4 Tax Revenues		22,977,047	23,369,084	23,433,879	23,434,757	23,514,203	23,749,229	23,986,604
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]		(344,656)	(350,536)	(351,508)	(351,521)	(352,713)	(356,238)	(359,799
8 Interest Income		10,000	10,000	10,000	10,000	10,000	10,000	10,00
9 Interest Income-Bonds		-	-	-	-	-	-	-
10 Grant Funds		-	-	-	-	-	-	-
12 License Fee - Central Texas Railway		36,000	36,000	36,000	36,000	36,000	36,000	36,00
14 Other Revenues		-	-	-	-	-	-	-
15 Sale of land		-	-	-	-	-	-	-
17 Bond Proceeds		-	-	-	-	-	-	-
Bond Reoffering Premium, Underwriter's Discount & Cost of Issuance Total Sources of Funds	\$	22,678,391 \$	23,064,548 \$	23,128,371 \$	23,129,236 \$	23,207,490 \$	23,438,991 \$	23,672,80
	<u> </u>	22,010,001 ¥	20,004,040 ¢	20,120,071 φ	20,123,200 φ	20,201,400 \$	20,400,001 φ	20,072,000
25 TOTAL AVAILABLE FOR APPROPRI	ATION \$	25,738,899 \$	25,475,146 \$	25,514,427 \$	26,053,792 \$	26,671,867 \$	27,011,787 \$	26,579,59
USE OF FUNDS:								
DEBT SERVICE								
27 2009 Bond Refunding		-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}		-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}		-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}		-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}		2,051,613	2,059,113	2,061,713	2,061,713	2,069,113	2,073,513	2,084,91
12A Debt Service - 2018 Issue {\$24 mil}		2,086,000	2,090,750	2,087,500	2,086,500	2,087,500	2,090,250	2,089,50
Debt Service - 2019 Issue {\$5 mil}		461,900	458,920	460,350	460,895	460,555	459,330	462,220
35 Paying Agent Services		2,000	2,000	2,000	2,000	2,000	2,000	2,000
40 Subtotal-Debt Service		4,601,513	4,610,783	4,611,563	4,611,108	4,619,168	4,625,093	4,638,633
OPERATING EXPENDITURES								
50 Prof Svcs/Proj Mgmt		175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit		1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]		420,000	420,000	420,000	420,000	420,000	420,000	420,000
56 Rail Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,00
58 Road/Signage Maintenance		100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]		200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]		30,388	31,907	31,907	31,907	33,502	33,502	33,502
55 Subtotal-Operating Expenditures		1,026,788	1,028,307	1,028,307	1,028,307	1,029,902	1,029,902	1,029,902
70 TOTAL DEBT & OPERATING EXPENDIT	URES \$	5,628,301 \$	5,639,090 \$	5,639,870 \$	5,639,415 \$	5,649,070 \$	5,654,995 \$	5,668,535
70 Funds Available for Projects	\$	20,110,598 \$	19,836,056 \$	19,874,557 \$	20,414,377 \$	21,022,797 \$	21,356,792 \$	20,911,062
PROJECTS								
150 Temple Industrial Park		_	_	_	_	_	_	-
200 Corporate Campus Park		-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park		-	-	-	-	-	-	-
viso Outer Loop		-	-	-	-	-	-	-
00 Synergy Park		-	-	-	-	-	-	-
150 Downtown		450,000	450,000	450,000	450,000	450,000	450,000	450,00
100 TMED		-	-	-	-	-	-	-
50 Airport Park		-	-	-	-	-	-	-
550 Gateway Projects		-	-	-	-	-	-	-
50 Public Improvements		17,250,000	17,000,000	16,500,000	16,500,000	17,000,000	18,000,000	18,000,00
Subtotal-Projects		17,700,000	17,450,000	16,950,000	16,950,000	17,450,000	18,450,000	18,450,00
TOTAL USE OF FUNDS	\$	23,328,301 \$	23,089,090 \$	22,589,870 \$	22,589,415 \$	23,099,070 \$	24,104,995 \$	24,118,535
FUND BALANCE, End {Available for Appropriation}	\$	2,410,598 \$	2,386,056 \$	2,924,557 \$	3,464,377 \$	3,572,797 \$	2,906,792 \$	2,461,062
Traci's Files/RZ # 1 (TIE)//Financing & Project Plans/Financing & Project Plan 09-26-18	<u> </u>	,,. .	, - +	,,• •	-, -, - +	-,-· - ,- -· ·	, . +	,,

City of Temple, Texas TIF Reinvestment Zone #1 Financing Plan Financing Plan - 09/26/18 to Zone Board

G:\Traci's Files\RZ # 1 (TIF)\!Financing & Project Plans\Financing & Project Plan 09-26-18

Financing Plan - 09/26/18 to Zone Board

DESCRIPTION	2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
¹ "Taxable Increment"\$		677,739,756 \$	684,517,154 \$	691,362,325 \$	698,275,949 \$	705,258,708 \$	712,311,295 \$	719,434,408 \$	726,628,752 \$	733,895,04
7 FUND BALANCE, Begin \$	2,461,062 \$	2,244,351 \$	2,361,242 \$	2,716,138 \$	3,310,119 \$	2,153,102 \$	3,333,974 \$	2,225,095 \$	2,369,405 \$	2,769,434
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	- 2,401,002 φ	2,244,351 φ -	2,301,242 \$ -	2,710,130 φ -		2,090,750	- 3,353,974 φ	2,223,095 \$ -	2,309,403 \$	2,709,40
B Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2019	-	-	-	-	-	_,000,000	-	-	-	
3 Fund Balance Available for Appropriation	2,461,062 \$	2,244,351 \$	2,361,242 \$	2,716,138 \$	3,310,119 \$	4,243,852 \$	3,333,974 \$	2,225,095 \$	2,369,405 \$	2,769,434
SOURCES OF FUNDS:										
4 Tax Revenues	24,226,354	24,468,501	24,713,069	24,960,083	25,209,567	25,461,546	25,716,045	25,973,089	26,232,703	26,494,91
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(363,395)	(367,028)	(370,696)	(374,401)	(378,144)	(381,923)	(385,741)	(389,596)	(393,491)	(397,42
8 Interest Income	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,00
9 Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-
0 Grant Funds	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,00
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
15 Sale of land 17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
 Bond Proceeds Bond Reoffering Premium, Underwriter's Discount & Cost of Issuance 	-	-	-	-	-	-	-	-	-	-
Total Sources of Funds	23,908,959 \$	24,147,473 \$	24,388,373 \$	24,631,682 \$	24,877,423 \$	25,125,623 \$	25,376,304 \$	25,629,493 \$	25,885,212 \$	26,143,48
25 TOTAL AVAILABLE FOR APPROPRIATION \$	5 26,370,021 \$	26,391,824 \$	26,749,615 \$	27,347,820 \$	28,187,543 \$	29,369,475 \$	28,710,278 \$	27,854,588 \$	28,254,617 \$	28,912,924
USE OF FUNDS:										
DEBT SERVICE										
2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
80 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
B1 Debt Service - 2013 Issue {\$25.260 mil}	2,092,913	-	-	-	-	-	-	-	-	-
12A Debt Service - 2018 Issue {\$24 mil}	2,090,250	2,087,250	2,090,500	2,089,500	2,089,250	2,089,500	-	-	-	-
32B Debt Service - 2019 Issue {\$5 mil}	458,930 2,000	459,755	459,400	462,865	459,855	460,665 2,000	-	-	-	-
35 Paying Agent Services 40 Subtotal-Debt Service	4,644,093	2,000 2,549,005	2,000 2,551,900	2,000 2,554,365	2,000 2,551,105	2,000 2,552,165	-	-	-	-
OPERATING EXPENDITURES 50 Prof Svcs/Proj Mamt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,40
Zuritaria Zogaritaria 54 Zone Park Maintenance [mowing, utilities, botanical supplies]	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65 Subtotal-Operating Expenditures	1,031,577	1,031,577	1,031,577	1,033,336	1,033,336	1,033,336	1,035,183	1,035,183	1,035,183	1,037,12
70 TOTAL DEBT & OPERATING EXPENDITURES \$	5,675,670 \$	3,580,582 \$	3,583,477 \$	3,587,701 \$	3,584,441 \$	3,585,501 \$	1,035,183 \$	1,035,183 \$	1,035,183 \$	1,037,122
30 Funds Available for Projects\$	20,694,351 \$	22,811,242 \$	23,166,138 \$	23,760,119 \$	24,603,102 \$	25,783,974 \$	27,675,095 \$	26,819,405 \$	27,219,434 \$	27,875,801
PROJECTS										
50 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
00 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
50 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
50 Outer Loop	-	-	-	-	-	-	-	-	-	-
00 Synergy Park	-	-	-	-	-	-	-	-	-	450.00
50 Downtown 00 TMED	450,000	450,000	450,000 -	450,000	450,000	450,000	450,000	450,000	450,000	450,00
50 Airport Park	-	-	-	-	-	-	-	-	-	-
50 Gateway Projects	-	-	-	-	-	-	-	-	-	-
50 Public Improvements	18,000,000	20,000,000	20,000,000	20,000,000	22,000,000	22,000,000	25,000,000	24,000,000	24,000,000	25,000,00
		20,450,000	20,450,000	20,450,000	22,450,000	22,450,000	25,450,000	24,450,000	24,450,000	25,450,00
Subtotal-Projects	18,450,000	20,100,000	20,400,000	20,400,000	22,100,000	, ,	-))	, ,		
Subtotal-Projects	24,125,670 \$	24,030,582 \$	24,033,477 \$	24,037,701 \$	26,034,441 \$	26,035,501 \$	26,485,183 \$	25,485,183 \$	25,485,183 \$	26,487,122

FINANCING PLAN Page 3 of 5

Financing Plan - 09/26/18 to Zone Board

DESCRIPTION	2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
7 "Taxable Increment" \$	741,233,990 \$	748,646,330 \$	756,132,793 \$	763,694,121 \$	771,331,062 \$	779,044,373 \$	786,834,817 \$	794,703,165 \$	802,650,197 \$	810,676,699
	0.405.801 \$	0 E10 CC0 ¢	0.000.0E0 ¢	0.051.004	0.104.970 ¢	0.005.017 ¢	a 202 000	0.700.051 @	0.407.690 ¢	0.015.010
 FUND BALANCE, Begin \$ Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018 	2,425,801 \$	2,513,663 \$	2,322,052 \$	2,351,034 \$	2,104,872 \$	2,085,817 \$	2,293,999 \$	2,733,851 \$	2,407,689 \$	2,815,610
B Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2019	-	-	-	-	-	-	-	-	-	
3 Fund Balance Available for Appropriation	2,425,801 \$	2,513,663 \$	2,322,052 \$	2,351,034 \$	2,104,872 \$	2,085,817 \$	2,293,999 \$	2,733,851 \$	2,407,689 \$	2,815,610
SOURCES OF FUNDS:										
4 Tax Revenues	22,389,933	22,613,716	22,839,736	23,068,017	23,298,581	23,531,450	23,766,648	24,004,197	24,244,123	24,486,447
Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(335,849)	(339,206)	(342,596)	(346,020)	(349,479)	(352,972)	(356,500)	(360,063)	(363,662)	(367,29)
8 Interest Income	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
9 Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
2 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
 Bond Proceeds Bond Reoffering Premium, Underwriter's Discount & Cost of Issuance 	-	-	-	-	-	-	-	-	-	-
20 Total Sources of Funds	22,100,084 \$	22,320,510 \$	22,543,140 \$	22,767,997 \$	22,995,102 \$	23,224,478 \$	23,456,148 \$	23,690,134 \$	23,926,461 \$	24,165,150
25 TOTAL AVAILABLE FOR APPROPRIATION \$	24,525,885 \$	24,834,174 \$	24,865,192 \$	25,119,030 \$	25,099,975 \$	25,310,295 \$	25,750,147 \$	26,423,985 \$	26,334,150 \$	26,980,760
USE OF FUNDS:										
DEBT SERVICE										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
20 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
24 Debt Service - 2018 Issue {\$24 mil}	-	-	-	-	-	-	-	-	-	-
28 Debt Service - 2019 Issue {\$5 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services 40 Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES										
Prof Svcs/Proj Mgmt	175,100	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
Zone Park Maintenance [mowing, utilities, botanical supplies]	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58 Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60 Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
62 TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65 Subtotal-Operating Expenditures	1,062,222	1,062,122	1,064,158	1,064,158	1,064,158	1,066,296	1,066,296	1,066,296	1,068,541	1,068,541
70 TOTAL DEBT & OPERATING EXPENDITURES \$	1,062,222 \$	1,062,122 \$	1,064,158 \$	1,064,158 \$	1,064,158 \$	1,066,296 \$	1,066,296 \$	1,066,296 \$	1,068,541 \$	1,068,541
30 Funds Available for Projects \$	23,463,663 \$	23,772,052 \$	23,801,034 \$	24,054,872 \$	24,035,817 \$	24,243,999 \$	24,683,851 \$	25,357,689 \$	25,265,610 \$	25,912,219
PROJECTS										
50 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
00 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
50 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
50 Outer Loop	-	-	-	-	-	-	-	-	-	-
00 Synergy Park	-	-	-	-	-	-	-	-	-	450.000
50 Downtown 00 TMED	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
00 TMED 50 Airport Park	-	-	-	-	-	-	-	-	-	-
50 Gateway Projects	-	-	-	-	-	-	-	-	-	-
70 Public Improvements	20,500,000	21,000,000	21,000,000	21,500,000	21,500,000	21,500,000	21,500,000	22,500,000	22,000,000	22,000,000
Subtotal-Projects	20,950,000	21,450,000	21,450,000	21,950,000	21,950,000	21,950,000	21,950,000	22,950,000	22,450,000	22,450,000
TOTAL USE OF FUNDS	22,012,222 \$	22,512,122 \$	22,514,158 \$	23,014,158 \$	23,014,158 \$	23,016,296 \$	23,016,296 \$	24,016,296 \$	23,518,541 \$	23,518,541
90 FUND BALANCE, End {Available for Appropriation} \$	2,513,663 \$	2,322,052 \$	2,351,034 \$	2,104,872 \$	2,085,817 \$	2,293,999 \$	2,733,851 \$	2,407,689 \$	2,815,610 \$	3,462,219
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FINANCING PLAN Page 4 of 5

Financing Plan - 09/26/18 to Zone Board

nancing Plan - 09/20/16 to Zone Board	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062
DESCRIPTION	71	72	73	74	75	76	77	78	79	80
1 "Taxable Increment"	818,783,466 \$	826,971,300 \$	835,241,013 \$	843,593,423 \$	852,029,358 \$	860,549,651 \$	869,155,148 \$	877,846,699 \$	886,625,166 \$	895,491,4
FUND BALANCE, Begin \$	3,462,219 \$	3,349,905 \$	2,978,721 \$	2,353,460 \$	2,476,580 \$	2,348,090 \$	2,472,974 \$	2,853,766 \$	2,490,426 \$	2,388,13
Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	-	-	-	-	-	-	-	-	-	
 Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2019 Fund Balance Available for Appropriation 	3,462,219 \$	3,349,905 \$	2,978,721 \$	2,353,460 \$	2,476,580 \$	2,348,090 \$	2,472,974 \$	2,853,766 \$	2,490,426 \$	2,388,13
	-, - , - ,	- , , +	<i>JJ</i> +	, +	, .,	,, ,	, <u>,</u> , - , ,	,, ,	, , . ,	
4 Tax Revenues	24,731,195	24,978,390	25,228,058	25,480,221	25,734,907	25,992,139	26,251,944	26,514,347	26,779,374	27,047,05
6 Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(370,968)	(374,676)	(378,421)	(382,203)	(386,024)	(389,882)	(393,779)	(397,715)	(401,691)	(405,70
8 Interest Income	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,00
9 Interest Income-Bonds	-	-	-	-	-	-	-	-	-	-
10 Grant Funds	-	-	-	-	-	-	-	-	-	-
12 License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,00
14 Other Revenues	-	-	-	-	-	-	-	-	-	-
15 Sale of land	-	-	-	-	-	-	-	-	-	-
17 Bond Proceeds	-	-	-	-	-	-	-	-	-	-
18 Bond Reoffering Premium, Underwriter's Discount & Cost of Issuance 20 Total Sources of Funds \$	24,406,227 \$	24,649,714 \$	24,895,637 \$	25,144,018 \$	25,394,883 \$	25,648,257 \$	25,904,165 \$	26,162,632 \$	26,423,683 \$	26,687,34
25 TOTAL AVAILABLE FOR APPROPRIATION \$	27,868,446 \$	27,999,619 \$	27,874,358 \$	27,497,478 \$	27,871,463 \$	27,996,347 \$	28,377,139 \$	29,016,398 \$	28,914,110 \$	29,075,48
USE OF FUNDS:										
DEBT SERVICE										
27 2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28 2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29 Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30 Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31 Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32A Debt Service - 2018 Issue {\$24 mil}	-	-	-	-	-	-	-	-	-	-
32B Debt Service - 2019 Issue {\$5 mil}	-	-	-	-	-	-	-	-	-	-
35 Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40 Subtotal-Debt Service		-	•	-	-	-	-	-	-	-
OPERATING EXPENDITURES										
50 Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,00
52 Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54 Zone Park Maintenance [mowing, utilities, botanical supplies]	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000	420,000
56 Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
 58 Road/Signage Maintenance 60 Contractual Payments [TEDC - Marketing] 	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000	100,000 200,000
62 TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	200,000
65 Subtotal-Operating Expenditures	1,068,541	1,070,898	1,070,898	1,070,898	1,073,373	1,073,373	1,073,373	1,075,972	1,075,972	1,075,97
					· · ·					
70 TOTAL DEBT & OPERATING EXPENDITURES \$	1,068,541 \$	1,070,898 \$	1,070,898 \$	1,070,898 \$	1,073,373 \$	1,073,373 \$	1,073,373 \$	1,075,972 \$	1,075,972 \$	1,075,972
80 Funds Available for Projects \$	26,799,905 \$	26,928,721 \$	26,803,460 \$	26,426,580 \$	26,798,090 \$	26,922,974 \$	27,303,766 \$	27,940,426 \$	27,838,138 \$	27,999,511
PROJECTS										
150 Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200 Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250 Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350 Outer Loop	-	-	-	-	-	-	-	-	-	-
00 Synergy Park	450,000	450,000	- 450,000	- 450,000	450,000	- 450,000	450,000	- 450,000	450,000	450,00
50 Downtown 00 TMED	+00,000	450,000					450,000			+30,00
50 Airport Park	-	-	-	-	-	-	-	-	-	-
550 Gateway Projects	-	-	-	-	-	-	-	-	-	-
750 Public Improvements	23,000,000	23,500,000	24,000,000	23,500,000	24,000,000	24,000,000	24,000,000	25,000,000	25,000,000	27,549,51
Subtotal-Projects	23,450,000	23,950,000	24,450,000	23,950,000	24,450,000	24,450,000	24,450,000	25,450,000	25,450,000	27,999,51
TOTAL USE OF FUNDS	24,518,541 \$	25,020,898 \$	25,520,898 \$	25,020,898 \$	25,523,373 \$	25,523,373 \$	25,523,373 \$	26,525,972 \$	26,525,972 \$	29,075,48
500 FUND BALANCE, End {Available for Appropriation} \$	3,349,905 \$	2,978,721 \$	2,353,460 \$	2,476,580 \$	2,348,090 \$	2,472,974 \$	2,853,766 \$	2,490,426 \$	2,388,138 \$	(
Traci's Files\RZ # 1 (TIF)\!Financing & Project Plans\Financing & Project Plan 09-26-18	0,5 10,000 ψ	_,στο,τ 2 τ Ψ	_,000,100 Q	_,	_,:::0,000	_,ε,στ τ ψ	_,000,100 ¥	_,.00,120 ¥	_,000,100 φ	

FINANCING PLAN Page 5 of 5

TIF Reinvestment Zone #1

Summary Financing Plan with Detailed Project Plan

Project Plan - 09/26/18 - to Zone Board

\$ 24,000,000 \$ 5,000,000 Bond Proceeds Bond Proc

	SUMMARY FINANCING PLAN	-		1		1	1	1				T			1
			2018	201	9		2020	2	021	20	22	2	023	2024	2025
1	Beginning Available Fund Balance, Oct 1	\$	20,539,894		966,561		4,895,039		3,425,232		938,997		230,958		
20	Total Sources of Funds		51,329,968	25,	155,209	1	8,662,384		18,541,860	19,	121,319	19	355,378	19,828,612	21,271,
2A	Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018		(2,090,750))	-		-		-		-		-		
2B	Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2019		-		-						-		-		
25	Net Available for Appropriation		69,779,112	30,	121,770	2	23,557,423		21,967,092	27,	060,315	21	,586,336	22,159,348	23,375,
/52	General Administrative Expenditures		103,754		176,300		176,300		176,300		176,400		176,400	176,400	176,
54	Zone Park Maintenance [mowing, utilities, botanical supplies]		330,000		720,000		420,000		420,000		420,000		420,000	420,000	420,
56	Rail Maintenance		112,100		100,000		100,000		100,000		100,000		100,000	100,000	100,
58	Road/Signage Maintenance		200,000	2	240,000		100,000		100,000		100,000		100,000	100,000	100,
60	Contractual Payments (TEDC - Marketing)		200,000	2	200,000		200,000		200,000	2	200,000		200,000	200,000	200,
62	TISD-Reimbursement [per contract]		27,563		27,563		27,563		28,941		28,941		28,941	30,388	30,
27	Debt Service - 2009 Issue {Refunding}		1,488,750	1,4	485,000		-		-		-		-	-	
28	Debt Service - 2008 Taxable Issue {\$10.365 mil}		1,241,957	1,5	241,173		1,237,744		1,241,670	1,2	242,422		-	-	
29	Debt Service - 2011A Issue {Refunding}		908,350	9	915,950		2,497,800		2,497,550	2,4	494,950		-	-	
30	Debt Service - 2012 Issue {Refunding}		79,600		77,650		80,050		77,250		78,750		-	-	
31	Debt Service - 2013 Issue {\$25.260 mil}		2,047,694	2,0	048,344		2,047,944		2,046,494	2,0	031,494	2	,030,094	2,026,694	2,038,
32	Issuance Costs		-		-		-		-		-		-	-	
32	Bond Discount		-		-		-		-		-		-	-	
32A	Debt Service - 2018 Issue {\$24 mil}		-	1,4	139,967		1,336,000		1,287,000	1,	305,000	2	086,750	2,089,000	2,088,
32B	Debt Service - 2019 Issue {\$5 mil}		-	:	396,584		395,590		399,690	:	398,200		461,415	460,500	458,
35	Paying Agent Services		2,025		3,200		3,200		3,200		3,200		2,000	2,000	2,
75	Total Debt & Operating Expenditures		6,741,793	9,0	071,731		8,622,191		8,578,095	8,	579,357	5	605,600	5,604,982	5,614,
30	Funds Available for Projects	\$	63,037,319	\$ 21,0	050,039	\$ 1	4,935,232	\$	13,388,997	\$ 18,4	480,958	\$ 15	980,736	\$ 16,554,366	\$ 17,760,
	PROJECT PLAN	_													
			2018	201	9	2	2020	2	021	20	22	20)23	2024	2025
01	TEMPLE INDUSTRIAL PARK: Receiving & Delivery {R&D} Tracks		21,920												
			21,920		-		-		-		-		-	-	
	Receiving & Delivery {R&D} Tracks {bond funded} Rail Backage Road & Rail Improvements (E-W) GST Tract		-	0.1	- 500.000		-		-		-			-	
	Rail Backage Road (N-S) GST Tract		-	۷,۶	-				-		-			-	
	Overlay Industrial Blvd		650,000		-				-		-			-	
50	Total Industrial Park		671.920	2	- 500.000								-		
20			07 1,020	-	,000										
	CORPORATE CAMPUS PARK:														
55	Pepper Creek Trail Hwy 36 to McLane Parkway		157,813		-		-		-		-		-	-	
	Corporate Campus Land		750 000												

750,000

907,813

3,191,551

3,191,551

1,925,000 1,365,909 500,000

1,175,016 92,344

7,250,000 2,820,000 394,150 250,000

250,000

155 Pepper Creek Trail Hwy 36 to McLane Parkway

156	Corporat	e Can	npus L	and	

- 157 Mixed Use Master Plan
- 200 Total Corporate Campus Park

BIOSCIENCE PARK/CROSSROADS PARK:

207	Cross Roads	Park @	Pepper	Creek Trail
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250 Total Bio-Science Park

- OUTER LOOP

 305
 Outer Loop (IH 35 to Wendland) STAG grant {Little Elm Sewer}

 305
 Outer Loop (IH 35 to Wendland)

 305
 Outer Loop (IH 35 to Wendland)

 305
 Outer Loop (IH 35 to Wendland)

- 305 Otter Loop (Wendland to McLane Pkwy)
 315 Outer Loop (Wendland to McLane Pkwy)
 315 Outer Loop (McLane Pkwy to Central Point Pkwy)
 315 Outer Loop (McLane Pkwy to Central Point Pkwy) (bond funded)
 316 Outer Loop Phase V (Poison Oak to Old Waco Road) (bond funded)
 320 Outer Loop Phase VI (Old Waco Road to I35 South)
- 320 Outer Loop Phase VI (Old Waco Road to 135 South) {bond funded} 321 East Outer Loop {bond funded}
- 350 Total Research Parkway

352 Entry Enhancement

354Land400Total Synergy Park

	DOWNTOWN:
401	Downtown Improvements {Transformation Team}
402	Downtown Electric Master Plan
403	Downtown Lighting
404	Santa Fe Plaza
404	Santa Fe Plaza {bond funded}
406	Downtown City Center/Hawn {bond funded}
406	Downtown City Center/Hawn
407	Santa Fe Market
408	MLK Festival Fields
409	TISD-Obligation per Contract
410	1st Street (Avenue B to Central Avenue) and Avenue A (North 3rd to South 2nd)
411	1st Street from Avenue A to Avenue B
412	1st Street from Avenue A to Central Avenue {bond funded}
413	1st Street Parking Garage {bond funded}
413	1st Street Parking Garage
414	Avenue C from Main Street to 24th Street {bond funded}
415	Central/Adams Corridor Concept Design {bond funded}
416	Santa Fe Plaza - Parking Enhancement - 11th to 9th {bond funded}
416	3rd Street Corridor Enhancement
417	Strategic Investment Zone - Grants
450	Total Downtown
	TMED:
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)
459	31st Street/Loop 363 Improvements
460	31st Street (Loop 363 to Avenue M) and Avenue R (31st to 25th Street) Concept Design
461	31st Street Monumentation {bond funded}
462	Ave U TMED Ave. to 1st Street
465	Friars Creek Trail Amphitheater
466	Veteran's Memorial Blvd. Phase II
407	1 at Streat @ Tample Callege Badestries Bridge

3,340,000 623,000 19,485,419 46,846 46,846 362,051 450,000 450,000 450,000 75,000 60,000 7,450,977 1,300,000 2,050,000

3,084,084

300,000

4,500,000

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150,000	-	-	-	-	-	-
3,594,084	-	-	-	-	-	-
-	-	-	-	-	-	-
5,000,000	-	-	-	-	-	-
296,000	-	-	-	-	-	-
1,275,000	-	-	-	-	-	-
1,380,000	-	-	-	-	-	-
-	5,000,000	-	-	-	-	-
	1,450,000	-	-	-	-	-
2,740,000	· · ·			-	-	-
325,000	-	-	-	-	-	-
	-			-	-	-
125,000						
250,000	275,000			-	-	-
26,433,112	7,175,000	450,000	450,000	450,000	450,000	450,000
182,935	-			-	-	-
74,800	-	-	-	-	-	-
130,000	-			-	-	-
450,000	-	-	-	-	-	-
217,197	-			-	-	-
-	-			-	-	-
269,602	300,000	4,500,000		-	-	-
		,,				
-	-	-	-	-	-	-

14,800,000

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11,700,000

11,700,000

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-

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450,000

-

-

450,000

468 TMED South 1st Street 500 Total TMED AIRPORT PARK:

467 1st Street @ Temple College Pedestrian Bridge

	Taxiway for Hangars		-	950,000	-	-	-	-	-	-
	Corporate Hangar Phase III		1,687,013	-	-	-	-	-	-	-
	Draughon-Miller Regional Airport FBO Center & Parking Visioning		119,000	-	-	-	-	-	-	-
512	Draughon-Miller Regional Airport FBO Center & Parking {bond funded}		440,000							
513	Corporate Hangar Phase IV {RAMP grant funded}		100,000							
513	Corporate Hangar Phase IV {bond funded}		132,000	-		-	-	-	-	-
514	Clear Area Near Fire Station		-	172,500						
515	Repaint Tower		-	172,500						
516	Demolition of Old Terminal Building		-	115,000						
517	Fence Realignment & Gate		-	175,000						
550	Total Airport Park		2,478,013	1,585,000	-	-	-	-	-	-
	GATEWAY PROJECTS:									
601	North 31st Street (Nugent to Central) Concept Design		212,000	-	-	-	-	-	-	-
602	North 31st Street (Nugent to Central)		1,500,000	840,000	4,560,000	-	-	-	-	-
603	East/West IH 35 Gateway		60,000	500,000	-	-	-	-	-	-
604	Downtown Neighborhoods Overlay		-	100,000		-	-	-	-	-
605	Adams & Central Avenue Bicycle & Pedestrian Improvements Design		-	155,000	-	-	-	-	-	-
650	Total Gateway Projects		1,772,000	1,595,000	4,560,000	-	-	-	-	-
	Public Improvements									
701	Public Improvements		-	2,000,000	2,000,000	5,000,000	1,000,000	1,500,000	14,000,000	14,250,000
	Land Acquisition		-	750,000	-	-	-	-	-	-
	Contingency {bond funded}		-	-	-	-	-	-	-	-
750	Total Public Improvements		-	2,750,000	2,000,000	5,000,000	1,000,000	1,500,000	14,000,000	14,250,000
	Total Planned Project Expenditures		58,070,758	16,155,000	11,510,000	5,450,000	16,250,000	13,650,000	14,450,000	14,700,000
800	Available Fund Balance at Year End	\$	4,966,561 \$	4,895,039 \$	3,425,232 \$	7,938,997 \$	2,230,958 \$	2,330,736 \$	2,104,366 \$	3,060,508
	Reserve for Debt Service - Tax Increment Revenue Bonds, Series 2018 Reserve for Debt Service - Tax Increment Taxable Revenue Bonds, Series 2019		2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750
	Total Fund Balance at Year End	¢	7,057,311 \$	6,985,789 \$	5,515,982 \$	10,029,747 \$	4,321,708 \$	4,421,486 \$	4,195,116 \$	5,151,258
	I Uldi Fullu Dalalice al teal Ellu	¢	1,001,311 \$	0,900,789 \$	0,010,902 \$	10,029,747 \$	4,321,708 \$	4,421,400 \$	4,190,110 \$	5,151,258

Available for allocation **\$** 40,829,294 **\$** 24,000,000 **\$** 17,991,980 **\$** 16,083,478 **\$** 10,040,193 **\$** 9,963,765 **\$** 10,541,962 **\$** 13,749,778 **\$** 14,223,630 **\$** 15,656,142 **\$** 173,080,221

		Bond Issue									
	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
Temple Industrial Park	\$ 124,572	\$ 650,000	\$-	\$ 2,500,000	\$-	\$-	\$-	\$ -	\$-	\$-	\$ 3,274,572
Corporate Campus Park	1,581,393	-	750,000	250,000	-	-	-	-	-	-	2,581,393
Bioscience Park/Crossroads Park	5,564,692	-	-	-	-	-	-	-	-	-	5,564,692
Outer Loop	5,639,812	14,533,000	250,000	-	-	-	14,800,000	11,700,000	-	-	46,922,812
Synergy Park	49,826	-	-	-	-	-	-	-	-	-	49,826
Downtown	14,160,733	7,795,000	15,341,000	7,175,000	450,000	450,000	450,000	450,000	450,000	450,000	47,171,733
TMED	5,533,172	450,000	730,000	300,000	4,500,000	-	-	-	-	-	11,513,172
Airport Park	1,795,963	572,000	561,550	1,585,000	-	-	-	-	-	-	4,514,513
Gateway	-	-	1,772,000	1,595,000	4,560,000	-	-	-	-	-	7,927,000
Public Improvements	-	-	-	2,750,000	2,000,000	5,000,000	1,000,000	1,500,000	14,000,000	14,250,000	40,500,000
MASTER PLAN PROJECT FUNDING	\$ 34,450,163	\$ 24,000,000	\$ 19,404,550	\$ 16,155,000	\$ 11,510,000	\$ 5,450,000	\$ 16,250,000	\$ 13,650,000	\$ 14,450,000	\$ 14,700,000	\$ 170,019,713

		В	ond Issue]									
	2017		2018		2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
Favorable (Unfavorable) Balance	\$ 6,379,131	\$	-	\$	(1,412,570)	\$ (71,522)	\$ (1,469,807)	\$ 4,513,765	\$ (5,708,038)	\$ 99,778	\$ (226,370)	\$ 956,142	\$ 3,060,508
Cumulative Favorable (Unfavorable)	\$ 6,379,131	\$	6,379,131	\$	4,966,561	\$ 4,895,039	\$ 3,425,232	\$ 7,938,997	\$ 2,230,958	\$ 2,330,736	\$ 2,104,366	\$ 3,060,508	

Available for allocation \$40,829,294 \$24,000,000 \$17,991,980 \$16,083,478 \$10,040,193 \$9,963,765 \$10,541,962 \$13,749,778 \$14,223,630 \$15,656,142 \$173,080,221

Templ	e Industrial Park		Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
1	North Lucius McCelvey Ext. (1/2) Construction	4,442	-	-	-	-	-	-	-	-	-	4,442
2	Northern Y Design	-	-	-	-	-	-	-	-	-	-	-
3	Northern Y Construction	-	-	-	-	-	-	-	-	-	-	-
	Receiving & Delivery Tracks Preliminary Design	107,500	-	-	-	-	-	-	-	-	-	107,500
	Receiving & Delivery Tracks ROW	-	-	-	-	-	-	-	-	-	-	-
	N 31st Street Sidewalks Grant Match	12,630	-	-	-	-	-	-	-	-	-	12,630
	N 31st Street Sidewalks Construction	-	-	-	-	-	-	-	-	-	-	-
8	Rail Backage Road (E-W) GST Tract w/road connection to Wendland Design	-	-	-	175,000	-	-	-	-	-	-	175,000
9	Rail Backage Road (E-W) GST Tract w/road connection to Wendland Construction	-	-	-	2,325,000	-	-	-	-	-	-	2,325,000
10	Rail Backage Road (N-S) GST Tract Design	-	-	-	-	-	-	-	-	-	-	-
11	Rail Backage Road (N-S) GST Tract Construction	-	-	-	-	-	-	-	-	-	-	-
12	Overlay Industrial Blvd		650,000	-	-	-	-	-	-	-	-	650,000
	SUBTOTAL	124,572	650,000	-	2,500,000	-	-	-	-	-	-	3,274,572

Corpo	orate Campus Park		Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
13	Pepper Creek Trail Hwy 36 to McLane Parkway Design	115,500	-	-	-	-	-	-	-	-	-	115,500
14	Pepper Creek Trail Hwy 36 to McLane Parkway Construction	1,465,893	-	-	-	-	-	-	-	-	-	1,465,893
15	Corporate Campus Land Acquisition	-	-	750,000	-	-	-	-	-	-	-	750,000
16	Mixed Use Master Plan	-	-	-	250,000	-	-	-	-	-	-	250,000
	SUBTOTAL	1,581,393	-	750,000	250,000		-		-		-	2,581,393

Biosci	ience Park/Crossroads Park	[Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
17	Crossroads Park @ Pepper Creek Trail Design	100,602	-	-	-	-	-	-	-	-	-	100,602
18	Crossroads Park @ Pepper Creek Trail Construction	5,464,090	-	-	-	-	-	-	-	-	-	5,464,090
	SUBTOTAL	5,564,692	-	-	-	-	-	-	-	-	-	5,564,692

Outer	Loop		Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
19	Outer Loop (IH35 to Wendland) Design	131,247	-	-	-	-	-	700,000	-	-	-	831,247
	Outer Loop (IH35 to Wendland Ultimate) ROW	1,561,809	500,000	250,000	-	-	-	-	-	-	-	2,311,809
21	Outer Loop (IH35 to Wendland) Grant {Little Elm Sewer}	1,925,000	-	-	-	-	-	-	-	-	-	1,925,000
	Outer Loop (IH35 to Wendland) Construction	-	-	-	-	-	-	14,100,000	-	-	-	14,100,000
	Outer Loop (Wendland to McLane Pkwy) Design	-	-	-	-	-	-	-	800,000	-	-	800,000
24	Outer Loop (Wendland to Central Pt Pkwy) ROW	1,611,756	-	-	-	-	-	-	-	-	-	1,611,756
25	Outer Loop (Wendland to McLane Pkwy) Construction	-	-	-	-	-	-	-	10,900,000	-	-	10,900,000
	Outer Loop (McLane to Central Pt Pkwy) Design	-	350,000	-	-	-	-	-	-	-	-	350,000
	Outer Loop (McLane to Central Pt Pkwy) Construction	-	6,900,000	-	-	-	-	-	-	-	-	6,900,000
	Outer Loop Phase V (Poison Oak to Old Waco Road) Design	-	720,000	-	-	-	-	-	-	-	-	720,000
	Outer Loop Phase V (Poison Oak to Old Waco Road) ROW	-	2,100,000	-	-	-	-	-	-	-	-	2,100,000
	Outer Loop Phase V (Poison Oak to Old Waco Road) Construction	-	-	-	-	-	-	-	-	-	-	-
	Outer Loop Phase VI (Old Waco Road to I35 South) Design	410,000	840,000	-	-	-	-	-	-	-	-	1,250,000
	Outer Loop Phase VI (Old Waco Road to I35 South) ROW	-	2,500,000	-	-	-	-	-	-	-	-	2,500,000
	Outer Loop Phase VI (Old Waco Road to I35 South) Construction	-	-	-	-	-	-	-	-	-	-	-
	East Outer Loop Schematic Design	-	123,000	-	-	-	-	-	-	-	-	123,000
35	East Outer Loop Construction	-	500,000									500,000
	SUBTOTAL	5,639,812	14,533,000	250,000	-	-	-	14,800,000	11,700,000	-		46,922,812

TRZ MASTER PLAN PROJECT FUNDING (2017 - 2025)

Synergy Park			Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
36 Entry En	nhancement Design	49,826	-	-	-	-	-	-	-	-	-	49,826
37 Entry En	nhancement Construction	-	-	-	-	-	-	-	-	-	-	-
38 Land Ac	cquisition	-	-	-	-	-	-	-	-	-	-	-
SUBTO	TAL	49,826	-	-	-	-	-	-	-	-	-	49,826

Downtow	vn		Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
39 S	anta Fe Plaza Design	641,969	-	-	-	-	-	-	-	-	-	641,969
40 S	Canta Fe Plaza ROW	2,697,363	-	-	-	-	-	-	-	-	-	2,697,363
41 S	anta Fe Plaza Construction	4,700,000	1,300,000	4,420,000	-	-	-	-	-	-	-	10,420,000
42 T	ISD-Obligation per Contract	5,000,000	-	5,000,000	-	-	-	-	-	-	-	10,000,000
	owntown City Center/Hawn Design	-	450,000	150,000	-	-	-	-	-	-	-	600,000
44 D	owntown City Center/Hawn Construction	-	1,600,000	-	-	-	-	-	-	-	-	1,600,000
	anta Fe Market Design	303,400	-	-	-	-	-	-	-	-	-	303,400
46 <mark>S</mark>	anta Fe Market ROW	463,062	-	45,000	-	-	-	-	-	-	-	508,062
47 <mark>S</mark>	anta Fe Market Construction	-	-	3,330,000	-	-	-	-	-	-	-	3,330,000
48 D	Downtown Transformation Team	354,939	-	315,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	3,819,939
49 D	owntown Electric Master Plan	-	-	75,000	-	-	-	-	-	-	-	75,000
50 D	Downtown Lighting	-	-	60,000	-	-	-	-	-	-	-	60,000
51 1:	st Street (Ave B to Central Ave) and Ave A (North 3rd to South 2nd) Design	-	-	296,000	-	-	-	-	-	-	-	296,000
	st Street from Avenue A to Avenue B Design	-	-	50,000	-	-	-	-	-	-	-	50,000
53 1:	st Street from Avenue A to Avenue B Construction	-	-	1,225,000	-	-	-	-	-	-	-	1,225,000
	st Street from Avenue A to Central Avenue Design	-	80,000	-	-	-	-	-	-	-	-	80,000
55 19	st Street from Avenue A to Central Avenue Construction	-	1,300,000	-	-	-	-	-	-	-	-	1,300,000
	st Street Parking Garage Design	-	-	-	700,000	-	-	-	-	-	-	700,000
	st Street Parking Garage Construction	-	-	-	750,000	-	-	-	-	-	-	750,000
	st Street Parking Garage Construction {bond funded}	-	-	-	5,000,000	-	-	-	-	-	-	5,000,000
58 A	venue C from MLK to 24th Street Design	-	640,000	-	-	-	-	-	-	-	-	640,000
	venue C from MLK to 24th Street ROW	-	2,100,000	-	-	-	-	-	-	-	-	2,100,000
	venue C from MLK to 24th Street Construction	-	-	-	-	-	-	-	-	-	-	-
61 C	Central/Adams Ave Corridor Concept Design	-	250,000	-	-	-	-	-	-	-	-	250,000
	Central/Adams Ave Corridor ROW	-	75,000	-	-	-	-	-	-	-	-	75,000
63 31	rd Street Corridor Enhancement - United Way	-	-	125,000	-	-	-	-	-	-	-	125,000
64 S	trategic Investment Zone - Grants	-	-	250,000	275,000	-	-	-	-	-	-	525,000
S	GUBTOTAL	14,160,733	7,795,000	15,341,000	7,175,000	450,000	450,000	450,000	450,000	450,000	450,000	47,171,733

TMED			Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
65	Loop 363 FR (UPRR to 5th TRZ Portion) Construction	182,935	-	-	-	-	-	-	-	-	-	182,935
66	31st Street (Loop 363 to Ave M) and Ave R (31st to 25th Street) Concept Design	-	-	130,000	-	-	-	-	-	-	-	130,000
67	31 Street Improvements Design	120,267	-	-	-	-	-	-	-	-	-	120,267
68	31 Street Improvements Construction	791,938	-	-	-	-	-	-	-	-	-	791,938
69	31st Street Monumentation Construction	-	450,000	-	-	-	-	-	-	-	-	450,000
70	Ave U TMED Ave. to 1st Construction	2,613,747	-	75,000	-	-	-	-	-	-	-	2,688,747
71	Friars Creek Trail Amphitheater	-	-	-	-	-	-	-	-	-	-	-
72	Veteran's Memorial Blvd. Phase II Design	504,285	-	-	-	-	-	-	-	-	-	504,285
73	Veteran's Memorial Blvd. Phase II ROW	-	-	-	300,000	-	-	-	-	-	-	300,000
74	Veteran's Memorial Blvd. Phase II Construction Grant Match	-	-	-	-	4,500,000	-	-	-	-	-	4,500,000
75	TMED South 1st Street Design	120,000	-	-	-	-	-	-	-	-	-	120,000
76	TMED South 1st Street Construction	1,200,000	-	525,000	-	-	-	-	-	-	-	1,725,000
	SUBTOTAL	5,533,172	450,000	730,000	300,000	4,500,000	-	-	-	-	-	11,513,172

TRZ MASTER PLAN PROJECT FUNDING (2017 - 2025)

Airpor	t Park		Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
77	Taxiway for Hangars {75 ft. width} Design	63,700	-	-	65,000	-	-	-	-	-	-	128,700
78	Taxiway for Hangars {75 ft. width} Construction	-	-	-	885,000	-	-	-	-	-	-	885,000
79	Corporate Hangar Phase II	262,263	-	-	-	-	-	-	-	-	-	262,263
	Corporate Hangar Phase III	1,470,000	-	342,550	-	-	-	-	-	-	-	1,812,550
	Draughon-Miller Regional Airport FBO Center & Parking Visioning	-	-	119,000	-	-	-	-	-	-	-	119,000
	Draughon-Miller Regional Airport FBO Center & Parking Design	-	440,000	-	-	-	-	-	-	-	-	440,000
	Draughon-Miller Regional Airport FBO Center & Parking Construction	-	-	-								-
	Corporate Hangar Phase IV {RAMP Grant funded}	-	-	100,000	-	-	-	-	-	-	-	100,000
	Corporate Hangar Phase IV {bond funded}	-	132,000	-	-	-	-	-	-	-	-	132,000
	Clear Area Near Fire Station Design	-	-	-	22,500	-	-	-	-	-	-	22,500
	Clear Area Near Fire Station Construction	-	-	-	150,000	-	-	-	-	-	-	150,000
	Repaint Tower Design	-	-	-	22,500	-	-	-	-	-	-	22,500
	Repaint Tower Construction	-	-	-	150,000	-	-	-	-	-	-	150,000
	Demolition of Old Terminal Building Design	-	-	-	15,000	-	-	-	-	-	-	15,000
	Demolition of Old Terminal Building Construction	-	-	-	100,000	-	-	-	-	-	-	100,000
	Fence Realignment Design	-	-	-	24,000	-	-	-	-	-	-	24,000
93	Fence Realignment & Gate Construction	-	-	-	151,000	-	-	-	-	-	-	151,000
												-
	SUBTOTAL	1,795,963	572,000	561,550	1,585,000	-	-	-	-	-	-	4,514,513

Gatew	ay Projects		Bond Issue								
Line #	Project Description	2017	2018	2018	2019	2020	2021 2022	2023 2024	20	25	TOTAL
	North 31st Street (Nugent to Central) Concept Design	-	-	212,000	-	-			-	-	212,000
	North 31st Street (Nugent to Central) Land Acquisition	-	-	1,500,000	40,000	-			-	-	1,540,000
	North 31st Street (Nugent to Central) Design	-	-	-	800,000	-		-	-	-	800,000
97	North 31st Street (Nugent to Central) Construction	-	-	-	-	4,560,000			-	-	4,560,000
98	East/West Gateway Design	-	-	60,000	-	-			-	-	60,000
99	East/West Gateway Construction	-	-	-	500,000	-			-	-	500,000
100	Downtown Neighborhoods Overlay	-	-	-	100,000	-			-	-	100,000
101	Adams & Central Avenue Bicycle & Pedestrian Improvements Design	-	-	-	155,000	-		-	-	-	155,000
	SUBTOTAL		-	1,772,000	1,595,000	4,560,000		-	-	-	7,927,000

Public	Improvements		Bond Issue									
Line #	Project Description	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
102	Public Improvements	-	-	-	2,000,000	2,000,000	5,000,000	1,000,000	1,500,000	14,000,000	14,250,000	39,750,000
103	Land Acquisition	-	-	-	750,000	-	-	-	-	-	-	750,000
104	Bond Contingency	-	-	-	-	-	-	-	-	-	-	-
	SUBTOTAL	-	-	-	2,750,000	2,000,000	5,000,000	1,000,000	1,500,000	14,000,000	14,250,000	40,500,000

MASTER PLAN PROJECT FUNDING 34,450,163 24,000,000 19,404,550 16,155,000 11,510,000 5,450,000 16,250,000 13,650,000 14,450,000 14,700,000 170,019,713

		Bond Issue									
	2017	2018	2018	2019	2020	2021	2022	2023	2024	2025	TOTAL
Favorable (Unfavorable) Balance	6,379,131	-	(1,412,570)	(71,522)	(1,469,807)	4,513,765	(5,708,038)	99,778	(226,370)	956,142	3,060,508
Cumulative Favorable (Unfavorable)	6,379,131	6,379,131	4,966,561	4,895,039	3,425,232	7,938,997	2,230,958	2,330,736	2,104,366	3,060,508	

REINVESTMENT ZONE NO. 1 FUNDING WORKSHEET

	8/29/2018		9/26/2018						
	Α	В	С	D	E	F	G	H	
	2018	2018	2019	2020	2021	2022	2023	Total	PP #
SOURCE OF FUNDS -									
1 Beginning Balance/Carryover from PY	\$-	\$ 3,355,283	\$ 3,608,366	\$ 179,596	\$ (4,210,520) \$	(6,800,279) \$	(4,386,429)		
2 Panda I TCEQ Tier 3 Negotiated Settlement	3,656,728	-	-	-	-	-	-	3,656,728	
3 Panda II TCEQ Tier 3 Negotiated Settlement	3,983,555	-	-	-	-	-	-	3,983,555	
4 Interest income	-	200,000	200,000	200,000	-	-	-	600,000	8
5 Interest income - bond funds	-	-	300,000	-	-	-	-	300,000	8
6 Bond Proceeds - taxable issue	-	(5,000,000)	5,000,000	-	-	-	-	-	17
7 Additional taxes due to certified roll	-	-	864,935	2,046,424	2,754,131	3,464,270	4,145,491	13,275,251	4
8 Airport RAMP Grant funding	-	-	50,000	-	-	-	-	50,000	10
9 Cost Sharing - North 31st Street - Nugent to Central	-	-	1,250,000	-	-	-	-	1,250,000	14
10 East/West Gateway Design - KTB grant funding for construction	-	-	500,000	-	-	-	-	500,000	
11 Fund Balance - Replenishment of Debt Service Reserve	-	509,250	2,090,750	-	-	-	-	2,600,000	2A & 2
12 Total Source of Funds	\$ 7,640,283	\$ (935,467)	\$ 13,864,051	\$ 2,426,020	\$ (1,456,389) \$	(3,336,009) \$	(240,938)	\$ 26,215,534	
USE OF FUNDS									
Projects Underway - Current									PP #
12 Santa Fe Plaza - {partially bond funded}	-	445,000	-					445,000	404
12 Santa Fe Flaza - {pantally bond funded} 13 1st Street - Avenue A to Avenue B	-	215,000	-	-	-	-	-	215,000	404
14 Santa Fe Market		90,000	-	-	-	-	-	90,000	411
14 Santa Fe Market	-	90,000	-	-	-	-	-	90,000	407
15 Maintenance Costs	-	-	390,000	90,000	90,000	90,000	90,000	750,000	54
16 Corporate Hangar Phase III	-	950	-	-	-	-	-	950	510
17 Paying agent fees	-	325	1,500	1,500	1,500	1,500	1,500	7,825	33
18 Outer Loop - IH 35 to Wendland ROW	-	141,000	-	-	-	-	-	141,000	305
19 Outer Loop - Wendland to McLane Parkway ROW	-	165,000	-	-	-	-	-	165,000	310
20 Outer Loop - McLane Parkway to Central Point Parkway ROW	-	(306,000)		-	_	-	-	(306,000)	
21 Debt Service - 2018A Issue {\$24 mil}	-	(000,000)	(689,629)			(80,900)	(251,950)	(1,580,329)	
22 Debt Service - 2018B Issue {\$5 mil}	-		396,584	395,590	399,690	39,820	461,415	1,693,099	32B
23 Parking Garage - additional \$'s for electric utility relocation & design	-		1,450,000	-	-	-		1,450,000	413
24 Parking Garage	-	(5,000,000)	5,000,000	-	-		-	-	413
25 Road Maintenance	-	(0,000,000)	140,000			-		140,000	58
26 Ave U		(145,108)	140,000	-				(145,108)	
27 Fence Realignment & Gate		(143,100)	51,000					51,000	
28 Rail Backage Road (E-W) {Design} - {bond funded}	-	(450,000)			-			(450,000)	
29 1st Street from Avenue A to Central Avenue -{bond funded}	-	100,000		-	-	-	-	100,000	
30 Avenue C from Main Street to 24th Street - {bond funded}	-	200,000						200,000	
31 Central/Adams Corridor Concept Design {bond funded}	-	155,000		-	-		-	155,000	
32 Santa Fe Plaza - Parking Enhancement - 11th to 9th {bond funded}	-	(155,000)		-	-	-	-	(155,000)	
33 Total - Projects Underway	-	(4,543,833)		76,540	343,890	50,420	300,965	2,967,437	
		(1,010,000)	-,,	,			,	_,,	
New projects:									
34 North 31st Street - Nugent to Central	1,500,000	-	840,000	4,560,000	-	-	-	6,900,000	
35 3rd Street Corridor Enhancement - United Way	125,000	-	-	-	-	-	-	125,000	
36 East/West Gateway Design	60,000	-	500,000	-	-	-	-	560,000	602
37 Adams & Central Ave Bicycle & Pedestrian Improv Design	-	-	155,000	-	-	-	-	155,000	605
38 Rail Backage Road and Rail Improvements	-	-	2,500,000	-	-	-	-	2,500,000	
39 Taxiway to Hangars	-	-	950,000	-	-	-	-	950,000	
40 Reserve fund for 2018 TIRZ Bonds	2,600,000	-	-	-	-	-	-	2,600,000	
41 Public Improvements	-	-	2,000,000	2,000,000	5,000,000	1,000,000	1,500,000	11,500,000	
42 TOTAL New Projects	4,285,000		6,945,000	6,560,000	5,000,000	1,000,000	1,500,000	25,290,000	
43 TOTAL USE OF FUNDS [33+42]	4,285,000	(4,543,833)	13,684,455	6,636,540	5,343,890	1,050,420	1,800,965	28,257,437	
	.,,					.,			
44 NET SOURCE (USE) OF FUNDS	\$ 3,355,283	\$ 3,608,366	\$ 179,596	\$ (4,210,520)	\$ (6,800,279) \$	(4,386,429) \$	(2,041,903)	<mark>\$ (2,041,903)</mark>	

		2018		2018	2	2019	2020	2021	2022	2023	Total	PP #
Cu	rrent Financing/Project Plan											
	Mix Use Master Plan	\$	- \$	-	\$	250,000	\$-		\$-	\$-	\$ 250,000	157
46	Outer Loop (IH 35 to Wendland)		-	-		-	-	-	14,800,000	-	14,800,000	305
47	Outer Loop (Wendland to McLane Parkway)		-	-		-	-	-	-	11,700,000	11,700,000	
48	Land Acquisition		-	-		750,000	-	-	-	-	750,000	XXX
49	Downtown Improvements {Transformation Team}			-		450,000	450,000	450,000	450,000	450,000	2,250,000	401
50	Strategic Investment Zone - Grants		-	-		275,000	-	-	-	-	275,000	418
51	Veteran's Memorial Blvd. Phase II		-	-		300,000	4,500,000	-	-	-	4,800,000	466
52	Clear Area Near Fire Station {Airport}		-	-		172,500	-	-	-	-	172,500	514
53	Repaint Tower {Airport}		-	-		172,500	-	-	-	-	172,500	515
54	Demolition of Old Terminal Building {Airport}		-	-		115,000	-	-	-	-	115,000	516
55	Fence Realignment & Gate {Airport}		-	-		175,000	-	-	-	-	175,000	517
56	Downtown Neighborhood Overlay		-	-		100,000	-	-	-	-	100,000	604
57	Public Improvements		-	-	2	2,000,000	2,000,000	5,000,000	1,000,000	1,500,000	11,500,000	701
58	TOTAL		-	-	4	4,760,000	6,950,000	5,450,000	16,250,000	13,650,000	47,060,000	
	nd Projects											
	Outer Loop											
59	Outer Loop (IH35 to Wendland) ROW			500,000		-	-	-	-	-	500,000	
60	Outer Loop (McLane to Central Point Parkway)			7,250,000		-	-	-	-	-	7,250,000	
61	Outer Loop Phase V (Poison Oak to Old Waco Road)			2,820,000		-	-	-	-	-	2,820,000	
62	Outer Loop Phase VI (Old Waco Road to I35 South)			3,340,000		-	-	-	-	-	3,340,000	
63	East Outer Loop			623,000)	-	-	-	-	-	623,000	
	Downtown								-			
64	Downtown City Center/Hawn			2,050,000		-	-	-	-	-	2,050,000	
65	1st Street from Avenue A to Central Avenue			1,380,000		-	-	-	-	-	1,380,000	
66	1st Street Parking Garage			-		5,000,000	-	-	-	-	5,000,000	
67	Avenue C from Main Street to 24th Street			2,740,000		-	-	-	-	-	2,740,000	
68	Santa Fe Plaza Additional Funding for Construction			1,300,000		-	-	-	-	-	1,300,000	<u> </u>
69	Santa Fe Plaza - Central Ave Corridor Parking/Enhance			325,000)	-	-	-	-	-	325,000	
70	Santa Fe Plaza - Parking Enhancement - 11th to 9th {bond funded}			-	-	-	-	-	-	-	-	
	Temple Industrial Park								-			
71	Rail Backage Road (E-W) {Design}			-	-	-	-	-	-	-	-	<u> </u>
72	Milling & Overlay Industrial Blvd			650,000		-	-	-	-	-	650,000	<u> </u>
	TMED- 31st Street Monumentation Construction			450,000)	-	-	-	-	-	450,000	<u> </u>
_	Airport Park								-			Ļ
74	Draughon- Airport FBO Center & Parking Design			440,000		-	-	-	-	-	440,000	
75	Corporate Hangar Phase IV Design			132,000		-	-	-	-	-	132,000	
76	Total Bond Projects			24,000,000		5,000,000	-	-		-	29,000,000	
77	Fund Balance @ End of Year		\$	4,966,561	I\$4	4,895,039	\$ 3,425,232	\$ 7,938,997	\$ 2,230,958	\$ 2,330,736		+

ORDINANCE NO. 2018-4935

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS WHICH INCLUDES ADJUSTING REVENUES, ADJUSTING DEBT SERVICE PAYMENTS FOR THE SERIES 2018 BONDS, AND ADJUSTING EXPENDITURES FOR YEARS 2018–2062; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2008; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4373 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4,

2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and

Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014; Ordinance No. 2014-4676 on July 17, 2014; Ordinance No. 2014-4683 on September 18, 2014; Ordinance No. 2014-4695 on December 18, 2014; Ordinance No. 2015-4705 on April 16, 2015; Ordinance No. 2015-4734 on October 17, 2015; Ordinance No. 2016-4789 on July 21, 2016; Ordinance No. 2016-4809 on October 20, 2016; Ordinance No. 2017-4838 on April 20, 2017; Ordinance No. 2017-4851 on July 20, 2017; Ordinance No. 2017-4871 on October 19, 2017; Ordinance No. 2017-4881 on November 2, 2017; Ordinance No. 2018-4885 on January 18, 2018; Ordinance No. 2018-4931 on September 20, 2018; Ordinance No. 2018 – 4935 on October 18, 2018;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

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

<u>**Part 1: Findings.**</u> The statements contained in the preamble of this Ordinance are true and correct and are adopted as findings of fact hereby.

<u>Part 2</u>: Reinvestment Zone Financing and Project Plans. The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this Ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B.

<u>**Part 3: Plans Effective.**</u> The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

<u>Part 4</u>: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would

have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

<u>**Part 5**</u>: **Effective Date.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

<u>**Part 6: Open Meetings.**</u> It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of October, 2018.

PASSED AND APPROVED on Second Reading on the 18th day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson City Secretary Kayla Landeros City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/18 Item #5 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Police Chief

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Police Officer and Sergeant classifications of certified police officers.

<u>STAFF RECOMMENDATION</u>: Conduct public hearing and adopt ordinance as presented on first reading; with second and final reading set for October 18, 2018.

ITEM SUMMARY: Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Police Department, and prescribe by ordinance the number of positions in each classification.

The Police Chief requests the addition of one Sergeant position, and one Police Officer position.

Increased need for supervisory oversight in the Police Department requires increasing the number of positions in the Sergeant rank to provide efficient, effective public safety services.

The new Police Officer position is requested pursuant to the Crime Prevention Program created by the City to provide a dedicated and consistent law enforcement presence within low-to-moderate income areas. This position is proposed to increase the amount of citizen engagement using specific objectives and benchmarks in the target area, and by establishing neighborhood watches to reduce crime. The City developed a plan for this Police Officer position and now that the plan is complete, the City is ready to advertise for it.

Currently, there are 18 Sergeant positions and one 105 Police Officer positions in the Department. The requested increase to 19 Sergeant positions and 106 Police Officer positions will provide the staffing needed to maintain high quality basic law enforcement services in the community and supervisory oversight within the Department.

FISCAL IMPACT: Additional funding in the net amount of \$149,604 is included in the FY 2019 Operating Budget of the Police Department for one new Sergeant position. The net amount includes funding for a vehicle, equipment and other operational costs associated with the new Sergeant position.

Funding in the amount of \$80,434 for one new Police Officer position is included in the FY 2019 Budget in the Crime Prevention Program under the Community Development Block Grant.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2018-4936

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

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish by Ordinance, the classifications in the Police Department, and prescribe by Ordinance the number of positions in each classification;

Whereas, Staff recommends that Council authorize the approval of one additional Sergeant position and one additional Police Officer position;

Whereas, increased need for supervisory oversight in the Police Department requires increasing the number of positions in the Sergeant rank to provide efficient, effective public safety services;

Whereas, the new Police Officer position is requested pursuant to the Crime Prevention Program created by the City to provide a dedicated and consistent law enforcement presence within low-to-moderate income areas - this position is proposed to increase the amount of citizen engagement using specific objectives and benchmarks in the target area, and by establishing neighborhood watches to reduce crime;

Whereas, the City developed a plan for this Police Officer position and now that the plan is complete, the City is ready to advertise for it;

Whereas, there are eighteen Sergeant positions and one hundred and five Police Officer positions in the Police Department - the requested increase to nineteen Sergeant positions and one hundred and six Police Officer positions will provide the staffing needed to maintain high quality basic law enforcement services in the community and supervisory oversight within the Police Department;

Whereas, additional funding in the net amount of \$149,604 is included in the fiscal year 2019 Operating Budget of the Police Department for one new Sergeant position - this net amount includes funding for a vehicle, equipment and other operational costs associated with the new Sergeant position;

Whereas, funding in the amount of \$80,434 for one new Police Officer position is included in the fiscal year 2019 Budget in the Crime Prevention Program under the Community Development Block Grant;

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

Now, Therefore, Be It Ordained By The City Council Of The City Of Temple, Texas, That:

<u>Part 1</u>: 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.

<u>**Part 2</u>:** Council establishes the following Classifications and the Number of Positions of Certified Police Officers for civil service positions in the Police Department:</u>

CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* – 1 Position

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

B. *DEPUTY CHIEF* – 3 Positions

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

II. CLASSIFIED POSITIONS

A. *LIEUTENANT* – 7 Positions

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

B. SERGEANT – 19 Positions

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

C. *CORPORAL* – 18 Positions

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

D. *POLICE OFFICER* – 106 Positions

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

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

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

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

Part 4: This ordinance shall take effect October 18, 2018.

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of October, 2018.

PASSED AND APPROVED on Second Reading on the **18th** day of October, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson City Secretary Kayla Landeros City Attorney