



**JOINT MEETING OF THE  
TEMPLE CITY COUNCIL  
&  
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, NOVEMBER 1, 2018  
3:30 P.M.  
AGENDA**

**CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

1. [2018-9407-R](#): Conduct a meeting of the City of Temple Employee Benefits Trust to adopt a resolution authorizing a one-year renewal term to the City's agreement with Scott and White Health Plan for the provision of Medicare supplement insurance for over age 65 City of Temple retirees and establishing the rates for this type of insurance.

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

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 1, 2018.
2. Discuss the proposed redevelopment of the Hawn Hotel and Arcadia Theater properties.

*Pursuant to Texas Government Code Section 551.087, the City Council may meet in executive session to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the City and with which the City Council is conducting economic development negotiations.*

3. Discuss the status of right-of-way acquisitions for the Outer Loop road expansion project.

*Pursuant to Texas Government Code Section 551.072, the City Council may meet in executive session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City Council in negotiations with a third person.*

5:00 P.M.

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

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. 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:

**Contracts, Leases, & Bids**

- (A) [2018-9408-R](#): Consider adopting a resolution authorizing an interlocal agreement between Bell County, Coryell County, City of Belton, City of Copperas Cove, City of Harker Heights, City of Killeen and the City of Temple regarding the participation of Temple Fire and Rescue personnel in the formation of and participation in the Centex Fire and Arson Task Force.
- (B) [2018-9409-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County Juvenile Services for police-escorted home visits to monitor juveniles placed on court-ordered supervision.
- (C) [2018-9410-R](#): Consider adopting a resolution authorizing an agreement with the Bill Messer, PC for legislative lobbying services.
- (D) [2018-9411-R](#): Consider adopting a resolution authorizing the following agreements for the procurement of natural gas for the compressed natural gas fueling station:
  1. A renewal to the memorandum of agreement with Choice! Energy Services of Houston for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu; and

2. Execution of an agreement with Constellation NewEnergy – Gas Division, LLC for the supply of natural gas from November 2018 through October 2019 for the City's CNG fueling station at a rate of the monthly Houston Ship Channel (HSC) published rate plus/minus 18.15¢ per MMBtu.
- (E) [2018-9412-R](#): Consider adopting a resolution authorizing a purchase agreement with Pall Water of Cortland, NY, for the initial purchase of 234 membrane modules and 858 module connection hoses for the City's Membrane Water Treatment Facility in the amount of \$325,650.
- (F) [2018-9413-R](#): Consider adopting a resolution authorizing a contract with TMI Coatings, Inc., of St. Paul, MN (TMI), for construction services required to rehabilitate Water Treatment Plant Clarifier #3 for a lump sum price of \$696,000.
- (G) [2018-9414-R](#): Consider adopting a resolution authorizing an amendment to an agreement with Turley Associates, Inc. (Turley), for professional services required for the Conner Park drainage channel improvements, in the amount of \$12,000.
- (H) [2018-9415-R](#): Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant for FY2018, which funds a portion of the administration cost for Emergency Management for the City of Temple in the amount of \$34,021.11.
- (I) [2018-9416-R](#): Consider adopting a resolution ratifying the application for program funding from State Farm Insurance Companies for a swift water rescue boat, in the amount of \$20,000.
- (J) [2018-9417-R](#): Consider adopting a resolution authorizing the purchase of a forklift in the amount of \$32,106.09 and a skid steer in the amount of \$47,256.87 from Associated Supply Company, Inc. of Lubbock.
- (K) [2018-9418-R](#): Consider adopting a resolution authorizing the purchase of two Pierce fire trucks in an amount not to exceed \$1,340,000 from Siddons-Martin Emergency Group of Denton, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2019 Combination Tax & Revenue Bonds.
- (L) [2018-9419-R](#): Consider adopting a resolution authorizing the purchase of a dump truck from Houston Freightliner, Inc. of Houston, in the amount of \$102,081.
- (M) [2018-9420-R](#): Consider adopting a resolution authorizing the purchase of a vactor truck from Freightliner of Austin in the amount of \$366,587.
- (N) [2018-9421-R](#): Consider adopting a resolution authorizing granting an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of a restroom within South Temple Park.
- (O) [2018-9422-R](#): Consider adopting a resolution establishing rates for Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution for calendar year 2019.

### **Ordinances- Second & Final Reading**

- (P) [2018-4938](#): SEOND READING – FINAL READING – FY-18-12-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption, where the sale of alcoholic beverages is less than 50% of the total gross revenue, on Tract B of Lot 1, Block 3, Section III, Glendale Park Addition, located at 1420 SW HK Dodgen Loop.

**Misc.**

- (Q) [2018-9423-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

**IV. REGULAR AGENDA**

**ORDINANCES- SECOND & FINAL READING**

4. [2018-4937](#): SECOND READING – FY-18-4-SITE: Consider adopting an ordinance amending Ordinance No. 2005-4049 to approve an amended site plan covering approximately 6.809 acres out of 55.39 acres located in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at the northeast corner of Country View Lane and Country Lane Drive.

**ORDINANCES- FIRST READING/PUBLIC HEARING**

5. [2018-4939](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a five-year franchise with American Medical Response, Inc. to provide non-emergency ambulance transfer services within the City.
6. [2018-4940](#): FIRST READING - PUBLIC HEARING - FY-18-8-ZC: Consider adopting an ordinance authorizing a rezoning of 1.40 +/- acres from Agricultural zoning district to Planned Development-Neighborhood Services zoning district with a development/ site plan for offices and enclosed storage for an events rental business, addressed as 5285 South 31st Street.

**RESOLUTIONS**

7. [2018-9424-R](#): Consider adopting a resolution authorizing a professional services agreement with RJN Group of Dallas, for a City-wide System Evaluation and Capacity Assurance Plan and assessment of Friars Creek wastewater basin, in an amount not to exceed \$1,616,031, as well as, declare an official intent to reimburse the expenditures with the issuance of 2019 Utility Revenue Bonds.
8. Consider adopting a resolution dedicating:
- (A) [2018-9425-R](#): The Animal Services Building conference room as the Pat O'Conner Conference Room; and
  - (B) [2018-9426-R](#): The Archive and Local History Room of the Temple Public Library as The Wendland Family Archive and Local History Room in honor of R. E. Wendland, Erroll Wendland, and Barbara Jean Wendland.

**BOARDS**

9. [2018-9427-R](#): Consider adopting a resolution appointing one member to fill an unexpired term through September 1, 2019 to the Planning and Zoning Commission.

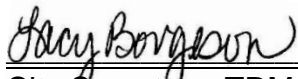


---

***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 2:00 pm, on Friday, October 26, 2018.



City Secretary, TRMC

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

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



## EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

---

11/01/18  
Item #1  
EBT Agenda  
Page 1 of 2

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

Tara Raymore, Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year renewal term to the City's agreement with Scott and White Health Plan for the provision of Medicare supplement insurance for over age 65 City of Temple retirees and establishing the rates for this type of insurance.

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

**ITEM SUMMARY:** Previously the Trustees of the City of Temple Employee Benefits Trust authorized an agreement with Scott and White Health Plan (SWHP) for the provision of Medicare supplement insurance for over age 65 City of Temple retirees. City policy requires that when retirees turn 65, if they are eligible, they must enroll in a Medicare supplement plans offered through the City in order to receive the City's contribution. These rates are not available until the fall of each year, at this time the Trust is being asked to authorize a one-year renewal to the agreement with SWHP and to adopt Medicare supplement rates for retirees for 2019. The rates for Medicare supplement insurance run from January 1st through December 31st of each year.

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

For 2019, SWHP is offering three SeniorCare Advantage Health Maintenance Organization (HMO) plans and two SeniorCare Advantage Preferred Provider Organization (PPO) plans, which include prescription drug benefits. SWHP will also offer a dental plan through the MetLife PDP Plus Network.

In FY2011, the City Policy regarding contributions was amended to state that the City will pay an amount toward retiree insurance to be determined each fiscal year. Staff is recommending that the City continue to fund monthly the Medicare supplement insurance for each eligible retiree at the lesser of the following: (1) 50% of the Medicare supplement insurance plan cost or (2) \$102. The dental plan cost will be paid by the retiree only.

The new monthly premium recommendations for 2019 are as follows:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	SeniorCare HMO Select – With RX	\$0.00	\$0.00	\$0.00
B	SeniorCare HMO Preferred – No Rx	\$90.00	\$45.00	\$45.00
C	SeniorCare HMO Preferred – With Rx	\$130.00	\$ 65.00	\$65.00
D	SeniorCare HMO Premium – No RX	\$199.00	\$99.50	\$99.50
E	SeniorCare HMO Premium – With RX	\$240.00	\$102.00	\$138.00
F	SeniorCare PPO Basic – With Rx	\$43.00	\$21.50	\$21.50
G	SeniorCare PPO Platinum – With Rx	\$150.00	\$75.00	\$75.00
H	SeniorCare HMO Dental	\$0.00	\$0.00	\$0.00
I	SeniorCare PPO Dental – Basic (with Plan F above)	\$20.00	\$0.00	\$20.00
J	SeniorCare PPO Dental – Platinum (with Plan G above)	\$0.00	\$0.00	\$0.00

**FISCAL IMPACT:** Budgeted amount: \$166,018 in account 110-2700-515-1231\*  
Estimated amount for FY 2019: \$89,352\*\*

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

\*\* Maximum contribution during FY 2019 for the new plan costs calculated as \$102 x 73 Medicare eligible retirees (as of 10/01/18) x 9 months (Jan - Sept) = \$67,014; the number of retirees could change over the course of the year. The cost incurred for the Medicare Supplemental insurance from October through December is estimated to be \$22,338.

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

RESOLUTION NO. 2018-9407-R

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEE BENEFITS TRUST, AUTHORIZING A ONE-YEAR RENEWAL TO THE CITY'S AGREEMENT WITH SCOTT AND WHITE HEALTH PLAN FOR THE PROVISION OF MEDICARE SUPPLEMENT INSURANCE FOR OVER AGE 65 CITY OF TEMPLE RETIREES, AND ESTABLISHING THE RATES FOR THIS TYPE OF INSURANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, previously the Trustees of the City of Temple Employee Benefits Trust authorized an Agreement with Scott and White Health Plan (SWHP) for the provision of Medicare supplement insurance for over age 65 City of Temple retirees - City policy requires that when retirees turn age 65, if they are eligible, they must enroll in a Medicare supplement plan offered through the City in order to receive the City's contribution;

**Whereas**, these rates are not available until the Fall of each year, and therefore Staff recommends the Trust authorize a 1-year renewal to the agreement with SWHP and recommends the Trust adopt substitute Medicare supplement rates for retirees for 2019 - these rates for Medicare supplement insurance run from January 1<sup>st</sup> through December 31<sup>st</sup> of each year;

**Whereas**, the City's Personnel Policies and Procedures Manual states that the City will pay an amount established during the budget process for Medicare supplement insurance for Medicare eligible retirees who have at least 25 years of continuous service with the City of Temple;

**Whereas**, on November 3, 2016, the City received proposals for Group Medicare Supplement and Prescription Drug Benefits, with SWHP being the only respondent - the Request for Proposals (RFP) indicated that the contract would be for a one-year term with the option for four additional one-year renewals;

**Whereas**, for fiscal year 2019, SWHP is offering three SeniorCare Advantage Health Maintenance Organization (HMO) plans, and two SeniorCare Advantage Preferred Provider Organization (PPO) plans which include prescription drug benefits - SWHP will also continue to offer a dental plan through MetLife PDP Plus Network;

**Whereas**, in fiscal year 2011, the City Policy regarding contributions was amended to state that the City will pay an amount toward retiree insurance to be determined each fiscal year – Staff recommends the City continue to fund the Medicare supplement insurance for each eligible retiree at the lesser of the following rates: 1) 50% of the Medicare supplement insurance plan cost, or 2) \$102;

**Whereas**, the dental plan will be paid by the retiree only;

**Whereas**, Staff recommends the Employee Benefits Trust authorize a one-year renewal term to the City's Agreement with Scott and White Health Plan for the provision of Medicare supplemental insurance for over age 65 City of Temple retirees, and establish the rates for this type of insurance;

**Whereas**, funds for substitute Medicare supplement insurance are budgeted in Account No. 110-2700-515-1231 for fiscal year 2019; and

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

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

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

**Part 2:** The City of Temple Employee Benefits Trust authorizes a one year renewal term to the City's Agreement with Scott and White Health Plan for the provision of Medicare supplement insurance for over age 65 City of Temple retirees, and establishes the rates for this type of insurance, as set forth in Exhibit 'A' attached hereto and incorporated for all purposes.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **November**, 2018.

CITY OF TEMPLE, TEXAS, EMPLOYEE  
BENEFITS TRUST

\_\_\_\_\_  
TIMOTHY A. DAVIS, Trustee

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

---

11/01/18  
Item #3(A)  
Consent Agenda  
Page 1 of 1

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

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider interlocal agreement between Bell County, Coryell County, City of Belton, City of Copperas Cove, City of Harker Heights, City of Killeen and the City of Temple regarding the participation of Temple Fire and Rescue personnel in the formation of and participation in the Centex Fire and Arson Task Force.

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

**ITEM SUMMARY:** This agreement is to facilitate the creation and participation in the Centex Fire and Arson Task force by the Temple Fire and Rescue. The purpose of this task force is to provide fire, arson and explosive detection, investigative, and prosecutorial capabilities to each of the member agencies. By participating in this task force the City of Temple Fire and Rescue would agree to provide or receive the needed personnel, equipment or other resources as requested, when available, for the period of time needed to conduct a timely and proper investigation.

The agreement will be in full effect until the City would withdraw from it, if approved.

**FISCAL IMPACT:** Each party identified in the interlocal agreement will be responsible for their own costs associated with fulfillment of the agreement.

### **ATTACHMENTS:**

[Cen-Tex Fire and Arson Taskforce interlocal Agreement Resolution](#)

CENTEX FIRE AND ARSON TASK FORCE  
INTERLOCAL AGREEMENT

STATE OF TEXAS	( )
COUNTY OF BELL,	( )
COUNTY OF CORYELL	( )
CITY OF KILLEEN,	( )
CITY OF HARKER HEIGHTS,	( )
CITY OF COPPERAS COVE,	( )
CITY OF TEMPLE,	( )
CITY OF BELTON,	( )

This Agreement is entered into by and between Bell County, Coryell County, Killeen, Harker Heights, Belton, Temple, and Copperas Cove (hereinafter referred to collectively as the "Parties"). The Parties execute this Agreement as hereinafter provided pursuant to the Interlocal Agreement Act, Texas Government Code, section 791.011, et seq., and the Texas Local Government Code, section 362.002, et seq., and all other applicable statutes.

WHEREAS, there is a need for investigative and prosecutorial cooperation in suspected fire and arson cases in Bell County, Coryell County, Killeen, Harker Heights, Belton, Temple, and Copperas Cove;

WHEREAS, the Parties hereto have determined that the best possible method for attacking the arson problem within Bell County, Coryell County, Killeen, Harker Heights, Belton, Temple, and Copperas Cove is an agreement establishing such cooperation by way of a Task Force; and

WHEREAS, the Parties desire to enter into this Agreement to provide investigative and prosecutorial cooperation in connection with fire, arson and other criminal cases; and

WHEREAS, each party is authorized to perform the services contemplated herein the Parties for the mutual consideration hereinafter stated, agree and understand as follows;

NOW THEREFORE,

I.

The Parties execute this Agreement for the purpose of providing fire, arson and explosive detection, investigative, and prosecutorial capabilities to each other as the need arises.

II.

The coordinator of the Centex Fire and Arson Task Force will be appointed by majority vote of the general membership created by this Agreement. Each member shall have one (1) vote. The Office of the Task Force Coordinator will be the central repository of the Parties' executed counterparts of this Agreement.



### III.

When requested by one party to this Agreement, another party to this Agreement may provide available members of its fire and explosive investigative unit to investigate and perform follow-through prosecution duties regarding fires or explosions of suspicious origin or unknown causes within the requesting jurisdiction. While engaged in such activities, employees of the responding party shall be under the rules of the requesting party and the direction and supervision of the requesting party's officer in charge of the investigation. The availability of a party's officers shall be determined by the responding party.

### IV.

While any responding party investigative officer is in the service of the requesting party, he or she shall be considered an investigative officer of the requesting member and be under the command of the requesting party's department head or the department head's designee, with all the powers of a regular investigative officer of the requesting party, as fully as though he or she were within the territorial limits of the governmental entity where he or she is regularly employed and his or her qualifications, respectively, in the job position for the local governmental entity by which he or she is regularly employed, shall constitute his or her qualifications for the position within the territorial limits of the requesting member, and no other oath, bond, or compensation need be made. Certifications and qualifications should be subject to audit at any time by any member of the task force. If the member is a licensed peace officer, proof of weapons qualifications should be maintained.

### V.

In performing duties under this agreement, each party will comply with all necessary federal, state and local laws, regulations and ordinances, including those relating to disposal of property acquired from grant funds.

### VI.

The party regularly employing the investigative officer shall pay all wages and disability payments, pension payments and payments for damages to equipment and clothing of that officer while he or she is involved in activities pursuant to this Agreement the same as though the services had been rendered within the jurisdiction wherein the investigative officer is regularly employed. The requesting party shall have no obligation to reimburse the responding party for such costs unless reimbursement is required under the Local Government Code § 362.003(c).

### VII.

Any request for assistance under this Agreement shall include a statement of the amount and type of equipment and number of personnel requested and shall specify the location to which the equipment and personnel requested are to be dispatched, but the amount and type of

equipment and number of personnel to be furnished shall be determined by the responding party's department head or department head's designee.

#### VIII.

The department head of the responding party, or department head's designee, in his or her sole discretion, may at any time withdraw his or her personnel or equipment or discontinue participation in any activity initiated pursuant to this Agreement.

#### IX.

A party to this Agreement may unilaterally terminate its participation in this Agreement only after providing not less than ninety (90) days' written notice of termination to the other parties. This Agreement may be terminated at any time by the written mutual agreement of the Parties.

#### X.

In the event that any person performing services pursuant to this Agreement shall be cited as a party to a state or federal civil lawsuit arising out of the performance of those services, that person shall be entitled to the same benefits that he or she would be entitled to receive if such civil action had arisen out of the performance of his or her duties as a member of the department where he or she is regularly employed and in the jurisdiction of the party by which that person is regularly employed.

#### XI.

Each party to this Agreement expressly waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement.

#### XII.

It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. Third party claims against members shall be governed by the Texas Tort Claims Act or other appropriate state statutes, municipal ordinances or laws of the State of Texas or any political subdivision thereof.

#### XIII.

This agreement and any of its terms and provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas.

XIV.

In the event that any portion of this agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

XV.

This Agreement may be amended or modified only by the mutual agreement of the Parties hereto in writing to be attached to and incorporated into this Agreement.

XVI.

This Agreement may be signed in multiple counterparts and shall be binding on the Parties when duly authorized by the governing bodies of such Parties and such Parties' duly authorized representatives and delivered to the Centex Fire and Arson Task Force Coordinator.

XVII.

This Agreement contains all commitments and agreements of the Parties, and oral or written commitments not contained herein shall have no force or effect to alter any term or condition of this Agreement.

XVIII.

The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have all necessary authority to execute this Agreement on behalf of the parties, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement to be effective upon execution and dating by all of the Parties.

**City of Killeen, Texas**

---

Ron Olson, City Manager

Date: \_\_\_\_\_

**City of Harker Heights, Texas**

\_\_\_\_\_  
David Mitchell, City Manager

Date: \_\_\_\_\_

**City of Temple, Texas**

\_\_\_\_\_  
Brynn Myers, City Manager

Date: \_\_\_\_\_

**City of Belton, Texas**

\_\_\_\_\_  
Sam Listi, City Manager

Date: \_\_\_\_\_

**City of Copperas Cove, Texas**

\_\_\_\_\_  
Ryan Haverlah, Interim City Manager

Date: \_\_\_\_\_

**County of Coryell, Texas**

\_\_\_\_\_  
John Firth, County Judge

Date: \_\_\_\_\_

**Bell County, Texas**

\_\_\_\_\_  
John Burrows, County Judge

Date: \_\_\_\_\_

RESOLUTION NO. 2018-9408-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN BELL COUNTY, CORYELL COUNTY, CITY OF BELTON, CITY OF COPPERAS COVE, CITY OF HARKER HEIGHTS, CITY OF KILLEEN, AND THE CITY OF TEMPLE REGARDING THE FORMATION OF AND PARTICIPATION IN THE CENTEX FIRE AND ARSON TASK FORCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** this Interlocal Agreement will facilitate the creation and participation in the Centex Fire and Arson Task Force by Temple Fire and Rescue;

**Whereas,** the purpose of this Task Force is to provide fire, arson and explosive detection, investigation, and prosecutorial capabilities to each of the member agencies;

**Whereas,** by participating in this Task Force, the City of Temple Fire and Rescue agrees to provide or receive the needed personnel, equipment or other resources as requested, when available, for the period of time needed to conduct a timely and proper investigation;

**Whereas,** this Agreement will remain in full effect until the City withdraws, if approved;

**Whereas,** each party identified in the Interlocal Agreement will be responsible for their own costs associated with fulfillment of the Agreement; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement between Bell County, Coryell County, City of Belton, City of Copperas Cove, City of Harker Heights, City of Killeen, and the City of Temple regarding the formation of and participation in the Centex Fire and Arson Task Force.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(B)  
Consent Agenda  
Page 1 of 1

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

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an interlocal agreement with Bell County Juvenile Services for police-escorted home visits to monitor juveniles placed on court-ordered supervision.

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

**ITEM SUMMARY:** Bell County Juvenile Services (BCJS) is a local agency that provides crime prevention, juvenile supervision, intervention, and rehabilitation opportunities to juvenile offenders and the community by emphasizing juvenile and parental accountability. This interlocal agreement allows Temple Police Department (TPD) officers and detectives who focus on juvenile offenses the opportunity to accompany Bell County juvenile probation officers on probationary home visits. Participating TPD juvenile officers and detectives gain valuable one-on-one contact and communication with local juvenile probationers and their families, insight into a probationers' home lives and support systems, an understanding of how to provide or recommend services, and enhanced relationships with probationers outside the law enforcement context. TPD officers also provide security for BCJS officers during home visits.

BCJS will reimburse the City at a rate not to exceed \$60.00 per hour for officers and detectives participating in the Program.

TPD has coordinated efforts with BCJS to provide police-escorted home visits for juvenile probationers since 2003. The City's agreement with BCJS expired on September 30, 2018. The proposed interlocal agreement will extend participation with BCJS for police-escorted home visits for the term of October 1, 2018 through September 30, 2019.

**FISCAL IMPACT:** There is no requirement for the City of Temple to provide any funding to this program. All expenditures related to overtime pay incurred by the Temple Police Officers will be reimbursed by Bell County.

The revenue and associated expenditures for the FY 2019 portion of this agreement are included in the FY 2019 operating budget in the amount of \$8,904.

### **ATTACHMENTS:**

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

**INTERLOCAL AGREEMENT  
BETWEEN BELL COUNTY AND THE CITY OF TEMPLE  
FOR JUVENILE PROBATION HOME VISITS**

This Interlocal Agreement is between Bell County Juvenile Services (“Bell County” or “County”), a Texas county, and the City of Temple (“City”) a Texas home rule municipality, to allow Temple Police Department (“TPD”) officers and detectives assigned to juvenile crimes to accompany Bell County juvenile probation officers on probationary home visits. The County and City may hereinafter be referred to individually as the “Party” and/or collectively as the “Parties.”

**WHEREAS**, the governmental entities who are Parties to this Agreement desire to enter into an agreement to provide governmental functions, specifically to provide police protection and detention services and for services relating to the public health and welfare; and

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

**WHEREAS**, the governing bodies of the governmental entities who are party to this Agreement have considered this interlocal agreement, and deem it to be in the best interest of the citizens of the City and the County; and

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

**I. GENERAL PROVISIONS**

- A. **PURPOSE.** This Agreement allows for Temple Police Department officers to assist Bell County juvenile probation officers with in-home visits to monitor juvenile offenders placed on -supervision. TPD officers will gain valuable one-on-one contact and communication with local juvenile probationers and their families, insight into a probationer’s home life and support system, understanding of how to provide or recommend services, and enhanced relationships with probationers outside the law enforcement context, while Bell County probation officers will receive the benefit of security provided through the TPD officers assigned to the program.
- B. **TERM.** The term of this Agreement shall commence on October 1, 2018 and end on September 30, 2019, unless renewed or terminated as otherwise provided for in this Agreement.
- C. **TERMINATION.** Either Party may terminate this Agreement by providing the other with thirty (30) days written notice.
- D. **COMPENSATION.** Bell County agrees to reimburse the City at a reimbursement rate not to exceed \$60 per hour for the services provided by the TPD officers participating in the Program. This rate covers the cost of salary and benefits for the officers who work this program.
- E. **BILLING.** The City will submit an invoice to Bell County Juvenile Justice Services, who will then submit the invoice to Bell County for payment. The City must include the type of services provided, the date(s) of the service, the rate at which the services have been billed, the itemized dollar amount for each service, the total dollar amount due, and the juvenile’s PID number. Juveniles’ names will be kept confidential. Billing of the above will be provided in the same manner as it would be provided to institutional purchasers in the absence of an Agreement and shall consist of a brief statement of the service or other item provided and the basis for the billing

rate. Payment is to be made monthly. Claims for payment shall be submitted no later than twenty (20) days from the last day of the month for which payment is being requested, unless otherwise authorized by Bell County.

- F. **APPROPRIATION OF FUNDS BY COUNTY.** It is understood by the Parties that payment obligations created by this Agreement are conditioned upon the availability of County Funds appropriated or allocated for the payment of such obligations.
- G. **DEFAULT.** In the event of a default by the City, Bell County may cancel or suspend this Agreement. The City shall be entitled to recover costs for all services provided up until the cancellation or suspension.
- H. **COMPLIANCE WITH LAWS.** All licenses, legal certifications, or inspections required for services, facilities, equipment, or materials, and all applicable state and federal laws and local ordinances must be complied with by the City. Failure to comply with the requirement shall be treated as a default.

## II. MISCELLANEOUS

- A. **WAIVER.** No waiver of performance by either Party shall be construed as, or operate as, a waiver for any subsequent default of any terms, covenants, and/or conditions of this Agreement.
- B. **ASSIGNMENT.** Neither Party shall assign all or any part of its rights, privileges, or duties under this Agreement without the prior written approval of the governing bodies of the Parties.
- C. **STATUS OF GOVERNMENTAL ENTITIES.** The Parties shall in no way operate as an agent of the other Party. Each Party shall be responsible for the acts and omissions of their own officers, directors, authorized agents, servants and employees in connection with this agreement. Each Party shall at all times be and remain legally responsible for the conduct of their respective personnel. Nothing in this Agreement shall be construed as making either Party responsible for the payment of compensation and/or any benefits, including health, property, motor vehicle, or worker's compensation, disability, death, or dismemberment insurance for the other Party's employees and/or equipment.
- D. **GOVERNMENTAL IMMUNITY.** Neither Party to this Agreement waives any governmental or sovereign immunity entitled to them by law, whether statutory or at common law, by entering into this Interlocal Agreement. Both Parties expressly retain all such immunities afforded them.
- E. **VENUE.** Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this agreement, venue for said action shall be in the City of Temple, Bell County, Texas or in the United States District Court for the Western District of Texas. This Agreement shall be construed in accordance with the laws of the State of Texas.
- F. **WRITTEN INSTRUMENT IS ENTIRE AGREEMENT.** This written instrument constitutes the entire Agreement by the parties hereto concerning the work and services to be performed under this Agreement.
- G. **MODIFICATION.** No alteration, change, modification or amendment of the scope of this Agreement will be valid or effective unless made by the mutual consent of the Parties, in writing, signed and dated by both Parties and approved by appropriate action of the governing body of each Party.
- H. **PARAGRAPH HEADINGS.** The paragraph headings contained herein are for convenience, and are not intended to define or limit the scope of any provision of this Agreement.
- I. **SEVERABILITY.** In any case, if one or more of the provisions contained in this Agreement, shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability, shall not affect any other provision thereof and this Agreement

shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

### **III. NOTICE**

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

To the City of Temple:

CITY OF TEMPLE  
Temple Police Department  
Chief Floyd Mitchell  
209 E. Avenue A  
Temple, Texas 76501

To Bell County:

BELL COUNTY JUVENILE SERVICES  
ATTN: \_\_\_\_\_  
4800 E. Rancier  
Killeen, Texas 76543

### **IV. EXECUTION**

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

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

**CITY OF TEMPLE, TEXAS**

**BELL COUNTY JUVENILE SERVICES**

\_\_\_\_\_  
Brynn Myers, City Manager

\_\_\_\_\_  
By: \_\_\_\_\_

ATTEST:

ATTEST:

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

\_\_\_\_\_  
By: \_\_\_\_\_

APPROVED AS TO FORM:

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

STATE OF TEXAS           §  
COUNTY OF BELL       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018, by Brynn Myers, City Manager, on behalf of the City of Temple, Texas.

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

STATE OF TEXAS           §  
COUNTY OF BELL       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018 by \_\_\_\_\_ (name) \_\_\_\_\_ (title), on behalf of the Bell County Juvenile Services.

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

RESOLUTION NO. 2018-9409-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE BELL COUNTY JUVENILE SERVICES FOR POLICE-ESCORTED HOME VISITS TO MONITOR JUVENILES PLACED ON COURT-ORDERED SUPERVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Bell County Juvenile Services (BCJS) is a local agency that provides crime prevention, juvenile supervision, intervention, and rehabilitation opportunities to juvenile offenders and the community, by emphasizing juvenile and parental accountability;

**Whereas**, this Agreement will allow Temple Police Department officers and detectives, who focus on juvenile offenses, the opportunity to accompany Bell County Juvenile Probation Officers on probationary home visits;

**Whereas**, participating Temple Police Department juvenile officers and detectives gain valuable one-on-one contact and communication with local juvenile probationers and their families, insight into probationers' home lives and support systems, an understanding of how to provide or recommend services, and enhanced relationships with probationers outside the law enforcement context while providing security for BCJS officers during home visits;

**Whereas**, the Temple Police Department has coordinated efforts with BCJS for these services since 2003;

**Whereas**, the City's current agreement with BCJS expired September 30, 2018 - the proposed Interlocal Agreement will extend participation from October 1, 2018 through September 30, 2019;

**Whereas**, there is no requirement for the City to provide funding to this program - all expenditures related to overtime pay incurred by the Temple Police Officers will be reimbursed at a rate not to exceed \$60.00 per hour for officers and detectives participating in the Program;

**Whereas**, revenue and associated expenditures for the fiscal year 2019 portion of this Agreement are included in the fiscal year 2019 Operating 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:**

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Interlocal Agreement with Bell County Juvenile Services from October 1, 2018 through September 30, 2019, for police-escorted home visits.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(C)  
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 the Bill Messer, PC for legislative lobbying services.

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

**ITEM SUMMARY:** The City has engaged the services of Bill Messer, PC (formerly known as the Texas Lobby Group) for the past several years for state legislative consulting services. Bill Messer, PC monitors and engages in negotiations on behalf of the City related to legislative items of interest to the City as well as assists in the communication of the City's position on legislative items to members of the Legislature and other Texas agencies.

The term of the agreement is one year and will begin retroactively on October 1, 2018 and continue through September 30, 2019. Fees associated with this contract shall not exceed \$66,000.

**FISCAL IMPACT:** The fee with Bill Messer, PC for lobbying services is \$5,500 per month. Funding in the amount of \$66,000 is appropriated in account 110-1000-511-2616 to fund the agreement with Bill Messer, PC through September 30, 2019.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9410-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH BILL MESSER, PC, FOR LEGISLATIVE LOBBYING SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City has engaged the services of Bill Messer, PC (formerly known as the Texas Lobby Group) for the past several years for state legislative consulting services;

**Whereas**, Bill Messer, PC monitors and engages in negotiations on behalf of the City related to legislative items of interest to the City, as well as assists in the communication of the City's position on legislative items to members of the Legislature and other Texas agencies;

**Whereas**, the term of the Agreement is for one year beginning retroactively on October 1, 2018 and continuing through September 30, 2019 - fees associated with this Agreement shall not exceed \$66,000;

**Whereas**, funding is appropriated for this Agreement in Account No. 110-1000-511-2616; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Agreement with Bill Messer, PC, for legislative lobbying services, in an amount not to exceed \$66,000.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(D)  
Consent Agenda  
Page 1 of 2

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

Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the following agreements for the procurement of natural gas for the compressed natural gas fueling station:

1. A renewal to the memorandum of agreement with Choice! Energy Services of Houston for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu; and
2. Execution of an agreement with Constellation NewEnergy – Gas Division, LLC for the supply of natural gas from November 2018 through October 2019 for the City's CNG fueling station at a rate of the monthly Houston Ship Channel (HSC) published rate plus/minus 18.15¢ per MMBtu.

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

**ITEM SUMMARY:** The City currently has 29 Solid Waste trucks that are fueled with Compressed Nature Gas (CNG), which is an increase of 6 trucks from last year. The CNG trucks are fueled using the CNG fueling center constructed by the City during 2013 at 2625 East Avenue H. Natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee for; however, the natural gas commodity is procured through the open market.

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

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

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

The City is currently under contract with Constellation New Energy-Gas Division, LLC for the purchase of a fixed quantity of 1,700 MMBtu's per month at a rate of market minus 8.14¢ per MMBtu. Quantities needed above the 1,700 MMBtu's are purchased at the then-current spot market price.

With guidance from Choice!, Staff is requesting that Council authorize a new agreement with Constellation at a rate of 18.15¢ per MMBtu over the Houston Ship Channel (HSC) published rate for a fixed monthly quantity of 2,100 MMBtu's. This rate is representative of the current regional market rate. Quantities needed above or below the 2,100 MMBtu's per month are purchased or sold at the then-current spot market rate.

**FISCAL IMPACT:** Choice! Energy Services consulting fee will be paid by the contract retail provider directly to Choice!. Based on an expected annual natural gas usage 25,200 MMBtu's (183,960 gallons), this calculates out to an annual embedded fee of approximately \$3,150.

The consulting fee and the commodity of natural gas are considered part of the cost components that are factored into Solid Waste's FY2019 fuel budget, account 110-2320-540-2115, account 110-2330-540-2115, account 110-2350-540-2115, account 110-2360-540-2115, account 110-2370-540-2115, and account 110-2380-540-2115.

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

RESOLUTION NO. 2018-9411-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AGREEMENTS FOR THE PROCUREMENT OF NATURAL GAS FOR THE COMPRESSED NATURAL GAS FUELING STATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City currently has 29 Solid Waste trucks that are fueled with Compressed Natural Gas (CNG), which is an increase of 6 trucks from last year;

**Whereas**, the CNG trucks are fueled using the CNG fueling center constructed by the City in 2013 and located at 2625 East Avenue H, Temple, Texas;

**Whereas**, natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee, however the natural gas commodity is procured through the open market;

**Whereas**, Staff recommends Council authorize the following agreements for the procurement of natural gas for the compressed natural gas fueling station:

1. a renewal to the Memorandum of Agreement with Choice! Energy Services of Houston, Texas for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu; and
2. execution of an agreement with Constellation NewEnergy – Gas Division, LLC for the supply of natural gas from November 2018 through October 2019 for the City’s CNG fueling station at a rate of the monthly Houston Ship Channel (HSC) published rate plus 18.15¢ per MMBtu;

**Whereas**, Staff recommends Council authorize the continued use of Choice! Energy Services of Houston, Texas to assist in the procurement of natural gas service to the CNG fueling station;

**Whereas**, Choice! Energy Services continues to provide comprehensive risk assessment and long-term energy knowledge and under this agreement, Choice! Energy Services will continue to complete the following tasks:

1. collect data, analyze and distribute to third party natural gas suppliers;
2. review prices and contracts / negotiate contract terms and conditions;
3. provide results of pricing efforts and make recommendations to the City; and
4. assist in contract execution and contract management;

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

**Whereas**, the City is currently under contract with Constellation New Energy-Gas Division, LLC for the purchase of a fixed quantity of 1,700 MMBtu’s per month at a rate of market minus 8.14¢ per MMBtu - quantities needed above the 1,700 MMBtu’s are purchased at the then-current spot market price;

**Whereas,** Staff recommends Council authorize a new agreement with Constellation NewEnergy at a rate of 18.15¢ per MMBtu over the Houston Ship Channel (HSC) published rate for a fixed monthly quantity of 2,100 MMBtu's which is representative of the current regional market rate - quantities needed above or below the 2,100 MMBtu's per month are purchased or sold at the then-current spot market rate;

**Whereas,** consulting fees and the commodity of natural gas are considered part of the cost components that are factored into Solid Waste's fiscal year 2019 fuel budget, Account No. 110-2320-540-2115, Account No. 110-2330-540-2115, Account No. 110-2350-540-2115, Account No. 110-2360-540-2115, Account No. 110-2370-540-2115, and Account No. 110-2380-540-2115; and

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

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

**Part 1: 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 agreement with Choice! Energy Services of Houston, Texas for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.125 per MMBtu, and to execute an agreement for the supply of natural gas from November 2018 through October 2019 for the City's CNG fueling station with Constellation New Energy – Gas Division, LLC at a rate of the monthly Houston Ship Channel (HSC) published rate, plus 18.15¢ per MMBtu.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **November**, 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

---

11/01/18  
Item #3(E)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, PE, Public Works Director  
Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a purchase agreement with Pall Water of Cortland, NY, for the initial purchase of 234 membrane modules and 858 module connection hoses for the City's Membrane Water Treatment Facility in the amount of \$325,650.

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

**ITEM SUMMARY:** Authorization of this purchase agreement with Pall will provide for a 5-year sourcing agreement for the City's Membrane Water Treatment Facility membrane modules and connection hoses with Pall Water with an initial purchase of 234 modules and 858 module connection hoses.

On September 27, 2018, two competitive sealed proposals were received for the Replacement of Membrane Water Treatment Facility Modules & Hoses from the following two TCEQ-approved manufacturers: Pall Water and Scinor Water America, LLC. As stated in the Request for Proposals (RFP), the proposals would be scored by an evaluation committee based on the following criteria: 50%, proposed pricing; 15%, warranty terms and conditions coverage, including financial stability of the warranting company; 10%, experience of vendor in manufacturing, installing, and servicing modules; 10%, reputation of vendor in manufacturing, installing, and servicing modules; 10%, proposed installation plan and timeline; and 5%, reputation and experience of proposed service engineer.

The proposal evaluation committee was comprised of staff from the Engineering, Utilities, Finance, and City Attorney offices. Based on the outlined scoring criteria, the committee is unanimously recommending award of the purchase agreement to Pall Water.

Staff is recommending to Council an initial purchase of 234 membrane modules at \$1,190 each and 858 module connection hoses at \$55 each, for a total cost of \$325,650. Based on negotiations with Pall Water, Staff is recommending a 5-year membrane module and connection hose sourcing agreement whereby the City can purchase additional modules and hoses until October 31, 2023, at the initially agreed prices plus a CPI-U adjustment and a price adjustment for any new tariffs. Future purchases under this purchase agreement would be brought back to Council for authorization, assuming the purchase is greater than \$25,000.

**FISCAL IMPACT:** Funding for the purchase of the membrane modules and module connection hoses from Pall Water in the amount of \$325,650 is available in account 520-5100-535-6211, project 101710, as follows:

Project Budget	\$	349,687
Encumbered/Committed to Date		(56)
Pall Water		(325,650)
Remaining Project Funds Available	\$	<u>23,981</u>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9412-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH PALL WATER OF CORTLAND, NEW YORK IN THE AMOUNT OF \$325,650, FOR THE PURCHASE OF 234 MEMBRANE MODULES AND 858 MODULE CONNECTION HOSES FOR THE CITY'S MEMBRANE WATER TREATMENT FACILITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on September 27, 2018, Staff received two proposals for the replacement of Membrane Water Treatment Facility modules and hoses from two TCEQ-approved manufacturers: Pall Water and Scinor Water America, LLC - based on the scoring criteria, the Staff unanimously recommends award of a purchase agreement to Pall Water of Cortland, New York in the amount of \$325,650;

**Whereas**, this purchase will provide for a 5-year Sourcing Agreement for the City's Membrane Water Treatment Facility membrane modules and connection hoses with Pall Water with an initial purchase of 234 modules and 858 module connection hoses;

**Whereas**, Staff recommends Council authorize a purchase agreement with Pall Water of Cortland, New York for an initial purchase of 234 membrane modules, 858 module connection hoses, and a 5-year membrane module and connection hose Sourcing Agreement whereby the City can purchase additional modules and hoses until October 31, 2023 at the initially agreed prices plus a CPI-U adjustment and a price adjustment for any new tariffs;

**Whereas**, funding for the purchase of the membrane modules and module connection hoses is available in Account No. 520-5100-535-6211, Project No. 101710; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a purchase agreement with Pall Water of Cortland, New York, for the initial purchase of 234 modules and 858 module connection hoses, in the amount of \$325,650 and to execute a 5-year Sourcing Agreement whereby the City can purchase additional modules and hoses until October 31, 2023 at the initially agreed prices plus a CPI-U adjustment and a price adjustment for any new tariffs.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(F)  
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 with TMI Coatings, Inc., of St. Paul, MN (TMI), for construction services required to rehabilitate Water Treatment Plant Clarifier #3 for a lump sum price of \$696,000.

**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 of the aged concrete and metal surfaces. The City has authorized a professional services contract with Kasberg, Patrick & Associates (KPA) in the total amount of \$81,114 to design, bid, and oversee the rehabilitation of Clarifier #3.

On October 16<sup>th</sup>, two bids were received for the rehabilitation. Per the attached Bid Tabulation, TMI submitted the low bid in the amount of \$696,000. The opinion of probable construction cost (OPC) was \$560,000. The low bid is 24% higher than the Engineer's OPC, and the other bid received was much higher (\$1,061,770). Further research revealed that the low bid is reasonable given the current bid climate and small pool of bidders. Accordingly, and given the necessity of the project, the project team recommends awarding the construction contract to the low bidder. The attached Recommendation Letter provides further details.

City Staff and the Engineer agree that TMI is qualified to complete this project and recommend award of a construction contract for the low bid of \$696,000. Construction time allotted for this project is 120 calendar days, with project completion in advance of summer 2019.

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval to appropriate funding for a contract with TMI Coatings, Inc. for construction services required to rehabilitate the Water Treatment Plant Clarifier #3. Funding in the amount of \$696,000 will be available in account 561-5100-535-6990, project 101947, as follows:

Project Budget	\$	750,000
Budget Adjustment		27,319
Encumbered/Committed to Date		(81,319)
TMI Coatings, Inc.		(696,000)
Remaining Project Funds Available	\$	-

**ATTACHMENTS:**

[Engineer's Recommendation](#)  
[Letter Bid Tabulation](#)  
[Project Map](#)  
[Budget Amendment](#)  
[Resolution](#)



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

Temple

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

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

Georgetown

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

October 18, 2018

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

Re: City of Temple, Texas  
Rehabilitation of Water Treatment Plant Clarifier 3

Dear Mr. Billeck:

On October 16, 2018, the City of Temple received competitive bids from two (2) contractors for the Rehabilitation of Clarifier 3 at the Water Treatment Plant. The attached Bid Tabulation shows TMI Coatings, Inc. of St. Paul, Minnesota, as the low bidder at \$696,000.00. The bids ranged from this low bid to \$1,061,770.00. Our original opinion of probable construction cost for this project was \$500,000, which was increased to \$560,000 during the bid phase for the addition of an item to repair the catwalk, additional landings for clarifier and filter stairs and a change in the surface preparation of the upper portion of the clarifier. These OPC's were derived from the median bids received for Rehabilitation of Clarifiers 1 and 2 in 2016.

TMI Coatings, Inc. was the low bidder and successfully completed the Rehabilitation of Clarifiers 1 and 2. They attributed the increased cost to overall increases in labor, materials and equipment costs and that the 2016 project required more man-hours and material than anticipated. In addition, we believe the current bid climate is also less favorable for the City than 2016 as evidenced by receiving only two bids.

TMI Coatings, Inc. has successfully completed rehabilitations on Clarifiers 1, 2 and 4 at the City of Temple Water Treatment Plant. Therefore, we recommend that a contract be awarded to TMI Coatings, Inc. for the Rehabilitation of Clarifier 3 in the amount of \$696,000.00.

Sincerely,

Ginger R. Tolbert, P.E.

xc: Ms. Belinda Mattke, City of Temple  
2016-133-40

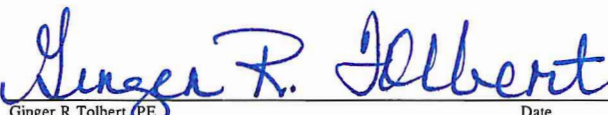


BID TABULATION  
CITY OF TEMPLE  
WATER TREATMENT PLANT - REHABILITATION OF CLARIFIER 3  
October 16, 2018; 2:00 PM

				BIDDER INFORMATION			
				TMI Coatings, Inc. 3291 Terminal Drive St Paul MN 55121		PrimeSpec Construcion, LLC 4750 Ranch Road 1869 Liberty Hill TX 78642	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 31,000.00	\$ 31,000.00	\$ 50,000.00	\$ 50,000.00
2	100%	LS	For Video Taping Project Site Before the Start of Construction on the Project	1,000.00	1,000.00	1,400.00	1,400.00
3	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to abrasive blast, prime and paint the upper portions of Clarifier 3 (Rehabilitation Method A), as shown on the plans. Test and disposal of blast media as required to provide a service-able facility that is structurally sound and safe, as detailed in these specifications	42,000.00	42,000.00	131,820.00	131,820.00
4	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to abrasive blast, prime and paint the lower portions of Clarifier 3 (Rehabilitation Method B), as shown on the plans. Test and disposal of blast media as required to provide a service-able facility that is structurally sound and safe, as detailed in these specifications	290,300.00	290,300.00	317,150.00	317,150.00
5	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to prepare surface, make necessary repairs and apply waterproofing to the interior of concrete walls and floor of Clarifier 3 (Rehabilitation Method C), as shown on the plans, as detailed in these specifications	120,000.00	120,000.00	262,800.00	262,800.00
6	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to prepare surface, prime and paint exterior of concrete walls of Clarifier 3 (Rehabilitation Method C), as shown on the plans, as detailed in these specifications	19,000.00	19,000.00	36,600.00	36,600.00
7	100%	LS	For furnishing all materials, equipment, labor an superintendence and incidental work to contain blast debris, from entering adjacent clarifiers and other treatment basins	30,000.00	30,000.00	12,000.00	12,000.00
8	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work for removal and replacement of all unistruts	6,000.00	6,000.00	14,000.00	14,000.00
9	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work for removal and replacement of diffuser gates, as directed	9,000.00	9,000.00	11,600.00	11,600.00
10	100	LF	For furnishing all materials, equipment, labor and superintendence and incidental work for removal and replacement of trough as determined by Owner/Engineer	300.00	30,000.00	360.00	36,000.00
11	150	LF	For furnishing all materials, equipment, labor and superintendence and incidental work for removal and replacement of rake arm angle iron and bent plate as determined by Owner/Engineer after inspection blast	70.00	10,500.00	100.00	15,000.00
12	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to replace existing clarifier stairs, including landing/access for clarifier ladder, any necessary concrete landing modifications and additions	25,800.00	25,800.00	54,400.00	54,400.00
13	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to replace existing filter stairs to match stairs between Filter 7 and 8, including new concrete landing as necessary	15,900.00	15,900.00	22,800.00	22,800.00
14	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to power tool clean, powerwash, and overcoat interior vault piping and exposed piping and fittings (Rehabilitation Method D), as shown on the plans	2,500.00	2,500.00	8,000.00	8,000.00
15	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work related to the removal and replacement of squeegee blades, including replacement of all bolts with stainless steel hardware and balancing of the arms	20,900.00	20,900.00	25,400.00	25,400.00
16	100	MH	For furnishing all materials, equipment, labor and superintendence and incidental work to perform welding repairs, surface repairs and general repair work as deemed necessary, including plate material	125.00	12,500.00	270.00	27,000.00
17	100	Tube	For furnishing all materials, equipment, labor and superintendence and incidental work to perform caulking (Sika-flex 1A) work as deemed necessary	60.00	6,000.00	18.00	1,800.00
18	100%	LS	For furnishing all materials, equipment, labor and superintendence and incidental work to pressure wash, power tool clean and overcoat the Catwalk, including removal of of grating and replacing damaged sections of diamond plate catwalk material, to provide a serviceable facility that is structurally sound and safe	23,600.00	23,600.00	34,000.00	34,000.00
TOTAL BASE BID AMOUNT - (Items 1 - 18)					\$ 696,000.00		\$ 1,061,770.00

Did Bidder Acknowledge Addendum No. 1, 2 & 3?	YES	YES
Did Bidder provide Bid Security?	YES	YES
Did Bidder provide required documents?	YES	NO

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

  
Ginger R Tolbert, PE

Date

10/17/18

Kasberg, Patrick & Associates, LP







**CITY OF TEMPLE, TEXAS**

**REHABILITATION OF CLARIFIER 3**



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

**SEPTEMBER 2018**

**EXHIBIT A**



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
561-5100-535-69-90	101947	Capital - Bonds/WTP Clarifier #3 Rehab	\$ 27,319	
561-5400-535-69-05	101475	Capital - Bonds/Lift Station Improvements		27,319
<b>TOTAL.....</b>			\$ 27,319	\$ 27,319

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

To appropriate funding for a contract with TMI Coatings, Inc., for construction services required to rehabilitate the Water Treatment Plant Clarifier #3, project 101947, for a lump sum price of \$696,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

11/01/18

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved

RESOLUTION NO. 2018-9413-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TMI COATINGS, INC. OF SAINT PAUL, MINNESOTA, IN A LUMP SUM AMOUNT OF \$696,000, FOR SERVICES REQUIRED TO REHABILITATE WATER TREATMENT PLANT CLARIFIER NO. 3; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the City of Temple 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 train and a membrane water treatment train;

**Whereas,** the plant is an aging facility that has been renovated and expanded several times since its construction in 1957 – Clarifier No. 1 and No. 2 were recently rehabilitated, and now Clarifier No. 3 is also in need of rehabilitation and recoating of the aged concrete and metal surfaces;

**Whereas,** on October 6, 2018, the City received two bids for the rehabilitation of the clarifier with the low bid being received from TMI Coatings, Inc. (TMI) of Saint Paul, Minnesota, in the amount of \$696,000 which is 24% higher than the Engineer's Opinion of Probable Cost and the second bid received was much higher (\$1,061,770) - further research revealed that the bid provided by TMI is reasonable given the current bid climate and small pool of bidders;

**Whereas,** given the necessity of the project, Staff recommends Council authorize a construction contract with TMI Coatings for a lump sum amount of \$696,000 - Staff and the City's Engineer agree that TMI is qualified to complete this project;

**Whereas,** a budget adjustment is being presented to Council for approval to appropriate funding for this construction contract and funding 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:**

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with TMI Coatings, Inc. of Saint Paul, Minnesota in a lump sum amount of \$696,000, for services required to rehabilitate Water

Treatment Plant Clarifier No. 3.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(G)  
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 an amendment to an agreement with Turley Associates, Inc. (Turley), for professional services required for the Conner Park drainage channel improvements, in the amount of \$12,000.

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

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

Improvements underway include widening the upstream grass channel, replacing the box culverts with a concrete channel, and lining the downstream channel with concrete. On December 7<sup>th</sup>, 2017, Council authorized a contract with Choice Builders, LLC, of Temple to construct the project in coordination with City crews providing excavation. On October 18<sup>th</sup> of this year, Council authorized a change order to the construction contract for Choice Builders to provide excavation that has not been completed by the City, fence replacement, and curb & gutter work on the Cameron Park Rd cul-de-sac. The revised construction contract amount and end date are \$792,289.90 and January 11, 2019.

Council authorized a professional services agreement with Turley in the amount of \$115,929.12 on October 6, 2016. The contract was subsequently amended with \$24,236.71 of additional services to a total of \$140,165.83. Additional services in the amount of \$12,000 are required for surveying to include construction staking and interim as-built surveying. The proposed additional services would bring the net change in the original contract amount to \$36,236.71, which is an increase to the original contract amount of 31.26%.

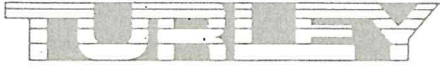
The revised professional services agreement would total \$152,165.83 with a revised completion date of January 11, 2019, to coincide with the contractual end date for construction.

**FISCAL IMPACT:** Funding for contract amendment #3 to an agreement with Turley Associates, Inc., in the amount of \$12,000 for professional services required for the Conner Park drainage channel improvements is available in project #101592 as follows:

	<u>292-2900-534-6312</u>	<u>353-2900-534-6714</u>	<u>Total</u>
Project Budget	\$ 998,245	\$ 800,000	\$ 1,798,245
Encumbered/Committed to Date	(976,434)	(742,610)	(1,719,044)
Turley Associates Contract Amendment #3	(12,000)	-	(12,000)
<b>Remaining Project Funds</b>	<b>\$ 9,811</b>	<b>\$ 57,390</b>	<b>\$ 67,201</b>

**ATTACHMENTS:**

Proposal  
Project Map  
Contract Amendment Form  
Resolution



## **TURLEY ASSOCIATES, INC.**

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

October 19, 2018

City of Temple  
Department of Public Works  
Attn: Mr. Don Bond, P.E., C.F.M.  
3210 East Ave. H, Bldg. A  
Temple, TX 765101

RE: Request for Contract Amendment for Conner Park Drainage Improvements  
P.O. 188977

Dear Mr. Bond:

Turley Associates, Inc. would like to request an amendment to the contract referenced above in the amount of \$12,000.00. Below I have outlined the scope of the requested amendment.

1. Provide additional surveying services for the City of Temple including construction staking, interim as-built surveying to check grades, widths, etc., provide Choice Builders, Inc. with additional survey staking as necessary to complete new scope of work for project.
2. Continued project administration service for extension of contract time from the original contract completion date of June 4<sup>th</sup>, 2018 to January 11<sup>th</sup>, 2019.

Turley Associates, Inc. appreciates the continues opportunity to work with the City of Temple and the Public Works Department on the Conner Park Drainage Improvement project. Please do not hesitate to contact our office with any questions.

Sincerely,  
**TURLEY ASSOCIATES, INC.**

A handwritten signature in blue ink that reads "Jennifer Ryken".

Jennifer Ryken, P.E., C.F.M.  
Senior Project Engineer







## CONTRACT AMENDMENT (Professional Service Agreements)

**PROJECT:** Conner Park Drainage Channel Improvements  
**OWNER:** City of Temple  
**ARCHITECT/ENGINEER:** Turley Associates, Inc.  
**AMENDMENT #:** Three (3)

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

Provide additional surveying services to include construction staking and interim as-built surveying.

Total amount: \$12,000.00

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:	\$ 115,929.12
Previous Change in Contract Amount:	\$ 24,236.71
Amount This Amendment:	\$ 12,000.00
Revised Contract Amount:	\$ 152,165.83
Original Contract Completion Date:	February 17, 2017
Revised Contract Completion Date:	January 11, 2019

Recommended by:

 10/19  
Project Manager Date

Agreed to:

 10/19/18  
Architect or Engineer Date

Approved by City of Temple:

Approved as to form:

City Manager, Brynn Myers Date

City Attorney's Office Date

Approved by Finance Department:

Date

RESOLUTION NO. 2018-9414-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH TURLEY ASSOCIATES, INC., IN THE AMOUNT OF \$12,000, FOR PROFESSIONAL SERVICES REQUIRED FOR THE CONNER PARK DRAINAGE CHANNEL IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

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

**Whereas**, improvements currently under construction include widening the upstream grass channel, replacing the box culverts with a concrete channel, and lining the downstream channel with concrete;

**Whereas**, on December 7, 2017, Council authorized a contract with Choice Builders, LLC, of Temple to construct the project in coordination with City crews providing excavation – on October 18, 2018, Council authorized a change order to the construction contract with Choice Builders to provide excavation that had not been completed by the City, fence replacement, and curb and gutter work on the Cameron Park Road cul-de-sac;

**Whereas**, on October 6, 2016, Council authorized a professional services agreement with Turley Associates, Inc. (Turley) in the amount of \$115,929.12 which was subsequently amended with \$24,236.71 of additional services to a total of \$140,165.83;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Turley in the amount of \$12,000 for professional services required for the Conner Park drainage channel improvements;

**Whereas**, funds are available for this contract amendment in Account No. 292-2900-534-6312 and Account No. 353-2900-534-6714, Project No. 101592; and

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

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

**Part 1: 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 amendment to a professional services agreement with Turley Associates, Inc., in the amount of \$12,000 for professional services required for the Conner Park drainage channel improvements.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(H)  
Consent Agenda  
Page 1 of 1

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

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the renewal of the Emergency Management Performance Grant for FY2018, which funds a portion of the administration cost for Emergency Management for the City of Temple in the amount of \$34,021.11.

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

**ITEM SUMMARY:** The request is for approval of the renewal of the Emergency Management Performance Grant for FY2018. This grant is funded by the Governors Department of Emergency Management (GDEM) to pay for a portion of the administration cost for Emergency Management for the City of Temple.

Temple Fire & Rescue recommends approval of the renewal of this grant by City Council.

**FISCAL IMPACT:** The grant will reimburse the City for a maximum of 50% of the salary and benefit expenditures related to emergency management. The EMPG program has awarded the City of Temple \$34,021.11 for FY2018.

### **ATTACHMENTS:**

[FY2018 award letter](#)  
[FY2018 City award letter](#)  
[Resolution](#)

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)



STEVEN C. McCRAW  
DIRECTOR  
SKYLOR HEARN  
FREEMAN F. MARTIN  
RANDALL B. PRINCE  
DEPUTY DIRECTORS



COMMISSION  
STEVEN P. MACH, CHAIRMAN  
MANNY FLORES  
A. CYNTHIA LEON  
JASON K. PULLIAM  
RANDY WATSON

October 15, 2018

Daniel A. Dunn  
Mayor, City of Temple  
2 N. Main St., Ste. 103  
Temple, TX 76501-7649

Dear Mayor Dunn:

This letter is to advise you that your application to participate in the Emergency Management Performance Grant (EMPG) program during Fiscal Year 2018 (FY 18) has been approved.

The enclosed "Notice of Sub-recipient Grant Award" specifies the federal EMPG program funding that will be provided to your jurisdiction during FY 18. This document must be signed by the "Authorized Official" indicated on the "Designation of EMPG Grant Officials" form (TDEM-17B) submitted in your original application. The signed "Notice of Sub-recipient Grant Award" must be returned to the Texas Division of Emergency Management (TDEM) within 45 days of the date of this letter. Failure to return documentation to TDEM within 45 days may result in redistribution of award funds to another jurisdiction.

Participation in the EMPG program requires adherence to all tasks outlined in the **2018 Local Emergency Management Performance Grant (EMPG) Guide** located online at: <http://www.txdps.state.tx.us/dem/CouncilsCommittees/EMPG/empgCurrentGuide.pdf>. The 2018 Terms and Conditions are also enclosed for your review.

Included in these tasks, there are ten reports (financial, metrics, and progress reports) that must be submitted throughout the grant year. Due dates are outlined in the "EMPG Application Timeline" enclosure.

If your jurisdiction does not wish to participate in the FY 18 EMPG program, please submit a letter from your authorized official requesting termination of participation.

If you have any questions, please contact the EMPG Program Supervisor (Lisa Resendez at [Lisa.Resendez@dps.texas.gov](mailto:Lisa.Resendez@dps.texas.gov) or 512-424-7511/512-574-1473) or your District Coordinator.


Respectfully,

W. Nim Kidd, CEM®, TEM®  
Chief  
Texas Division of Emergency Management  
Assistant Director  
Texas Homeland Security  
Texas Department of Public Safety

**TEXAS DEPARTMENT OF PUBLIC SAFETY  
TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM)**

<b>NOTICE OF SUBRECIPIENT GRANT AWARD</b>	
<b>Program Title:</b> FY 2018 Emergency Management Performance Grant	
<b>DHS Instrument Number:</b> EMT-2018-EP-00008	
<b>TDEM Grant Number:</b> 18TX-EMPG-1142	
<b>Administered By:</b> Texas Department of Public Safety Texas Division of Emergency Management P.O. Box 4087 Austin, Texas 78773-0220	
<b>SubRecipient:</b> City of Temple 2 N. Main St., Ste. 103 Temple, TX 76501-7649	
<b>Amount of Grant:</b> \$34,021.11	
<b>Period of Grant:</b> October 1, 2017 to March 31, 2019	

The period of grant reflects a six (6) month **PROGRAMMATIC EXTENSION ONLY** to complete and close out your FY 18 EMPG grant year. Signing Acceptance of this document means that you accept and will comply with all requirements listed in the attached FY 2018 Terms and Conditions.

AGENCY APPROVAL	GRANT ACCEPTANCE
	<b>Authorized Signature Required</b>
W. Nim Kidd, CEM Assistant Director Texas Department of Public Safety Chief Texas Division of Emergency Management	Printed Name/Title:
Date: 10/15/2018	Date:

**Return Signed Copy of This Page within 45 days to: [TDEM.EMPG@dps.texas.gov](mailto:TDEM.EMPG@dps.texas.gov)  
or mail in a copy:**

Texas Department of Public Safety  
Texas Division of Emergency Management  
Attention: Heather Baxter, Grant Technician  
P.O. Box 4087  
Finance and Grant Management MSC 0229  
Austin, TX 78773-0220

RESOLUTION NO. 2018-9415-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR FISCAL YEAR 2018 IN THE AMOUNT OF \$34,021.11, WHICH FUNDS A PORTION OF THE ADMINISTRATION COSTS FOR EMERGENCY MANAGEMENT FOR THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Emergency Management Performance Grant (EMPG) is funded through the Governor's Department of Emergency Management and pays for a portion of the administration costs for Emergency Management for the City of Temple;

**Whereas**, the grant will reimburse the City for a maximum of 50% of the salary and benefit expenditures related to emergency management - the EMPG program has awarded the City of Temple \$34,021.11 for fiscal year 2018;

**Whereas**, Temple Fire & Rescue recommends Council authorize the renewal of the Emergency Management Performance Grant for fiscal year 2018; and

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

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

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

**Part 2:** The City Council authorizes the renewal of the Emergency Management Performance Grant for fiscal year 2018 in the amount of \$34,021.11, which funds a portion of the administration costs for Emergency Management for the City of Temple.

**Part 3:** The City Council accepts any funds that may be received for this grant, and authorizes the City Manager, after approval as to form by the City Attorney, to execute any documents which may be necessary for this grant.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(I)  
Consent Agenda  
Page 1 of 1

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

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the application for program funding from State Farm Insurance Companies for a swift water rescue boat, in the amount of \$20,000.

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

**ITEM SUMMARY:** In October 2018, Temple Fire & Rescue submitted an application to State Farm Insurance Companies, requesting \$20,000 in funding for a swift water rescue boat, motor and trailer.

In recent years the problems of flash flooding have become more prevalent in the City of Temple and Central Texas. In the last three years alone four citizens have required rescue from flood swollen creeks and streams by departmental personnel. These rescues have required our personnel to enter the swift moving, debris and waste laden waters to affect these rescues. Additionally, crews have had to wait extended periods of time for mutual aid rescue boats to arrive and complete the rescue process. The addition of this rescue boat package will be a valuable asset to the Citizens of Temple and give our Department members a much needed tool for swift and flood water rescues.

Budget is as follows:

Activity	Funding Amount
14' swift water rescue boat, Outboard motor and Trailer	\$18,850
Shipping	\$1,150
<b>TOTAL</b>	<b>\$20,000</b>

Staff also requests that Council authorize the City Manager to execute any necessary documents associated with the State Farm Insurance Grant Program, upon receiving a grant award.

**FISCAL IMPACT:** The City is anticipating being awarded \$20,000 in program funding with no matching funds required. A budget adjustment is being presented for Council's approval appropriating the funds for the swift water rescue boat in account 110-2230-522-6222, project 101991.

### **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
110-2230-522-62-22	101991	Capital Equipment / Machinery & Equipment	\$ 20,000	
110-0000-442-16-29		Fire Donations/Gifts	20,000	
<b>TOTAL.....</b>			\$ 40,000	\$ -

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

To appropriate anticipated funds received from State Farm Insurance Company for a swift water rescue boat.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

11/1/2018

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved

RESOLUTION NO. 2018-9416-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN APPLICATION FOR PROGRAM FUNDING FOR A SWIFT WATER RESCUE BOAT FROM STATE FARM INSURANCE COMPANIES IN THE AMOUNT OF \$20,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in October 2018, Temple Fire & Rescue submitted an application to State Farm Insurance Companies, requesting \$20,000 in funding for a Swift Water Rescue Boat, motor and trailer;

**Whereas**, in recent years the problems of flash flooding have become more prevalent in the City of Temple and Central Texas, and in the last three years alone four citizens have required rescue from flood swollen creeks and streams by departmental personnel;

**Whereas**, these rescues have required our personnel to enter the swift moving, debris and waste laden waters to affect these rescues and have had to wait extended periods of time for mutual aid rescue boats to arrive and complete the rescue process - the addition of this rescue boat package will be a valuable asset to the citizens of Temple and give the Fire Department a much needed tool for swift and flood water rescues;

**Whereas**, the City anticipates an award in the amount of \$20,000 with no matching funds required – however, a budget adjustment is being presented for Council’s approval appropriating the funds for the Swift Water Rescue Boat in Account No. 110-2230-522-6222, Project No. 101991; and

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

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

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

**Part 2:** The City Council ratifies an application for program funding for a Swift Water Rescue Boat from State Farm Insurance Companies in the amount of \$20,000, 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 ratifying this application and to receive any funds that may be disbursed through this grant program.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(J)  
Consent Agenda  
Page 1 of 1

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

Kirk Scopac, Fleet Services Director  
Kenny Henderson, Transportation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a forklift in the amount of \$32,106.09 and a skid steer in the amount of \$47,256.87 from Associated Supply Company, Inc. of Lubbock.

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

**ITEM SUMMARY:** The Solid Waste Recycling Center operates two forklifts and two skid steers to sort and transport aluminum cans, plastics, paper and cardboard at the facility. One forklift and one skid steer was previously authorized for upgrade by Council in June 2018. This purchase will replace the one remaining 2005 forklift and one remaining 2012 skid steer that are currently leased from Balcones.

Staff is recommending the purchase of a new Doosan D20S-7 Diesel Forklift with a 4,000-pound capacity for \$32,106.09 and a new Case SR210 skid steer in the amount of \$47,256.87 from Associated Supply Company, Inc (ASCO). The proposed purchase for each piece of equipment includes a 3-year/3,000 hour planned maintenance plan.

ASCO has been awarded contract #515-16 by BuyBoard, which Staff is recommending the purchase of these two pieces of equipment under. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT** Funding for the purchase of a forklift in the amount of \$32,106.09 and a skid steer in the amount of \$47,256.87 from Associated Supply Company, Inc. is available in account 110-5900-540-6222 as follows:

	Skid Steer 101904		Fork Lift 101905		Total
Project Budget	\$	51,337	\$	32,106	\$ 83,443
Encumbered/Committed to Date		-		-	-
Associated Supply Company, Inc.		(47,257)		(32,106)	(79,363)
Remaining Project Funds	\$	<u>4,080</u>	\$	<u>-</u>	\$ <u>4,080</u>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9417-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A FORKLIFT IN THE AMOUNT OF \$32,106.09 AND A SKID STEER IN THE AMOUNT OF \$47,256.87 FROM ASSOCIATED SUPPLY COMPANY, INC. OF LUBBOCK, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the Solid Waste Recycling Center operates two forklifts and two skid steers to sort and transport aluminum cans, plastics, paper and cardboard at the facility - one forklift and one skid steer was previously authorized for upgrade by Council in June 2018, and this purchase will replace the one remaining 2005 forklift and one remaining 2012 skid steer that are currently leased from Balcones;

**Whereas,** Staff is recommending the purchase of a new Doosan D20S-7 Diesel Forklift with a 4,000-pound capacity, and a Case SR210 skid steer from Associated Supply Company, Inc. - the proposed purchase for each piece of equipment includes a 3-year/3,000-hour maintenance plan;

**Whereas,** Associated Supply Company, Inc. has been awarded BuyBoard Contract No. 515-16, which Staff is recommending be used for this purchase - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funding for the purchases from Associated Supply Company, Inc. is available in Account No. 110-5900-540-6222, Project Nos. 101904 and 101905; and

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

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

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

**Part 2:** The City Council authorizes the purchase of a Doosan D20S-7 Diesel Forklift and a Case SR210 skid steer from Associated Supply Company, Inc. of Lubbock, Texas, in the combined amount of \$79,362.96, 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.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(K)  
Consent Agenda  
Page 1 of 2

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

Mitch Randles, Fire Chief

Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of two Pierce fire trucks in an amount not to exceed \$1,340,000 from Siddons-Martin Emergency Group of Denton, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2019 Combination Tax & Revenue Bonds.

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

**ITEM SUMMARY:** Included in the adopted FY2019 Capital Improvement Program Budget, financed with 2019 Combination Tax & Revenue Bonds, is funding for the purchase of a 75' fire ladder truck and a medium rescue apparatus. The purchase of these two trucks will improve the front-line fire fleet by turning Engine #21 (asset # 11886), a 2004 fire engine, and Rescue #3 (Asset #11953), a 2004 rescue truck, into reserve units. It will also enable the retirement of Engine 81 (Asset #10112), a 1996 fire engine.

Staff carefully defined the specifications of each truck and worked closely with two different fire truck manufacturers, Emergency-One ("E-One") (marketed by Lonestar Emergency group of Texas) and Pierce (marketed by Siddons-Martin Emergency Group), to receive two independent sets of competitive cooperative-supported quotes. Staff narrowed the selection of fire truck manufacturers down to these two companies based on each of these manufacturers having (1) a single-source manufacturing and warranty approach and (2) repair centers in Texas. Pierce was determined by Staff to provide the best value for each truck, and accordingly, Staff is recommending the purchase of both trucks from Pierce.

Pierce's pricing for the 75' aerial apparatus with a 75-foot vertical reach, 500-gallon water tank and 1500 Gallon per minute pump is \$933,080. Pierce's current pricing of the Rescue Truck with an 18' rescue body, air refill system and 25 kilowatt generator is \$329,500. Staff will participate in a pre-build meeting in the coming months, at which time the final details of each truck will be worked out and final pricing will be determined at an amount not to exceed \$970,000 for the aerial ladder and \$370,000 for the Rescue, for a total not to exceed amount of \$1,340,000.

Siddons-Martin Emergency group Texas has been awarded contract #FS12-17 by the Houston-Galveston Area Cooperative (HGAC), which staff is recommending the use of for these purchases. Contracts awarded through HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities.



The pricing received is based on pre-payment of the trucks within 30 days of placement of the order. The pre-payment discount totals approximately \$46,330 and is offset by the cost of performance bonds.

It is anticipated that the trucks will take 10 months to construct with delivery to the City in the fall/winter of 2019.

**FISCAL IMPACT:** These two fire trucks are being funded with the issuance of the 2019 Combination Tax & Revenue Bonds. We are declaring an official intent to reimburse for this purchase. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

Once the budget adjustment is approved, funding will be available in account 365-2200-522-6776 for the purchase of these fire trucks from Siddons-Martin Emergency Group in the amount of \$1,340,000 as shown below:

	<b>Ladder Truck Project #101886</b>	<b>Rescue Truck Project #101896</b>	<b>Total</b>
Project Budget	\$ 973,500	\$ 376,500	\$ 1,350,000
Encumbered/Committed to Date	-	-	-
Purchase of Fire Trucks- Siddons-Martin Emergency Group	(970,000)	(370,000)	(1,340,000)
<b>Remaining Funds</b>	<b>\$ 3,500</b>	<b>\$ 6,500</b>	<b>\$ 10,000</b>

The remaining funds totaling \$10,000 will be used to outfit the trucks with fire equipment upon their arrival.

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

RESOLUTION NO. 2018-9418-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO PIERCE FIRE TRUCKS FROM SIDDONS-MARTIN EMERGENCY GROUP OF DENTON, TEXAS IN AN AMOUNT NOT TO EXCEED \$1,340,000, AS WELL AS, DECLARE AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF THE 2019 COMBINATION TAX & REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, included in the adopted fiscal year 2019 Capital Improvement Program Budget, financed with 2019 Combination Tax & Revenue Bonds, is funding for the purchase of a 75' fire ladder truck and a medium rescue apparatus which will improve the front-line fire fleet;

**Whereas**, Staff defined the specifications of each truck and received two independent sets of competitive cooperative-supported quotes from Emergency-One ("E-One") (marketed by Lonestar Emergency group of Texas) and Pierce (marketed by Siddons-Martin Emergency Group) with each of these manufacturers having a single-source manufacturing and warranty approach and repair centers in Texas;

**Whereas**, Pierce (marketed by Siddons-Martin Emergency Group) was determined to provide the best value for each truck and therefore Staff recommends Council authorize the purchase of two Pierce fire trucks from Siddons-Martin Emergency Group of Denton, Texas in an amount not to exceed \$1,340,000;

**Whereas**, Siddon-Martin Emergency Group has been awarded a Houston-Galveston Area Cooperative contract (No. FS12-17) which Staff recommends using for these purchases - contracts awarded through Houston-Galveston Area Cooperative contract have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues 2019 Combination Tax & Revenue Bonds to finance this purchase;

**Whereas**, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

**Whereas**, upon issuance of the 2019 Combination Tax & Revenue Bonds, the City desires to reimburse these prior expenditures with proceeds of the Bonds;

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from the 2019 Combination Tax & Revenue Bonds proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

**Whereas**, the purchase of two Pierce fire trucks is being funded with the issuance of the 2019 Combination Tax & Revenue Bonds and the City is declaring an official intent to reimburse the expenditures;

**Whereas**, funding is available with the issuance of the 2019 Combination Tax & Revenue Bonds and we are declaring an official intent to reimburse for this purchase - a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds;

**Whereas**, funding is available for this purchase in Account No. 365-2200-522-6776, Project No. 101886 (Ladder Truck), and Project No. 101896 (Rescue Truck); and

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

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

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

**Part 2:** The City Council authorizes the purchase of two Pierce fire trucks from Siddons-Martin Emergency Group of Denton, Texas in an amount not to exceed \$1,340,000, as well as declares an official intent to reimburse the expenditures with the issuance of the 2019 Combination Tax & Revenue Bonds, 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.

**Part 3:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 4:** This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 2 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(L)  
Consent Agenda  
Page 1 of 1

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

Kirk Scopac, Fleet Services Director  
Kenny Henderson, Transportation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a dump truck from Houston Freightliner, Inc. of Houston, in the amount of \$102,081.

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

**ITEM SUMMARY:** The Drainage Division of Public Works uses a dump truck on a regular basis for transport of various materials (construction materials, debris, etc.) in the maintenance and repair of detention ponds and drainage channels. Approval of this item will provide for the upgrade of a 2000 Freightliner dump truck (Asset #10942) which has reached the end of its useful life with a 2020 Freightliner M2-106 TRA dump truck with 14-yard dump bed.

Staff is recommending the purchase of the dump truck utilizing a Houston-Galveston Area Council (H-GAC) Contract #HT06-18. Contracts awarded by H-GAC have been competitively procured and meet the competitive bid requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for the purchase of a dump truck in the amount of \$102,081 from Houston Freightliner is available in account 292-2900-534-6222, project 101914, as follows:

Project Budget	\$	112,500
Encumbered/Committed to Date		-
Houston Freightliner – Dump Truck		(102,081)
Remaining Project Funds Available	\$	<u>10,419</u>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9419-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A DUMP TRUCK FROM FREIGHTLINER, INC. OF HOUSTON, TEXAS IN THE AMOUNT OF \$102,081; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the Drainage Division of Public Works uses a dump truck on a regular basis for transport of various materials (construction materials, debris, etc.) in the maintenance and repair of detention ponds and drainage channels;

**Whereas,** this purchase provides for the upgrade of a 2000 Freightliner dump truck (Asset No. 10942) which has reached the end of its useful life with a 2020 Freightliner M2-106 TRA dump truck with 14-yard dump bed;

**Whereas,** this purchase will be made utilizing a Houston-Galveston Area Council (H-GAC) Contract (No. HT06-18) - contracts awarded by H-GAC have been competitively procured and meet the competitive bid requirements for Texas municipalities;

**Whereas,** funding for this purchase is available in Account No. 292-2900-534-6222, Project No. 101914; and

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

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

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

**Part 2:** The City Council authorizes the purchase of a dump truck from Freightliner, Inc. of Houston, Texas, in the amount of \$102,081, 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.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(M)  
Consent Agenda  
Page 1 of 2

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

Kirk Scopac, Fleet Services Director  
Damon B. Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a vactor truck from Freightliner of Austin in the amount of \$366,587.

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

**ITEM SUMMARY:** The Utility Division of the Public Works Department regularly utilizes two sewer/hydro-evacuation trucks during the course of daily work by managing and maintaining over 400 miles of wastewater pipe which in many areas are deteriorating and aged, requiring increased in workload in response to system needs. These specialized units unstop wastewater sewer lines and support regular and preventative maintenance efforts to reduce sanitary sewer overflows as required by the 1972 Clean Water Act. As part of complying with the U.S. EPA Agreed Order, a need to increase resources and assets is necessary to reduce disruption to preventative wastewater line maintenance efforts while responding to emergency sewer needs.

Staff is recommending the purchase of a new vactor truck that is comprised of a Freightliner 114SD vocational chassis with a Cummins diesel engine and a vactor 2100i body with a mounted hydro-jet and vacuum. Staff is recommending the purchase of the new vactor truck from Freightliner of Austin utilizing BuyBoard contract #521-16. Contracts awarded by BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The expected gross vehicle weight capacity is 92,000lbs. Other features of the truck chassis include:

- Allison 3000 RDS automatic transmission with PTO provisions
- Steel-reinforced aluminum day cab
- Increased visibility and enhanced ergonomics



The vactor model 2100i will be equipped with the following:

- 12-yard debris tank and 1500-gallon fresh water tank
- Hydro excavation kit for potholing
- 10' Telescoping boom with 189-degree rotation
- 800' x 1" Piranha 2500 PSI sewer hose mounted on front of truck

The vactor unit will be used primarily to sustain the sanitary sewer line maintenance program and TCEQ SSO Initiative Program. The equipment will also be used to locate underground utilities. The purchase price includes necessary training for city personnel.

**FISCAL IMPACT:** Funding for the purchase of the vactor truck and equipment in the total amount of \$366,587 was approved in the FY 2019 budget. Funding is available for project 101929 as follows:

	<u>520-5200-535-6222</u>	<u>520-5400-535-6222</u>	<u>Total</u>
Project Budget	\$ 191,000	\$ 191,000	\$ 382,000
Encumbered/Committed to Date	-	-	-
Vactor Truck and Equipment	(183,294)	(183,293)	(366,587)
Remaining Project Funds	<u>\$ 7,706</u>	<u>\$ 7,707</u>	<u>\$ 15,413</u>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9420-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A VACTOR TRUCK FROM FREIGHTLINER OF AUSTIN, TEXAS, IN THE AMOUNT OF \$366,587; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Utility Division of the Public Works Department regularly utilizes two sewer/hydro-evacuation trucks during the course of daily work to manage and maintain over 400 miles of wastewater pipe which are deteriorating and aged, causing an increase in workload to respond to system needs;

**Whereas**, these specialized units unstop wastewater sewer lines and support regular and preventative maintenance efforts to reduce sanitary sewer overflows as required by the 1972 Clean Water Act;

**Whereas**, as part of complying with the U.S. EPA Agreed Order, a need to increase resources and assets is necessary to reduce disruption to preventative wastewater line maintenance efforts while responding to emergency sewer needs;

**Whereas**, this Vactor truck is comprised of a Freightliner 114SD vocational chassis with a Cummins diesel engine and a Vactor 2100i body with a mounted hydro-jet and vacuum and Staff recommends this purchase from Freightliner of Austin, Texas utilizing the BuyBoard Local Government Online Purchasing Cooperative Contract No. 521-16 – purchases made through the BuyBoard meet the City's competitive bid requirements;

**Whereas**, funding for this purchase was approved in the fiscal year 2019 budget in Account No. 520-5200-535-6222, Account No. 520-5400-535-6222, Project No. 101929; and

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

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

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

**Part 2:** The City Council authorizes the purchase of a Vactor truck from Freightliner of Austin, Texas in the amount of \$366,587 utilizing the BuyBoard Local Government Online Purchasing Cooperative, 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.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
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 granting an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of a restroom within South Temple Park.

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

**ITEM SUMMARY:** The City of Temple is beginning the construction of a restroom within South Temple Park, adjacent to Lions Junction Family Water Park. The restroom facility will require electricity for operation of the building lights, and there is currently no electric source close to the restroom construction site. Oncor Electric Delivery Company, LLC (Oncor) is the local electric delivery provider. In order to deliver the needed electricity to South Temple Park Restroom, Oncor is seeking an easement from the City to install, construct, operate, maintain, replace, repair, upgrade, and remove electrical facilities (the facilities). Improvement and maintenance of the facilities will be at the sole expense of Oncor.

At this time, Staff is asking for authorization to grant an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of South Temple Park Restroom.

**FISCAL IMPACT:** There is no request for reimbursement related to these easements since the sole purpose of the facilities installation by Oncor is to provide needed service to South Temple Park restrooms.

**ATTACHMENTS:**

[Proposed Easement Agreement](#)  
[Easement Survey](#)  
[Resolution](#)

PT # 2018-4195  
District: KRT/TEMPLE SC  
WR #: 3426081  
ER # \_\_\_\_\_

## EASEMENT AND RIGHT OF WAY

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

That the **CITY OF TEMPLE, TEXAS, A MUNICIPAL CORPORATION** hereinafter called "Grantor," whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for underground electric supply and communications lines, consisting of a variable number of wires and cables, surface mounted equipment, conduits, manholes, vaults, transformers, switches, protection, sectionalizing devices and all necessary or desirable appurtenances over, under, across and upon Grantor's land described as follows:

### SEE EXHIBIT "A" (ATTACHED)

Grantor recognizes that the general course of said lines, or the metes and bounds as above described, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such road is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and rights unto the said Grantee, its successors and assigns, until all of said lines shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns; and it does hereby bind itself, its successors, legal representatives, and assigns, to warrant and forever defend all and singular the above described easement and rights unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF TEMPLE, TEXAS, A MUNICIPAL  
CORPORATION**

By: \_\_\_\_\_  
Brynn Myers,  
Title: City Manager

STATE OF TEXAS           §  
                                      §  
COUNTY OF BELL       §

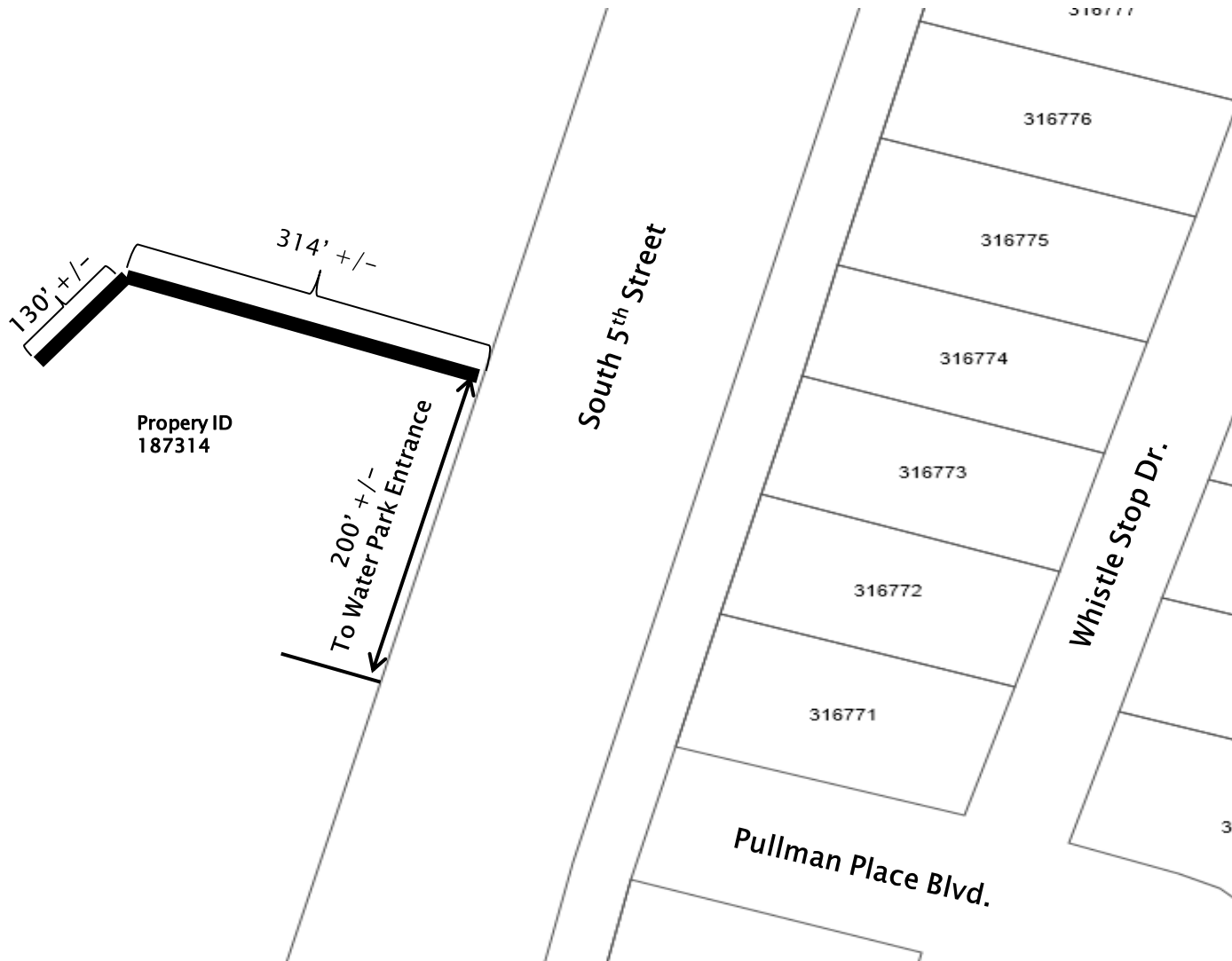
BEFORE ME, the undersigned authority, on this day personally appeared **Brynn Myers, City Manager, of the City of Temple, Texas**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 2018.


\_\_\_\_\_  
Notary Public in and for the State of Texas

# ONCOR ELECTRIC DELIVERY COMPANY, LLC

## "EXHIBIT A"



### Legend

 Denotes Oncor Electric Delivery Company, LLC 10' Easement width

The intent of this Exhibit is to pictorially show the approximate location of the easement. It is not Intended as an actual survey. Calls shown are references only. No Statement is made to the validity of these calls.

### GRANTOR: CITY OF TEMPLE TEXAS

Volume 3613, Page 696, OR

County: Bell

Survey: Maximo Moreno, A-14

Acres: 40.828

District: KRT/Temple SC

WR# 3426081

Initials: \_\_\_\_\_

RESOLUTION NO. 2018-9421-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING AN EASEMENT TO ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR ELECTRIC UTILITIES NECESSARY FOR THE CONSTRUCTION OF A RESTROOM WITHIN SOUTH TEMPLE PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas,** the City is beginning the construction of a restroom within South Temple Park, adjacent to Lions Junction Family Water Park which will require electricity for operation of the building lights - there is currently no electric source close to the restroom construction site;

**Whereas,** Oncor Electric Delivery Company, LLC (Oncor) is the local electric delivery provider and in order to deliver the needed electricity to the South Temple Park Restroom, Oncor is seeking an easement from the City to install, construct, operate, maintain, replace, repair, upgrade, and remove electrical facilities (the Facilities) - improvement and maintenance of the Facilities will be at the sole expense of Oncor;

**Whereas,** Staff recommends Council grant an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of South Temple Park Restroom; and

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

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

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

**Part 2:** The City Council grants an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of a restroom at South Temple Park and authorizes the Mayor, after approval as to form by the City Attorney, to execute an Easement Agreement with Oncor Electric Delivery Company, LLC.

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



PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(O)  
Consent Agenda  
Page 1 of 2

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

Tara Raymore, Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution establishing rates for Medicare supplement insurance for over age 65 City of Temple retirees and authorizing the City's contribution for calendar year 2019.

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

**ITEM SUMMARY:** Previously the Trustees of the City of Temple Employee Benefits Trust authorized an agreement with Scott and White Health Plan (SWHP) for the provision of Medicare supplement insurance for over age 65 City of Temple retirees. City policy requires that when retirees turn 65, if they are eligible, they must enroll in a Medicare supplement plan offered through the City in order to receive the City's contribution. These rates are not available until the fall of each year, at this time Council is being asked to adopt Medicare supplement rates for retirees for 2019. The rates for Medicare supplement insurance run from January 1st through December 31st of each year.

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

For 2019, SWHP is offering three SeniorCare Advantage Health Maintenance Organization (HMO) plans and two SeniorCare Advantage Preferred Provider Organization (PPO) plans, which include prescription drug benefits. SWHP will also offer a dental plan through the MetLife PDP Plus Network.

In FY2011, the City Policy regarding contributions was amended to state that the City will pay an amount toward retiree insurance to be determined each fiscal year. The FY2019 Budget includes funding in the amount of \$102 per month, per retiree for the cost of Medicare supplement insurance. Staff recommends that Council authorize a per month, per retiree contribution to fund the Medicare supplement insurance at the less of the following: (1) 50% of the Medicare supplement insurance plan cost or (2) \$102. The dental plan cost will be paid by the retiree only.

The new monthly premium recommendations for 2019 are as follows:

Plan	Description	Monthly Premium	City's Contribution	Retiree's Contribution
A	SeniorCare HMO Select – With RX	\$0.00	\$0.00	\$0.00
B	SeniorCare HMO Preferred – No Rx	\$90.00	\$45.00	\$45.00
C	SeniorCare HMO Preferred – With Rx	\$130.00	\$ 65.00	\$65.00
D	SeniorCare HMO Premium – No RX	\$199.00	\$99.50	\$99.50
E	SeniorCare HMO Premium – With RX	\$240.00	\$102.00	\$138.00
F	SeniorCare PPO Basic – With Rx	\$43.00	\$21.50	\$21.50
G	SeniorCare PPO Platinum – With Rx	\$150.00	\$75.00	\$75.00
H	SeniorCare HMO Dental	\$0.00	\$0.00	\$0.00
I	SeniorCare PPO Dental – Basic (with Plan F above)	\$20.00	\$0.00	\$20.00
J	SeniorCare PPO Dental – Platinum (with Plan G above)	\$0.00	\$0.00	\$0.00

**FISCAL IMPACT:** Budgeted amount: \$166,018 in account 110-2700-515-1231\*  
Estimated amount for FY2019: \$89,352\*\*

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

\*\* Maximum contribution during FY 2019 for the new plan costs calculated as \$102 x 73 Medicare eligible retirees (as of 10/01/18) x 9 months (Jan - Sept) = \$67,014; the number of retirees could change over the course of the year. The cost incurred for the Medicare Supplemental insurance from October through December is estimated to be \$22,338.

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

RESOLUTION NO. 2018-9422-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING RATES FOR MEDICARE SUPPLEMENT INSURANCE FOR OVER AGE 65 CITY OF TEMPLE RETIREES AND AUTHORIZING THE CITY'S CONTRIBUTION FOR CALENDAR YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, previously the Trustees of the City of Temple Employee Benefits Trust authorized an agreement with Scott and White Health Plan (SWHP) for the provision of Medicare supplement insurance for over age 65 City of Temple retirees;

**Whereas**, City policy requires that when retirees turn 65, if they are eligible, they must enroll in the substitute Medicare supplement plan offered through the City in order to receive the City's contribution - these rates are not available until the late Fall of each year;

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

**Whereas**, on November 3, 2016, the City received proposals for Group Medicare Supplement and Prescription Drug Benefits and the Request for Proposals (RFP) indicated the contract would be for a one-year term with the option for four 1-year renewals - Scott & White Health Plan (SWHP) being the only respondent to the RFP;

**Whereas**, for 2019, SWHP is offering three SeniorCare Advantage Health Maintenance Organization (HMO) plans and two SeniorCare Advantage Preferred Provider Organization (PPO) plans, which include prescription drug benefits - SWHP is also offering a dental plan through the MetLife PDP Plus Network;

**Whereas**, in 2011, the City Policy regarding contributions was amended to state that the City will pay a certain amount toward retiree insurance which will be determined each fiscal year - the fiscal year 2019 budget includes funding in the amount of \$102 per month, per retiree for the cost of Medicare supplement insurance;

**Whereas**, Staff recommends Council authorize a per month, per retiree contribution to fund the Medicare supplement insurance at the lesser of the following: 1) 50% of the Medicare supplement insurance plan cost or 2) \$102;

**Whereas**, the fiscal year 2019 budget included funding in the amount of \$102 per eligible employee to contribute towards the cost of substitute Medicare Supplemental insurance and those funds are available in Account No. 110-2700-515-1231; and

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

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

**Part 1: 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 establishes rates for substitute Medicare supplement insurance for over age 65 City of Temple retirees as set forth in Exhibit 'A' attached hereto and incorporated herein for all purposes and authorizes the City's contribution for calendar year 2019.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 2018.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
TIMOTHY A. DAVIS, Trustee

ATTEST:

APPROVED AS TO FORM:

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

---

11/01/18  
Items #3(P)  
Consent Agenda  
Page 1 of 3

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTIONS:** SECOND READING – FINAL READING – FY-18-12-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption, where the sale of alcoholic beverages is less than 50% of the total gross revenue, on Tract B of Lot 1, Block 3, Section III, Glendale Park Addition, located at 1420 SW HK Dodgen Loop.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its September 17, 2018, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of the requested Conditional Use Permit (CUP) to allow a restaurant less than 50% of the total gross revenue from the sale of all alcoholic beverages with on-premise consumption, per Staff's recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested Conditional Use Permit (CUP) to allow the existing restaurant less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, for the following reasons;

1. The request is compatible with the Future Land Use and Character Map;
2. The request is compatible with existing adjacent properties;
3. The request is in compliance with the Thoroughfare Plan;
4. Public facilities are available to the subject property; and
5. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15

And subject to the following conditions:

1. That the sale of alcoholic beverages be restricted to on-premise consumption only;
2. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
3. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.
4. That the restaurant be subject to the CUP site plan

**ITEM SUMMARY:** The applicant, Whan Jung, requests this Conditional Use Permit for an existing restaurant to allow the sale of alcohol (including mixed drinks) less than 50% of the total gross revenue from the sale of all alcoholic beverages with on-premise consumption only. This request is for **Bay Street Steak & Grille**, soon to open in the existing restaurant building located at 1420 SW H.K. Dodgen

Loop, formerly known as Mazzio's Pizza and most recently as Henderson's Restaurant. This property is zoned Commercial District (C).

Mr. Jung proposes opening Bay Street Steak & Grille as a 'high end' fine dining restaurant with mixed drinks, as well as beer and wine. Bay Street Steak & Grille will have two dining rooms, a bar/dining area, and a banquet room. As reflected in the attached seating capacity plan, the restaurant will have a total capacity of 120 seats. The attached CUP site plan shows 68 total parking spaces, which exceeds the 40 parking spaces required by the Unified Development Code (UDC) for 120 seats in the dining area. Mr. Jung applied for a mixed drink permit with TABC and is familiar with all the regulations.

Specific to this request, a restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit. Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension,*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

*Additionally, the UDC states:*

*The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if it affirmatively determines that the issuance of the permit is:*

- Incompatible with the surrounding uses of property; or*
- Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants, and*
- Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.*

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

Further, **UDC Section 5.3.15B** provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards include **a distance requirement of not being within 300 feet of a place of worship, public school or public hospital as well as how the distance is measured.** None of the identified uses are within 300 feet of the existing restaurant at 1420 SW H.K. Dodgen Loop.

Lastly, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. The Bay Street Steak & Grille will be required to maintain compliance with Chapter 4 standards.

**DEVELOPMENT REVIEW COMMITTEE (DRC):** The DRC reviewed this Conditional Use Permit (CUP) request on September 4, 2018. No issues were identified during the review.

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Future Land Use and Character Plan (FLUP) (CP Map 3.1) - The subject property is within the **Auto-Urban character district** of the *Choices '08* City of Temple Comprehensive Plan. The existing restaurant is in compliance with this recommendation.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance  
The subject property fronts South 37<sup>th</sup> Street and the frontage road along SW H.K. Dodgen Loop. The existing restaurant has two access points along SW H.K. Dodgen Loop and one access point along South 37<sup>th</sup> Street. The existing restaurant is appropriately located and is in agreement with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1) - There are existing water and wastewater facilities along the front and both sides of the property.

**PROPOSED CITY COUNCIL MEETING SCHEDULE:** This Conditional Use Permit is scheduled for 1st Reading on October 18, 2018 and a 2nd Reading for November 1, 2018.

**PUBLIC NOTICE:** Twelve properties 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, October 9, 2018 at 9:00 AM, five notices have been received in favor of the request and none in opposition.

The newspaper printed notice of the public hearing on September 6, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)  
[Location map with Aerial](#)  
[Zoning Map](#)  
[Future Land Use and Character Map](#)  
[Thoroughfare Map](#)  
[Utility Map](#)  
[Notification Map](#)  
[Notification Response Letters](#)  
[CUP Site Plan Exhibits](#)  
[Ordinance](#)




## SURROUNDING PROPERTY AND USES:

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	C	Restaurant	 <p>Site View from SW H.K. Dodgen Loop</p>
			 <p>Site East Parking Entrance (SW H.K. Dodgen Loop)</p>
			 <p>Site West Side Parking</p>

Direction	Zoning	Current Land Use	Photo
Subject Property	C	Restaurant	 <p>Site West Building Entrance</p>
			 <p>Site North Parking Area &amp; Dumpster View</p>
West	C	Commercial & Personal Use Services	 <p>S. 37<sup>th</sup> St.</p>

Direction	Zoning	Current Land Use	Photo
West	C	Commercial & Personal Services	 <p>S. 37th St</p>
			 <p>West View from Site</p>
South	C & GR	General Retail Uses	 <p>SW H.K. Dodgen Loop</p>



Direction	Zoning	Current Land Use	Photo
East	GR	Hotel	 <p>Site Parking</p>
			 <p>Site Parking</p> <p>Hotel</p>
North	C	Commercial & Personal Services	 <p>North View from Site Parking (East Parking Area)</p>

Direction	Zoning	Current Land Use	Photo
North			
			
			





C.U.P.

### AERIAL MAP

Zoning Case :  
FY-18-12-ZC

Address :  
1420 SW HK Dodgen Loop

#### Transportation

##### Streets

EXPRESSWAY

LOCAL STREET

RAMP

Temple Municipal Boundary

#### Parcel Features

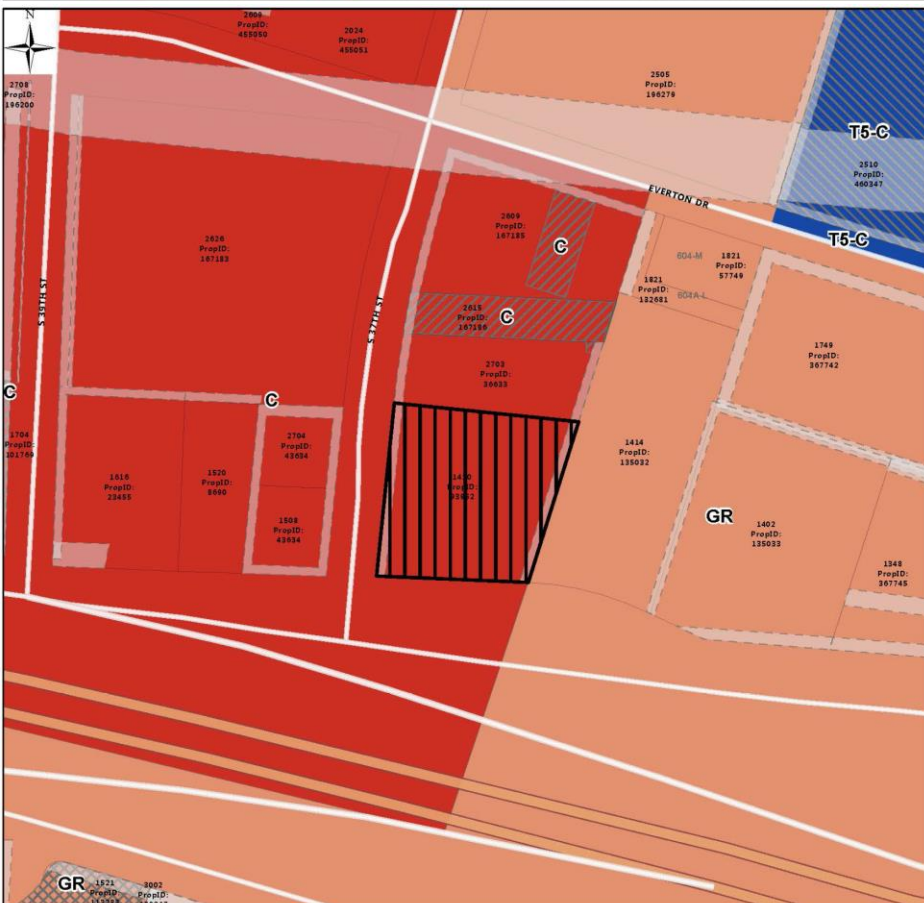
Parcels

Production.SDE.Easement

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

tylerly

Date: 9/5/2018



C.U.P. -On Premise Alcohol  
in Restaurant- Less than  
50% gross revenue

Zoning Case :  
FY-18-12-ZC

Address :  
1420 SW H.K. Dodgen Loop

#### Legend

Current Zoning

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

HC - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP

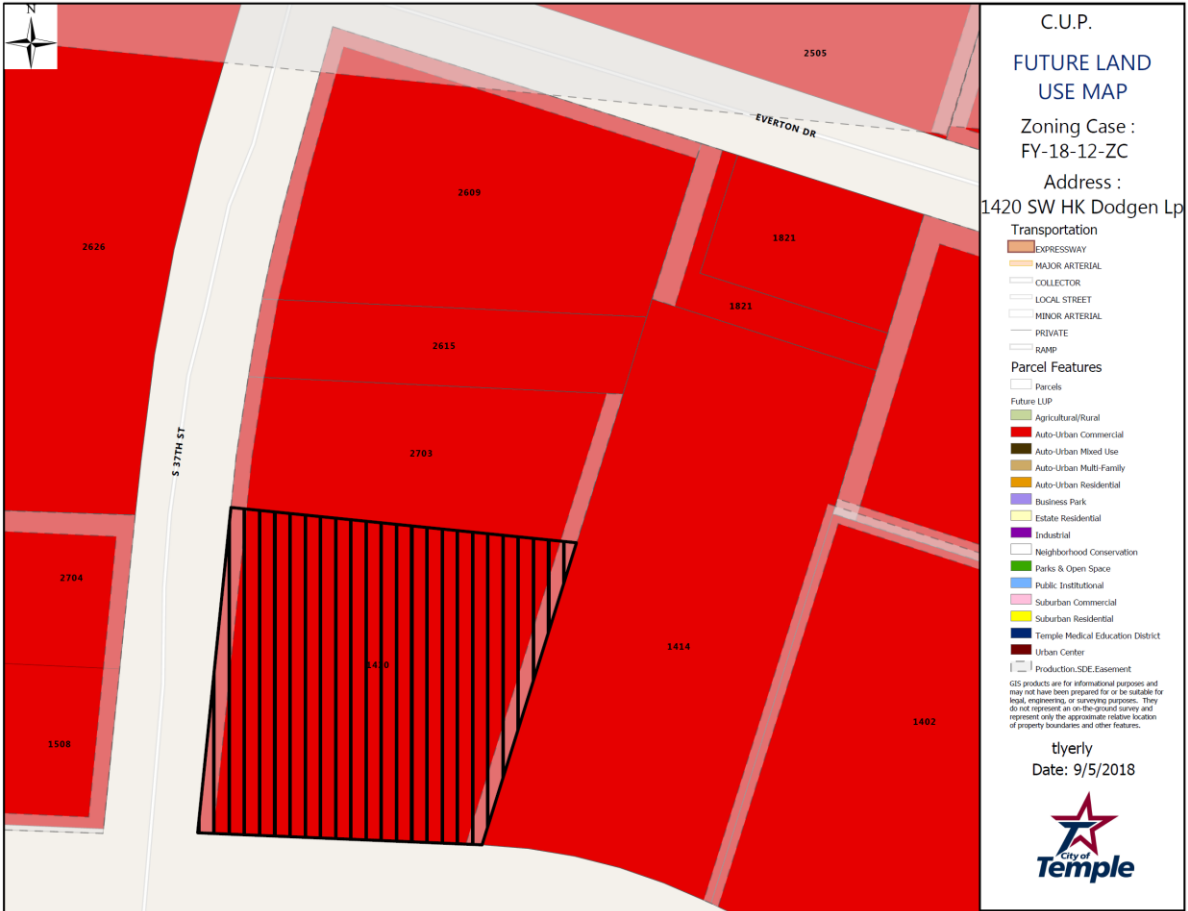
GA - CLP

GA - CLP

GA - CLP

GA - CLP

GA - CLP









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

167185  
WACO BT PROPERTIES LLC  
308 LAKE AIR DR  
WACO, TX 76710

**RECEIVED**  
SEP 17 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-12-ZC

**Case Manager:** Tammy Lyerly

**Location:** 1420 SW H.K. Dodgen Loop, Temple, Texas

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree


( ) disagree with this request

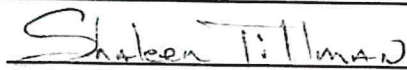
**Comments:**

---

---

---

  
**Signature**

  
**Print Name**

\_\_\_\_\_  
**Provide email and/or phone number if you want Staff to contact you** (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tlyerly@templetx.gov](mailto:tlyerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 12

Date Mailed: September 6, 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**

167183  
SWANSON FAMILY REALTY LTD  
PO BOX 21355  
WACO, TX 76702

SEP 11 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-12-ZC

**Case Manager:** Tammy Lyerly

**Location:** 1420 SW H.K. Dodgen Loop, Temple, Texas

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

( ) disagree with this request

**Comments:**

No Problem with change of zoning + use.

**Signature**

**Print Name**

**Provide email and/or phone number if you want Staff to contact you**

(Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tylerly@templetx.gov](mailto:tylerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 12

Date Mailed: September 6, 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**

**RECEIVED**

SEP 13 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

57749  
KACIR, SIDNEY  
1821 EVERTON DR  
TEMPLE, TX 76504-7101

**Zoning Application Number:** FY-18-12-ZC

**Case Manager:** Tammy Lyerly

Location: 1420 SW H.K. Dodgen Loop, Temple, Texas

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

( ) disagree with this request

**Comments:**

---

---

---

---

Sidney Kacir  
**Signature**

SIDNEY KACIR  
**Print Name**

(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, [tlyerly@templetx.gov](mailto:tlyerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 12

Date Mailed: September 6, 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**

132681  
KACIR, SIDNEY  
1821 EVERTON DR  
TEMPLE, TX 76504-7101

**RECEIVED**

SEP 13 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-12-ZC

**Case Manager:** Tammy Lyerly

**Location:** 1420 SW H.K. Dodgen Loop, Temple, Texas

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

( ) disagree with this request

**Comments:**

---

---

---

---

Sidney Kacir  
Signature

SIDNEY KACIR  
Print Name

(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, [tylerly@templetx.gov](mailto:tylerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 12

Date Mailed: September 6, 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**

93952  
TEMPLE FOOD SERVICE LLC  
6004 SPRINGHAVEN DR  
PLANO, TX 75093-5723

**RECEIVED**  
SEP 11 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-12-ZC

**Case Manager:** Tammy Lyerly

**Location:** 1420 SW H.K. Dodgen Loop, Temple, Texas

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

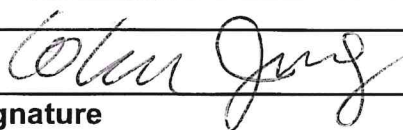
( ) disagree with this request

**Comments:**

---

---

---

  
Signature

Whan Jung  
Print Name

\_\_\_\_\_  
**Provide email and/or phone number if you want Staff to contact you** (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tlyerly@templetx.gov](mailto:tlyerly@templetx.gov), or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 12

Date Mailed: September 6, 2018

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



# FY-18-12-ZC C.U.P. Site Plan

- ❑ 68 total parking spaces, including 6 handicap parking spaces (exceeds requirement of 40 parking spaces for total sitting capacity of 120, per UDC)
- ❑ The parking lot will be restriped with the existing parking spaces
- ❑ The drive-through area was eliminated during a prior renovation
- ❑ Two entrances from SW H.K. Dodgen Loop and one entrance from South 37<sup>th</sup> Street

Temple Food Service  
Bay Street Steak & Grille

1420 SW H K Dodgen Loop

Temple, TX 76504

(254) 314-2229

Sitting Capacity

Dining Room 1

2 seater x 5	10
--------------	----

4 seater x 8	32
--------------	----

Dining Room 2

2 seater x 10	20
---------------	----

4 seater x 6	24
--------------	----

Bar/Dining Area

2 seater x 6	10
--------------	----

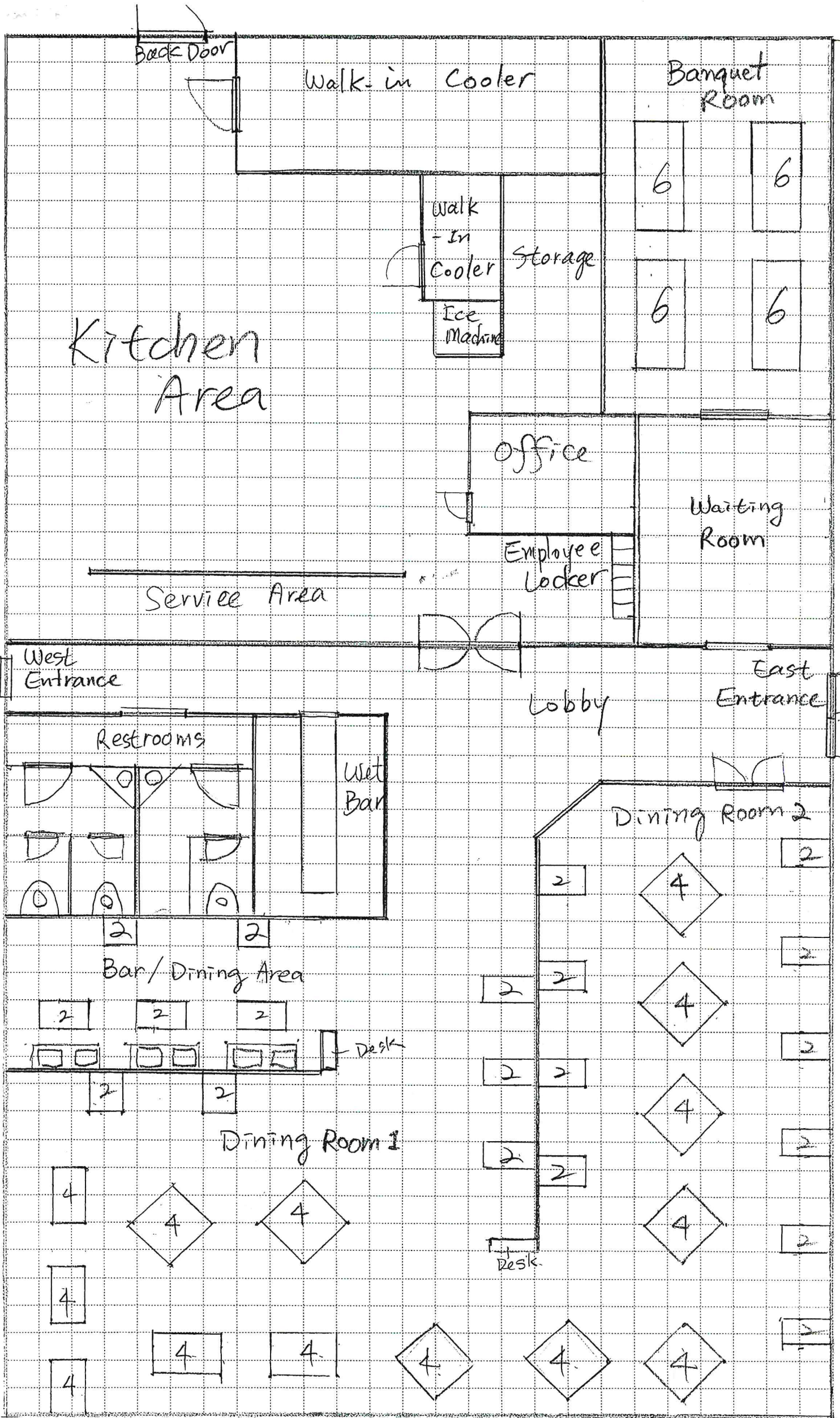
Banquet Room

6 seater x 4	24
--------------	----

---

Total Sitting Capacity	120
------------------------	-----







ORDINANCE NO. 2018-4938  
(FY-18-12-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, WHERE THE SALE OF ALCOHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE, ON TRACT B OF LOT 1 BLOCK 3 SECTION III, GLENDALE PARK ADDITION, LOCATED AT 1420 SW H K DODGEN LOOP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant, Whan Jung, requests this Conditional Use Permit (“CUP”) for an existing restaurant to allow the sale of alcohol (including mixed drinks) for on-premise consumption only where the sale of alcoholic beverages is less than 50% of the total gross revenue;

**Whereas**, this request is for Bay Street Steak & Grille, soon to open in the existing restaurant building located at 1420 SW H.K. Dodgen Loop, formerly known as Mazzio’s Pizza, and most recently as Henderson’s Restaurant which is zoned Commercial District;

**Whereas**, Mr. Jung proposes opening Bay Street Steak & Grille as a ‘high end’ fine dining restaurant with mixed drinks, as well as beer and wine with two dining rooms, a bar/dining area, and a banquet room - the restaurant will have a total capacity of 120 seats and 68 total parking spaces, which exceeds the 40 parking spaces required by the UDC;

**Whereas**, at its September 17, 2018, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of the requested CUP; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

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

**Part 2:** The City Council authorizes a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the sale of alcoholic beverages is less than 50% of the total gross revenue on Tract B of Lot 1, Block 3, Section III, Glendale Park Addition located at 1420 SW HK Dodgen Loop.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **18<sup>th</sup>** day of **October**, 2018.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #3(Q)  
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 2018-2019.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2018-2019 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$4,338.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
**November 1, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-4000-555-2514		Other Services / Travel & Training	\$ 1,000	
110-0000-461-0830		Other / Other Revenue		\$ 1,000
To appropriate a scholarship of \$1,000 received from the Foundation Center for attendance of the FC Network Days Conference held October 3-5, 2018.				
110-3300-519-2584		Other Services / EDC - Matrix Component	\$ 3,338	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 3,338
Per the 2011 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation (TEDC), the City shall contribute a portion of its annual revenue from sales tax to TEDC. The City's contribution shall include a "Base Contribution" which is comprised of two components: (1) an "Operating Expense Component" and (2) an "Incentive Matrix Component". This budget adjustment increases the appropriation for the FY 2019 "Matrix Component" by \$3,337.76. Funds are available in Designated Capital Projects - Unallocated.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 4,338</b>	<b>\$ 4,338</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$ 100,000	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ 100,000	
Beginning <b>Judgments &amp; Damages</b> Contingency			\$ 279,725	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			-	
Net Balance of Judgments & Damages Contingency Account			\$ 279,725	
Beginning <b>Compensation</b> Contingency			\$ 285,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			-	
Net Balance of Compensation Contingency Account			\$ 285,000	
<b>Net Balance Council Contingency</b>			<b>\$ 664,725</b>	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
<b>WATER &amp; WASTEWATER FUND</b>				
Beginning <b>Contingency</b> Balance			\$ 219,446	
Added to Contingency Sweep Account			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ 219,446	
Beginning <b>Compensation</b> Contingency			\$ 54,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			-	
Net Balance of Compensation Contingency Account			\$ 54,000	
<b>Net Balance Water &amp; Wastewater Fund Contingency</b>			<b>\$ 273,446</b>	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
**November 1, 2018**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	16,500
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>16,500</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	336,406
		Beginning <b>Compensation</b> Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	10,500
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$</b>	<b>346,906</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		<b>Net Balance Fed/State Grant Fund Contingency</b>	<b>\$</b>	<b>-</b>

RESOLUTION NO. 2018-9423-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2018-2019 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on the 24<sup>th</sup> day of August, 2018, the City Council approved a budget for the 2018-2019 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2018-2019 City Budget.

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

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

**Part 2:** The City Council approves amending the 2018-2019 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **November**, 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

---

11/01/18  
Item #4  
Regular Agenda  
Page 1 of 2

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

Lynn Barrett, Assistant Planning Director

**ITEM DESCRIPTION:** SECOND READING – FY-18-4-SITE: Consider adopting an ordinance amending Ordinance No. 2005-4049 to approve an amended site plan covering approximately 6.809 acres out of 55.39 acres located in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at the northeast corner of Country View Lane and Country Lane Drive.

**STAFF RECOMMENDATION:** As the accompanying site plan for the Grand Texan Addition is in compliance with the 2005 PD zoning ordinance and map, Staff recommends approval to amend Ordinance 2005-4049 with the attached site development plan for the Grand Texan Addition on 6.809 acres as shown.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their September 17, 2018 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the development/site plan per staff's recommendation.

**ITEM SUMMARY:** The applicant, Will Sisco of Turley and Associates, on behalf of owners Ken Mitchell Senior Homes LLC, requests development site plan approval, under the most recent PD ordinance (Ordinance 2005-4049) approved by City Council on December 1, 2005, which included the subject property.

As part of a larger Planned Development-zoned property for the Country Lane Senior development, the ordinance was initially adopted as Planned-Development Office Two (PD-O2) zoning with an accompanying site plan on the initial phase and conditions on zoning uses for three areas of the 55-acre property: A, B and C. The Zoning Uses A conditions, which includes the subject property of approximately 6.8-acres, are listed below from the original ordinance:

Zoning Uses A: Senior citizen multifamily housing with the following conditions:

1. Front yard shall be a minimum 25 feet except that additional setback for structures over 35 feet in height may be required in accordance with Section 8-402 (7) of the Zoning Ordinance;
2. Side Yard shall be a minimum 10 feet;
3. Rear Yard shall be a minimum 10 feet;
4. Maximum height shall be 3 stories and shall not exceed 50 feet;
5. Off-street parking shall be required at the rate of 1.2 parking spaces per residential unit;
6. Maximum number of dwelling units per acre on any lot within the district shall be 25 units per acre, however maximum cumulative average dwelling units per acre shall never exceed 20 units per acre for the entire zoning district. A maximum of 850 multifamily dwelling units may be allowed in the entire zoning district;

7. Barber or beauty shop as an accessory use within senior residential facilities;
8. Restaurant, cafeteria or vending machine sales of food items as an accessory use within senior residential facilities;
9. Book, gift, florist or stationary shop as an accessory use within senior residential facilities;
10. Office as an accessory use within senior residential facilities; and
11. Private theater, meeting room, exercise room and similar accessory uses within senior residential facilities.

In the PD ordinance, Zoning Uses B are described as a cluster complex and Zoning Uses C are described as senior citizen care and accessory uses such as hospitals, medical offices, florist, etc.

**SITE PLAN:** The site plan depicts the main three-story residential building containing 120 units along with a separate clubhouse. The placement of the proposed building on the property is according to the PD ordinance. The required number of parking spaces are compliant with the requirements in the PD ordinance. Additional parking spaces will also serve the clubhouse building. A statement is included on the site plan that landscaping will be installed per City specifications. While the UDC Section 7.4 requires a minimum 5% of site landscaping, the site plan shows greater than 15% will be provided.

Building materials and elevations will mirror the already constructed senior housing portion at Country Lane Senior apartments located across Country View Lane. The subject property is represented on a subdivision plat which has been submitted and is currently in the DRC process.

The DRC reviewed the Development/Site Plan on September 4<sup>th</sup> and 6<sup>th</sup>, 2018. The drainage and site plan layout was discussed. Public Works has indicated they have no objections to the drainage and utility plans submitted.

**PUBLIC NOTICE:** Thirteen notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday, September 13, 2018 at 12:00 PM, two notices in agreement and 0 notices in disagreement have been received. Staff will provide an update regarding late notices, if necessary.

The newspaper printed notice of the public hearing on August 23, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site Plan](#)

[Ordinance 2005-4049](#)

[Maps](#)

[Building Elevation Examples](#)

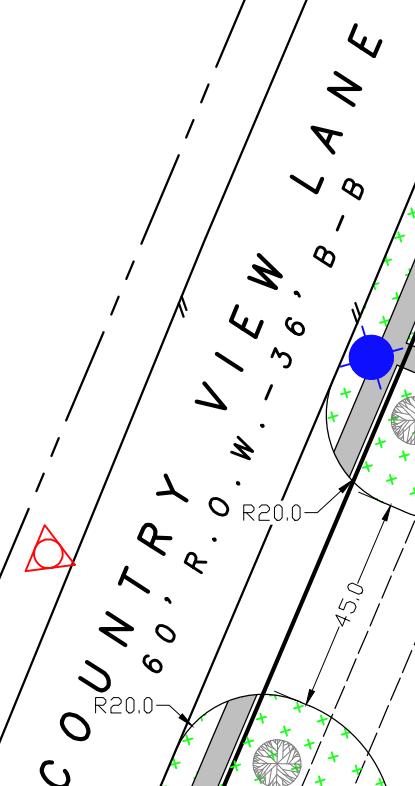
[Notification Map](#)

[Returned Property Notices](#)

[Excerpts](#)

[Ordinance](#)

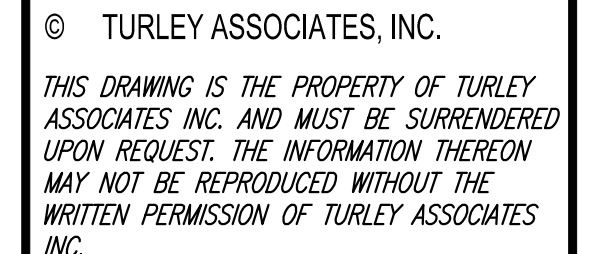




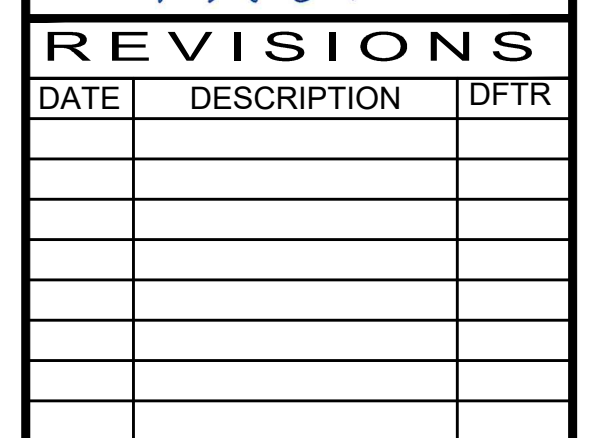
**\*LANDSCAPING/COURTYARDS TO INCLUDE MISCELLANEOUS SIDEWALKS, AMENITIES, PLANTINGS, ETC. TO BE DETERMINED WITH BUILDING PERMIT REVIEW. ALL LANDSCAPING WILL MEET CITY OF TEMPLE CRITERIA PER THE UNIFIED DEVELOPMENT CODE**

**\*\*PROPOSED FIRE HYDRANT LOCATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH BUILDING PERMIT REVIEW. FINAL FIRE HYDRANT REVIEW BY CITY OF TEMPLE FIRE MARSHAL**

KENNETH H. MITCHELL  
 REMAINDER OF 55.388 ACRES  
 VOLUME 5185,  
 PAGE 126  
 COMMON AREA D - TEMPORARY PRIVATE DRAINAGE EASEMENT  
 TO BE MAINTAINED BY HOMEOWNER'S ASSOCIATION  
 REFERENCED WITH COUNTRY LANE ADDITION,  
 PHASE III CABINET D, SLIDE 196-A)



PREPARED FOR:  
KENNETH MITCHELL  
0005 SHADY RIVER COURT NORTH  
BENBROOK, TEXAS 76126



DRAFTSMAN: MRC	
DATE: 8/2/2018	
COMPUTER FILE NAME: 18-1093.FP	
REFERENCE DRAWING NUMBERS: REF DWGS NO.s	
18-1093	PAGE # <b>1</b>
DRAWING NUMBER: 181093-D	



ORDINANCE NO. 2005-4049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A), COMMERCIAL DISTRICT (C), AND PLANNED DEVELOPMENT MULTIPLE FAMILY ONE (PD-MF1) DISTRICT TO PLANNED DEVELOPMENT OFFICE TWO DISTRICT (PD-O2) ON APPROXIMATELY 55.39 ACRES OF LAND COMMONLY KNOWN AS OUTBLOCK 1032-A, CITY ADDITION, LOCATED AT THE NORTHWEST CORNER OF SE H.K. DODGEN LOOP AND MARTIN LUTHER KING, JR., DRIVE, NORTH OF THE EXISTING CEFECO STATION, IN THE CITY OF TEMPLE, TEXAS, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the owner of the property consisting of approximately 55.39 acres of land commonly known as Outblock 1032-A, City Addition, located at the northwest corner of SE H.K. Dodgen Loop and Martin Luther King, Jr., Drive, north of the existing Cefco Station requested that the property be rezoned from Agricultural District (A), Commercial District (C), and Planned Development Multiple Family One District (PD-MF1) to Planned Development Office Two District (PD-O2); and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A), Commercial District (C), and Planned Development Multiple Family One District (PD-MF1) to Planned Development Office Two District (PD-O2) on property consisting of approximately 55.39 acres of land commonly known as Outblock 1032-A, City Addition, located at the northwest corner of SE H.K. Dodgen Loop and Martin Luther King, Jr., Drive, north of the existing Cefco Station, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Office Two (PD-O2), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the

the following conditions:

- (a) The use and development standards of the property shall conform to requirements of the Office Two District (O2); and
- (b) Development or redevelopment of property will be in accordance with the site plan attached as Exhibit B, and with the following conditions:

Zoning Uses A – Senior citizen multifamily housing with the following conditions:

1. Front yard shall be a minimum 25 feet except that additional setback for structures over 35 feet in height may be required in accordance with Section 8-402 (7) of the Zoning Ordinance;
2. Side Yard shall be a minimum 10 feet;
3. Rear Yard shall be a minimum 10 feet;
4. Maximum height shall be 3 stories and shall not exceed 50 feet;
5. Off-street parking shall be required at the rate of 1.2 parking spaces per residential unit;
6. Maximum number of dwelling units per acre on any lot within the district shall be 25 units per acre, however maximum cumulative average dwelling units per acre shall never exceed 20 units per acre for the entire zoning district. A maximum of 850 multifamily dwelling units may be allowed in the entire zoning district;
7. Barber or beauty shop as an accessory use within senior residential facilities;
8. Restaurant, cafeteria or vending machine sales of food items as an accessory use within senior residential facilities;
9. Book, gift, florist or stationary shop as an accessory use within senior residential facilities;
10. Office as an accessory use within senior residential facilities; and
11. Private theater, meeting room, exercise room and similar accessory uses within senior residential facilities.

Zoning Uses B – A mix of senior citizen detached housing in a cluster complex configuration, associated with multifamily residential units in a campus atmosphere, containing single family, duplex, and /or single family attached residential units not to exceed a maximum of four residential units per structure with the following conditions:

1. Individual residential units will be located on separate individually platted lots;
2. Individual lots need not front on or adjoin dedicated public streets, but must be provided access from dedicated access easements, private roadways or other approved places;
3. No front yard, side or rear yards are required for this land use;
4. A minimum clearance of 10 feet shall be provided between the exterior wall of any structure and the exterior wall of any other



- structure, unless the Fire Code or other ordinance of the City of Temple requires a greater separation;
5. Maximum height shall not exceed 2.5 stories, except as noted in Section 9-102 of the Zoning Ordinance;
  6. Each residential unit shall provide a minimum of one off-street parking space in an enclosed garage attached to the main residential structure;
  7. Average lot size shall be 5000 square feet or larger for any group of lots platted simultaneously. Where access easements, private roadways or other approved are included in the plat, the lots will extend to the centerline of such access easement, private roadways or approved place and all lot areas will be computed in determining the average lot size. No minimum lot size is required nor are there any requirements for lot width or lot depth; and
  8. A maximum of 150 multifamily dwelling units may be allowed in the entire zoning district.

Zoning Uses C – A mixture of senior citizen care and accessory uses with the following conditions:

1. Hospitals;
2. Alzheimer's treatment units;
3. Nursing Homes;
4. Medical Offices;
5. Pharmacy;
6. Short term overnight lodging as an accessory use to senior care facilities for families of patients using senior care facilities;
7. Religious chapels and prayer facilities as an accessory use within the senior care facilities;
8. Barber or beauty shop as an accessory use within senior care facilities;
9. Book, gift, or stationary shop as an accessory use within senior care facilities
10. Florist as an accessory use within senior care facilities;
11. Restaurant, cafeteria or vending machine sales of food items as an accessory use within senior care facilities; and
12. Veterinarian or veterinary hospital.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 17<sup>th</sup> day of November, 2005.

PASSED AND APPROVED on Second Reading on the 1<sup>st</sup> day of December, 2005.



ATTEST:

Clydette Entzminger  
Clydette Entzminger  
City Secretary

THE CITY OF TEMPLE, TEXAS

William A. Jones, III  
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

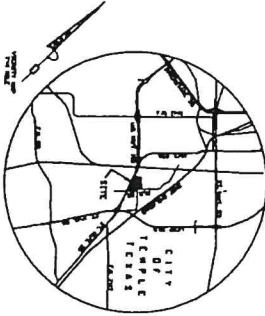
Jonathan Graham  
Jonathan Graham  
City Attorney



**K. Beimer/GIS Mapping**  
**10-20-05**



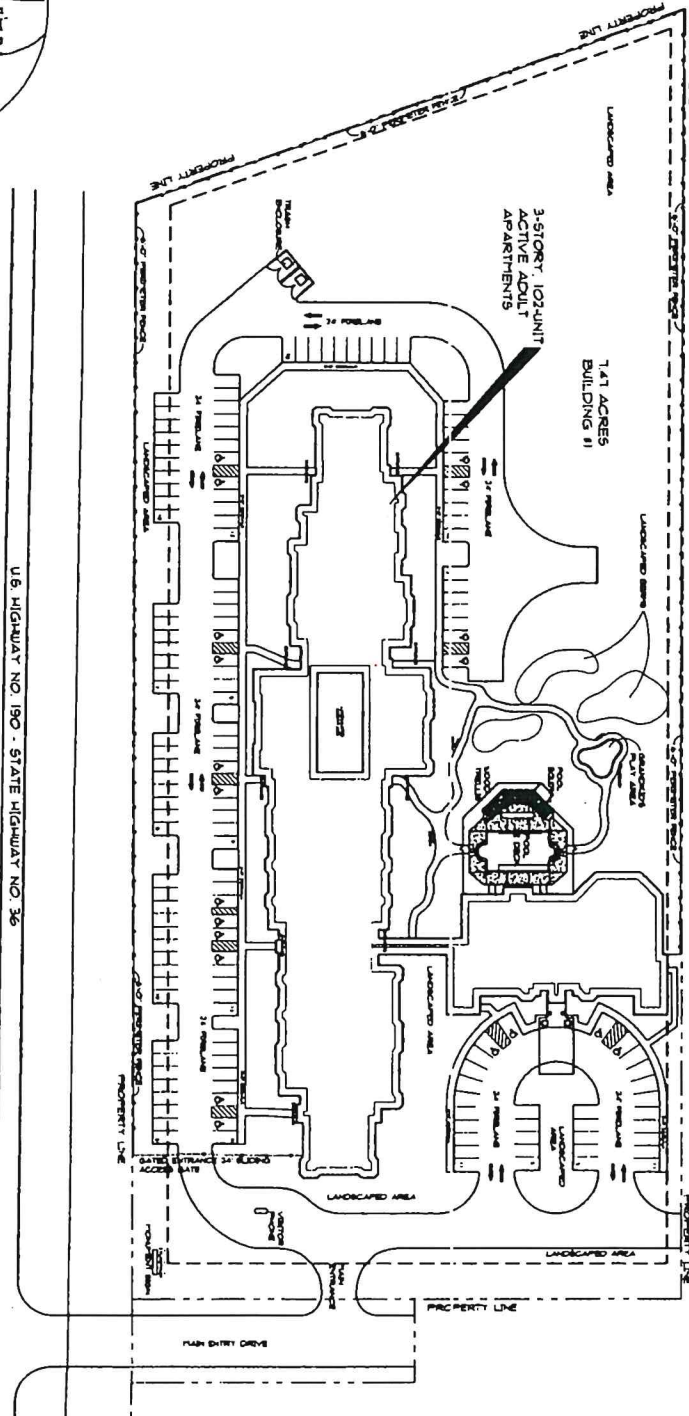
B



# SITE PLAN

BCALB 1.40

0	25	50	100	200
---	----	----	-----	-----



MANOLAP	20
TOTAL	130

UNIT PER QUART			
UNIT TYPE	BD. PR	QUANT.	%
A1 - ONE BEDROOM/ONE BATH	100.00	12	12
B1 - TWO BEDROOM/ONE BATH	200.00	84	84
B2 - TWO BEDROOM/TWO BATH	110.00	6	6
Avg. SM. #	107	100	

[illegible]

Geller Tolson / French

00000000

835 514 0000

von G. H. 2000

• • • • •

*Country Lane Seniors*  
TEMPLE, TEXAS





# PD SITE PLAN







## AERIAL MAP

Zoning Case :  
FY-18-4-SITE



Address :  
3010 S MLK

### Transportation

#### Streets

-  EXPRESSWAY
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  Temple Municipal Boundary

### Parcel Features

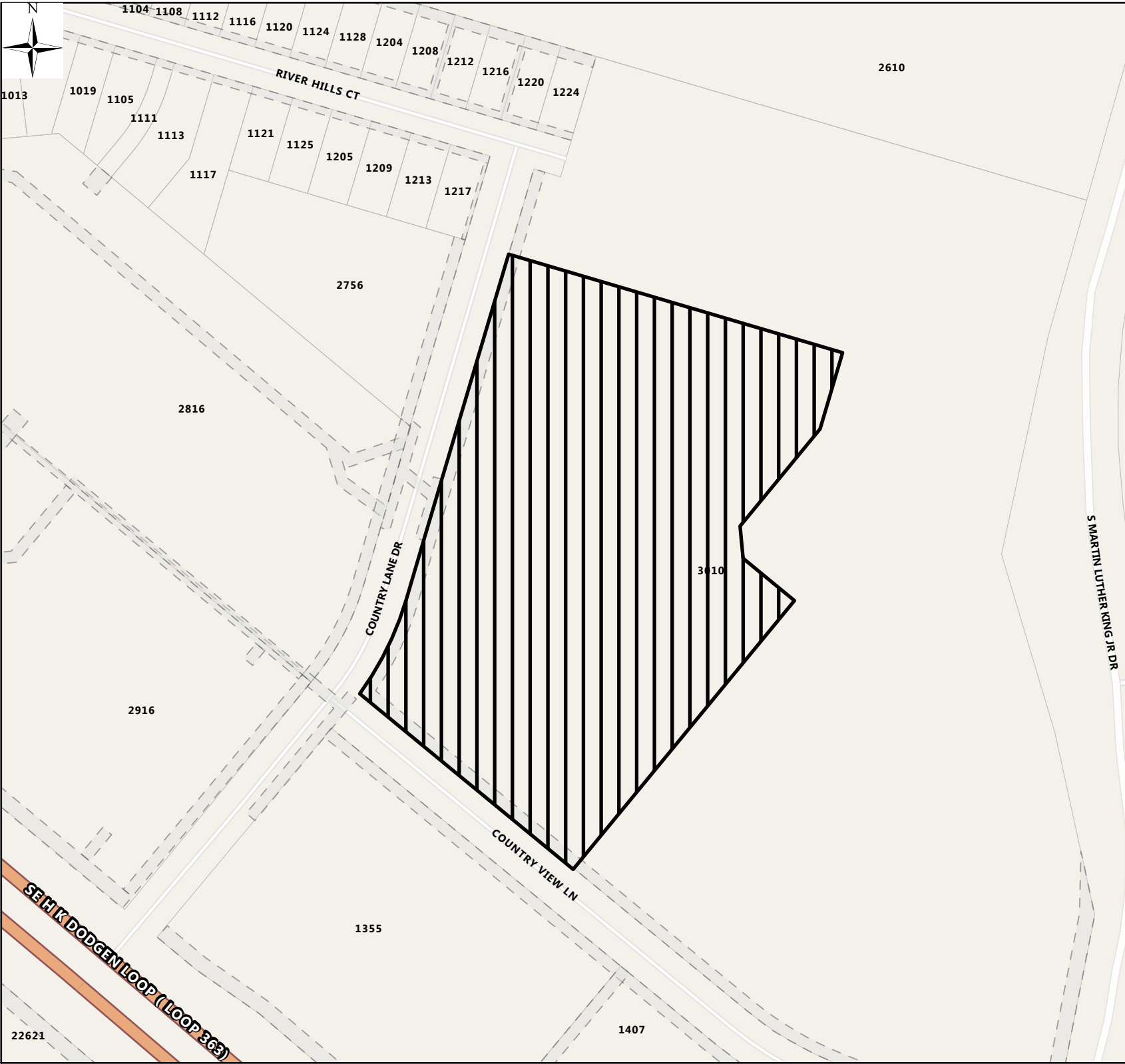
-  Parcels
-  Production.SDE.Easement

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

Irbarrett  
Date: 8/14/2018







## PD SITE PLAN

### AERIAL MAP

Zoning Case :  
FY-18-4-SITE

Address :  
3010 S MLK

#### Transportation

##### Streets

- EXPRESSWAY
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- Temple Municipal Boundary

#### Parcel Features

- Parcels
- Production.SDE.Easement

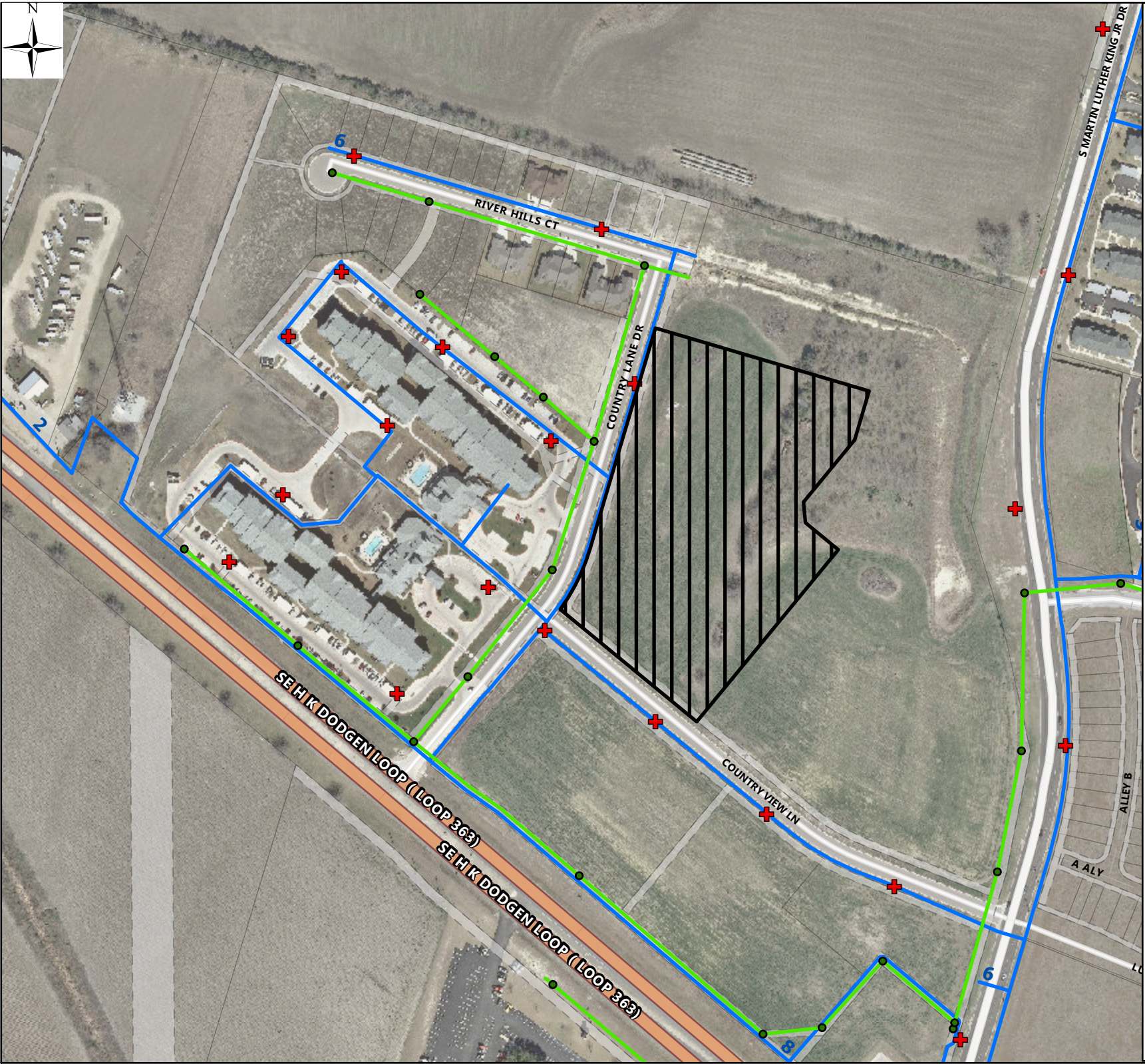
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Irbarrett

Date: 8/14/2018







## PD SITE PLAN

## UTILITY MAP

Zoning Case :  
FY-18-4-SITE

Address :  
3010 S MLK DR

### Sewer

- Manhole
- Gravity Main

### Water Distribution

- ✚ Hydrant
- Main

### Parcel Features

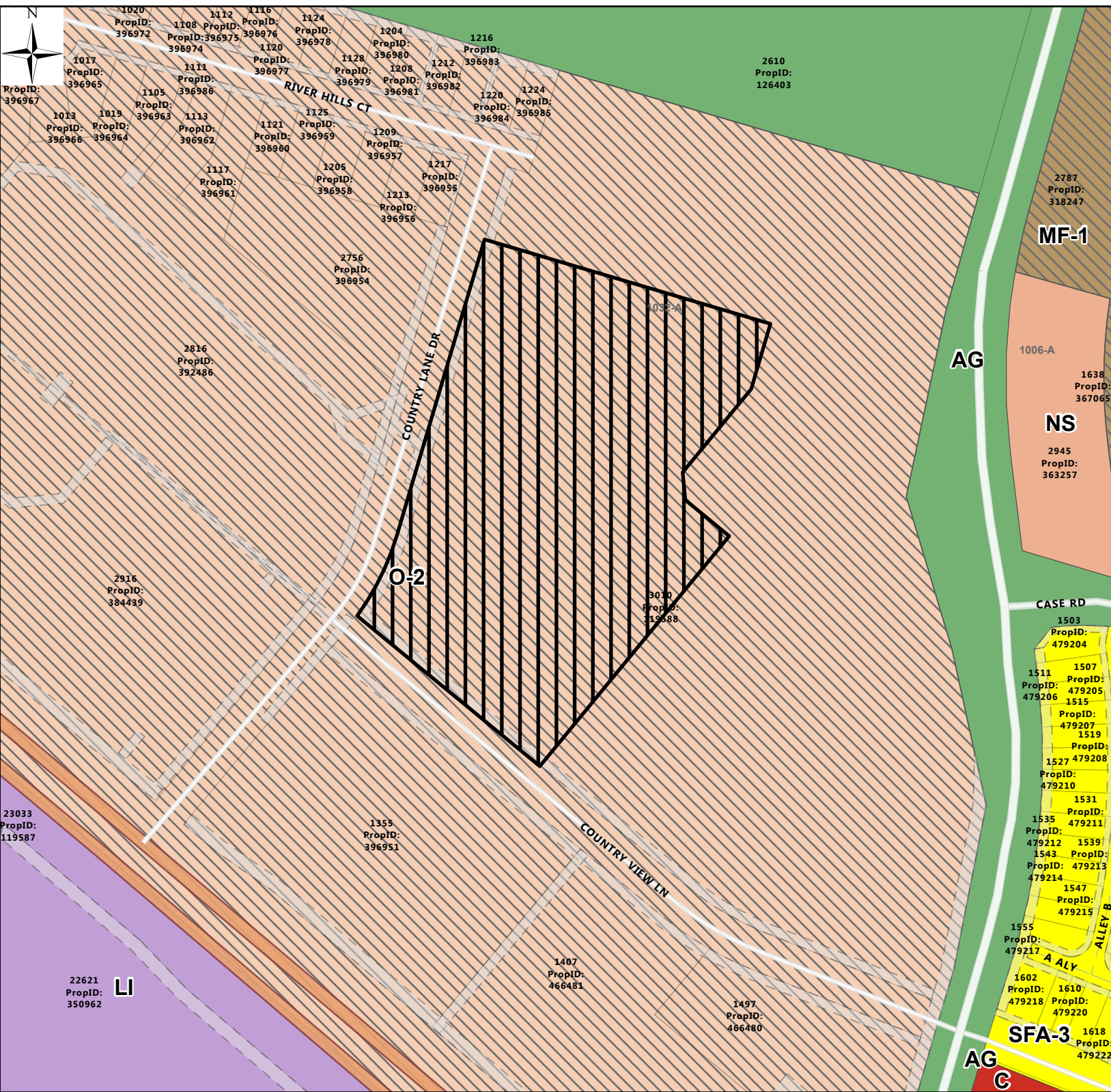
- Parcels
- Production.SDE.Easement

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

Irbarrett  
Date: 8/14/2018







PD SITE PLAN

200'  
NOTIFICATION MAP

Zoning Case :  
FY-18-4-SITE  
Address :  
3010 S MLK

CurrentZoning	
HI - CUP	CA
UE	CA - CUP
UE - PD	CA - PD
SF-1	C
SF-1 - CUP	C - CUP
SF-1 - PD	C - PD
SF-2	C - CUP, PD
SF-2 - PD	LI
SF-3	LI - CUP
SF-3 - PD	LI - PD
SF-3 - CUP, PD	LI - CUP, PD
SFA	HI
SFA-2	HI - PD
SFA-2 - PD	AG
SFA-3	AG - CUP
2F	MH
2F - CUP	MH - CUP
2F - PD	MH - PD
MF-1	MU
MF-1 - CUP	MU - CUP
MF-1 - PD	SD-C
MF-2	SD-C - CUP
MF-2 - CUP	SD-H
MF-2 - PD	SD-H - CUP
O-1	SD-T
O-1 - CUP	SD-V
O-1 - PD	T4
O-2	T4 - PD
O-2 - CUP	T4 - CUP
O-2 - PD	T5-C
NS	T5-C - CUP
NS - CUP	T5-C - PD
NS - PD	T5-E
GR	T5-E - CUP
GR - CUP	T5-E - PD
GR - PD	NO BASE
GR - CUP, PD	CUP
	PD
	Production,SDE,Easement

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

Irbarrett  
Date: 8/14/2018







LOBBY ELEVATION



SIDE ELEVATION



END ELEVATION



MONUMENT SIGNS/LANDSCAPING

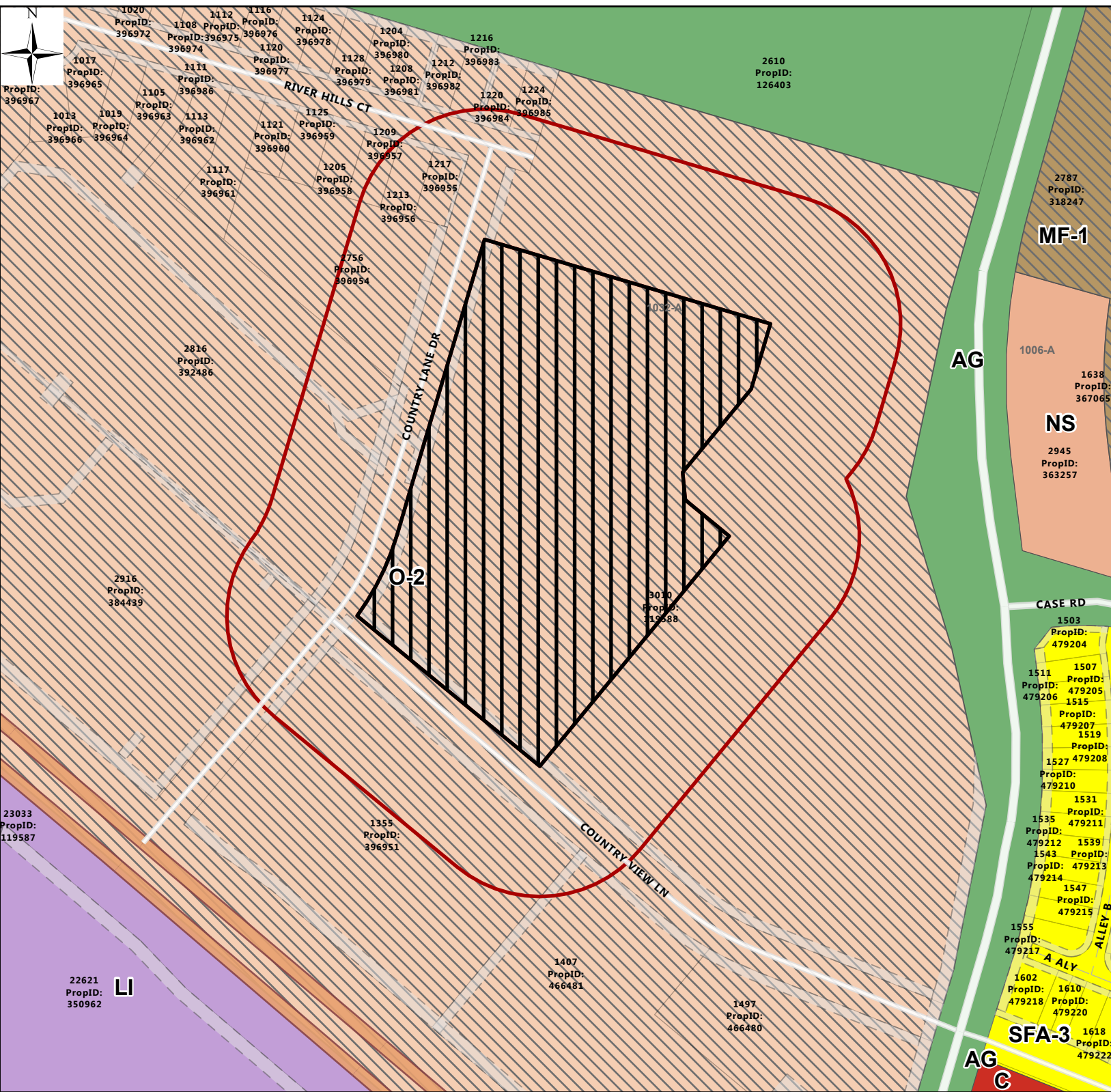


SIDEWALK/LANDSCAPING



WROUGHT IRON TYPE FENCE/LANDSCAPING





# PD SITE PLAN

## 200' NOTIFICATION MAP

Zoning Case :  
FY-18-4-SITE  
Address :  
3010 S MLK

CurrentZoning		
HI - CUP	CA	CA
UE	CA - CUP	CA - CUP
UE - PD	CA - PD	C
SF-1	C	C - CUP
SF-1 - CUP	C - PD	C - CUP, PD
SF-1 - PD	LI	LI
SF-2	LI - CUP	LI - PD
SF-2 - PD	LI - CUP, PD	HI
SF-3	HI - PD	HI - PD
SF-3 - PD	AG	AG
SF-3 - CUP, PD	AG - CUP	MH
SFA	MH - CUP	MH - PD
SFA-2	MU	MU - CUP
SFA-2 - PD	SD-C	SD-C - CUP
SFA-3	SD-H	SD-H - CUP
2F	SD-T	SD-V
2F - CUP	SD-C	T4
2F - PD	SD-C - CUP	T4 - CUP
MF-1	SD-H	T5-C
MF-1 - CUP	SD-T	T5-C - CUP
MF-1 - PD	SD-V	T5-C - PD
MF-2	SD-C	T5-E
MF-2 - CUP	SD-C - CUP	T5-E - CUP
MF-2 - PD	SD-H	T5-E - PD
MF-3	SD-T	NO BASE
O-1	SD-V	PD
O-1 - CUP	T4	Production, SDE, Easement
O-1 - PD	T4 - CUP	
O-2	T5-C	
O-2 - CUP	T5-C - CUP	
O-2 - PD	T5-C - PD	
NS	T5-E	
NS - CUP	T5-E - CUP	
NS - PD	T5-E - PD	
GR	NO BASE	
GR - CUP	PD	
GR - PD	Production, SDE, Easement	
GR - CUP, PD		

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

Irbarrert

Date: 8/14/2018





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

396955  
STEINHEIMER, JUDY MORALES & MICHAEL G  
1005 S 13TH ST  
TEMPLE, TX 76504-5643

RECEIVED  
SEP 12 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-4-SITE

**Case Manager:** Lynn Barrett

**Location:** Northeast corner of Country View Lane and Country Lane Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

( ) disagree with this request

**Comments:**

A good neighbor. An exemplary business  
owner. We welcome this addition to clean  
and affordable housing in Temple.

Michael Steinheimer  
Signature

Michael G Steinheimer  
Print Name

\_\_\_\_\_  
**Provide email and/or phone number if you want Staff to contact you** (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 13

Date Mailed: September 6, 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**

396956  
STEINHEIMER, JUDY MORALES & MICHAEL G  
1005 S 13TH ST  
TEMPLE, TX 76504-5643

**RECEIVED**

SEP 12 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-18-4-SITE

**Case Manager:** Lynn Barrett

**Location:** Northeast corner of Country View Lane and Country Lane Drive

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I ☒ agree

( ) disagree with this request

**Comments:**

This is a proven business owner and  
facility that has provided clean and affordable  
housing for Temple residents.

Michael D Steinheimer  
Signature

Michael G Steinheimer  
Print Name

Provide email and/or phone number if you want Staff to contact you (Optional)

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [lbarrett@templetx.gov](mailto:lbarrett@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **September 17, 2018**.

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

Number of Notices Mailed: 13

Date Mailed: September 6, 2018

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



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

**MONDAY, September 17, 2018**

**ACTION ITEMS:**

**Item 2:** [FY-18-4-SITE](#) – Hold a public hearing to consider and recommend action to amend Ordinance No. 2005-4049 to approve a site plan for a new 120-unit 3-story independent living community building and a clubhouse in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at the northeast corner of Country View Lane and Country Lane Drive.

Ms. Lynn Barrett, Assistant Director of Planning, stated this site plan is to amend Ordinance 2005-4049 for a proposed 6.809 acres expansion of the existing senior housing community, Country Lane Estates. This item is scheduled to go forward to City Council for first reading on October 18, 2018 and second reading on November 1, 2018.

The subject property is located in the northeast corner of Country View Lane and Country Lane Drive in the original Planned Development-Office-2 zoning (PD-O-2) with senior housing allowed. The subject property is in the Temple Independent School District. Platting will come in the future.

An aerial of the current zoning within the original PD exhibit is shown.

Site plan shown exhibiting the three-story, 120 independent/138,393 square foot residential living units with 156 bedrooms as well as the 9,300 square feet clubhouse/multi-purpose area. This new addition will include a pool, internal and external sidewalks, and three open courtyards.

Site plan is deemed in compliance with the 2005 PD ordinance.

Elevations shown and Ms. Barrett stated the proposed addition will match in proposed construction detail and landscaping/fencing appearance.

Utility Map shown.

Water and sewer are available onsite to serve the property.

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

Staff recommends approval to amend Ordinance 2005-4049 for site plan as proposed for the additional senior housing/clubhouse on 6.809 acres.



Commissioner Wright inquired regarding the number of units in the existing Country Lane senior housing.

Chair Fettig opened the public hearing.

Developer, Mr. Ken Mitchell, 1005 Shady River Court North, Benbrook, Texas 76126, responded to Commissioner Wright's inquiry that the number of proposed units are very close in number of units to those in the existing senior housing.

There being no further speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 2, **FY-18-4-SITE**, per staff recommendation, and Commissioner Ward made a second.

*Motion passed: (8:0)*

Commissioner Crisp absent.

ORDINANCE NO. 2018-4937  
(PLANNING NO. FY-18-4-SITE)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2005-4049 TO APPROVE AN AMENDED SITE PLAN COVERING APPROXIMATELY 6.809 ACRES OUT OF 55.39 ACRES LOCATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF COUNTRY VIEW LANE AND COUNTRY LANE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant, Will Sisco of Turley and Associates, on behalf of owners Ken Mitchell Senior Homes LLC, requests development site plan approval, under the most recent Planning Development Ordinance (Ordinance 2005-4049) approved by City Council on December 1, 2005, which includes the subject property;

**Whereas**, as part of a larger Planned Development-zoned property for the Country Lane Senior development, the Ordinance was initially adopted as Planned-Development Office Two zoning with an accompanying site plan on the initial phase and conditions on zoning uses for three areas of the 55 acre property;

**Whereas**, Zoning Use ‘A’ is described as Senior citizen multifamily housing, Zoning Use ‘B’ is described as a cluster complex, and Zoning Use ‘C’ is described as senior citizen care, and accessory uses such as hospitals, medical offices, florists;

**Whereas**, at their September 17, 2018 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the development/site plan per Staff’s recommendation; and

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

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

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

**Part 2:** The City Council amends Ordinance No. 2005-4049 to approve an amended site plan, attached hereto as Exhibit A and incorporated herein for all purposes, covering approximately 6.809 acres out of 55.39 acres located in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at the northeast corner of Country View Lane and Country Lane Drive.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

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

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 6:** 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 **18<sup>th</sup>** day of **October**, 2018.

PASSED AND APPROVED on Second Reading on the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #5  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance authorizing a five-year franchise with American Medical Response, Inc. to provide non-emergency ambulance transfer services within the City.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, with second and final reading set for November 15, 2018.

**ITEM SUMMARY:** American Medical Response, Inc. (“AMR”) has requested to provide non-emergency ambulance transfer services within the City. Pursuant to Chapter 5 of the City’s Code of Ordinances, AMR must first be granted a franchise to provide those services within the City.

AMR has submitted the necessary paperwork requesting the franchise. AMR will operate its non-emergency ambulance transfer services from its offices at 505 North 3<sup>rd</sup> Street in Temple. Three ambulances will be operated under the proposed franchise. AMR has stated that it will provide proof of insurance and bonding as required by Chapter 5 upon issuance of the franchise.

AMR is the City’s contracted emergency services provider and operates several ambulances as “Temple EMS.” AMR will use separate ambulances for its non-emergency transfer services.

Staff recommends authorizing a five-year franchise agreement with AMR. Five years is the normal franchise term pursuant to Chapter 5. The commencement date for the franchise agreement will be January 1, 2019 and the expiration date will be December 31, 2023.

**FISCAL IMPACT:** By ordinance, The City receives a 3.5% franchise fee from the total amount billed for non-emergency ambulance service fees and other income derived from the operation of non-emergency ambulance service within the City.

The City collected \$93,994 in FY 2018 for ambulatory franchise fee revenue. The FY 2019 ambulatory franchise fee revenue for all franchisees is budgeted at \$85,000 and will be recognized in account 110-0000-413-0936.

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. 2018-4939

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO AMERICAN MEDICAL RESPONSE INC., A FRANCHISE FOR FIVE YEARS TO PROVIDE NON-EMERGENCY AMBULANCE TRANSFER SERVICES UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF TEMPLE, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set out therein;

**Whereas**, American Medical Response, Inc. (“AMR”) has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple;

**Whereas**, AMR wishes to offer non-emergency ambulance transfer services from its offices at 505 North 3<sup>rd</sup> Street – three ambulances will operate under the proposed franchise and offer transfer services to health care providers, including skilled nursing facilities, assisted living facilities, hospice agencies and other related entities - this would include transports from facilities to hospitals, clinics, diagnostic centers, physician offices and other locations under circumstances that do not constitute an emergency;

**Whereas**, AMR is the City’s contracted emergency services provider and operates as “Temple EMS” – AMR will use separate ambulances for its non-emergency transfer services;

**Whereas**, Staff recommends Council authorize a five-year franchise agreement with AMR as five years in the normal franchise term pursuant to Chapter 5 of the Code of Ordinances – the commencement date for the franchise agreement will be January 1, 2019 and the expiration date will be December 31, 2023;

**Whereas**, the City will receive a franchise fee of three and one-half percent from the total amount billed for non-emergency ambulance service fees and other income derived from the operation of the non-emergency ambulance service within the City;

**Whereas**, the City collected \$93,994 in fiscal year 2018 for ambulatory franchise fee revenue and the fiscal year 2019 ambulatory franchise fee revenue for all franchisees is budgeted at \$85,000 and will be recognized in Account No. 110-0000-413-0936; and

**Whereas,** American Medical Response, Inc. has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

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

**Part 2:** A five-year franchise is granted to American Medical Response, Inc., pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

**Part 3: Definitions.**

As used in this Ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) **City** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) **Company, Transfer Service Franchise Holder**, as used herein, unless the context clearly indicates otherwise, shall mean American Medical Response, Inc., or its legally approved successors and assigns.

(c) **Ambulance** or **Transfer Service** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) **Non-Emergency Ambulance Transfer Service** means the operation of a service to transport patients for non-emergency, previously scheduled, medical treatment from a point originating and terminating within the City limits. The transport of a patient for unscheduled medical treatment or evaluation at an emergency room at a hospital or facility providing emergency medical care is not a non-emergency ambulance transfer service, but is rather the provision of emergency medical services.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment at an emergency room or a facility providing emergency medical care is or may be essential to the health or life of any person.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the regulations of the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

#### **Part 4: Notice and Extent of Grant.**

The City grants the right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **December 31, 2023**, to Company in consideration of the payment of a franchise fee as provided in Part 5 of this ordinance.

#### **Part 5: Standards and Requirements for Personnel, Vehicles and Equipment.**

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

#### **Part 6: Payment to the City Required; Franchise Fee.**

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the franchise holder to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three months which statement shall be filed within ten days following the end of the third month. The franchise holder herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or



either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

**Part 7: Rates.**

(a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by Resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the State, and the Charter confer upon the City.

(b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

**Part 8: Liability Insurance Required.**

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

(a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;

(b) name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;

(c) not contain a passenger liability exclusion; and

(d) provide for at least thirty (30) days prior written notice of cancellation to the City.

**Part 9: Conditions of Franchise Granted.**

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the Ordinances and Codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated

provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

**Part 10: Manner of Giving Notice.**

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

**Part 11: Public Convenience and Necessity.**

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

**Part 12: Performance Bond and Revocation Clause.**

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance the franchise will be subject to revocation by the City Council of the City of Temple and forfeiture of the performance bond.

**Part 13:** This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise, within thirty days after the final passage and approval of this ordinance.

**Part 14:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 15:** 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 16:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **1<sup>st</sup>** day of **November**, 2018.

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

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney

## **Agreement of Franchisee**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS:

The franchisee, American Medical Response, Inc., acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. \_\_\_\_\_ granting a franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2018.

American Medical Response, Inc.

\_\_\_\_\_  
By:





## COUNCIL AGENDA ITEM MEMORANDUM

---

11/01/18  
Item #6  
Regular Agenda  
Page 1 of 5

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

Mark Baker, Principal Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - FY-18-8-ZC: Consider adopting an ordinance authorizing a rezoning of 1.40 +/- acres from Agricultural zoning district to Planned Development-Neighborhood Services zoning district with a development/ site plan for offices and enclosed storage for an events rental business, addressed as 5285 South 31st Street.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed Planned Development and development/ site plan with the following conditions:

1. That no events or venues are to be conducted on the subject property at any time;
2. The parking area be shown to accommodate a minimum seven (7) parking spaces;
3. That the site is developed in substantial compliance with the attached site plan (Exhibit A), in accordance with all applicable City codes and ordinances; and
4. 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 that comply with City code.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** During their October 1, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval per staff's recommendation to rezone from AG to PD-NS with a development/ site plan for an events rental business.

**ITEM SUMMARY:** The applicants, Randy Franklin & Vicki Vaughn, dba Celebrations Event Rentals and Design Shoppe, request rezoning for a Planned Development with development/ site plan approval, of 1.40 +/- acres to be used for relocation of the existing business administrative offices, retail display and supply storage, currently located at 1407 South 31<sup>st</sup> Street in the Pecan Plaza shopping center.

This proposed relocation for the Celebrations Event Rental and Design Shoppe is proposed to include administrative offices, a showroom and separate storage to the rear, for an event rental business which caters to events such as weddings, graduations, retirement parties and other similar social gatherings or activities. No events will be conducted on the property. A more detailed narrative letter of the proposed use and development of the property by the applicant is attached.

The subject property is bordered to the west by the Tuscan Square Commercial Park, Office-1 (O-1), Agricultural (AG) on the east and Single Family-1 (SF-1) to the south and Agricultural (AG) to the east. The proposed use is not listed in the Use Table (UDC Sec. 5.1) but is most closely classified as Retail Sales and Service Uses, other than listed. Due to the mixture of uses in the immediate area, which

further complicates a straight base zoning request, the applicant has proposed a Planned Development for the proposed non-residential use. There are no restrictions to the base NS zoning being proposed by staff.

Minor revisions, which are discussed later in this report, may be necessary to the development/ site plan, which include but not limited to:

- Drainage considerations
- Public facility connectivity
- Emergency vehicle access & turnaround
- Overall lot layout
- Landscaping
- Exterior building elevations/ materials
- Parking configuration
- Buffering & screening materials

Staff has proposed a condition to address these revisions, which would be authorized administratively by the Director of Planning with consultation by the Design Review Committee (DRC).

**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.

This PD will have a base-zoning of Neighborhood Service (NS). The NS zoning district will provide retail and service uses that are compatible with a 1.40 +/- acre property. Further, this PD will provide opportunity and flexibility to expand the existing business from its present location in the Pecan Plaza shopping center that otherwise would not be afforded under a straight NS zoning, while at the same time protecting the interests of the surrounding residential property owners. The base NS zoning still accommodates a number permitted and conditionally permitted uses, if future redevelopment be necessary. Uses include but not limited to those listed in the attached table.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached.

It is noteworthy that the applicant has worked closely with staff on the Development/ Site Plan which is summarized as follows:

**SITE PLAN:** The site plan reflects development of Lot 1, Block 1 of the Celebration Station Addition final plat which was recorded on July 3, 2018. The site plan shows a proposed 56' x 30' (1680 square foot) building footprint which will be the new administrative offices as well as showroom for the relocated

Celebrations Event Rental and Design Shoppe. The site plan also depicts two existing structures which will be used for storage of rental equipment and supplies associated for such events. In addition, the site plan also shows a proposed asphalt parking area for customers as well as existing and proposed landscaping for the site. Access will be taken directly from South 31<sup>st</sup> Street (FM 1741), from an existing asphalt driveway.

**PARKING:** Per UDC Section 7.5, parking for unlisted general retail and service uses is 1 space per 250 square feet of total floor area. Based on 1680 square feet of total floor area, 7 spaces are required. While the site plan shows striping for 6 parking stalls, the parking area is large enough to accommodate additional parking stall spaces.

The parking area includes provisions for Americans with Disabilities Act (ADA) as well as the requirements in UDC Section 7.5 for maneuvering and circulation within parking areas. Compliance to both will be determined with the review of the Building plans.

**LANDSCAPING:** Landscaping consists of the preservation of the following existing trees:

- Pecan
- Peach
- Elm
- Magnolia and
- Walnut

The applicant proposes to add some Holly, Boxwood shrubs as well as seasonal flowers for foundation plantings with the proposed office/ showroom building.

In addition, there is a 23-foot wide landscape strip along the street frontage being landscaped with Texas Sage, Holly bushes, Lantana Lavender or other drought tolerant native Texas plants. Compliance to all applicable City codes and ordinances is required, including UDC Section 7.4, which ensures the survivability of the proposed plant materials.

The site area boundary that was used to calculate the necessary landscaping, provided for 1,000 square feet (7.75%) of new landscape material, which is shown on the plan. Minimum requirements are 5% per UDC Section 7.4.4. The proposed landscaping exceeds minimum UDC requirements.

**SCREENING & BUFFERING:** Screening and buffering will be provided by an existing solid wood fence on the south property line and a proposed 8-foot tall solid wood fence along the eastern property line along the existing access driveway. The proposed fence will be an approximately 120-foot section which will be setback approximately 58 feet 9 inches from the front property line. The setback will accommodate adequate line-of-sight along South 31<sup>st</sup> Street.

**PUBLIC FACILITIES:** Sewer is available from an existing 6-inch sewer line across South 31<sup>st</sup> Street. Water is available through a 6-inch water line in South 31<sup>st</sup> Street. Provisions for public facilities are being addressed through the platting process and will be confirmed during the review of construction documents.

**SUBDIVISION PLAT:** The final plat for Celebration Station Addition (FY-18-12-PLT) which created a 1 lot, 1 block, a non-residential subdivision was reviewed by the Design Review Committee (DRC) on May 24, 2018. The plat was recorded on July 3, 2018. TxDOT reviewed the subdivision plat and no issues were identified.

**DRC REVIEW:** The DRC reviewed the Development/ Site Plan on September 17, 2018. Drainage, connectivity to water and sewer facilities as well as provisions for fire lane access and emergency vehicle turnaround were discussed. Compliance will be determined during the building permit review of the development plan. Public Works and the Fire Department are in agreement with this arrangement. An email assuring the City that requirements will be met by full compliance with City code has been attached. Minor changes to site plan layout and configuration may be required in order to address City requirements and a proposed condition to accommodate this possibility is proposed.

**BUILDING ELEVATIONS / MATERIALS:** The proposed office/ showroom elevations are attached with the following characteristics:

- Exterior Building Elevations - Stucco (70%) / Brick (30%)
- Single Story Building Height - 16 feet to the top of the ridgeline
- Similar to the adjacent Tuscan Square finishes

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

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

The subject property is within the Auto-Urban Commercial Future Land Use Map (FLUM) designation. Although the Auto-Urban Commercial designation is intended commercial development, lesser intensive retail sales and service uses are compatible within the designation. Therefore, the requested Planned Development with a base zoning of NS is consistent with the FLUM designation.

**Thoroughfare Plan (CP Map 5.2)**

The property has frontage along South 31<sup>st</sup> Street (FM 1741), which is an existing major arterial. During the DRC review of the plat, no additional ROW was identified, or any other issues related to the Thoroughfare Plan. This section of South 31<sup>st</sup> 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 6-inch & 12-inch waterline in South 31<sup>st</sup> Street. Sewer is available through a 6-inch sewer line in South 31<sup>st</sup> Street.

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

A proposed local connector trail is shown on the Trails Master Plan in South 31<sup>st</sup> Street. As a minor arterial, a 6-foot sidewalk is required. There is an existing 6-foot sidewalk along this section of South 31<sup>st</sup> Street.

**DEVELOPMENT REGULATIONS:** The attached table show the required dimensional standards of the NS zoning district.



**PUBLIC NOTICE:** 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 October 23, 2018 at 9:00 AM, no notices have been received. The newspaper printed notice of the public hearing on September 20, 2018, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Applicant's Narrative Letter  
PD Criteria & Compliance Table (UDC Section 3.4.5 A-J)  
Site Plan / Floor Plan / Building Elevation (Exhibit A)  
Photos  
Maps  
Tables  
Assurance Email dated Sept 20, 2018  
P&Z Excerpts (October 1, 2018)  
Ordinance

— *Est. 2017* —  
**CELEBRATIONS**  
— *Rentals Planning Design* —

1407 South 31<sup>st</sup> Street Suites F & G, Temple, TX 76504  
(254) 314-2415  
[info@celebrationsshoppe.com](mailto:info@celebrationsshoppe.com)

City of Temple:

We are requesting to have the property at 5285 South 31<sup>st</sup> Street, Temple Texas rezoned from agriculture to a planned development with a neighborhood service. The name of our business is Celebrations Event Rentals and Design Shoppe. We currently have a showroom and office space in Pecan Plaza located at 1407 S. 31<sup>st</sup> Street in Temple, TX. Our business hours are currently Monday through Friday 9:30 am until 5:30 pm. We are open on Saturdays to meet with customers by appointment only.

Our immediate plan for the site is to have a showroom built of approximately 1700 sq. ft. The showroom will contain displays of our rentals items for customers to view, as well as a design area, and mock setups using different styles of decor. The building will also have a counter area, which has been designed with handicap height counter space, a design area, restrooms (also meeting handicap requirements) for customers and employees, and a small storage area. There is an existing asphalt driveway on the property, so our plan is to continue with the same look and material and have an asphalt customer parking area as well. The parking will meet city standards of 1 space per 300 square feet and the appropriate number of handicap parking spaces. We will have a sign at the front of the property with a maximum height of 10 ft. There is much landscaping already in place on the property, but additional landscaping will be added as shown on the site plan.

We are not opening an event venue. We will not at any time be hosting an event on our property that would have a large number of people on the property. The only time customers would be on the property is to visit the showroom, or to pick up or return rental items.

The property has two existing structures which we will use for storage of rental items. The brick home will be used as storage, and for pick up and drop off of rental items. The detached garage in the back of the property will be used for storage of rental items.

Long range plans will include either building another building of approximately 3000 sq. ft. on the far back left hand side of the property, or adding on to the existing house for additional storage space. We will paint the brick on the house to match the stucco on the new structure if the city deems necessary. The existing detached garage will have the old wood replaced and be repainted. Much more detail is provided on the site plan concerning the future structure and landscaping. Improvements have already taken place on the property such as the clearing out of dead brush and old fencing that was partially or completely torn down. Many trees have been pruned, junk hauled off, and the property appears neat and clean.

Since opening in March of 2017, Temple residents have continuously confirmed our belief that an event rental store has long been needed. We are currently the only full scale event rental company in Temple.

Our services provide customers with more than just rentals. We offer planning services, delivery and pick up of rental items, as well as set up and break down of rental items. Due to our expanding inventory and growth in our business, we cannot continue to operate out of our current facility. We are looking forward to working with the City of Temple as we strive to provide the highest quality of rentals and services to the residents of Temple and surrounding areas.

Sincerely,

Vicki and Jon Vaughn  
Cindy and Randy Franklin

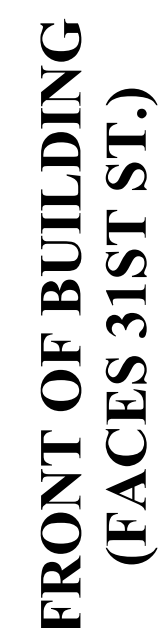
**Planned Development Criteria and Compliance Summary**

<b>UDC Code Section 3.4.5 (A-J)</b>	<b>Yes/No</b>	<b>Discussion / Synopsis</b>
<b>A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.</b>	<b>YES</b>	It is fully anticipated that the development / site plan attached with the rezoning ordinance will conform to all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for non-residential development.
<b>B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.</b>	<b>YES</b>	Drainage and other related engineering have been addressed through the platting process for the Celebration Station Addition final plat. No issues have been identified related to the preservation of existing natural resources on the property.
<b>C. The development is in harmony with the character, use and design of the surrounding area.</b>	<b>YES</b>	The project site is addressed as 5285 South 31st Street. The surrounding area is partially developed with single family homes developed to the south and a non-residential office development to the west and north of the subject property. The property immediately to the east is currently a single family residence but on a larger scale is relatively vacant and undeveloped. The proposed Planned Development will provide for a service business that will utilize the existing residential structure for storage of supplies and equipment related to events and a proposed building closer to South 31st Street for administrative offices and a public showroom area. Buffering and screening have been provided by a combination of landscaping, existing and proposed fencing to reduce potential impacts from the use of the property.
<b>D. Safe and efficient vehicular and pedestrian circulation systems are provided.</b>	<b>YES</b>	Vehicular access was addressed by the review of the subdivision plat for Celebration Station Addition. No circulation issues have been identified with the companion development / site plan. An existing driveway will serve as public access to the parking area for the business.
<b>E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.</b>	<b>YES</b>	Parking will be provided for the office and showroom area in accordance with UDC Section 7.5
<b>F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.</b>	<b>YES</b>	No streets are proposed by this planned development. Access to the site will be provided by an existing driveway leading to the current access point along South 31st Street, a TxDOT ROW.
<b>G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.</b>	<b>YES</b>	Compliance and consistency with the Thoroughfare Plan has been addressed with the review of the Celebration Station Addition final plat. No compliance issues have been identified.
<b>H. Landscaping and screening are integrated into the overall site design:</b> 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	<b>YES</b>	Landscaping requirements will be finalized during the building permit stage. The development/ site plan makes provisions for additional landscaping to the south and the east. A condition of approval provides flexibility to the Director of Planning to make minor adjustment for landscaping, buffering and screening as warranted to address buffering and screening requirements.
<b>I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.</b>	<b>YES</b>	No Parkland dedication fees are required for this Planned Development. No parkland dedication fees were required with the subdivision plat.
<b>J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.</b>	<b>YES</b>	Water will be provided by the City of Temple. Wastewater will be provided by sewer. Drainage facilities as well as other utilities were addressed by the review of the plat and will be finalized by the review of Construction documents. To date, no issues have been identified.






CELEBRATIONS EVENT RENTAL
5285 S. 31st STREET
MAIN FLOORPLAN
PRT 2 OF 3
09-04-18



SQUARE FOOTAGE NOTE:  
THIS STRUCTURE'S  
HEATED AND COOLED  
SQUARE FOOTAGE  
WAS MEASURED FROM  
THE OUTSIDE OF STUD WALL

SQUARE FOOTAGE	
MAIN H&C	1,680
COVERED STOOP	30
TOTAL H & C 1,680	
TOTAL SLAB 1,790	

## EXHIBIT A



*The Pendleton Design Group*

3411 MARKET LOOP - SUITE 109  
TEMPLE, TEXAS 76502  
PH: 254-228-7817  
E-MAIL: [info@gr8houseplans.com](mailto:info@gr8houseplans.com)

NOTE: BUILDER RESPONSIBLE FOR ADHERING TO ALL PERTINENT BUILDING CODES.



- NOTES:
1. All joists, rafters, trusses, beam sizes, and design must be verified for compliance with local codes and building conditions by an engineer prior to beginning construction.
  2. Verify window sizes with window manufacturer for compliance with ingress/egress requirements.
  3. Attic ventilation shall be designed according to local codes and climate.
  4. Provide proper flashing as required.
  5. All measurements should be verified by the builder on job site.
  6. Square Footages are approximate only and may vary with actual construction.
  7. Construction materials and methods must be in compliance with seismic, wind loading, and Climatic Zone requirements.
  8. Foundation drawing is generic and is not covered under any warranty.

CELEBRATIONS  
EVENT RENTAL

5285 S. 31st STREET

3D  
ELEVATION

PRT 1 OF 3

09-04-18



EXTERIOR  
TO REPLICATE  
TUSCAN SQUARE  
FINISHES

70%  
STUCCO

30%  
BRICK

0'-0"  
1'-0"

NOTE: BUILDER RESPONSIBLE FOR ADHERING  
TO ALL PERTINENT BUILDING CODES.

*The Pendleton Design Group*

3411 MARKET LOOP - SUITE 109  
TEMPLE, TEXAS 76502  
PH: 254-228-7817  
E-MAIL: info@gr8houseplans.com

EXHIBIT A

SQUARE FOOTAGE NOTE:  
THIS STRUCTURE'S  
HEATED AND COOLED  
SQUARE FOOTAGE  
WAS MEASURED FROM  
THE OUTSIDE OF STUD WALL

SQUARE FOOTAGE

MAIN H&C	1,680
COVERED STOOP	30

TOTAL H & C  
1,680

TOTAL SLAB  
1,790



## Site & Surrounding Property Photos



**Site: As seen across South 31st Street (AG)**



**Site: Proposed office/showroom building pad site (AG)**





**Site: Existing (Unoccupied) building (AG)**



**Site: Existing Solid fence (rear property line), existing garage & existing (unoccupied) building (AG)**



**West: Tuscan Square Commercial Park (O-1)**



**South: Existing SF Residence  
Bostick & Taylor subdivision (SF-1)**





**North: Across South 31<sup>st</sup> Street – SF Residential Uses  
Waterford Park subdivision (SF-2 & SF-3)**

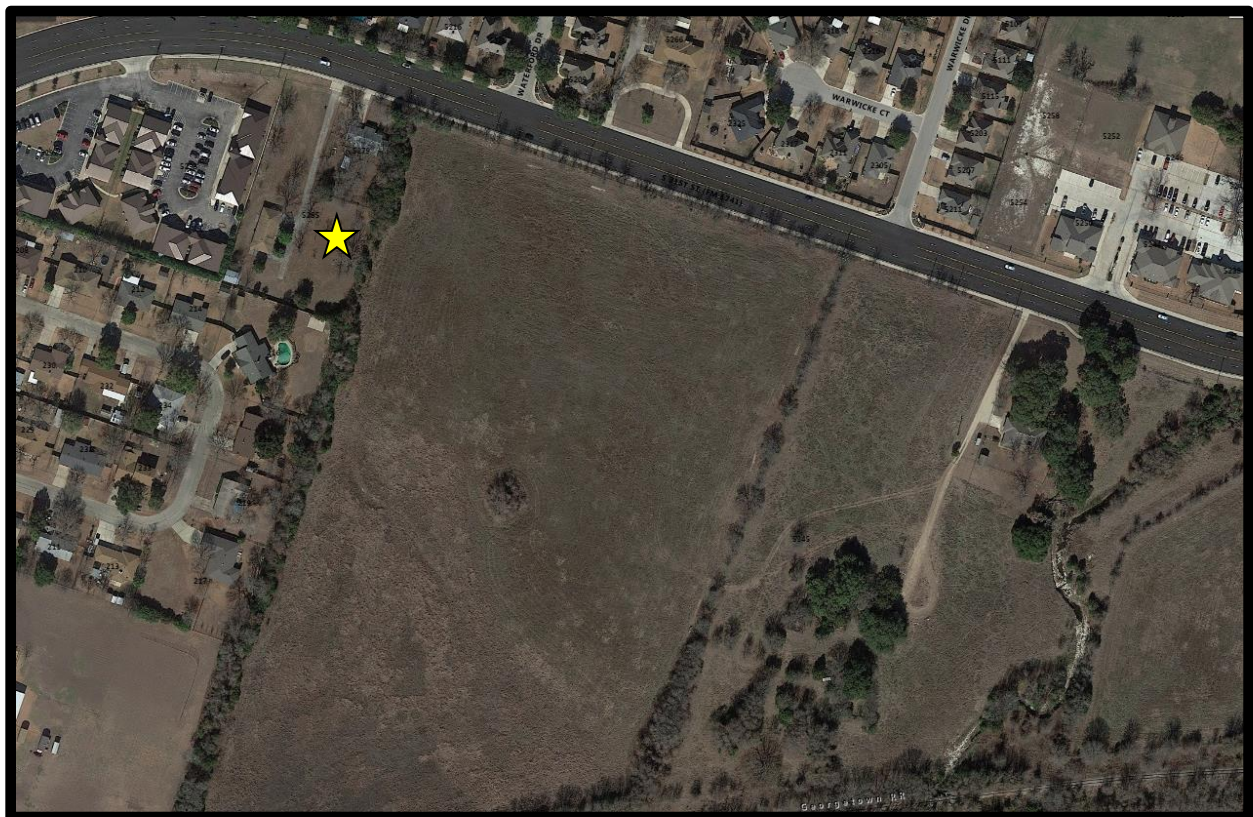


**East: Across South 31<sup>st</sup> Street – Existing SF Residential Use (AG)**





**East: Existing Chain-link Fence (to be replaced with solid wood fence) (AG)**



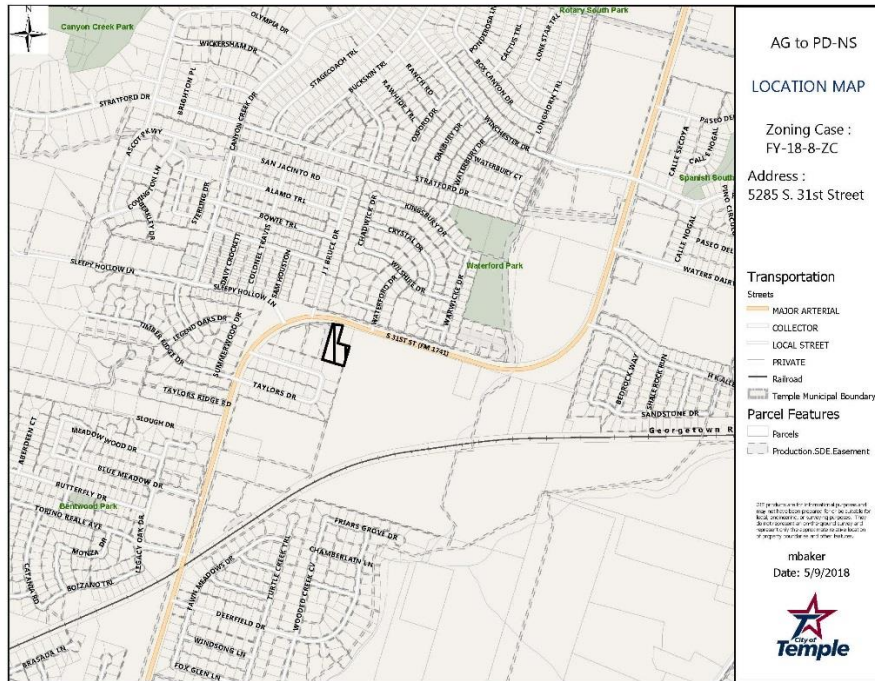
**East (Aerial): Area to the east of subject property is vacant & undeveloped  
Yellow star indicates subject property (AG)**





**Existing Interior Showroom: Photo of current showroom located at 1407 South  
31<sup>st</sup> Street (Suites F& G, Pecan Plaza)  
Photo courtesy of Celebrations – Rental Planning & Design Shoppe**

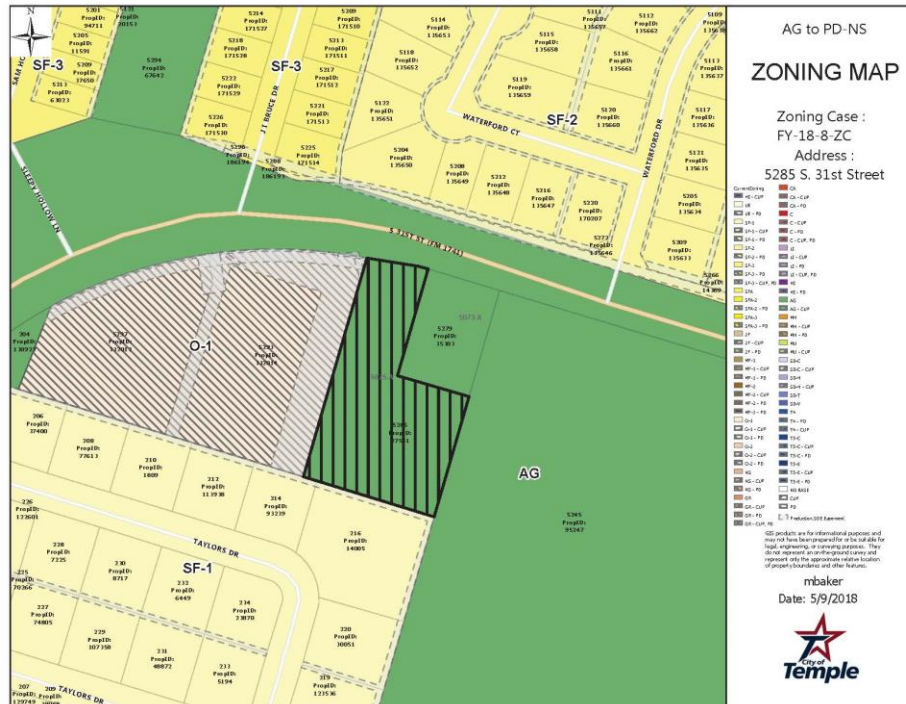
# Maps



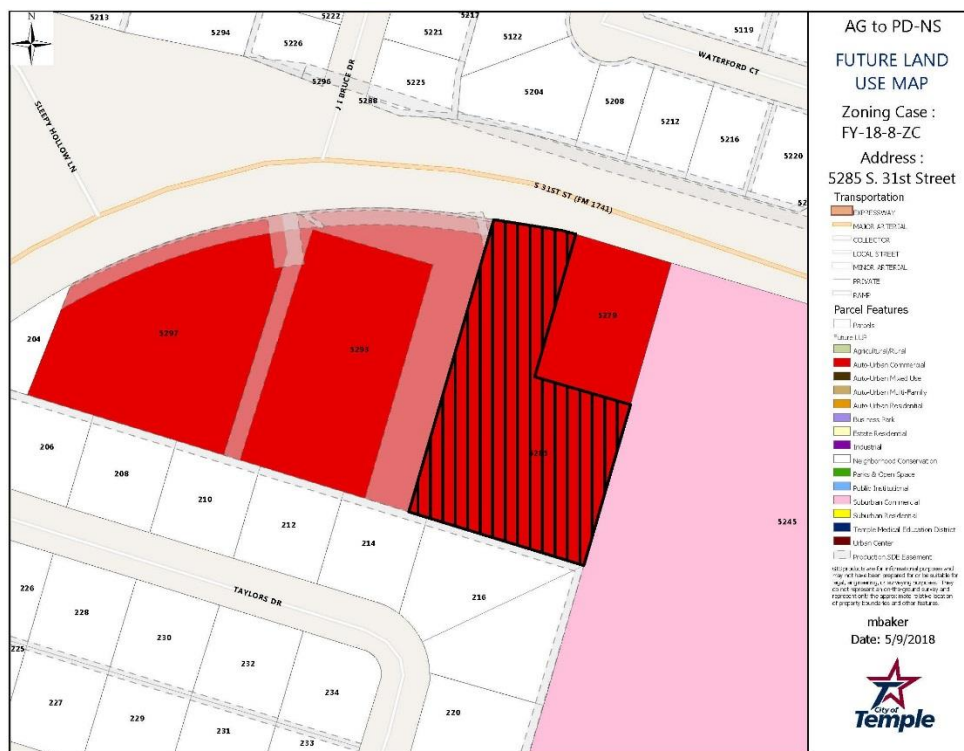
Location Map



Aerial Map



**Zoning Map**

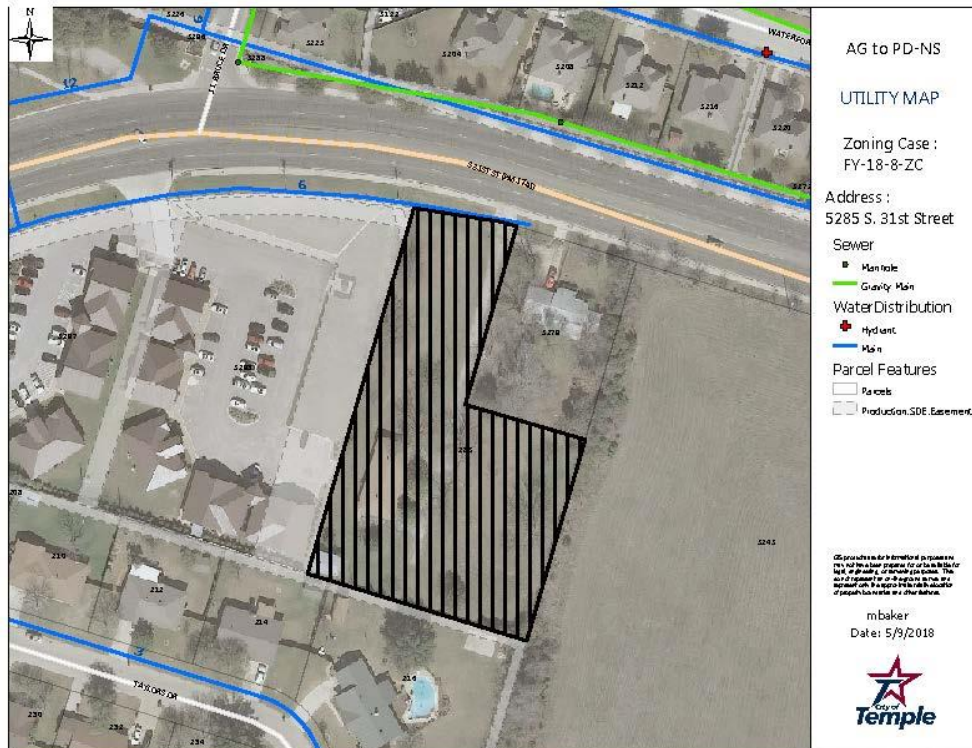


**Future Land Use Map**





**Thoroughfare & Trails Map**



**Utility Map**





Notification Map

# Tables

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

Use Type	Agricultural (AG)	Neighborhood Service (NS)
Agricultural Uses	Farm, Ranch or Orchard	Same as AG
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family / Group Home (CUP)	Single Family Detached & Attached Only Industrialized Housing Townhouse Family /Group Home (CUP)
Retail & Service Uses	None	Most Retail & Service Uses Beer & Wine Sales, off-premise consumption (CUP)
Commercial Uses	None	None
Office Uses	None	Office Uses
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG Laboratory, medical, dental, scientific or research (CUP)
Recreational Uses	Park or Playground	Same as AG
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Halfway House (CUP)	Same as AG
Vehicle Service Uses	None	Fuel Sales (CUP)
Restaurant Uses	None	Restaurant - No Drive-In
Overnight Accommodations	RV Park (CUP)	None

**Surrounding Property Uses**

	<u>Surrounding Property &amp; Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto Urban Commercial	AG	Vacated SF Residence on Acreage
North	Neighborhood Conservation	SF-2 & SF-3	SF Uses (Waterford Park)
South	Neighborhood Conservation	SF-1	SF Uses (Bostick & Taylor)
East	Suburban Commercial	AG	Undeveloped
West	Suburban Commercial	O-1	Office Park (Tuscan Square)

## Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	YES
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan    STP = Sidewalk and Trails Plan		

## Dimensional Standards (UDC Section 4.5)

	<u>(AG)</u> <u>Non-Residential</u>	<u>(NS)</u> <u>Non-Residential</u>
Minimum Lot Size	1 Acre	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	50 Feet	15 Feet
Side Setback	20 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	❖ 10 Feet	❖ 10 Feet
Max Building Height	3 Stories	2 ½ 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).

**From:** [Vicki Vaughn](#)  
**To:** [Mark Baker](#)  
**Subject:** Re: DRC Comments related to the Celebration Station Development/ Site Plan  
**Date:** Thursday, September 20, 2018 10:29:45 AM

---

Mark,

We request to withdraw the drainage letter at this time. We request that drainage and utility infrastructure be deferred until the construction phase of planned development. The fire department requirements, as well as all requirements that have been presented to us at this time concerning drainage and utilities will be in full compliance according to city code before construction phase begins.

Thank you,  
Vicki

On Wed, Sep 19, 2018 at 9:15 AM, Mark Baker <[mbaker@templetx.gov](mailto:mbaker@templetx.gov)> wrote:

Good morning Randy & Vicki:

As a follow up to my email from last week regarding the DRC comments for the “Celebrations” development/ site plan, the following options are available:

1. Revise the development site plan with the requested and necessary utility information as well as formally address Comment #2 about the runoff, Or,
2. Withdraw the Drainage letter and provide assurance that the drainage letter will be revised with the necessary calculations and submitted during the construction plan review stage. In addition, utility connectivity will need to be addressed during the construction phase of development to the satisfaction of the Engineering Department. A response to this email would suffice, if you should choose to do so.

However, based on our most recent conversation, it would be my understanding that your preference would be for revisions to the development/ site plan related to drainage, utilities and Fire Department requirements for an emergency turnaround and access to be deferred until the submittal of the Construction Documents.

Please provide assurance that these matters will be addressed in accordance with City requirements with the submittal of the Construction Documents by a response to this email.



If you should have any other questions or concerns or wish to discuss, please do not hesitate to contact me directly.

Thank you for your cooperation in these matters,

Mark

Mark Baker, Senior Planner

City of Temple – Planning Department

[2 North Main Street – Suite 102](#)

[Temple, Texas 76501](#)

Phone: 254-298-5274

Fax: 254-298-5624

Email: [mbaker@templetx.gov](mailto:mbaker@templetx.gov)

Please feel free to visit the following link to our helpful interactive Development Review Guide:

<http://templetx.gov/DocumentCenter/View/13924>

---

***Integrity. Excellence. Dedication.***

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, OCTOBER 1, 2018**

**ACTION ITEMS**

**Item 2:** [FY-18-8-ZC](#)— Hold a public hearing to consider and recommend action on a rezoning of 1.40 +/- acres from Agricultural (AG) zoning district to Planned Development-Neighborhood Services (PD-NS) zoning district with a development/ site plan for offices and enclosed storage for an events rental business, addressed as 5285 South 31st Street.

Mr. Mark Baker, Principal Planner, stated this case is a rezoning and a public review for a development site plan for Celebrations Event Rental and Design Shoppe proposed location at 5285 South 31<sup>st</sup> Street. This item is scheduled to go forward to City Council for first reading on November 1, 2018 and second reading on November 15, 2018.

Aerial views of subject property shown with the most closely related use as a retail and service use, not otherwise specifically listed. The mixture of uses in this area lends itself to the Planned Development (PD) concept. A proposed PD is being processed for the relocation of Celebrations Event Rental and Design Shoppe but will host no events at this proposed location. This subject property will house only the administrative offices, showroom, and storage area where customers come to this new location to coordinate and receive equipment and supplies for events for off- site locations.

Celebration Station Addition final plat was recorded on July 3, 2018 for one lot, and the Development Review Committee (DRC) reviewed the site plan on September 17, 2018.

Per the Unified Development Code (UDC) Section 3.4, a Planned Development is a Flexible Overlay Zoning District designed to respond to unique development proposals, special design considerations and surrounding areas through development/site plan approval.

Exterior elevation image shown of proposed new construction and image of overall site plan shown.

Neighborhood Services (NS) zoning allows most retail uses, and a development/site plan is required and submitted for this request for administrative offices and storage for the events business. The site plan is binding and compliance to conditions of approval is required.

Required Criteria Table shown from the UDC, Section 3.4.5, and subject property is found to be in compliance.

Zoning Map shown and found in compliance with fronts along major arterial and NS zoning supports adjacent residential development. Size of this lot will limit other NS uses if future development is desired. There are no proposed use restrictions to the base NS zoning.

Future Land Use Map shown and found in compliance with Auto Urban Commercial area concentrated at intersections versus strip development along major roads.

Existing available water and sewer map shown and found to be in compliance.

Thoroughfare plan and trails maps shown and found to be in compliance. Existing sidewalks are along the arterial South 31<sup>st</sup> Street, and no anticipated TCIP improvements are funded or scheduled through the year 2024. The trails requirement is fulfilled by the existing sidewalk.

On-site photographs shown of existing buildings and proposed building pad site. Structures will be used for storage of the business only and will not be used for residential purposes.

North and south exterior views are shown with an existing solid wood fence providing buffering.

West and east exterior views are shown as well as an east aerial view.

Use comparison table shown for AG and NS uses.

Comparison table shown of non-residential development standards for (AG) and (NS) zonings.

Proposed site plan and building floor plan shown.

Public access will be provided by an existing asphalt driveway from South 31<sup>st</sup> Street and Texas Department of Transportation (TxDOT) has reviewed and no right-of-way (ROW) issues were identified. Parking was calculated using Unlisted General Retail/Service Uses of the UDC Section 7.5 and based on 1,680 square feet requiring seven spaces. Additional parking stall can be accommodated.

Landscaping details shown acceptable per UDC Section 7.4. Minor relocations of shrubs/plants may be necessary.

Buffering and screening details exhibited the following:

1. Existing solid six-foot fence on southern property line;
2. A 120-foot section of proposed eight-foot tall solid fence along the eastern property boundary (setback 58-feet nine inches) from the ROW of South 31<sup>st</sup> to accommodate adequate line of site;
3. Preservation of existing landscaping and trees throughout the site; and
4. New proposed landscaping along street frontage along with foundation plantings

Showroom floor plan shown and will include administrative offices, a storage room, and an Americans with Disabilities Act compliant bathroom.

Building elevations and materials shown. The exterior will replicate Tuscan Square finishes including 70% stucco and 30% brick.

Remaining site plan issues identified during the DRC process include:

- Public Facility Connectivity (Water & Sewer)
- Adequacy of emergency access and emergency vehicle turnaround
- Compliance will be confirmed during the Construction Plan review with both the Fire Department and Public Works are in agreement with the deferment

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

Compliance summary chart shown finding all criteria in compliance.

Staff recommends approval of the request for a rezoning from Agricultural (AG) district to Planned Development-Neighborhood Service (PD-NS) district subject to the following four conditions:

1. That no events or venues are to be conducted on the subject property at any time;
2. The parking area be shown to accommodate a minimum seven parking spaces;
3. That the site is developed in substantial compliance with the attached site plan (Exhibit A), in accordance with all applicable City codes and ordinances; and
4. 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 which include but not limited to: drainage considerations, public facility connectivity, emergency vehicle turnaround, fire access lane, overall lot layout, landscaping, exterior building elevations/materials, parking configuration, buffering and screening materials, in compliance with minimum UDC development standards

Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Ward made a motion to approve Item 2, **FY-18-8-ZC**, per staff recommendation, and Commissioner Fettig made a second.



ORDINANCE NO. 2018-4940  
(FY-18-8-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE ZONING DISTRICT WITH A DEVELOPMENT/SITE PLAN ON APPROXIMATELY 1.40 ACRES, FOR OFFICES AND ENCLOSED STORAGE FOR AN EVENTS RENTAL BUSINESS LOCATED AT 5285 SOUTH 31<sup>ST</sup> STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicants, Randy Franklin and Vicki Vaughn, dba Celebrations Event Rentals and Design Shoppe, request rezoning for a Planned Development with development/site plan approval, on approximately 1.40 acres to be used to relocate the existing administrative offices, retail display and supply storage for their existing business, currently located at 1407 South 31<sup>st</sup> Street in the Pecan Plaza shopping center;

**Whereas**, this proposed relocation for the Celebrations Event Rental and Design Shoppe is proposed to include administrative offices, a showroom and separate storage to the rear, for an event rental business which caters to events such as weddings, graduations, retirement parties and other similar social gatherings or activities - no events will be conducted on the property;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning and development/site plan from Agricultural zoning district to Planned Development - Neighborhood Service zoning district at 5285 South 31<sup>st</sup> Street, Temple, Texas; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for this tract of land, and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said property, finds that the proposed use of the property substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

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

**Part 2:** The City Council approves a rezoning rezoning and development/site plan from Agricultural zoning district to Planned Development - Neighborhood Service zoning district at 5285 South 31<sup>st</sup> Street, Temple, Texas, as more thoroughly described and depicted by the development/ site plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes, along with the following conditions:

1. That no events or venues are to be conducted on the subject property at any time;
2. The parking area be shown to accommodate a minimum seven (7) parking spaces;
3. That the site is developed in substantial compliance with the attached site plan (Exhibit A), in accordance with all applicable City codes and ordinances; and
4. 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 that comply with City code.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 1<sup>st</sup> day of **November**, 2018.

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

---

11/01/18

Item #7

Regular Agenda

Page 1 of 2

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

Nicole Torralva, P. E., Public Works Director

Damon B. Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with RJN Group of Dallas, TX, for a City-wide System Evaluation and Capacity Assurance Plan and assessment of Friars Creek wastewater basin, in an amount not to exceed \$1,616,031.00, as well as, declare an official intent to reimburse the expenditures with the issuance of 2019 Utility Revenue Bonds.

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

**ITEM SUMMARY:** The City of Temple's wastewater collection system is critical to safeguarding public health, preserving the environment, and sustaining our economy. The collection system consists of over 400 miles of wastewater pipes, lift stations and treatment facilities which in many areas are deteriorating and aged, allowing significant inflow and infiltration into the system which creates wastewater overflows and impacts to both the community and environment. Over the last 15 years, the City of Temple has intentionally invested in the City's wastewater system infrastructure, addressing and upgrading critical interceptors and collection lines through development and implementation of a robust capital improvement program. In addition, in 2008 the City of Temple proactively entered into a voluntary TCEQ Sanitary Sewer Overflow initiative agreement with the State of Texas agreeing to focus resources on specific maintenance activities to reduce wastewater overflows. System inspection, cleaning, and repair of deficiencies were successfully completed in accordance with the agreement, reducing the number of overflows annually but not eliminating them.

As part of a more aggressive sanitary sewer overflow (SSO) reduction initiative by the U.S. EPA, a comprehensive EPA inspection of the system was conducted in early 2017. As a result of the inspection, subsequent discussions and negotiations, the EPA issued an Administrative Order (AO) to the City of Temple in August 2018. The AO establishes required actions necessary to reduce SSO's to an acceptable level by thoroughly assessing the entire wastewater collection system, improving operational efficiencies, and completing all identified projects by September 2028. Specific milestones are established to ensure the order is followed and completed as expected by the EPA within the next 10 years. The AO does not assess a monetary penalty, however, compliance with applicable Federal regulations is required to avoid further action from the EPA.

Activities specified by the AO include development and implementation of an electronic asset management program, development of a 5-year and 10-year design storm wastewater collection system model calibrated to reflect actual and existing system conditions, power source redundancy for plants and lift stations, a complete system evaluation capacity and assurance plan (SECAP), evaluation of all private non-plastic lateral lines, and completion of correcting system deficiencies as identified. Implementation of a Capacity Management Operations and Maintenance (CMOM) Plan is also anticipated.

This contract is the first step toward fulfilling the agreement. For many years, RJN has successfully worked with numerous utilities to meet required EPA deadlines through leveraged technology and local partnerships. Work under this contract includes sub-contracted work with Clark & Fuller, who has successfully completed a wide range of projects within our community for many years. Development of the SECAP and assessment of the first basin will utilize industry standards for a complete and comprehensive analysis and assessment. Friars Creek basin activities include cleaning, video inspection, smoke testing and rating of approximately 323,000 linear feet of pipe and approximately 1,037 manholes. This assessment also includes inspection of private lateral lines as outlined in the AO.

Expected deliverables includes a prioritized analyzed rehabilitation and improvement plan for identified infiltration/inflow defect repairs and improvements for both City and privately owned infrastructure. Recommendations for addressing privately owned infrastructure will be included to resolve possible overflow issues.

The attached proposal includes the following fees for the scope of work listed above:

Project Management and Administration	\$ 43,750.00
City-wide SECAP	\$ 665,791.00
Friar Creek Assessment	<u>\$ 906,490.00</u>
<b>Total Basic Services</b>	<b><u>\$1,616,031.00</u></b>

The timeline for design is 460 days.

**FISCAL IMPACT:** The City-wide SECAP and Friar Creek wastewater basin assessment are being funded with the issuance of the 2019 Utility Revenue Bonds. We are declaring an official intent to reimburse for this agreement. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

Once the budget adjustment is approved, funding will be available in account 561-5400-535-6997 for the agreement with RJN Group of Dallas in the amount of \$1,616,031 as shown below:

	City-wide SECAP	Friar Creek Assessment	
	Project 101922	Project 101992	Total
Project Budget	\$1,000,000	\$1,000,000	\$2,000,000
<b>RJN Group of Dallas</b>	<b>(709,541)</b>	<b>(906,490)</b>	<b>(1,616,031)</b>
<b>Remaining Project Funds</b>	<b>\$ 290,459</b>	<b>\$ 93,510</b>	<b>\$ 383,969</b>

**ATTACHMENTS:**  
Engineer's Proposal  
Resolution



October 23, 2018

Mr. Damon Boniface  
Utility Director  
City of Temple  
3210 E. Avenue H  
Bldg A, Suite 123  
Temple, TX 76501

**Subject: City of Temple City-wide System Evaluation and Capacity Assurance Plan (SECAP) and Friars Creek Drainage Basin Wastewater Condition Assessment**

Dear Mr. Boniface:

We appreciate the opportunity to submit this proposal to perform consulting engineering services for sanitary sewer assessments within the City of Temple. The work and scope in the attached follow the necessary guidelines in complying with Temple's agreed upon Administrative Order (AO) with the Environmental Protection Agency (EPA).

A system wide hydraulic model will be built utilizing available models and city-wide flow monitoring will be conducted to calibrate the hydraulic model. Capacity analysis of 10-inch and larger and select lines will be assessed. Innovyze software InfoWorks will be utilized to conduct the evaluations. The hydraulic model will be used to evaluate the condition of the sanitary sewer system as it currently exists and under a future ultimate build out condition. Alternative solutions and recommendations to alleviate capacity deficiencies will be provided. Condition evaluation of approximately 323,000 linear feet of sanitary sewer gravity mains along with asset management services for 1,037 manholes within Friars Creek Drainage Basin will be assessed. Closed-Caption Television (CCTV) will be performed and reviewed for approximately 105,000 linear feet of sanitary sewer. Innovyze software InfoMaster will be utilized to conduct the evaluations.

Sub-consultants working with RJN on this project include **Ace Pipe Cleaning** for CCTV and **Clark & Fuller, PLLC** for all survey activities.

The Compensation for the evaluation and assessment activities is:

<b>Compensation Detail</b>	
I. Project Management and Administration	\$43,750.00
<u>City-wide System Evaluation and Capacity Analysis Plan</u>	
II. Flow Monitoring	\$260,405.00
III. Hydraulic Modeling <sup>1/</sup>	<u>\$405,386.00</u>
<i>Subtotal</i>	<u>\$665,791.00</u>
<u>Friars Creek Drainage Basin Wastewater Assessment</u>	
IV. Data Management	\$37,542.00
V. Condition Assessment <sup>1/</sup>	\$629,641.00
VI. Asset Management	<u>\$239,307.00</u>
<i>Subtotal</i>	<u>\$906,490.00</u>
<b>Total</b>	<b>\$1,616,031.00</b>

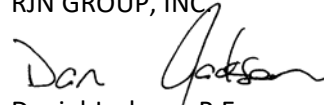
<sup>1/</sup> Includes Sub-Consultant Costs

The scope of services is further detailed in Attachment A, the Compensation is further broken down in Attachment B, the project schedule is detailed in Attachment C, and the proposed city-wide flow monitoring exhibit is detailed in Attachment D.

If you have any questions or comments, please do not hesitate to contact us.

Respectfully Submitted,

RJN GROUP, INC



Daniel Jackson, P.E.  
Vice President



Karen Rico, P.E.  
Project Manager

DHJ/KAR

Enclosures: Attachment A – Scope of Services  
Attachment B – Compensation Schedule  
Attachment C – Project Schedule  
Attachment D – Proposed City-Wide Flow Monitoring Exhibit

## **ATTACHMENT A SCOPE OF SERVICES**

The City of Temple has initiated a project to perform a uniform and comprehensive system wide evaluation of the wastewater collection system in compliance with the City's agreed upon Administrative Order (AO) with the Environmental Protection Agency (EPA). The steps outlined in this scope adhere to the necessary steps required within the Administrative Order. The City of Temple has an extensive backbone of information that will be utilized in the development of this program. Year 1 includes a condition assessment of the Friars Creek Basin for I/I reduction and SSO elimination as part of the City-wide System Evaluation and Capacity Assurance Plan (SECAP). The scope of this project includes citywide flow monitoring, system wide hydraulic model build, asset management, and condition assessment of Friars Creek basin. The flow monitoring consists of 36 meter sites and 8 rain gauges for a monitoring period of 60 days. The Friars Creek basin assessment consists of approximately 323,000 linear feet of smoke testing, 1,037 manhole inspections, approximately 20 dyed test, and 105,000 linear feet of Closed-Caption Televised (CCTV) Inspections. Asset management consists of assessing the condition of the selected televised sewer gravity lines using an asset management software to analyze and prioritize the line repairs and replacements, and incorporate MACP manhole inspection data into an asset management software to analyze and prioritize the manhole repairs and replacements. The services are further described in the following sections:

### **I. Project Administration and Management**

#### *A. Project Administration*

1. Meet with City staff to discuss progress of the various tasks throughout the project. Meetings will be held monthly and/or at periodically at significant project milestones with written documentation of each meeting provided.
2. Prepare schedule of work activities and maintain throughout project with monthly milestone status reports and projections provided to the City.
3. Perform general consultation with City maintenance, operations and engineering staff.
4. Tailor Engineer's standard operating procedures to accommodate project requirements and establish internal project controls to ensure schedule, budget and quality control procedures are being maintained with monthly reports provided to the City.
5. Perform administration and coordination of sub-consultants including, but not limited to ensuring City's contracting rules for procurement and services are met, contract finalization, performance coordination, quality control and payment request verification.
6. Meet with regulatory agencies as needed throughout the project.

## **ATTACHMENT A SCOPE OF SERVICES**

### **CITY-WIDE SYSTEM EVALUATION AND CAPACITY ASSURANCE PLAN (SECAP)**

#### **II. Flow/ Rainfall Monitoring**

##### **A. Site Selection**

1. *Meter and Rain Gauge Locations:* Attached is a preliminary exhibit outlining the proposed meter locations along with the basin sewersheds. A total of 36 flow meters and 8 rain gauges are anticipated. The Engineer shall select eight (8) rain gauge sites to obtain rainfall data during the monitoring period. After selection of the sites, the Engineer will conduct site visits to locate public schools or other structures where the gauges can be installed.
2. *Site Selection Work Session:* The Engineer shall conduct a work session with the City to discuss the targeted monitoring locations and intended purpose for each monitoring location and to determine if any support from the City is needed to install and maintain equipment at the proposed locations. The plan shall be presented on an overview map and approved by the City prior to investigating and installing the flow meters.
3. *Site Investigations:* Upon approval of the targeted monitoring locations, the Engineer shall perform site investigations for the purpose of determining the viability of each targeted location. The investigation includes an evaluation of the hydraulic conditions, access, safety and other issues that may affect the data quality or sensor survival. If a location is identified as unsuitable, the Engineer shall investigate up to two alternate sites (upstream or downstream) for consideration. The Engineer shall prepare and submit for approval an electronic Site Investigation Report. The Site Investigation Report shall include a general site location map, a sketch of the installation, and the physical characteristics including the pipe diameter, pipe material, manhole depth and other attribute information.

##### **B. Equipment and Installation**

1. *Gravity Flow Meters:* Based on the results of the site investigations, the Engineer shall select equipment suited for the site in order to provide accurate and reliable flow data. The Engineer shall use flow meters designed to measure flow in sanitary sewer pipes under free-flow and surcharged conditions. The primary depth sensor shall be ultrasonic with a resolution to the nearest 0.01 foot. Each site shall also include level measurement redundancy by means of a pressure and ultrasonic sensor. The primary velocity sensor shall use Doppler technology.
2. *Rain Gauges:* The rain gauge equipment shall consist of a data logger and rain gauge tipping bucket. The equipment shall be able to measure 0.01 inches resolution. The tipping bucket shall be a corrosion resistant funnel collector with tipping bucket assembly. The Engineer shall coordinate with the City any issues related to gaining access to buildings for placement of gauges.



## **ATTACHMENT A SCOPE OF SERVICES**

3. *Wireless Telemetry:* Remote Terminal Units (RTU) shall be provided at each flow monitoring and rain gauge location to remotely collect the data. In the event that certain sites are not conducive for remote telemetry, the Engineer shall manually collect the data throughout the monitoring period.
4. *Flow Monitor Installation:* The sensors shall be securely attached to the pipe by means of metal bands or anchoring hardware designed specifically for that purpose. A typical installation shall include the primary ultrasonic depth sensor mounted at the crown of the pipe, a redundant pressure transducer depth sensor mounted in the invert, and a Doppler velocity sensor mounted near the invert. The data logger and sensor cables shall be firmly secured to the manhole walls or steps.
5. *Data Recoding Interval:* All flow meters and rain gauges shall be synchronized in time to the same clock and shall be programmed to collect depth and velocity data at five (5) minute intervals.
6. *Initial Depth and Velocity Confirmations:* Upon installation and activation of each flow meter, the Engineer shall take manual depth and velocity readings using independent instrumentation to confirm that the in-situ monitor yields data representative of actual field conditions. Field crews shall also take manual velocity readings of the flow cross-section (velocity profile) in order to derive an average velocity. All measurements, adjustments and efforts undertaken during site visits shall be recorded on the maintenance log.

### **C. *Flow Monitor and Rain Gauge Maintenance***

1. *Flow Monitoring Period:* Flow monitoring shall be conducted for a period of 60 days. It is assumed that adequate weather conditions will be observed during the monitoring period to obtain representative dry weather information and between four to six rain events of varying intensities for use in understanding both dry and wet weather flows within the City.
2. *Data Review:* The Engineer shall review the flow and rainfall monitoring data at least twice a week. Trained data analysts experienced in processing and analyzing flow and rainfall data shall use various analytical tools, such as hydrographs, scattergraphs, and flow balancing methods to verify the accuracy and precision of the flow data. The analysis of the data shall include the identification of data gaps, anomalies and monitor performance issues. Any equipment service needs shall be immediately conveyed to the field service crews. The data shall be processed and edited in accordance with the field confirmations to produce final data sets for each site. All data processing efforts shall ensure that the raw data is preserved.
3. *Equipment Operation and Maintenance:* The Engineer's qualified field crews shall visit each monitor and rain gauge installation, as appropriate, to perform

## **ATTACHMENT A SCOPE OF SERVICES**

necessary maintenance to the equipment. Maintenance shall be carried out on a regular basis and includes calibration of the recording equipment, downloading of recorded data, onsite analysis of the data to ensure proper meter function, cleaning of the sensor, and replacement of any defective equipment.

4. *Uptime:* An up-time of 90% for all temporary meters will be maintained. This will include dry and wet weather periods. If the up-time is not met by the Engineer, the monitoring will be extended to capture the meter days missed at no additional cost to the City. However, if sufficient data has been collected, the City will be credited for the downtime of the meters. The guaranteed up-time applies to mechanical malfunctions and does not apply to actions beyond the control of the Engineer, such as vandalism, excessive debris, etc.

### **D. *Equipment Removal***

1. *Notification:* The Engineer shall remove all the temporary flow meters and rain gauges at the completion of the 60 days monitoring period if adequate weather conditions have been observed [dry weather and wet weather conditions that include at least four (4) storm events of different rainfall intensities]. The Engineer shall advise the City if adequate weather conditions have not been observed during the initial 60 days monitoring period to allow the City to consider the funding of an extended period for flow monitoring, in advance of removal of the temporary flow meters. If the flow monitoring period is extended, then the project schedule will be extended by the same amount of time.

### **E. *Inflow/ Infiltration (I/I) Analysis and I/I Technical Memorandum***

1. A I/I technical memorandum shall be submitted to the City including summaries of methods utilized during the data collection; site investigation reports; scattergraphs of depth and velocity; hydrographs including depth, velocity, flow, and rainfall; tabular flow summaries showing daily max, min, average flow and rainfall data; and final data in Microsoft Excel format. Additionally, a thorough analysis of the dry and wet weather flows shall be performed. This will include dry-weather analysis, infiltration analysis, and inflow analysis. The engineering analysis will provide the City with information on how much inflow and infiltration is occurring per 1,000 linear feet of pipe, allowing the City to understand where within the system are areas to prioritize additional study. Two copies of the I/I technical memorandum shall be submitted to the City.

## **III. *Hydraulic Model***

Engineer will utilize the City's existing model and integrate into InfoWorks ICM. The InfoWorks ICM software will allow for a full system model and full representation of how the collection system responds to dry-weather conditions, as well as varying degrees of rainfall scenarios. The use of InfoWorks ICM will allow alternative analysis of capacity enhancements to be evaluated for the most cost-effective solutions.

## **ATTACHMENT A SCOPE OF SERVICES**

### **A. GPS Survey**

1. **(Clark & Fuller, PLLC to perform task)** Capture of x-y-z coordinates through use of real-time kinematic GPS equipment for select locations with known overflows and/or problem areas and all 10-inch diameter and larger sanitary sewer main manhole rims. (0.1 foot for horizontal measurements and sub-centimeter for vertical measurements), utilizing NAD83 State Plane Coordinates and NAVD88 elevations. One thousand seven hundred (1,700) manholes are anticipated for all 10-inch diameter and larger. Additional manholes required for survey are anticipated at selected locations with known overflows and/or problem areas. Invert elevations will be determined by obtaining measure down information from the rim to the pipe invert of each surveyed manhole. Where available, measure down information from previous manhole inspections performed by the Engineer will be used to obtain invert elevations.
2. **(Clark & Fuller, PLLC to perform task)** Procure available GPS coordinate data and monument locations near the project area from the City.
3. Overlay the updated manhole layer from the GPS data source into the existing manhole and line segment layer from the City's GIS data source.
4. Correct the GIS manhole and line segment locations to reflect the updated locations as derived from the GPS data. Move each existing manhole feature to its updated position as provided through field verification and referenced to the City parcels coverage. In the absence of parcels, i.e. creek areas, GPS position for manhole may be used. Manhole feature linkage is not disturbed by the move operation, i.e., the GIS feature linkage remains intact.
5. Reconstruct the sewer network to correspond to the updated manhole positions generated in section 4 above. Each line segment will be operated on in one of two ways.
  - a. If the ends of a line segment are close to the updated manhole position and the line segment does not require major reshaping, then the line segments end points can be re-connected to the manholes on each end via auto editing operations. Existing feature linkages will remain intact.
  - b. If the ends of the line segment are not close to the updated manholes and the line segment does require major reshaping, then a new line segment will be created. In this case, the GIS feature linkage will have to be reestablished on the newly created line segment. A list of these segments will be provided to the City using GISID as a reference.
  - c. Sewer lines and manholes which do not exist on the City's sewer coverage will be assigned numbers by RJN as approved by the City.

## **ATTACHMENT A SCOPE OF SERVICES**

d. The digital file of GPS data will be delivered in an ArcView shape file and will contain the following data in tabular format:

- i. GISID of each manhole
- ii. x, y, & z in NAD 83 coordinates

### **B. *Model Development***

1. Utilize the City's GIS database, available as-built information provided by the City and GPS survey performed as part of this project to construct an all pipe, all property model in the InfoWorks ICM model software.
2. The GIS will be imported into InfoWorks ICM to create a new comprehensive system wide base network. Any additions or modifications will be reviewed and assigned rim and invert elevations using available as built data or the City contour data.
3. GPS survey data will be used to assign manhole rim elevations and pipe invert levels to all 10" plus sections, selected sections with problem areas, and known overflows of the network. All the remaining 6 and 8-inch diameter sewer lines that have been imported GIS database will be assigned rim and invert elevations using the available as-built data and City elevation contour data.
4. Discussions will be held with the City early in the model development process to ensure that appropriate GPS survey is undertaken at all know overflow points in the network.
5. All City pumping stations will be incorporated into the model based upon record drawing and manufacturer's pump curves provided by the City as well as pump operation levels.
6. Recent water billing records will be sourced from the City to enable an estimation of sewage flows from all non-residential properties in the city. The format for the provided water billing records shall be geo-coded by parcel for model import.
7. Residential populations will be estimated for all residential properties by geoprocessing the most recent Census data with population estimates made for new growth areas.

### **C. *Model Calibration***

The model will be calibrated for existing wet and dry conditions based on flow data from the flow monitoring task. Specific tasks will include:

1. Select the most suitable dry weather period from the collected flow data.
2. Using the residential and non-residential DWF profiles as a base set, develop additional dimensionless dry weather flow profiles as required.



## **ATTACHMENT A SCOPE OF SERVICES**

3. Through an iterative process of modifying per capita flow rates, modifying dimensionless profiles and application of permanent infiltration, calibrate model to dry weather weekday and weekend conditions.
4. To properly initialize the Ground Infiltration Model (GIM) in InfoWorks, ICM, historic rainfall and evaporation data will be sourced and used as an input to the model together with the detailed rainfall data collected from the temporary gauges deployed during the flow monitoring survey.
5. Calibrate the model for wet weather over the flow survey period.
6. The model will be calibrated by iteratively adjusting both the fixed and GIM parameters in the model until the model reasonably matches the depth, velocity, and flow recorded by the flow meters. Where suitable, SCADA data from lift stations will also be used as an additional validation source during this process. Where the model data cannot be adjusted within acceptable parameters to match monitored conditions, field investigations may be performed to evaluate actual system performance. In addition, the model will be refined using the City's existing wastewater model.

### **D. *Future Growth Analysis/ Development of Future Flows***

1. *Population Projections:* Existing City documents and planning projections will be utilized for future population growth along with existing master plans. These estimates will be reviewed with the City prior to incorporating into the existing model.
2. *Land Use Analysis:* Land use information and population densities will be obtained from existing planning documents and City staff. This information will be input into a GIS system for allocation of flows into the model.

### **E. *System Performance Analysis***

1. Based on the tasks in section D above the Engineer will make a copy of the existing calibrated model and incorporate the future growth.
2. System deficiencies will then be identified under both dry and wet weather design storm conditions for the existing network as well as for the future growth. The design storm(s) to be utilized for the model analysis will be determined during the project.

### **F. *Augmentation Planning***

1. *Level of Service:* Meet with City to determine the required level of service for future augmentation with the City.
2. *Capacity Improvement Plan:* Based upon the deficiencies identified in the System Performance Analysis Task, the model will be used to trial and refine an optimal

## **ATTACHMENT A SCOPE OF SERVICES**

staged capacity improvement plan that resolves existing and future deficiencies. Plans will be developed for the existing projected wet weather flows as well with targeted I/I reduction in critical areas of the system.

### **G. *SECAP Report***

1. A Wastewater City-wide System Evaluation and Capacity Assurance Plan (SECAP) will be developed that will include discussion of specific topic area including supporting information and exhibits: Executive Summary, System Description, Methodology, Flow Development and Analysis, Hydraulic Model Development, Model Assumptions, Model Calibration, Planning Horizons, Capacity Analysis, Inflow and Infiltration Reduction, Recommended Capital Improvements, Schedule of Improvements. Two copies of the Wastewater SECAP report shall be submitted to the City.

## **FRIARS CREEK DRAINAGE BASIN WASTEWATER ASSESSMENT**

### **IV. Data Management**

#### **A. *Data Management***

1. Collect and review existing information including maps, flow records, and other pertinent information. City will provide ArcView shape files of the wastewater system. Engineer shall prepare preliminary field maps for project use from existing City shape files.
2. Update the maps as differences are found during the field investigations and provide them to the City. Updates shall include new lines, manholes and cleanouts and will be provided electronically in the form of shapefiles to be compatible with GIS.
3. Data shall be recorded by field crews on Engineer's electronic forms for each specified activity. All field inspection data shall be entered into a computerized data management system from which rehabilitation recommendations shall be made.
4. All field inspection data and photos will be provided in digital format to the City.

### **V. Condition Assessment**

#### **A. *Manhole Inspection***

1. Utilizing industry standard safety procedures and appropriate traffic control, all subsurface manhole components will be inspected. Manholes accessible by vehicle will be scanned utilizing 3D Optical Manhole Scanner technology, where applicable. The cost estimate assumes that approximately 60 percent of manholes will be scanned. An estimated 30 percent of manhole located within the study will be not accessible by vehicle. These inspections will be conducted using other techniques. Inspections will be conducted according to NASSCO MACP Level 2 standards.

## **ATTACHMENT A SCOPE OF SERVICES**

2. The Engineer shall notify the City of manholes that are inaccessible, not found, buried, or believed to be non-existent. The Engineer's field crew will make a reasonable effort to locate manholes as shown on the provided GIS. The effort will include up to 10 minutes of onsite investigation including a metal detector, probe, and shovel. Manholes found to be buried less than 6 inches below grade in non-paved unobstructed areas shall be uncovered and inspected. If the manhole cannot be located within 10 minutes of arriving onsite, buried in a paved area, or greater than 6 inches below grade in a non-paved area, the Engineer will be compensated at the cost of an actual manhole inspection.

### **B. *Public Relations and Notifications***

1. Engineer will prepare and deliver notices necessary for the performance of smoke testing. Every reasonable effort will be made to distribute notices two (2) days prior to smoke testing; however, City will allow the Engineer to distribute notices up to a minimum of one day in advance of smoke testing.
2. Engineer may distribute notices up to a maximum of fourteen (14) days prior to smoke testing. If conditions do not allow smoke testing to be performed during this period, Engineer will redistribute notices. If redistribution of smoke notices is required, testing may be performed within one (1) day of noticing.
3. The Engineer, City, City of Temple Fire Department, and City of Temple Police Departments will be notified daily of smoke testing and dyed water testing locations via email.

### **C. *Smoke Testing***

1. Smoke testing will be conducted using dual axial blowers. Each 12-inch diameter and smaller segment shall be isolated by sandbagging. Smoke testing lengths shall be limited to two line segments between the upstream and downstream blower locations. Smoke testing will be performed only during dry ground periods.
2. Flags shall be placed at observed smoke locations and digital images shall be captured. All defects identified by smoke testing shall be flagged and photographed. Smoke defect locations shall be recorded on sketches or by obtaining GPS coordinates. All private sector smoke defect images shall be entered into the field inspection database.
3. Main line defects and service lateral defects shall be carefully scrutinized to ensure that a conservative determination of public vs. private side defects is made. If necessary the line shall be earmarked for television inspection.

### **D. *Dyed Water Flooding***

1. Dyed water flooding shall be conducted to verify the existence of inflow and infiltration sources. Dyed water flooding shall be performed at suspected storm sewer cross-connections, streams, creeks, ditches, and other ponding areas that

## **ATTACHMENT A SCOPE OF SERVICES**

may be contributing to inflow. Estimated leakage rates shall be provided for each positive dye test. Water for the dyed water flooding will be provided by City of Temple at no charge to the Engineer.

E. *Sewer Cleaning and Television Inspection (**Ace Pipe Cleaning** to perform task)*

1. Sanitary sewer lines will be cleaned in order to facilitate the televised inspection activities. Standard cleaning rates are based on three passes with a jet cleaner.
2. During cleaning operations, all sludge, debris, etc. shall be removed from the sewer and disposed of at a location provided by the City. The City shall provide water for the cleaning operation at no charge to the Engineer. All data shall be provided in digital format.
3. If light cleaning proves inadequate or tap removal/root cutting is necessary, heavy cleaning shall be recommended to the City. Lines approved for heavy cleaning shall be cleaned with mechanical cleaning equipment.
4. Television inspections shall be performed on all non-plastic line segments and line segments which show evidence of deterioration, tested positive during smoke testing, or are critical to the collection system.
5. Television inspection will be performed using high quality color equipment and coded using NASSCO's PACP standards.

### **VI. Asset Management**

Engineer will configure InfoMaster for manholes and assumes minimal changes to current InfoMaster configuration for sewer lines.

A. *InfoMaster System Evaluation*

1. *InfoMaster Model Development:* Engineer will aid City in identifying attributes that contribute to condition and failure consequence. A risk matrix will be developed that allows for the condition and failure analysis to be combined and prioritize assets.
2. *Condition Assessment Analysis:* Engineer will utilize the InfoMaster Project, Television Inspection Data, and Manhole Inspection Data to analyze the Friars Creek Basin. An asset prioritization will be developed through condition analysis, likelihood and consequence of failure analysis, and the risk matrix.
3. *Data Resource Table:* Engineer anticipates a limited amount of GIS geodatabase manipulation will be required to fully initiate the InfoMaster Project. Engineer will review existing GIS geodatabase, and may request additional data to populate the failure analysis. The updated GIS geodatabase will be provided to the City upon completion of the project.



## **ATTACHMENT A SCOPE OF SERVICES**

4. *Remedial Measures Plan:* Established through the use of the InfoMaster Project decision tree. The decision tree will be built to identify the appropriate remedial measure for prioritized assets. The prioritized results of the analysis will be presented in the InfoMaster software with the estimated cost of line repairs/replacements. A GIS geodatabase containing all inspection scoring, failure analysis, risk analysis, and remedial measures will be provided upon completion of the project.
  
- B. *Source Defect Analysis:* At the end of the field investigation services, an engineering analysis of field survey data shall be performed to develop recommendations for prioritizing I/I source repairs. A description of field investigations, engineering analysis, and recommended action to reduce I/I will be included in the report. Engineer shall deliver a comprehensive rehabilitation and improvement strategy as coordinated with the City. This plan will reflect those recommended within the SECAP report and be prioritized with the understanding that future basins will be evaluated in subsequent years.
  1. Develop rehabilitation and improvement costs for various types of infiltration/inflow defect repairs and sewer improvements for line and manhole improvement.
  2. Perform priority analysis for infiltration rehabilitation plan based on applicable rehabilitation method, material, and costs.
  3. Perform analysis for inflow rehabilitation plan based on applicable rehabilitation method, material and costs.
  4. Develop recommendations for rehabilitation of both public and private I/I sources in priority order, cost estimates by individual rehabilitation type, and estimated I/I reduction as a result of the recommendations.

Two copies of the Friars Creek Drainage Basin Wastewater Assessment report shall be submitted to the City.

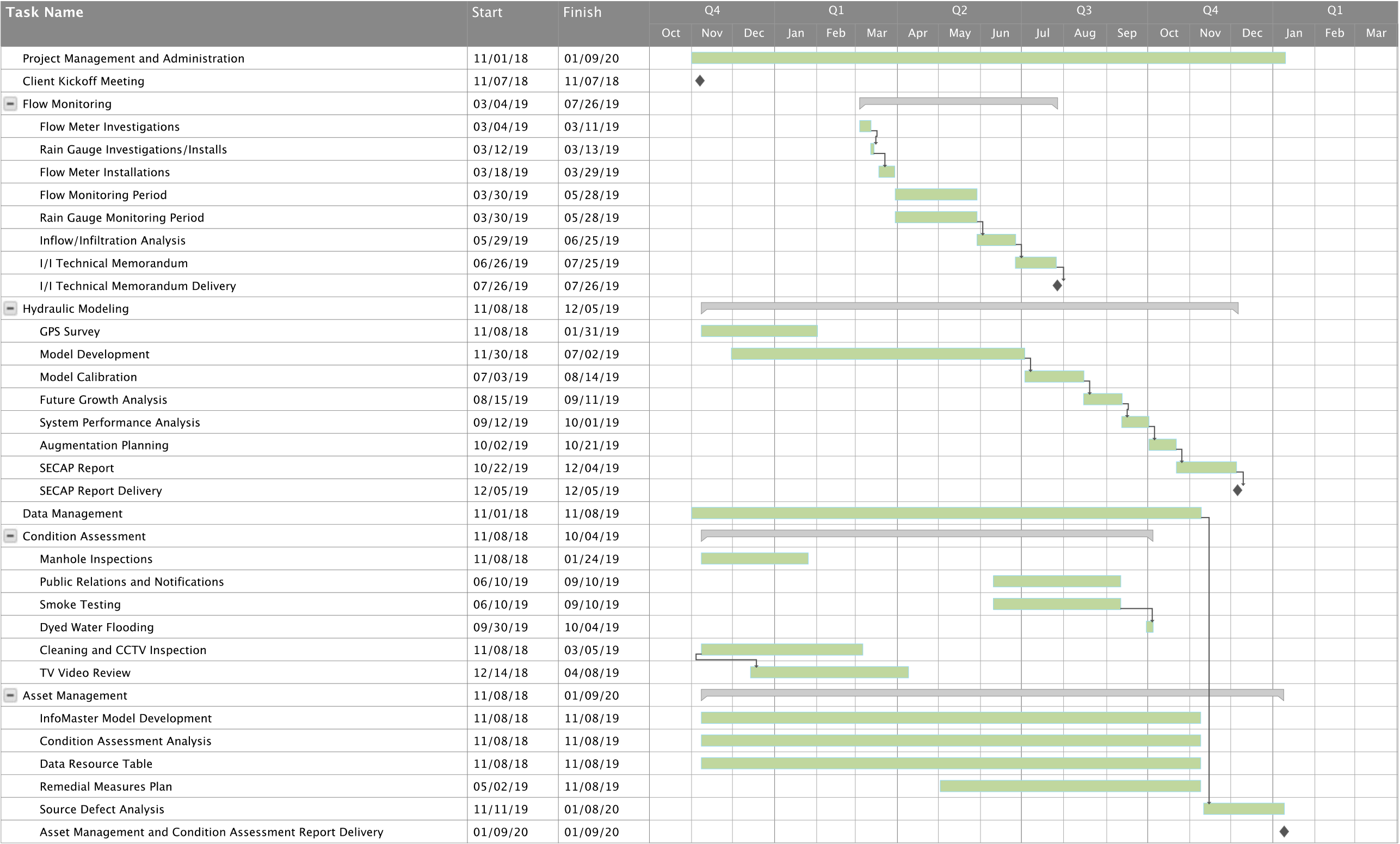
## ATTACHMENT B COMPENSATION SCHEDULE

	Activity	Quantity	Unit	Unit Cost (\$)	Total Cost (\$)
<b>I.</b>	<b>Project Management and Administration</b>	1	LS	\$43,750.00	<u>\$43,750.00</u>
	<i>Subtotal</i>				<i>\$43,750.00</i>
<b>CITY-WIDE SYSTEM EVALUATION AND ASSURANCE PLAN (SECAP)</b>					
<b>II.</b>	<b>Flow Monitoring</b>				
	Flow Meter Investigations	36	EA	\$480.00	\$17,280.00
	Flow Meter Installations	36	EA	\$900.00	\$32,400.00
	Rain Gauge Investigations/Installs	8	EA	\$365.00	\$2,920.00
	Flow Monitoring Period	2,160	MD	\$80.00	\$172,800.00
	Rain Gauge Monitoring Period	480	RD	\$10.00	\$4,800.00
	Inflow/Infiltration Analysis	1	LS	\$17,355.00	\$17,355.00
	I/I Technical Memorandum	1	LS	\$12,850.00	<u>\$12,850.00</u>
	<i>Subtotal</i>				<i>\$260,405.00</i>
<b>III.</b>	<b>Hydraulic Modeling</b>				
	GPS Survey <sup>1/</sup>	1,850	EA	\$47.30	\$87,505.00
	Model Development	1	LS	\$89,188.00	\$89,188.00
	Model Calibration	1	LS	\$59,632.00	\$59,632.00
	Future Growth Analysis	1	LS	\$40,871.00	\$40,871.00
	System Performance Analysis	1	LS	\$30,579.00	\$30,579.00
	Augmentation Planning	1	LS	\$28,747.00	\$28,747.00
	SECAP Report	1	LS	\$68,864.00	<u>\$68,864.00</u>
	<i>Subtotal</i>				<i>\$405,386.00</i>
	<b>SECAP Total</b>				<b>\$665,791.00</b>
<b>FRIARS CREEK DRAINAGE BASIN WASTEWATER ASSESSMENT</b>					
<b>IV.</b>	<b>Data Management</b>	1	LS	\$37,542.00	<u>\$37,542.00</u>
	<i>Subtotal</i>				<i>\$37,542.00</i>
<b>V.</b>	<b>Condition Assessment</b>				
	Manhole Inspections	1,037	EA	\$145.00	\$150,365.00
	Public Relations and Notifications	323,000	LF	\$0.05	\$16,150.00
	Smoke Testing	323,000	LF	\$0.49	\$158,270.00
	Dyed Water Flooding	20	EA	\$425.00	\$8,500.00
	Cleaning and CCTV Inspection <sup>1/</sup>	1	LS	\$264,856.00	\$264,856.00
	TV Video Review	105,000	LF	\$0.30	<u>\$31,500.00</u>
	<i>Subtotal</i>				<i>\$629,641.00</i>
<b>VI.</b>	<b>Asset Management</b>				
	InfoMaster Model Development	1	LS	\$52,270.00	\$52,270.00
	Condition Assessment Analysis	1	LS	\$52,390.00	\$52,390.00
	Data Resource Table	1	LS	\$49,190.00	\$49,190.00
	Remedial Measures Plan	1	LS	\$58,630.00	\$58,630.00
	Source Defect Analysis	1	LS	\$26,827.00	<u>\$26,827.00</u>
	<i>Subtotal</i>				<i>\$239,307.00</i>
	<b>Basin Assessment Total</b>				<b>\$906,490.00</b>
				<b>Grand Total</b>	<b>\$1,616,031.00</b>

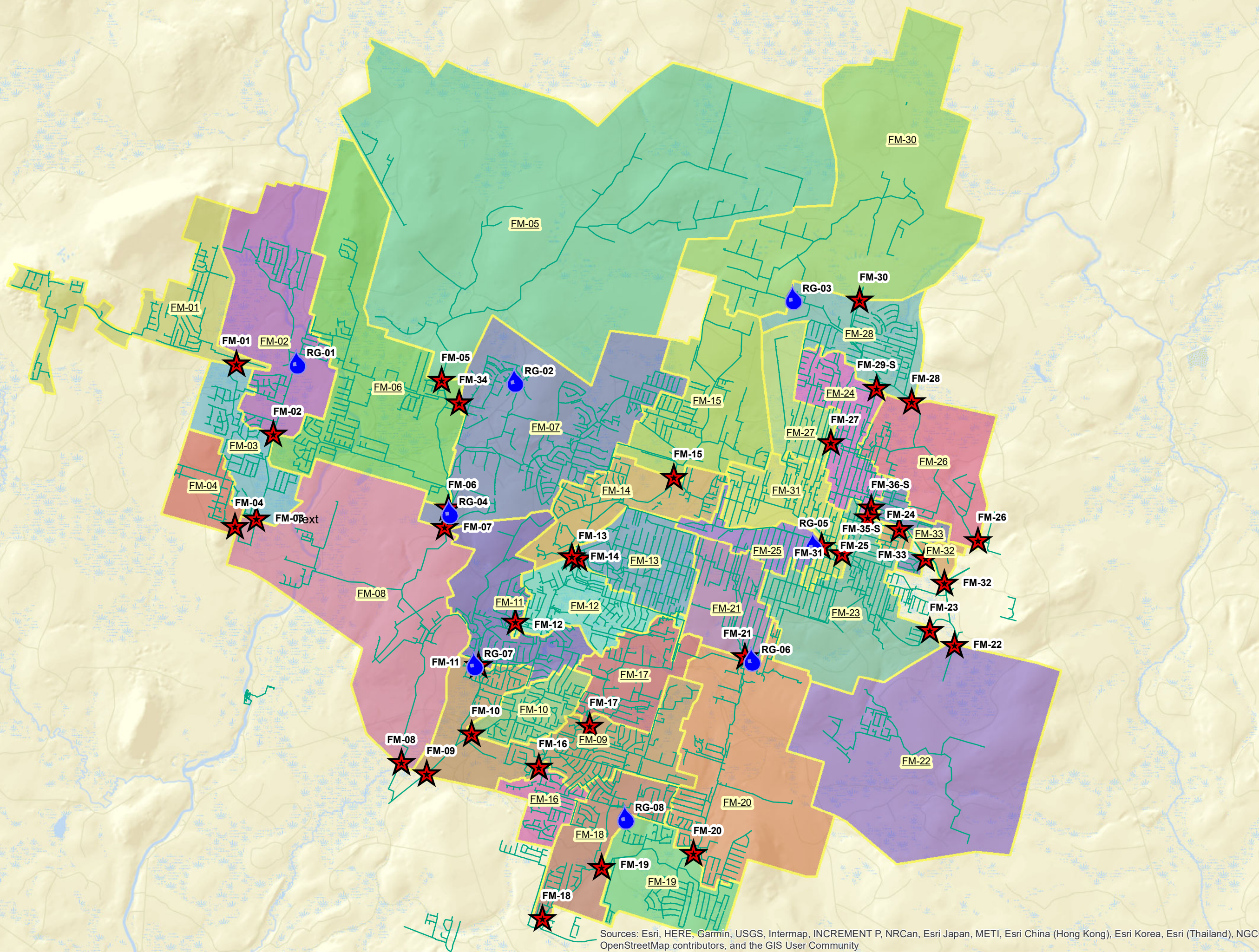
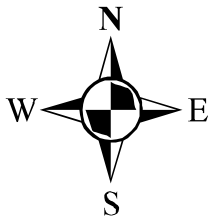
<sup>1/</sup> Task to be performed by sub-consultant.

# Temple, TX City-wide SECAP and Friars Creek Drainage Basin Wastewater Assessment

## Project Schedule







**Legend**

- ★ Proposed FM
- 💧 Proposed RG
- Sewer
- Basin



**City of Temple  
Proposed Flow Meter  
and  
Rain Gauge Locations**

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



RESOLUTION NO. 2018-9424-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR A CITY-WIDE SYSTEM EVALUATION AND CAPACITY ASSURANCE PLAN (SECAP) AND ASSESSMENT OF FRIARS CREEK WASTEWATER BASIN WITH RJN GROUP OF DALLAS, TEXAS IN AN AMOUNT NOT TO EXCEED \$1,616,031.00, AS WELL AS, DECLARE AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF 2019 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City's wastewater collection system is critical to safeguarding public health, preserving the environment, and sustaining our economy and consists of over 400 miles of wastewater pipes, lift stations and treatment facilities which in many areas are deteriorating and aged, allowing significant inflow and infiltration into the system which creates wastewater overflows with impacts to both the community and environment;

**Whereas**, over the last 15 years, the City has intentionally invested in the wastewater system infrastructure by addressing and upgrading critical interceptors and collection lines - in 2008 the City proactively entered into a voluntary TCEQ Sanitary Sewer Overflow initiative agreement with the State agreeing to focus resources on specific maintenance activities while system inspection, cleaning, and repair of deficiencies were successfully completed in accordance with the agreement, reducing the number of overflows annually but not eliminating them;

**Whereas**, as part of a more aggressive sanitary sewer overflow (SSO) reduction initiative by the U.S. EPA, an inspection of the system was conducted in early 2017 which resulted in subsequent discussions and negotiations - the EPA issued an Administrative Order (AO) to the City in August 2018 which established required actions necessary to reduce SSO's to an acceptable level by thoroughly assessing the entire wastewater collection system, improving operational efficiencies, and completing all identified projects by September 2028 to avoid further action from the EPA;

**Whereas**, activities specified by the AO include development and implementation of an electronic asset management program, development of a 5-year and 10-year design storm wastewater collection system model calibrated to reflect actual and existing system conditions, power source redundancy for plants and lift stations, a complete system evaluation capacity and assurance plan (SECAP), evaluation of all private non-plastic lateral lines, and completion of correcting system deficiencies as identified - implementation of a Capacity Management Operations and Maintenance (CMOM) Plan is also anticipated;

**Whereas**, RJN Group has successfully worked with numerous utilities to meet required EPA deadlines through leveraged technology and local partnerships which will include sub-contracted work with Clark & Fuller - development of the SECAP and assessment of the first basin will utilize industry standards for a complete and comprehensive analysis and assessment;

**Whereas,** Friars Creek basin activities include cleaning, video inspection, smoke testing and rating of approximately 323,000 linear feet of pipe, approximately 1,037 manholes, and inspection of private lateral lines as outlined in the AO;

**Whereas,** the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues 2019 Utility Revenue Bonds to finance the Project;

**Whereas,** the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

**Whereas,** upon issuance of the 2019 Utility Revenue Bonds, the City desires to reimburse these prior expenditures with proceeds of the Bonds;

**Whereas,** Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from the 2019 Utility Revenue Bonds proceeds unless, along with other requirements, the City declares an official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

**Whereas,** the City-wide SECAP and Friar Creek wastewater basin assessment are being funded with the issuance of the 2019 Utility Revenue Bonds and we are declaring an official intent to reimburse for this Agreement - a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds and once the budget adjustment is approved, funding will be available in Account No. 561-5400-535-6997; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement for a City-wide System Evaluation and Capacity Assurance Plan and assessment of Friars Creek wastewater basin with RJN Group of Dallas, Texas in an amount not to exceed \$1,616,031.00, as well as, declares an official intent to reimburse the expenditures with the issuance of 2019 Utility Revenue Bonds.

**Part 3:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 4:** This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 2 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #8(A)  
Regular Agenda  
Page 1 of 1

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

Brynn Myers, City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution dedicating the Animal Services Building conference room as the Pat O'Conner Conference Room.

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

**ITEM SUMMARY:** Patricia O'Conner was instrumental in establishing the Ida Oliffe Foundation for Animal Care with funds from the Joan Forsdale estate. With Ms. O'Conner's support, the Foundation has contributed to the mission of the City's Animal Services Department for more than fifteen years. Foundation funds have been used to substantially refurbish the Animal Services Building and to purchase supplies for continuing veterinary care of the animals housed there.

In 2015, the City Council adopted a policy for naming City parks, facilities and streets. The policy states that City facilities may be named after a person who has made major contributions to Temple in either deed, volunteer service, or monetary contribution. As stated above, Ms. O'Conner's support, through the establishment of the Ida Oliffe Foundation for Animal Care, has greatly benefited the operation of the Animal Services Department and has provided much needed services to the entire community.

The Animal Services Advisory Board unanimously supports naming the conference room in the Animal Services Building the Pat O'Conner Conference Room in recognition of Ms. O'Conner's generosity and dedication to animal care.

**FISCAL IMPACT:** Not applicable

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2018-9425-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
DEDICATING THE ANIMAL SERVICES BUILDING CONFERENCE ROOM AS THE PAT  
O'CONNER CONFERENCE ROOM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in 2015, the City Council adopted a policy for naming City parks, facilities and streets which states that City facilities may be named after a person who has made major contributions to Temple in either deed, volunteer service, or monetary contribution;

**Whereas**, Patricia O'Conner was instrumental in establishing the Ida Ollife Foundation for Animal Care with funds from the Joan Forsdale estate for more than fifteen years - foundation funds have been used to substantially refurbish the Animal Services Building and purchase supplies for continuing veterinary care of housed animals;

**Whereas**, Ms. O'Conner's support, through the establishment of the Ida Ollife Foundation for Animal Care, has greatly benefited the operation of the Animal Services Department and has provided much needed services to the entire community;

**Whereas**, the Animal Services Advisory Board unanimously supports naming the conference room in the Animal Services Building the Pat O'Conner Conference Room in recognition of Ms. O'Conner's generosity and dedication to animal care; and

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

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

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

**Part 2:** The City Council authorizes the naming of the Animal Services Building conference room as the Pat O'Conner Conference Room.

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

PASSED AND APPROVED this the **1<sup>st</sup>** day of **November**, 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

---

11/01/18  
Item #8(B)  
Regular Agenda  
Page 1 of 1

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

Leigh Gardner, Library Director

**ITEM DESCRIPTION:** Consider adopting a resolution dedicating the Archive and Local History Room of the Temple Public Library as The Wendland Family Archive and Local History Room in honor of R. E. Wendland, Erroll Wendland, and Barbara Jean Wendland.

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

**ITEM SUMMARY:** The Wendland Family have been long-time supporters of the Temple Public Library. R. E. "Bob" Wendland served on the Library Board from 1959-1965 and was instrumental in the 1964 transfer of the North Main Street federal post office building to the City of Temple for library use. Erroll Wendland was the first president of the Foundation of the Temple Public Library and served on the Board for over twenty years. Mr. Wendland was central to the 1993 fundraising efforts for the purchase of the current library building and its remodel. Mr. Wendland was named "Best Friend" by the Friends of the Temple Public Library in 1995. Barbara Jean Wendland was president of the Friends of the Temple Public Library in 1979 and was named "Best Friend" by the Friends that same year. Additionally, through the Joe B. and Louise P. Cook Foundation, Erroll and Barbara Wendland contributed significantly to the 1993 library fundraising campaign.

In 2015, the City Council adopted a policy for naming City parks, facilities and streets. The policy states that City facilities may be named after a person who has made major contributions to Temple in either deed, volunteer service, or monetary contribution. As stated above, the efforts and service of R. E. Wendland, Erroll Wendland, and Barbara Wendland have greatly benefited the Temple Public Library and the entire community.

**FISCAL IMPACT:** Not applicable

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2018-9426-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DEDICATING THE ARCHIVE AND LOCAL HISTORY ROOM OF THE TEMPLE PUBLIC LIBRARY AS THE WENDLAND FAMILY ARCHIVE AND LOCAL HISTORY ROOM IN HONOR OF R.E. WENDLAND, ERROLL WENDLAND, AND BARBARA JEAN WENDLAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in 2015, the City Council adopted a policy for naming City parks, facilities and streets which states that City facilities may be named after a person who has made major contributions to Temple in either deed, volunteer service, or monetary contribution;

**Whereas**, the Wendland Family has been a long-time supporter of the Temple Public Library as R.E. “Bob” Wendland served on the Library Board from 1959-1965 and was instrumental in the 1964 transfer of the North Main Street Federal Post Office building to the City of Temple for library use;

**Whereas**, Erroll Wendland was the first president of the Foundation of the Temple Public Library and served on the Board for over twenty-years, and was central to the 1993 fundraising efforts for the purchase of the current library building and its remodel - Mr. Wendland was named “Best Friend” by the Friends of the Temple Public Library in 1995;

**Whereas**, Barbara Jean Wendland was President of the Friends of the Temple Public Library in 1979 and was named “Best Friend” by the Friends that same year - additionally, through the Joe B. and Louise P. Cook Foundation, Erroll and Barbara Wendland contributed significantly to the 1993 library fundraising campaign;

**Whereas**, the efforts and service of R. E. Wendland, Erroll Wendland, and Barbara Wendland have greatly benefited the Temple Public Library and the entire community;

**Whereas**, the Temple Public Library recommends Council support naming the Archive and Local History Room of the library as the The Wendland Family Archive and Local History Room in honor of R. E. Wendland, Erroll Wendland, and Barbara Jean Wendland; and

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

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

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

**Part 2:** The City Council authorizes the naming of the Archive and Local History Room at the Temple Public Library as The Wendland Family Archive and Local History Room.

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

PASSED AND APPROVED this the 1<sup>st</sup> day of **November**, 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

---

11/01/18  
Item #9  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one member to fill an unexpired term through September 1, 2019 to the Planning and Zoning Commission.

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

**ITEM SUMMARY:** In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of October 18, 2018.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board Summary](#)  
[Resolution](#)