



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, DECEMBER 6, 2018
4:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 6, 2018.
2. Receive an update regarding Tax Increment Financing Reinvestment Zone #1 current and future projects.
3. Discuss potential economic development prospects who are in interested in locating and/or expanding within the City of Temple.

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.

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

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS AND SPECIAL RECOGNITION

3. Recognition of the Corporate Challenge winners.

IV. CONSENT AGENDA

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

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

Minutes

- (A) [November 15, 2018 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (B) [2018-9446-R](#): Consider adopting a resolution authorizing a dedicated access services agreement with Spectrum in the amount of \$41,500.
- (C) [2018-9447-R](#): Consider adopting a resolution authorizing service through Grande Communications Networks LLC, of Dallas, for high-speed data services to nine City Facilities, in the amount of \$86,000.
- (D) [2018-9448-R](#): Consider adopting a resolution ratifying an agreement for yearly service through AT&T Corporation, of Dallas, for voice, data and internet services, in the amount of \$114,000.

- (E) [2018-9449-R](#): Consider adopting a resolution authorizing a professional services agreement with Halff Associates, Inc. of Austin for the update to the 2014 Parks, Recreation, and Open Space Master Plan and an update to the 2010 Citywide Trails Master Plan in an amount not to exceed \$79,500.
- (F) [2018-9450-R](#): Consider a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, to design, bid, and administer construction of the Rail Backage Road and Rail Spur within the Industrial Rail Park in northwest Temple, in the amount of \$362,100.
- (G) [2018-9451-R](#): Consider a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, to phase, bid, and administer construction of the Outer Loop Water Line and East/West Sewer Main in northwest Temple in an amount not to exceed \$143,330.
- (H) [2018-9452-R](#): Consider adopting a resolution extending an Exclusive Listing Agreement with Airspace DFW, LLC for the lease of Hangars 20 and 26 at the Draughon Miller Central Texas Regional Airport.
- (I) [2018-9453-R](#): Consider amending Resolution No. 2018-9357-R, which authorized an Economic Development Agreement with United Way of Central Texas in an amount not to exceed \$125,000, to clarify items eligible for reimbursement under the agreement.
- (J) [2018-9454-R](#): Consider adopting a resolution granting an easement to Oncor Electric Delivery Company, LLC to relocate electric facilities for the expansion of the City's landfill.
- (K) [2018-9455-R](#): Consider adopting a resolution authorizing a Possession and Use Agreement for right of way, a drainage easement, and a temporary construction easement which are necessary for the construction of the Kegley Road Expansion Project Phases 2-4 and authorizing payment to the property owner in the amount of \$100,000 as consideration for the agreement.
- (L) [2018-9456-R](#): Consider adopting a resolution authorizing the purchase of jail services from Bell County Law Enforcement Center, in the estimated amount of \$65,000 for FY 2019.
- (M) [2018-9457-R](#): Consider adopting a resolution authorizing the purchase of right-of-way and two temporary construction easements necessary for the expansion of Kegley Road and authorizing closing costs associated with the purchase in an estimated amount of \$7,000.
- (N) [2018-9458-R](#): Consider adopting a resolution authorizing a contract with Daco Fire Equipment, Inc. of Lubbock, for repairs to Fire Truck #21 in an amount not to exceed \$30,083.
- (O) [2018-9459-R](#): FY-18-4-AB: Consider adopting a resolution authorizing partial abandonment of 10 feet out of a 15-foot wide public utility easement within a 0.550 +/- acre parcel, shown as Lot 19, Block 3 on the plat of The Campus at Lakewood Ranch Phase V, located generally at 11209 Inverness Road.

- (P) [2018-9460-R](#): FY-18-5-AB: Consider adopting a resolution authorizing a 0.022-acre partial abandonment of an existing 10-foot wide public utility easement located on Lot 29, Block 14, Westfield Development, Phase VIII, Temple, Bell County, Texas.

Ordinances- Second & Final Reading

- (Q) [2018-4941](#): SECOND READING – FINAL HEARING FY-18-14-ZC: Consider amending Ordinance No. 2018-4907 to add 11.80 +/- acres to an existing Planned Development-Single Family 2 development at the Reserve at Pea Ridge, with an accompanying site development plan amendment for the property situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Temple, Texas.939
- (R) [2018-4942](#): SECOND READING – FINAL HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue as City of Temple Tax Abatement Reinvestment Zone Number 37 for commercial/industrial tax abatement.
- (S) [2018-4943](#): SECOND READING – FINAL HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road, within a tract of land identified by the Bell County Appraisal District as 410044, as City of Temple Tax Abatement Reinvestment Zone Number 38 for commercial/industrial tax abatement.

Misc.

- (T) [2018-9461-R](#): Consider adopting a resolution approving the annual report for the Tax Increment Financing Reinvestment Zone No. 1 for year ending September 30, 2018.
- (U) [2018-9462-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

V. REGULAR AGENDA

ORDINANCES- FIRST READING/PUBLIC HEARING

5. [2018-4945](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a ten-year franchise with Heart of Texas Electric Cooperative, Inc. to construct, maintain, operate, and use an electric transmission and distribution system within the City.
6. [2018-4946](#): FIRST READING – PUBLIC HEARING – FY-18-15-ZC: Consider an ordinance adopting a rezoning from General Retail zoning district to Single Family Three zoning district on 2.257 +/- acres, situated in the Baldwin Robertson League Survey, Abstract No. 17, Bell County, Texas, addressed as 651 North Pea Ridge Road.
7. [2018-4947](#): FIRST READING – PUBLIC HEARING – FY-18-5-SITE: Consider adopting an ordinance authorizing an amendment of ordinance No. 2018-4934, to add a site plan for a proposed 16.461 +/- acre, 59 lot, 2 block, residential subdivision, situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, addressed as 5120 South 31st Street, Temple, Texas.

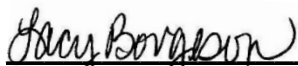
8. FIRST READING – PUBLIC HEARING Consider adopting the following ordinances:
- (A) [2018-4948](#): FY-19-1-AB: Authorizing abandonment and conveyance of all or portions of service alleyways adjacent to Extraco Bank originally dedicated within the Original Town of Temple.
 - (B) [2018-4949](#): FY-19-2-AB: Authorizing abandonment and conveyance of all or portions of service alleyways behind 110 and 112 South 1st Street originally dedicated within the Original Town of Temple.
9. [2018-4950](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

RESOLUTIONS

10. Consider adopting resolutions:
- (A) [2018-9463-R](#): Authorizing a Tax Abatement Agreement with Turner Real Estate, LLC which will cover increases in the taxable value of real property on an approximately 0.376-acre tract of land designated as Tax Abatement Reinvestment Zone Number 37; and
 - (B) [2018-9464-R](#): Authorizing an Economic Development Agreement with Turner Real Estate, LLC for the redevelopment of the Hawn Hotel and Arcadia Theater properties.
11. [2018-9465-R](#): Consider adopting a resolution authorizing a Tax Abatement Agreement with East Penn Manufacturing Co. which will cover increases in the taxable value of real and personal property on an approximately 36.9-acre tract of land designated as Tax Abatement Reinvestment Zone Number 38.
12. [2018-9466-R](#): Consider adopting a resolution authorizing the purchase of right-of-way necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$22,500.
13. [2018-9467-R](#): Consider adopting a resolution authorizing Change Order #2 with Bell Contractors, Inc., (Bell) of Belton in the amount of \$292,851.32 for construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:30 pm, on Monday, December 3, 2018.



City Secretary, TRMC

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

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

Title _____



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) November 15, 2018 Special & Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[November 15, 2018 Special & Regular Meeting Minutes / Video](#)

TEMPLE CITY COUNCIL

NOVEMBER 15, 2018

The City Council of the City of Temple, Texas conducted a workshop on Thursday, November 15, 2018 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

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

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 15, 2018.**

Kayla Landeros, noted the increase in property size for item 4(P) on consent agenda.

Mayor Davis noted that on item #4 on the workshop agenda & #9 on Regular agenda, Councilmember Pilkington will abstain.

At this time approximately 3:26 pm Mayor Davis announced that that Temple City Council would enter into an executive session.

- 2. Receive a presentation of the financial statements for the fiscal year ending September 30, 2018.**

Traci Barnard, Director of Finance provided a brief presentation of the Fiscal 2017/2018 year end results for the General Fund, Water & Sewer Fund, Hotel/Motel Tax Fund, Drainage Fund, and the Reinvestment Zone No. 1 Fund as of September 30, 2018. Ms. Barnard included various schedules detailing construction contracts, grants, sales tax, capital projects and investments.

Ms. Barnard noted that are capital improvement program is the largest ever, at \$249,138,335. As in the past years, staff does not feel that there will be any significant variances of ending balances shown here when compared with the final audited financial reports. Final audited reports will be presented to the City Council in February 2019.

- 3. Discuss potential economic development prospects who are interested in locating and/or expanding within the City of Temple.**

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.

At approximately 4:45 pm Mayor Davis announced that that Temple City Council would adjourn the executive session related to item 3.

Councilmember Michael Pilkington exited the room and Mayor Davis, then announced that the Council would enter into executive session to discuss item 4 on the workshop agenda.

4. Discuss the status of right-of-way acquisitions for the Poison Oak 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.

At approximately 5:00 pm Mayor Davis announced that that Temple City Council would adjourn the executive session related to item 4.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, November 15, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

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

2. Pledge of Allegiance

Municipal Court Judge, Kathleen Person led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mayor Davis announced the no one signed up to talk during this portion of the meeting.

III. PROCLAMATIONS AND SPECIAL RECOGNITION

4. (A) Recognize the Elevation of Pastor Shelton Rhodes as Auxiliary Bishop

Mayor Davis recognized both Pastor Rhodes and wife Debora, and presented the proclamation.

(B) Recognize Jonathan Blair as the City of Temple Employee of the 4th Quarter

Mayor Davis recognized Jonathan Blair as the Employee of the Quarter and presented the proclamation.

(C) Municipal Court Week November 12-16, 2018

Mayor Davis recognized the Municipal Court staff present and provided a proclamation.

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

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

(A) October 18, 2018 Special & Regular Called Meeting

(B) November 1, 2018 Special & Regular Called Meeting

(C) 2018-9390-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP., of Temple, for the preparation of a master plan for the 30-acre Reuben D. Talasek Bend of the River property as well as an additional adjoining 58-acres in an amount not to exceed \$102,300.

(D) 2018-9429-R: Consider adopting a resolution authorizing a Memorandum of Understanding between the Texas A&M Engineering Extension Service (TEEX), a member of the Texas A&M University System and the City of Temple regarding the

participation of Temple Fire and Rescue personnel in hosting a regional area fire training school on February 1-3, 2019.

(E) 2018-9430-R: Consider adopting a resolution authorizing a Memorandum of Understanding between the Texas A&M Forest Service, a member of the Texas A&M University System and an agency of the State of Texas and the City of Temple regarding the participation of Temple Fire and Rescue personnel on Regional Incident Management Team.

(F) 2018-9431-R: Consider adopting a resolution authorizing the purchase of video detection equipment at nine existing signalized intersections from Texas Highway Products, Ltd. of Round Rock, in the amount of \$149,973.95.

(G) 2018-9432-R: Consider adopting a resolution authorizing the purchase of a street sweeper from TYMCO, Inc. of Waco, in the amount of \$234,027.

(H) 2018-9433-R: Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon garbage and recycling containers from Toter, Inc., of Statesville, North Carolina, in the amount of \$31,174.85.

(I) 2018-9434-R: Consider adopting a resolution authorizing a master services and purchasing agreement for an integrated digital police evidence management solution with Axon Enterprise, Inc. of Scottsdale, Arizona, in the amount of \$1,736,108.96 for a 57-month term.

(J) 2018-9435-R: Consider adopting a resolution authorizing the purchase of a hazardous materials air monitor from FarrWest Environmental Supply, Inc. of Schertz in the amount of \$61,522.

(K) 2018-9436-R: Consider adopting a resolution authorizing the purchase of 12 police vehicles from Caldwell Country Ford, d/b/a Rockdale Country Ford, of Rockdale in the amount of \$555,049.

(L) 2018-9437-R: Consider adopting a resolution authorizing the purchase of properties necessary for the expansion of Old Waco Road, Outer Loop Phase 6, and authorizing closing costs associated with the purchase in an estimated amount of \$220,000.

(M) 2018-9438-R: Consider adopting a resolution authorizing payment of the Consolidated Water Quality (CWQ) assessment fee to the Texas Commission on Environmental Quality (TCEQ)

for operations of Temple's wastewater treatment plants, in the cumulative amount of \$104,988.54.

(N) 2018-9439-R: Consider adopting a resolution authorizing a change order to a construction contract for the street overlay program for FY 2018 with Oldcastle Materials Texas, Inc. (formerly known as APAC-Texas, Inc.) of Cedar Park in the amount of \$234,126.38.

(O) 2018-9440-R: Consider adopting a resolution authorizing the submission of a grant application for the Texas A&M Forest Services TIFMAS Grant Assistance Program, in the amount of \$1,290 for training tuition.

(P) 2018-9441-R: Consider adopting a resolution authorizing the exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for right of way necessary for the expansion of Old Howard Road and authorizing the purchase of 3420 Old Howard Road in the amount of \$102,000 and the payment of closing costs in an estimated amount of \$3,000.

(Q) 2018-4939: SECOND READING – FINAL 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.

(R) 2018-4940: SECOND READING - FINAL 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.

(S) 2018-9442-R: Consider adopting a resolution approving fourth quarter financial results for the fiscal year ended September 30, 2018.

(T) 2018-9443-R: Consider adopting a resolution authorizing the carry forward of FY 2017-2018 funds to the FY 2018-2019 budget.

(U) 2018-9444-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2017-2018.

Motion by Councilmember Mike Pilkington approve the Consent Agenda as presented, seconded by Councilmember Susan Long.

Motion passed unanimously.

V. REGULAR AGENDA

ORDINANCES- FIRST READING/PUBLIC HEARING

- 5. 2018-4941: FIRST READING – PUBLIC HEARING FY-18-14-ZC: Consider amending Ordinance No. 2018-4907 to add 11.80 +/- acres to an existing Planned Development-Single Family 2 development at the Reserve at Pea Ridge, with an accompanying site development plan amendment for the property situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Temple, Texas.**

Lynn Barrett, Assistant Director of Planning provided a presentation to the Council. She noted that the applicant Josh Welch, on behalf of WBW is asking for rezoning on the additional property that was swapped with the city to match the previous PD-SF-2. This property, swapped to create a new linear park on the subdivision's western boundary, has been added to this Planned Development which is required to be rezoned from AG to be added to the site plan as PD SF-2. The PD Ordinance for the first rezoning of the original 81 acres was approved April 19, 2018. This new portion accesses South Pea Ridge Road and is bounded on the west and north by city park property and an Oncor easement. Trails access into the city's future park is planned for both original and newly added portions of the development.

In the FLUM, the subject property is designated as the Suburban Residential character district. This district is intended for residential subdivisions of medium density as represented by this PD. The proposal is in compliance with the FLUM and adjacent current zoning.

The subject property takes access from South Pea Ridge Road, which is designated as a collector in the Thoroughfare Plan and will be realigned in compliance with engineering best practices for a curvilinear route through the subject property in the first phase of the PD, with the southern portion of South Pea Ridge to be improved by the city in the near future.

Ms. Barrett noted, there were 12 noticed mailed to property owners within the 200 foot buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Thursday, October 11, 2018 zero were received in disagreement, zero in favor, and zero undeliverable.

Based on the following, staff recommends approval with conditions for a rezoning amending the existing PD development site plan for the Reserve at Pea Ridge subdivision by adding this swapped property. A new condition (14) has been added to apply park fees paid at platting for future trail construction.

1. That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC)

Section 3.4.5;

2. The request is in compliance with the Future Land Use Map (FLUM) Suburban Residential designation and current adjacent subdivisions

3. The proposed zoning is compatible with surrounding zoning;

4. The request complies with the Thoroughfare Plan and Trails Master Plan; and

5. Public facilities are nearby to serve the subject property.

Staff recommends approval of the request, subject to the following amended conditions:

1. Substantial compliance with the attached development/site plan

2. 20' Front setbacks, 10' rear, 10' side setbacks street side, 5' side setbacks interior lots

3. Paved trail heads provided to adjacent city trails planned

4. No single residential lots with drive access onto realigned South Pea Ridge Road; shared drive if needed only with No Backing requirement

5. East of Pea Ridge realignment (approximately 3 acres), option of one or two family dwellings with two family only on minimum 60 foot wide lots

6. Maximum of 350 total lots (for total of original and amended portion)

7. Sodded front yards

8. One tree in each front yard minimum 2" diameter at breast height

9. Minimum of three 5 gallon shrubs, five 1-gallon shrubs in front yard.

10. Front façade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.

11. Each home façade is required to be a minimum of 80% masonry except for gables, dormers, eaves, overhangs, porches, etc.

12. Front façade to be a minimum of 50% masonry excluding hardie plank siding with same permitted exceptions as written above

13. Residential sidewalks as shown to be installed as homes

are constructed.

14. Park fees paid by the developer will go toward trail development near this subdivision and will be further agreed upon, per square foot cost and trail designs at platting.

At their October 15th, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the rezoning and development site plan per staff's recommendation.

Mayor Davis declared the public hearing open with regards to item 5, and asked if anyone wished to address this item.

Mr. Welsh, with WB Development addressed the Council. He asked for favorable consideration and complimented the efforts of the staff while working on this case.

There being no further comments, Mayor Davis declared the public hearing closed.

Motion by Mayor Pro Tem Judy Morales adopt ordinance as presented on first reading, with second and final reading set for December 6, 2018, seconded by Councilmember Jessica Walker.

- 6. 2018-4942: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue as City of Temple Tax Abatement Reinvestment Zone Number 37 for commercial/industrial tax abatement.**

At this time Mayor Davis read items 6, 7, and 8 into the record for one presentation.

Kayla Landeros, City Attorney provided a single presentation to the Council for all three items (6, 7, and 8). Ms. Landeros began with a brief explanation of the process. The City Council may designate an area of the City as a tax abatement reinvestment zone if the designated area is likely to (a) contribute to the retention or expansion of primary employment; or (b) to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.

Council can consider designating a tax abatement reinvestment zone and authorize abatement if at least two of the following criteria are met: (1) The project involves a minimum increase in property value of 300% for construction of a new facility or 50%

for expansion of an existing facility; (2) The project makes a substantial contribution to redevelopment efforts or strategic ED programs; (4) The project has high visibility, image impact, or is of a significantly higher level of development quality; (5) The project stimulates desired concentrations of employment or commercial activity.

Staff has recently received three applications for tax abatement projects. The next three items (6, 7 & 8) are the first readings of ordinances creating the tax abatement reinvestment zones for each of the projects. The agreements for the projects are anticipated to come before Council in December. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

The proposed ordinance as described in item 6, designates a tract of land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue as Tax Abatement Reinvestment Zone Number 37 for commercial/industrial tax abatement. The property tax identification numbers for the subject properties are 123407 and 24489.

The proposed ordinance as described in item 7, designates a tract of land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road as Tax Abatement Reinvestment Zone Number 38 for commercial/industrial tax abatement. The proposed zone will be located within a larger property identified as 410044 by the Bell County Appraisal District.

The proposed ordinance as described in item 8, designates a tract of land consisting of approximately 40 acres and located at the southeast corner of Wendland Road and Moores Mill Road as Tax Abatement Reinvestment Zone Number 39 for commercial/industrial tax abatement. The proposed zone will be located within a larger property identified as 410044 by the Bell County Appraisal District.

Mayor Davis declared the public hearing open with regards to all three items (6, 7, and 8) and asked if anyone wished to address either of them.

Mr. JD Zeptner, 402 South 26th Street address the council. He inquired as to what happened with the previous project that was supposed to take place at the Hawn and Arcadian properties.

Mayor Davis explained the last developer was unable to meet

the criteria as set forth in the contract. Therefore the property was then deeded back to the City. At this time the City has control of the property and is working with a developer to revitalize this property.

There being no further comments, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker adopt ordinance as presented on first reading, with the second and final reading set for December 5, 2018, seconded by Councilmember Mike Pilkington.

7. **2018-4943: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road, within a tract of land identified by the Bell County Appraisal District as 410044, as City of Temple Tax Abatement Reinvestment Zone Number 38 for commercial/industrial tax abatement.**

Motion by Councilmember Mike Pilkington adopt ordinance as presented on first reading, with second and final reading set for December 6, 2018, seconded by Mayor Pro Tem Judy Morales.

8. **2018-4944: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 40 acres and located at the southeast corner of Wendland Road and Moores Mill Road, within a tract of land identified by the Bell County Appraisal Districts as 410044, as City of Temple Tax Abatement Reinvestment Zone Number 39 for commercial/industrial tax abatement.**

Motion by Councilmember Susan Long adopt ordinance as presented on first reading, with second and final reading set for December 6, 2018, seconded by Councilmember Jessica Walker.

RESOLUTIONS

9. **2018-9445-R: Consider adopting a resolution authorizing the purchase of four properties necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$675,000.**

Mayor Davis noted this was discussed at workshop in executive session and is on the regular agenda for voting purposes.

Motion by Mayor Pro Tem Judy Morales adopt resolution as presented, seconded by Councilmember Jessica Walker.

Councilmember Mike Pilkington abstained. The other Councilmembers voted aye. The motion passed.

Mayor Davis adjourned the meeting at approximately 5:42 pm.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a dedicated access services agreement with Spectrum in the amount of \$41,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services. One of these services that is provided is what are called “PRI” circuits or Primary Rate Interfaces that provide 24 channels of voice lines. We also have data circuits that are provided through various companies.

PRI circuits are currently located at Service Center, City Hall, Police Department, Central Fire Station, Fire Training Center, Service Center, Municipal Court/Utility Business Office, and the Summit Recreation Center.

We currently use services through Grande Communications, Spectrum and AT&T in an effort to avoid a catastrophic outage at all City facilities if we were only to use one company. We also use this plan successfully by having internet service provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications.

This is the fifth year of a five-year dedicated access services agreement with Spectrum. Based on regulatory restrictions on who can provide these services, and as allowed by LGC §252.022, this procurement is exempt from the competitive procurement rules.

FISCAL IMPACT: Funding is available in the FY 2019 Operating Budget in account 110-1900-519-2610 in the amount of \$41,500 for continued telephone and data services through Spectrum.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9446-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDICATED ACCESS SERVICE AGREEMENT WITH SPECTRUM IN THE AMOUNT OF \$41,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology Department has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services – one of these services which is provided is the Primary Rate Interfaces (PRI) that provides 24 channels of voice lines;

Whereas, the City also has data circuits that are provided through various companies – the current vendors the City uses are AT&T and Spectrum to allow for redundancy among different City locations to avoid a catastrophic outage at all City facilities;

Whereas, PRI circuits are currently located at City Hall, Service Center, Police Department, Central Fire Station, Fire Training Center, Municipal Court/Utility Business Office, and the Summit Recreation Center;

Whereas, the City also uses the services of AT&T and Grande at other locations to have redundancy among providers;

Whereas, this is the fifth year of a five-year dedicated access services agreement with Spectrum - based on regulatory restrictions on who can provide these services, and as allowed by Texas Local Government Code §252.022, this procurement is exempt from the competitive procurement rules;

Whereas, funding is available for this dedicated access services agreement in the fiscal year 2018 Operating Budget, Account No. 110-1900-519-2610; 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 fifth year of a five-year Dedicated Access Services Agreement with Spectrum, in the amount of \$41,500, for telephone, internet, and data services.

Part 3: The City Council authorizes the City Manager or her designee, after approval as to form by the City Attorney, to execute any documents associated with this Agreement.

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/18
Item #4(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION Consider adopting a resolution authorizing service through Grande Communications Networks LLC, of Dallas, for high-speed data services to nine City Facilities, in the amount of \$86,000.

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

ITEM SUMMARY: Grande Communications (formerly Centrovision) currently provides us with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Fire Station 3, Public Works, Fleet Services, Purchasing, and Airport. This year we added the Mayborn Center, Animal Services, Fire Station 7 and Wilson Park to this contract. They have provided us with a service at these facilities where we have a comprehensive plan to avoid catastrophic outages at all city locations.

We currently use services through Grande Communications, Spectrum and ATT in an effort to avoid a catastrophic outage at all City facilities if we were only to use one company. We also use this plan successfully by having internet service provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications.

As part of our plan to diversify services we recommend continuing this contract with Grande as they already have the equipment and services at these locations. Also, based on regulatory restrictions on who can provide these services, and as allowed by LGC §252.022, this procurement is exempt from the competitive procurement rules.

FISCAL IMPACT: Funding is available in the FY 2019 Operating Budget in account 110-1900-519-2610 in the amount of \$86,000 for continued voice, data and internet services through Grande Communications Networks LLC.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9447-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING HIGH-SPEED DATA SERVICES IN THE AMOUNT OF \$86,000, THROUGH GRANDE COMMUNICATIONS NETWORKS, LLC, OF DALLAS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Grande Communications (formerly Centrovision) currently provides the City with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Fire Station 3, Public Works, Fleet Services, Purchasing, Mayborn Center, Animal Services, Wilson Park, Fire Station 7 and the Airport;

Whereas, in an effort to avoid a catastrophic outage to all City facilities, the City currently uses the services of three providers - Grande Communications, Spectrum, and ATT - by having internet service provided by all three providers, the City can successfully have backup internet service which is necessary due to the critical nature of providing access to Police, Fire, email services and other critical City applications;

Whereas, as part of the City's plan to diversify services, Staff recommends Council authorize continued high-speed data services through Grande Communications Networks, LLC in the amount of \$86,000, for services to multiple City facilities;

Whereas, funding is available for these data services in the fiscal year 2019 Operating Budget in Account No. 110-1900-519-2610; 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 high speed data services, in the amount of \$86,000, from Grande Communications Networks, LLC of Dallas, Texas.

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

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/18
Item #4(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying an agreement for yearly service through AT&T Corporation, of Dallas, for voice, data and internet services, in the amount of \$114,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services. One of these services that is provided is what are called "PRI" Circuits or Primary Rate Interfaces that provide 24 channels of voice lines. We also have data circuits that are provided through various companies. We currently use multiple vendors such as AT&T, Grande and Spectrum (previously Time Warner) because we need redundancy among different city locations so that we do not lose services at all locations.

AT&T Corporation currently provides us with voice and high-speed data services to multiple City departments which include the City Hall, Police Department, Service Center and other city facilities. We currently use services through Grande Communications, Spectrum (previously Time Warner) and AT&T in an effort to avoid a catastrophic outage at all City facilities if we were only to use one company. We also use this plan successfully by having internet service provided by all three companies for backup due to the critical nature of providing access to Police, Fire, email services and other critical city applications

Now more than ever, the city requires redundant reliable network connectivity and access to city resources. Connections to and from city departments, government agencies, vendors and citizens are all equally important to keep the continuity when needed. The city runs all day, every day and even in off hours. We run operations around the clock, seven days a week so it's important to realize that to keep a solid business continuity strategy, redundancy technologies should be considered and implemented.

As part of our plan to diversify services we recommend continuing this contract with AT&T as they already have the equipment and services at these locations. Also, based on regulatory restrictions on who can provide these services, and as allowed by LGC §252.022, this procurement is exempt from the competitive procurement rules.

FISCAL IMPACT: Funding is available in the FY 2019 Operating Budget in account 110-1900-519-2610 in the amount of \$114,000 for continued voice, data and internet services through AT&T Corporation.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9448-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS RATIFYING AN AGREEMENT FOR YEARLY VOICE, DATA, AND INTERNET SERVICES THROUGH AT&T CORPORATION, OF DALLAS, TEXAS IN THE AMOUNT OF \$114,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology Department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet, and data services;

Whereas, one of the services provided are Primary Rate Interfaces or “PRI” Circuits which provide 24-channels of voice lines and data circuits that are provided through various companies;

Whereas, the City currently uses multiple vendors such as AT&T, Grande and Spectrum (previously Time Warner) in an effort to provide redundancy and avoid a catastrophic outage at all City facilities at the same time;

Whereas, AT&T Corporation currently provides the City with voice and high-speed data services to multiple departments including City Hall, Police Department, Service Center and other facilities;

Whereas, now more than ever, the City requires redundant, reliable network connectivity and access to City resources as connections to and from City departments, government agencies, vendors and citizens are all equally important to ensure around-the-clock continuity of service;

Whereas, as part of the City’s plan to diversify services, Staff recommends Council ratify an agreement for yearly service through AT&T Corporation, as they already have their equipment and services at multiple City facilities;

Whereas, based on regulatory restrictions on who can provide these services, and as allowed by Texas Local Government Code §252.022, this procurement is exempt from the competitive procurement rules;

Whereas, funding for these services is available in in the fiscal year 2019 Operating Budget in Account No. 110-1900-519-2610 for continued voice, data, and internet services through AT&T Corporation; 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 ratification of an agreement for yearly voice, data, and internet services through AT&T Corporation of Dallas, Texas in the amount of \$114,000.

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

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/18
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Halff Associates, Inc. of Austin for the update to the 2014 Parks, Recreation, and Open Space Master Plan and an update to the 2010 Citywide Trails Master Plan in an amount not to exceed \$79,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Parks Master Plan was completed by Halff Associates, Inc. ("Halff") and adopted by Council in December 2014. In 2015, residents approved an approximate \$27.6 million bond package which addressed 20 plus projects that were included in the Master Plan. Currently, Crossroads Park and Mercer Complex are the only two projects remaining and will be completed in 2019. Typically, master plans have a shelf life of approximately 5-10 years before they need to be updated. The Parks Department has completed a majority of the action items listed in the Parks Master Plan and new action items are needed to guide the future development of the park system.

The City's Hike and Bike Trail Master Plan was completed in 2010 by TBG Partners of Austin. The only change since then was a map amendment in 2012. Due to the number of projects being completed from the 2014 Parks Master Plan, the number of years since both Master Plans have been updated, and the continued growth in Temple, both Master Plans need to be updated. Staff believes that having one firm complete both Master Plans will condense the number of meetings that residents attend, prevent any potential confusion among the residents and provide a cost savings benefit. Staff was pleased with the work done by Halff and believes the firm will provide the needed service and expertise to update both plans.

In addition to providing direction to the Parks Department staff, updated master plans are required in order to apply for parks and other related grants.

The scope of services defined for the project are as follows:

- I. Project Initiation Meeting/Management, Pre-Planning and Existing Conditions
- II. Public Engagement
- III. Draft Parks and Trails Master Plan Document
- IV. Final Parks and Trails Master Plan Document and Approval

It is anticipated that the master planning process will kick off in January 2019 and conclude approximately 10 months after the notice to proceed.

FISCAL IMPACT: Funding for a professional services agreement with Halff Associates, Inc. to update the Parks, Recreation, and Open Space Master Plan as well as the Hike and Bike Master Plan in an amount not to exceed of \$79,500 is currently included in the adopted FY 2019 budget, account 110-4100-551-2616.

ATTACHMENTS:

[Halff Proposal](#)
[Resolution](#)

EXHIBIT 'A'

SCOPE OF SERVICES

City of Temple Parks and Trails Master Plan

Temple, Texas

The following is the scope of services to be provided by Halff Associates, Inc. for the City of Temple, Texas. The City's 2014 Parks, Recreation, and Open Space Master Plan and 2010 Citywide Trails Plan will be used as the basis for this planning effort. This scope includes an update to the City's existing parks master plan document and also updates to the city-wide trails master plan in parallel. This effort will ensure that parks and trails actions are well coordinated as part of one process, with meetings, surveys, public input and documents developed in close coordination. The Trails Master Plan can be developed as a section of the updated parks plan, or as a companion document, as determined by City staff and Halff Associates. In this scope of work, City staff and elected officials are referred to as "Staff." Halff Associates Inc. is referred to as Halff.

SCOPE OF WORK

The planning effort scope of work is as follows:

1.00 Project Initiation/Management, Pre-Planning & Existing Conditions

1.01 Project Initiation and Project Management

- a. Project Initiation Teleconference** – Teleconference or WebEx videoconference project initiation and coordination meeting with City staff to finalize project goals, establish lines of longer-term communication, and determine the final public involvement strategy, including the composition of the parks advisory committee.
- b. Template** – As part of the project initiation, a project template will be developed to guide the branding of the public outreach and document materials.
- c. Project Management** – During the course of the project, coordination regarding scheduling of meetings and deliverables, and invoicing and progress reports will be prepared to ensure that the project is managed and proceeds according to the professional services agreement and this scope of services.

1.02 Pre-Planning and Background Information

- a. Assemble list of requested files and information** – Submit list of required information to City staff, including demographic data and population projections, usage data, summaries of existing facilities in each park, summaries of new facilities and trails built or planned since the previous park and trail updates, and other applicable previous or ongoing studies and GIS information. GIS information provided should include most recent aerial photography of the City.

- b. Develop base mapping** – Use updated background base data provided by the City to prepare an updated base map of the City’s park system which includes areas within the City’s limits and extraterritorial jurisdiction.
- c. Demographic profile** – Halff will incorporate updated demographic and socioeconomic data and population projections into the Parks and Trails Master Plan document.
- d. Site conditions and connectivity assessment** – Using base mapping and an on-site analysis of conditions and connectivity, develop an understanding of the opportunities and constraints of such things as, but not limited to, infrastructure, pedestrian and vehicular connectivity, natural and cultural resources, and land uses.
- e. Current and recent park visitation data** – Using data provided by City Parks staff, prepare trends showing recent visitation, facility usage, and revenue generation at each park site. As feasible, track trends from five to 10 years previously.

Product by Halff – Obtain background data and base files from City staff, develop base mapping for the City’s overall park system. Except as stated herein, Halff is not responsible for increasing the accuracy and precision or otherwise improving data received from the City.

Task Components by City Staff – The City shall provide digital copies of applicable background plans, documents, and base inventory and GIS data (as available) as requested by Halff so that Halff has the necessary resources to undertake the project.

2.00 Public Engagement

2.01 Staff Kick-off Meetings, Key Person Interviews, and Parks Site Tour (Visit # 1)

- a. Conduct kickoff meeting with City staff** – Review project schedule, objectives of the effort, public input process and major milestones.
- b. Facilitate several focus group meetings with key stakeholder groups** – During the multiday kick-off process, Halff will conduct up to five (5) focus group meetings (1-1.5 hour) with key stakeholders. These small-group listening sessions should be comprised of up to 15-20 people per meeting and are intended to identify important community issues and their recommendations for the future of the City’s park and trails system. Meetings will be scheduled at alternate times over a two-day period to allow scheduling flexibility by participants. If necessary, some meetings can be conducted on an alternate day during the week following Visit #1. Questionnaire used during the meetings will be made available for additional participants who want to provide input. Meetings with the following potential stakeholders are suggested, but may be altered based on suggestions by City staff and officials:
 - » Elected and appointed officials;
 - » City staff, including those focused on economic development;
 - » Sports, athletic and golf user groups;
 - » Business and Chamber representatives;
 - » Potential park user groups and other affected individuals;

- » Youth / school groups; and
- » Neighborhood groups.

- c. Conduct review of existing park and recreation facilities** – Coordinate with City staff to conduct a driving tour the City's park and open space system to get a first-hand perspective of the issues, challenges, and opportunities facing the City.

Product by Halff – Attend and facilitate project kick-off meetings with City staff.

Task Components by City Staff – Organize and attend initial meeting and meetings with key City officials, review draft goals and objectives and comment as appropriate.

2.02 Parks Advisory Committee (PAC)

- a. Committee purpose and composition** – In order to ensure the City's overall parks and open space system is developed / redeveloped, maintained, and operated in accordance with the long-term vision and needs of the community, it is recommended to use members of the Temple Parks and Recreation Advisory Board as part of a Parks Advisory Committee (PAC). It is recommended that the PAC include additional representatives beyond the parks board during this master planning process. The purpose of the PAC will be to provide a balanced opinion on important City issues related to both parks and trails, provide comprehensive input on the vision for the future, and respond to draft deliverables and plan sections.
- b. Conduct a series of meetings with PAC** – As part of the plan development and vetting process, Halff will hold five meetings with the PAC at three key junctures during the process, including:
1. **Project Kick-off (Visit # 1)** – As part of the project kick-off held during Visit # 1, Halff will hold an evening meeting to discuss the existing parks and trails master plan, successes and confirmed findings, in addition to discussion regarding the process for the parks and trails plan updates.
 2. **Open House # 1 (Visit # 2)** – The first open house will be to solicit feedback from the community regarding visioning and plan direction. It is intended that the PAC will be present to participate and assist with the open house.
 3. **Overview of Early Public Engagement / Preliminary Recommendations (Visit # 3)** – As part of Visit # 2, Halff will meet with the PAC to present an overview of the preliminary plan elements (see later in scope) which includes a summary of early public engagement and key recommendations to move forward. It is intended that the PAC will provide feedback and a recommendation on preliminary plan elements, cost estimates, findings, recommendations, prioritization, and other information so that Halff can prepare a draft plan document which will be presented and vetted by the greater community at the open house public workshops scheduled during Visit # 4.
 4. **Open House # 2 (Visit # 4)** - The second open house will allow the public with an opportunity to review feedback received and provide input on preliminary recommendations and plan prioritization. It is intended that the PAC will be present to participate and assist with the open house.
 5. **Plan Recommendation (Visit # 5)** – As part of Visit # 5, Halff will meet with the PAC to present an overview of the draft final plan (incorporating comments received from the

previous PAC meetings and open house public workshop) so that an official recommendation could be made by the PAC to the City Council.

Product by Halff – Suggest agenda items along with handouts/presentations materials, as appropriate, for each scheduled PAC meeting; attend and facilitate each meeting.

Task Components by City Staff – Schedule meetings; distribute materials to the PAC; notify attendees; provide meeting refreshments as appropriate; attend meetings.

2.03 Online Community Survey

a. Survey purpose and distribution – In order to solicit appropriate and specific feedback from the citizens of Temple, it is recommended that an online community survey be prepared and administered as part of this project. The online community survey will include specific questions which will identify the greater community's preferences for the future of the City's parks and trails system. Developing and administering an online citizen survey includes the following:

1. An electronic online survey which will be posted in SurveyMonkey[®] and cross-linked to the City's Home Page on the website.
2. A survey announcement which can be transmitted electronically, or as part of a newsletter or postcard in the mail. Post card design provided by Halff, postcard printing and mailing, if sent vial mail, will be by the City.
3. A hard copy of the survey which can be disseminated by City staff at City Hall or the City's libraries (note that hard copy survey responses will need to be transferred into the online survey tool by City staff).
4. Understanding that many of the City's park and sport league users are from the greater Temple area, and to ensure adequate participation, it is recommended that the City broadly target advertisement of the online community survey. One recommendation is to coordinate with the Temple and Belton Independent School Districts to disseminate a survey announcement (i.e., post-card) to each student in the school systems as well as through their various forms of social media. Promotion via utility billings may also be used by the City to announce the survey.
5. The online community survey will be completed and analyzed prior to meeting with the PAC during Visit # 3.

b. Survey results and feedback – The raw results of the online survey will be provided to City staff and a summary overview of pertinent results will be included in the plan document.

Product by Halff – Prepare draft survey questions; refine survey questions based on City staff comments, post survey online using SurveyMonkey[®]; provide City staff with a digital copy of the hard copy survey for City staff dissemination, provide raw survey results; tabulate pertinent survey results and prepare summary for inclusion plan document.

Task Components by City Staff – Review list of survey questions and provide feedback; distribute paper survey at City Hall and City libraries; coordinate with school districts and others to distribute postcard (postcard printing by the City of Temple); provide an incentive for taking the survey.

2.04 Open House Public Meeting 1 – Initial Community Visioning (Visit # 2)

- a. **Open house public meeting purpose and intended audience** – The purpose of the open house public meeting is to solicit communitywide feedback on existing issues and future opportunities for the parks and trails system. The meeting is intended to be set up in an open-house, come-as-you-want format. In order to solicit communitywide feedback, this meeting should be widely advertised by City staff. Meetings will be conducted on two consecutive evenings to allow for a wide range of participation.
- b. **Meeting location and timing** – To be selected by City Staff. Halff will prepare displays, meeting signs, and sign in sheets as appropriate. Halff will prepare a meeting flyer and an “e-blast” that can be used by city staff to promote the meeting. Meeting advertising (including newspaper advertisement, stakeholder notification, posting on the City home page, announcements via social media, and distribution of flyers) will be handled by the City staff. Halff will develop a summary of feedback comments received during the meeting and associated priorities generated by the citizen feedback which will be incorporated into the final Parks and Trails Master Plan document.

Product by Halff – Meeting preparation and setup, conduct meetings with displays and presentation. Prepare summary of citizen input and preferences for inclusion in Parks and Trails Master Plan document.

Task Components by City Staff – Advertise meeting, coordinate location choice and setup. Light snacks (crackers, cookies, and fruit) and beverages (bottled water, iced tea, etc.) will be provided by City staff.

2.05 Open House Public Meeting 2 – Community Feedback on Preliminary Plan Recommendations (Visit # 4)

- a. **Open house public meeting purpose and intended audience** – The purpose of the open house public meeting is to solicit communitywide feedback on the parks and trails plan recommendations developed from the project scope, kick-off public engagement activities, PAC direction and guidance, and the online community survey. The meeting is intended to be set up in an open-house, come-as-you-want format. In order to solicit community-wide feedback, this meeting should be widely advertised by City staff. One meeting will be conducted during the evening.
- b. **Meeting location and timing** – To be selected by City Staff. Halff will prepare displays, meeting signs, and sign in sheets as appropriate. Halff will prepare a meeting flyer and an “e-blast” that can be used by city staff to promote the meeting. Meeting advertising (including newspaper advertisement, stakeholder notification, posting on the City home page and distribution of flyers) will be handled by the City staff. Halff will develop a summary of feedback comments received during the meeting and associated priorities generated by the citizen feedback, which will be incorporated into the final Parks and Trails Master Plan document.

Product by Halff – Meetings preparation and setup, conduct meeting with displays and presentation. Prepare summary of citizen input for inclusion in Parks and Trails Master Plan document.

Task Components by City Staff – Advertise meeting, coordinate location choice and setup. Light snacks (crackers, cookies, and fruit) and beverages (bottled water, iced tea, etc.) will be provided by City staff.

3.00 Draft Parks and Trails Master Plan Document

3.01 Inventory of Existing Parks and Trails Facilities

- a. Update parks and trails maps** – Update inventory data to be provided by City staff will include the number and type of facilities in each City park and trail. From this data, Halff will map the general geographic location of all park and trail facilities in Temple. Facilities to be shown include:
 1. Existing parks, recreation facilities, open spaces, and trails;
 2. Existing recreation/civic facilities;
 3. Private or quasi-private recreation facilities (as identified by City staff); and
 4. City owned properties, including undeveloped properties.
- b. Update the facility inventory** – From the base inventory provided by the City staff, Halff will prepare updated inventories of facilities in Temple in table format.
- c. Conduct a field review of existing parks and trails** – Halff will conduct a reconnaissance of key parks and trails, as identified by the City. This task will result in new photographs and notes regarding changed characteristics of each park or trail.

Product by Halff – Halff shall, based on information provided by the City, prepare a map that illustrates the geographic location of facilities in the City.

Task Components by City Staff – The City shall, to the best of its ability and with information readily available, provide updated data for each existing park and trail, including address, size, current classification, inventory, general condition of existing facilities in each existing park, and summary of issues related to each site. The City shall provide a summary of known information on regional park facilities and other major area recreational attractions, including location, size, types of facilities, and annual or event attendance (known or estimated).

3.02 Evaluate Needed Updates to Level of Service for Parks and Trails

- a. Calculate current level of service (CLOS)** – Review the previously adopted Master Plan to the identify existing standards and to determine if recommend adjustments or new standards are appropriate to identify the CLOS.
- b. Refine target levels of service (TLOS)** – Refine TLOS for park land, amenities, and facilities to meet the needs of current and future populations. Use NRPA standards or similar area standards as starting points for comparison only.
- c. Compare recommended to actual** – Compare recommended spatial facilities to actual number of facilities and develop tables that illustrate deficiencies in each category.

Product by Halff – Halff shall update park and trail facility standards in table and written format.

Task Components by City Staff – The City shall provide previous park and trail facility standards; and review and comment on refined Target Levels of Service.

3.03 Parks and Trails Needs Assessment

- a. **Written summary** – Halff will prepare a written summary of needs, to include areas of significant deficiencies, in terms of land area and specific types of facilities. Halff will compare recommended standards to actual conditions to determine deficiencies.
- b. **Mapping** – Halff will update maps as appropriate that demonstrate key needs.

Product by Halff – Halff shall prepare a summary of system needs in text, table and plan format. Halff shall prepare a map illustrating key needs and transmit to City for review and comment.

Task Components by City Staff – The City shall review needs assessment and comment as appropriate.

3.04 Parks and Trails Recommendations & Strategies

- a. **Recommendations** – Based on the current and anticipated growth in the City, Halff shall consider and provide recommendations to address the specific needs and goals identified during this phase of the Parks and Trails Master Plan. Recommendations may be either citywide or targeted to specific sectors of the City. These recommendations and strategies will generally be categorized as follows:
 - 1. Land Acquisition;
 - 2. Park & Facility Development;
 - 3. Park Improvements;
 - 4. Trail Priorities and Connectivity; and
 - 5. Policy Recommendations.

Product by Halff – Halff shall prepare a summary of recommendations in text, table and plan format.

Task Components by City Staff – The City shall review and provided feedback on preliminary recommendations.

4.00 Final Parks and Trails Master Plan Document & Approval

4.01 Prepare Final Draft of Parks and Trails Master Plan

- a. **Final Parks and Trails Master Plan recommendations** – A final Parks and Trails Master Plan document will be prepared based on the public input findings and the conclusions of the recommendations phase. A separate companion Trails master plan document can be prepared if deemed appropriate by City staff. Whether separate or combined in one document, preparation of both as one process will ensure consistency of information between both documents and coordination of priorities and funding strategies.
- b. **Organization and content** – It is intended that the Parks and Trails Master Plan document be organized to match the organization of the current parks master plan, but may include the following components:

1. Introduction and Context
2. Community Vision (engagement, vision, goals and objectives)
3. Inventory & Needs (inventory, standards, and needs)
4. Plan Recommendations – Parks
5. An evaluation of the parkland dedication ordinance and strategies to address potential changes is provided in the master planning base scope of services. This includes a benchmark comparison of several similar-sized cities, inclusion of discussions regarding the ordinance during the input portions of the master plan update process, and best practice recommendations for regulatory improvement of the current ordinance.
6. Plan Recommendations – Trails (as a master plan section or as a separate document).
7. Implementation (priorities, phasing, and order of magnitude cost estimates (where applicable))
8. Appendices as applicable or necessary.

4.02 Final Review by City Staff, PAC, & the City Council

- a. **Post final draft on website for citizen review** – Transmit a PDF of the Parks and Trails Master Plan final draft document to the City staff for posting on the City's website for review and comment. The City will transmit electronic email blast to its contacts notifying them that the draft is available for review.
- b. **PAC review and recommendation** – Present final Parks and Trails Master Plan document(s) to the PAC during Visit # 5.
- c. **Workshop Briefing with City Council** – The Master Plan will be presented to City Council in a briefing session as part of a City Council workshop during Visit #6. Any final comments will be noted as part of the official recommendation to the City Council and will be incorporated into the final document as deemed appropriate by Halff and City staff.
- d. **City Council public hearing and consideration of adoption** – City staff will present the final Parks Master Plan document to the City Council at a public hearing. Halff staff may be in attendance but are not required.

Products by Halff – Prepare a public hearing draft of the Parks and Trails Master Plan document and submit electronic original to City staff, present to PAC and City Council for recommendation and consideration of adoption.

Task Components by City Staff – Advertise meetings (including meeting state public notification requirements for a public hearing), coordinate location choice and setup.

4.03 Prepare Adopted Parks and Trails Master Plan(s)

- a. **Submit final document original** – Provide electronic versions of all original files related to the Parks and Trails Master Plan. Provide one full-color, bound copy of the adopted Parks and Trails Master Plan(s).

- b. Assist City of Temple staff in submitting the approved master plan electronically to Texas Parks and Wildlife for review and approval.
- c. **Additional copies** – Printing of additional copies beyond that identified in 4.03(a), above, shall be considered an additional service.

End of Attachment 'A' – Scope of Services

SUMMARY OF CONSULTANT VISITS

Visits refers to dedicated time when the Halff will conduct staff reviews and discussions, meetings with stakeholders, site reconnaissance and presentations. Stakeholder and/or PAC meetings proposed for each of those visits will be scheduled on same or concurrent days and evenings for greater project efficiency. Items that occur during each visit are preliminary and will be confirmed with City staff. The sequence of visits is as follows:

- Visit #1** Staff kick-off meetings, parks site and reconnaissance tours; stakeholder meetings; and kick-off evening meeting with PAC.
- Visit #2** Staff meeting and an evening citywide open house public meeting with PAC in attendance.
- Visit #3** Staff meeting and an evening PAC meeting to present and receive feedback on preliminary recommendations.
- Visit #4** Staff meeting and an evening citywide open house public meeting with PAC in attendance.
- Visit #5** PAC meeting to review final draft plan and make final recommendation to City Council.
Afternoon PAC public meeting to present revised plan per open house comments. PAC makes final recommendation to City Council.
- Visit #6** Workshop presentation to City Council members (same day).
- Optional Visit #7** City Council final presentation, public hearing and consideration for adoption (attendance by Halff not required).

PLANNING PROCESS ASSUMPTIONS

The scope of services for this proposal has been prepared using the following assumptions as a basis for its preparation:

1. Applicable information from the 2014 parks plan and 2010 trails plan may be retained as necessary to ensure continuity and to maximize resources available to develop new recommendations.
2. The City of Temple will provide the most recently available base data and mapping for each park in CADD and/or GIS shape file format.
3. The City of Temple will provide electronic and printed copies, as available, of all previously prepared background information, studies and data that is appropriate for a planning effort such as this. The City of Temple will be responsible for advertising all notices and announcements for public meetings or events conducted as part of this process, including postings on the City website, press releases to area newspapers and mass media, and legal notifications and postings where necessary. Halff will assist by preparing electronic files for up to 11" x 17" flyers/posters (as may be necessary) and email notifications that can be distributed by City staff conducting media interviews to publicize events.
4. The City staff will coordinate and schedule all meetings and presentations to Boards and the Council that may be required as part of this process.
5. Because of the graphic nature of the park elements and ideas suggested as part of this plan, the draft and final report documents will be prepared in original Adobe "In-Design" format. Report

documents will be provided to the City of Temple in PDF format suitable for distribution electronically and posting to the City website.

6. Tasks prepared as part of this planning effort may occur concurrently where appropriate, or in some cases may deviate from the sequence shown in this scope of work.
7. Cost projections prepared as part of this effort, if applicable, are understood to be at a planning level, and are prepared prior to any detailed design for individual projects. These cost projections will use professional judgment and are at an order-of-magnitude level. Such cost projections will vary as more detailed design occurs and as inflationary influences occur.
8. Upon completing projected costs, consultant will include suggested funding sources.
9. Other meetings or presentations may be conducted outside of these visits as specified in the scope of services. Any additional meetings beyond those shown in this scope of work will be considered an additional service and are not included in this scope of services.
10. The final deliverable will include a comprehensive update (per the scope of services) to the City's Parks and Trails Master Plan.
11. One (1) printed copy of the Parks and Trails Master Plan will be provided to the City; all other information will be submitted digitally as set out within this scope of services. Additional copies are available through reimbursed printing costs.

EXHIBIT 'B'

BASIS OF COMPENSATION

City of Temple Parks and Trails Master Plan

Temple, Texas

Base Scope of Work – Halff Associates will provide labor and personnel to perform the base services outlined in Exhibit 'A' on a lump sum basis. **The lump sum cost for the Parks and Trails Master Plan is \$79,500.** Fees for services will be billed on a monthly basis, based on the percentage of work completed.

▪ Base Plan	\$79,000
▪ Allowance for direct costs	\$ 500
Total:	\$79,500

Additional Meetings (beyond those scoped)

Each additional meeting or visit beyond those described in the scope will require additional fees to accommodate the request. These meetings range from \$1,500 for additional stakeholder meetings that require new visits, \$2,500 for additional PAC meetings, and \$7,500 for open house public meetings (includes pre-meeting preparation and post-meeting follow-up).

Optional Additional Service – Parkland Dedication Ordinance Detailed Analysis and Recommendation

An evaluation of the parkland dedication ordinance and strategies to address potential changes is provided in the master planning base scope of services. This includes a benchmark comparison of several similar-sized cities, inclusion of discussions regarding the ordinance during the input portions of the master plan update process, and best practice recommendations for regulatory improvement of the current ordinance.

Specific language and ordinance evaluation and process language, including detailed developer and user input regarding the ordinance could be included as a follow-up additional service. This would include detailed recommendations for future consideration of ordinance amendments, the drafting of an ordinance amendment that would address land, improvements, development fees, and any necessary subdivision ordinance adjustments to accommodate the new text. Given the ordinance's sensitivity, it is intended that this service is separated from the public engagement for the parks master plan process.

ADDITIONAL OR CONTINUING SERVICES

During the course or at the conclusion of the project, the City may deem it necessary to schedule more meetings, request further research, or otherwise engage Halff in additional work efforts or subsequent phases not anticipated at project initiation or as set out in Exhibit A, *Scope of Services*. Any such additional services shall be specifically authorized by the City Council, as appropriate, and documented through a written amendment to Exhibit A, *Scope of Services*, or set out as follow up additional phase services. This will include a corresponding modification to the maximum not-to-exceed amount set out in Exhibit B, *Basis of Compensation*, and, if necessary, the time of performance as set out in Exhibit C, *Anticipated Schedule for Completion*.

DIRECT EXPENSES

Unless stated otherwise, direct expenses, and direct costs will be billed at actual cost plus a service charge of 10 percent. Mileage will be billed at current IRS rates. Printing expenses of additional plan copies are not included in the base scope or direct expense amounts. Additional plan copies can be provided at the following rates:

Final Plan Printing Expenses (if applicable):

Prints - Letter and Legal/Color	\$0.20/sheet
Prints - Letter and Legal/B&W	\$0.10/sheet
Prints - 11x17/Color	\$1.50/sheet
Prints - 11x17/B&W	\$0.75/sheet

End of Attachment 'B' – Basis of Compensation

**EXHIBIT “C”
ANTICIPATED SCHEDULE FOR COMPLETION**

**City of Temple Parks and Trails Master Plan
Temple, Texas**

Schedule for Completion of the Planning Effort – Halff Associates will perform the base services outlined in Exhibit ‘A’ within ten (10) calendar months from the date of the notice to proceed. Schedule adjustments to meet specific City needs can be developed to in conjunction with City staff if necessary.

End of Attachment ‘C’ – Anticipated Schedule for Completion

RESOLUTION NO. 2018-9449-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. OF AUSTIN, TEXAS IN AN AMOUNT NOT TO EXCEED \$79,500, TO UPDATE THE 2014 PARKS, RECREATION, AND OPEN SPACE MASTER PLAN, AND UPDATE THE 2010 CITYWIDE TRAILS MASTER PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2015, residents approved an approximate \$27.6-million bond package which addressed 20 plus projects that were included in the 2014 Parks Master Plan completed by Halff Associates, Inc. (“Halff”) and adopted by Council in December 2014;

Whereas, of the projects included in the 2015 bond package, Crossroads Park and Mercer Complex are the only two projects remaining and are scheduled to be completed in 2019;

Whereas, master plans tend to have a shelf life of approximately 5-10 years before they need to be updated and the Parks Department has completed a majority of the action items listed in the 2014 Parks Master Plan - new action items are needed to guide the future development of the park system;

Whereas, the City’s Hike and Bike Trail Master Plan was completed in 2010 with the only change being a map amendment in 2012;

Whereas, due to the number of projects being completed from the 2014 Parks Master Plan, the number of years since both Master Plans have been updated, and the continued growth in Temple, both Master Plans need to be updated - in addition to providing direction to the Parks Department Staff, updated master plans are required in order to apply for parks and other related grants;

Whereas, Staff believes that having one firm complete both the Parks, Recreation, and Open Space Master Plan as well as the Citywide Trails Master Plan will reduce the number of meetings that residents attend, prevent any potential confusion among the residents, and provide a cost savings benefit;

Whereas, Staff has been pleased with the work performed by Halff and believes the firm will provide the needed service and expertise to update both plans – Staff recommends Council authorize a professional services agreement with Halff Associates, Inc. of Austin, Texas in an amount not to exceed of \$79,500, to update the 2014 Parks, Recreation, and Open Space Master Plan as well as the 2010 Hike and Bike Trail Master Plan;

Whereas, funding is available in the adopted fiscal year 2019 budget, Account No. 110-4100-551-2616; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Halff Associates, Inc. of Austin, Texas in an amount not to exceed \$79,500, to update the 2014 Parks, Recreation, and Open Space Master Plan and the 2010 Hike and Bike Trail Master Plan.

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 6th day of **December**, 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

12/06/18
Item #4(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, to design, bid, and administer construction of the Rail Backage Road and Rail Spur within the Industrial Rail Park in northwest Temple, in the amount of \$362,100.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: Rail access, road access, and water service are required for property within the industrial rail park in northwest Temple.

The attached proposal details costs and scope of services for the following tasks:

Field Surveying	\$ 15,600
Civil Design	\$ 249,700
Management/Coordination	\$ 4,800
Bidding	\$ 7,000
Construction Administration	\$ 41,300
Inspection Services	\$ 43,700
TOTAL	<u>\$ 362,100</u>

Design will be completed within 120 days. On December 5th, 2018, the Reinvestment Zone #1 Board approved recommending the professional service agreement for authorization by Council.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Line 102, Account 795-9500-531-6527, Project #101844 for this professional services agreement in the amount of \$362,100 as shown below.

Project Budget	\$ 2,500,000
Encumbered/Committed to Date	-
KPA Professional Services Agreement	<u>(362,100)</u>
Remaining Project Funds	<u>\$ 2,137,900</u>

ATTACHMENTS:

Engineer's Proposal
Project Map
Resolution



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

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

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

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

November 15, 2018

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

Re: City of Temple
Rail Backage Road & Rail Improvements (E-W) Site 64
100% Design Services

Dear Mr. Bond:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will develop 100% design services for the Rail Backage Road & Rail Improvements (E-W) Site 64 Project. This project will begin at Wendland Road and head east through Site 64 in the Temple Industrial Park. The 100% design plans for the project will be in conjunction TRZ 2030 Master Plan efforts. The final product will be a 100% design of the project including 100% plans, Opinion of Probable Cost (OPC), geotechnical investigations, environmental investigations, bidding and construction phase services. Based on the current bidding landscape for projects of this nature, we believe the order of magnitude of preliminary opinion of probable construction cost is \$3,800,000. We have included an exhibit with this proposal for reference purposes.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project as described above to include 100% design and preparation of plans and OPCs for the Rail Backage Road & Rail Improvements (E-W) Site 64 from Wendland Road to ~1600 feet east into Site 64 and ~3,100 feet of rail infrastructure from the existing turnout and box culvert crossing at the east end of the site to the west property line of the proposed economic development site. The overall project consists of 100% design of industrial roadway with associated drainage, water utilities, striping and signage. Bidding and construction phase services will be provided for the roadway and utilities portion of the project but will not be provided at this time for the rail portion. The timeframe for design of the project is one hundred twenty (120) days from the notice to proceed. The roadway and utilities portion of the project will be complete in design in thirty (30) days in order to meet the economic development client's timeframe. Right-of-entry services are not required for this proposal.

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

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

The following services will be performed:

1. ROUTE AND DESIGN STUDIES

- a. Data Collection – Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. i.e. – Atmos, AT&T, Oncor, etc.
- b. Geometric Design - Develop geometric design for the full length of the project to establish survey and investigation limits. All designs shall be in accordance with AASHTO and City of Temple design guidelines and criteria.
- c. Utility Coordination - Efforts to ensure utility relocations and adjustments required to accommodate the proposed project development shall include Field Surveys and Utility Adjustment Coordination.
 - i. Field surveys shall locate horizontally: crossings of all utilities identified by markings obtained from performing a one call utility locate service.
 - ii. After design surveys have located marked utilities from the one call service, verification of utilities will be performed as available from meeting with the utility companies (Atmos, AT&T, Oncor, etc.).
 - iii. Initial notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
 - iv. Upon determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated.

2. PROJECT MANAGEMENT

- a. Meetings
 - i. Prepare, attend and document Progress Meetings at the City Office.
- b. Prepare, attend and document Utility Coordination Meetings.
- c. General Contract Administration
 - i. Develop monthly invoices and progress reports.
 - ii. Sub-consultant coordination.
 - iii. Design coordination with the City.

3. FIELD SURVEYING

a. General

- i. Verify and compare any previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

b. Topographic Surveys for Engineering Design and Hydraulic Analysis

- i. Reasonable attempts shall be made to recover any existing horizontal control points from previous work performed in the vicinity this project. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
- ii. Reasonable attempts at recovering and verifying existing vertical control in the project vicinity shall be made. Additional benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000-foot intervals for future reference on the plans.
- iii. Survey files with previously obtained project data in the vicinity shall be compared to and merged with survey files generated through this proposal. In areas of uncertainty, changes in previous existing conditions, and/or limited topographic information, additional data shall be collected.
- iv. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at approximate 100-foot intervals or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
- v. The survey shall include topographic features within approximately 200 feet from each end of certain drainage features along the roadway and rail or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 100 feet left and right of the proposed roadway centerline, provided ROE allows such access.
- vi. Field surveys shall provide the locations of signs, meters and other visible surface features.

4. ROADWAY DESIGN CONTROLS

- a. 30% Complete Plan Set
 - i. Geometric Design - Develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.
 - ii. Typical Sections - Develop existing and proposed roadway typical sections for the project.
 - iii. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets.
 - iv. Plan & Profile Drawings - Prepare preliminary plan & profile sheets for the project.
 - v. Intersection Layouts - Develop layouts that define preliminary horizontal and vertical geometry for connections.
 - vi. Develop preliminary rights-of-way and easement requirements for the proposed roadway infrastructure.
 - vii. Coordination with private utilities – After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation.
- b. 100% Complete Plan Set
 - i. The following items shall be prepared for the project:
 - ii. Typical Sections - Finalize typical sections prepared during the 30% completion phase.
 - iii. Plan & Profile Drawings - Finalize plan & profile drawings prepared during the 30% completion phase.
 - iv. Intersection Layouts - Finalize intersection and connection layouts prepared during the 30% completion phase for connections.
 - v. Driveway Details - Develop typical driveway designs in conjunction with the economic development site plans and summarize driveway features including material type and geometric design. Driveways shall be concrete. All access facilities will meet the requirements of the City of Temple criteria.
 - vi. Miscellaneous Roadway Details - Develop various details, as required, for pavement, curb, riprap, etc.
 - vii. Removal Layouts - Prepare removal and demolition layout sheets showing all features that are to be removed including pavement, structures, signing, etc.
 - viii. Roadway Cross Sections - Finalize roadway cross sections prepared during the 30% completion phase.
 - ix. Finalize requirements for rights-of-way and easements for all proposed roadway infrastructure.
 - x. Develop summary of final quantities for all roadway infrastructure and prepare OPCs based on current bid data.

5. DRAINAGE

a. 30% Complete Plan Set

- i. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
- ii. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall develop storm water flows to all cross-drainage and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The modeling will be in conjunction with previous modeling efforts within this area. The level of detail shall be sufficient to establish cost estimates.
- iii. Develop preliminary hydraulics to all conveyances and the roadway system.
- iv. Develop preliminary designs for any cross-drainage structures throughout the project limits.
- v. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area.
- vi. Determine potential utility conflicts, if any, based on preliminary design for the project area.
- vii. Develop preliminary drainage easement requirements for the project area and potentially future developments within the site to determine if easements should be dedicated with this project or in the future.
- viii. Coordinate the preliminary design with the City of Temple. Comments and direction shall be incorporated into final designs.

b. 100% Complete Plan Set

- i. Develop final designs for all cross-drainage structures within the project limits. All major cross-drainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
- ii. Develop final designs for the storm water collection system for the curb-and gutter portion of the project. Flow lines shall be detailed as well as hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events. All drainage infrastructure shall be designed and presented in the drawings in plan and profile.
- iii. Design storm water conveyance to existing conveyances and channel ways. Design shall include conveyance for positive drainage and shall check current

water surface elevations to proposed water surface elevations after project completion.

- iv. Determine potential utility conflicts, if any, based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
- v. Develop final drainage easement requirements for the project area and potentially future developments within the site to determine if easements should be dedicated with this project or in the future. Metes and Bounds are not a part of this project.
- vi. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed drainage and storm sewer systems.
- vii. Develop summary of final quantities for all drainage infrastructure and prepare OPCs based on current bid data.
- viii. Coordinate with the City of Temple to review the final drainage design, phasing for the project, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
- ix. Storm Water Pollution Prevention Plans (SW3P) - Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices and any required permanent erosion control measures in accordance with the City of Temple Policy.

6. SIGNING AND MARKINGS

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

7. RAIL DESIGN

- a. 30% Complete Plan Set
 - i. Develop layout for rail from the point of switch to the west property line of the economic development client.
 - ii. Develop preliminary horizontal alignment for the rail in conjunction with the master plan for Industrial Park Site 64. Alignments shall meet the defined regulations for the Rail Park.
 - iii. Develop preliminary vertical alignment for the rail in conjunction with the master plan for Industrial Park Site 64. Alignments shall meet the defined regulations for the Rail Park.
 - iv. Develop preliminary rail section for the project.

- v. Develop preliminary drainage for the rail system to coincide with Site 64 drainage plan.
 - vi. All designs shall meet AREMA codes and regulations.
 - b. 100 % Complete Plan Set
 - i. Finalize layout for rail from the point of switch to the west property line of the economic development client.
 - ii. Develop final horizontal alignment for the rail in conjunction with the master plan for Industrial Park Site 64. Alignments shall meet the defined regulations for the Rail Park.
 - iii. Develop final vertical alignment for the rail in conjunction with the master plan for Industrial Park Site 64. Alignments shall meet the defined regulations for the Rail Park.
 - iv. Develop final rail section for the project.
 - v. Develop rail specifications.

8. UTILITY DESIGN

- a. 30% Complete Plan Set
 - i. Develop layout for water lines as shown in the City of Temple Water and TRZ Master Plans. Layout shall be along the roadway alignment.
 - ii. Develop layouts for hydrants to meet the City of Temple codes and regulations.
- b. 100 % Complete Plan Set
 - i. Prepare plan and profile for water line for the project as shown in the City of Temple Water and TRZ Master Plans.
 - ii. Call out fittings, hydrants, valves, etc. on the plan profile sheets.
 - iii. Prepare details for water utilities. Details shall be in accordance with current City of Temple standards.
 - iv. Develop summary of final quantities for all utility infrastructure and prepare OPCs based on current bid data.
 - v. Develop final plan and profile for the gravity fed wastewater to connect to the existing City of Temple system.
 - vi. Prepare details for all wastewater improvements.

9. GEOTECHNICAL

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

10. MISCELLANEOUS DESIGN

- a. 30% Complete Plan Set
 - i. Traffic Control Plans (TCP), Detours and Sequence of Construction – A conceptual TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the evaluation of temporary drainage throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - 1. Traffic control layout for each phase of construction
 - 2. Advance Warning Signs
 - 3. TCP Phasing Overview Layout
 - 4. TCP layouts showing work zones, number of lanes open, advance warning signs, typical sections and any necessary detour geometry
 - ii. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - 1. Title Sheet
 - 2. Index of Sheets
 - iii. OPCs - Prepare a construction OPCs for the 30% design.
- b. 100% Complete Plan Set
 - i. Traffic Control Plans TCP, Detours and Sequence of Construction - A detailed TCP shall be developed including sequence of construction and the existing and proposed traffic control devices (including signs, barricades, pavement markings, etc.). The TCP shall be based on phasing construction to allow traffic flow. The TCP shall also include the design of temporary drainage, if required, throughout the construction process to ensure positive flow during construction. TCP shall be based on the TMUTCD and the latest Standards. Plan sheets shall include:
 - 1. Traffic control layout for each phase of construction
 - 2. Advance Warning Signs
 - 3. TCP Phasing Overview Layout
 - 4. Any necessary miscellaneous drawings relevant to traffic control
 - ii. OPCs - Prepare detailed construction OPCs.
 - iii. General Notes and Specifications – Prepare project specific general notes including standard notes for City of Temple.
 - iv. Bid Proposal- Prepare the project bid proposal that shall include the following:
 - 1. General Notes
 - 2. Standard and Special Specifications
 - 3. Bid Form
 - v. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - 1. Title Sheet / Index of Sheets
 - 2. Project Layout

11. BIDDING (ROADWAY AND UTILITIES ONLY)

- a. Solicit bidders for the project.
- b. Develop and Chair the Pre-Bid Conference.
- c. Receive questions and develop Addenda.
- d. Attend the Bid Opening.
- e. Tabulate Bids and check the bidder references.
- f. Recommend award of the Project.
- g. Attend City Council Meeting for award.

12. CONSTRUCTION ADMINISTRATION (ROADWAY AND UTILITIES ONLY)

- a. Chair the Pre-Construction Conference.
- b. Review and approve all submittals for the project.
- c. Perform construction administration to include site visits, meeting with the contractor and answer questions and holding progress meetings as required.
- d. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- e. Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- f. Develop record drawings based on information supplied by the contractor.

13. ON-SITE REPRESENTATION (ROADWAY AND UTILITIES ONLY)

- a. Perform daily on-site representation an average of 3 hours per day.
- b. Prepare and submit weekly logs of construction activities.

The following scope of work for the Rail Backage Road & Rail Improvements (E-W) Site 64 Project can be completed for the lump sum price of \$362,100. Below is a breakdown of project costs. We appreciate the opportunity to submit this proposal and look forward to the benefit it will bring the City of Temple.

ROUTE AND DESIGN STUDIES	\$	15,600
FIELD SURVEYING	\$	9,600
RAIL DESIGN	\$	89,200
ROADWAY DESIGN	\$	67,500
DRAINAGE	\$	39,600
SIGNING & PAVEMENT MARKING	\$	7,600
UTILITY DESIGN	\$	20,100
GEOTECHNICAL	\$	12,300
MISC. DESIGN	\$	3,800
GENERAL MANAGEMENT & COORDINATION	\$	4,800
BIDDING	\$	7,000
CONSTRUCTION ADMINISTRATION	\$	41,300
ON-SITE REPRESENTATION	\$	43,700
TOTAL	\$	362,100

Sincerely,



R. David Patrick, P.E., CFM

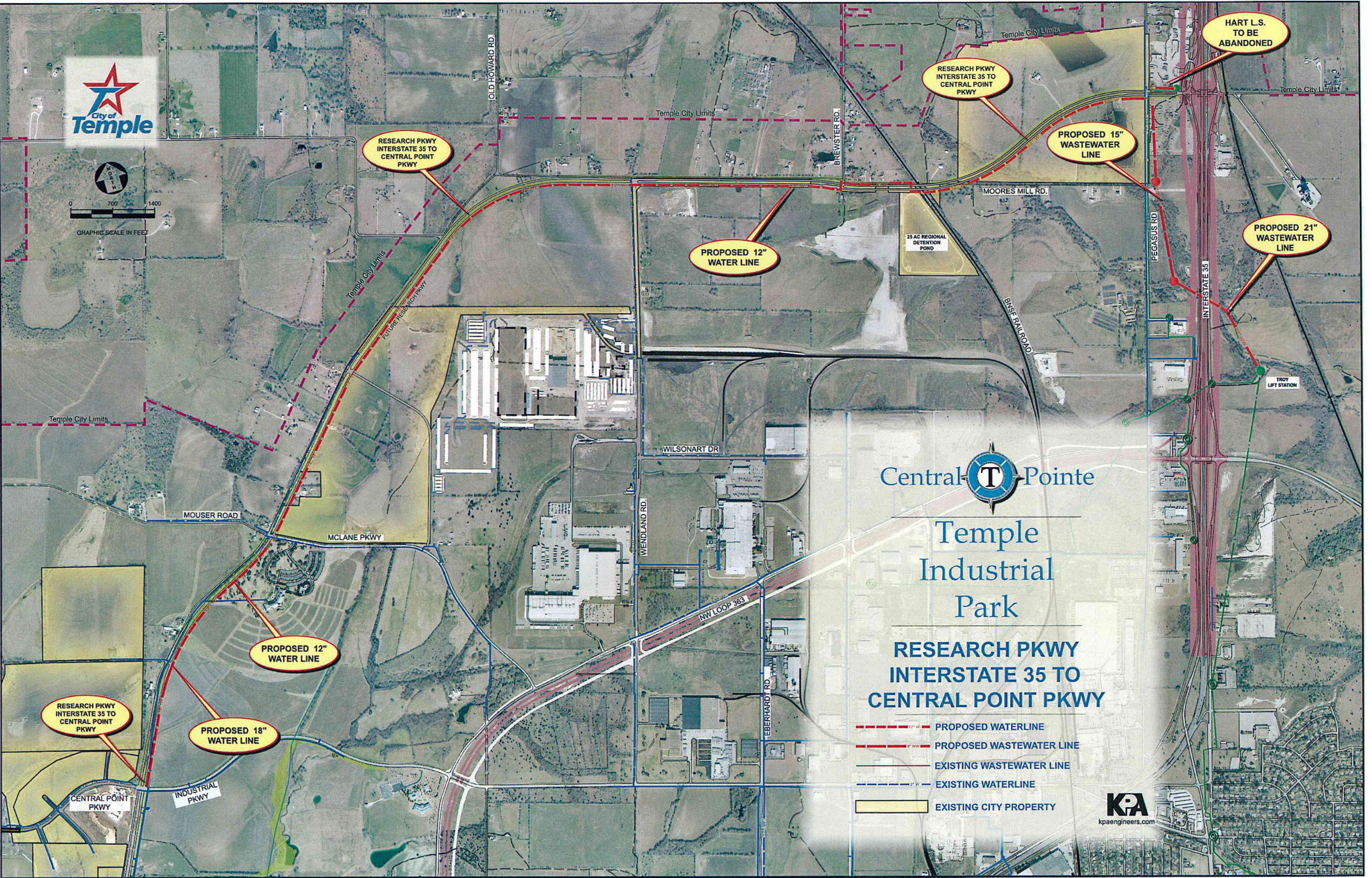
xc: File

ATTACHMENT “C”

Charges for Additional Services

**City of Temple
Rail Backage Road & Rail Improvements (E-W) Site 64**

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



Central Pointe
Temple
Industrial
Park

**RESEARCH PKWY
INTERSTATE 35 TO
CENTRAL POINT PKWY**

- 12" W --- PROPOSED WATERLINE
- 15" WW --- PROPOSED WASTEWATER LINE
- EXISTING WASTEWATER LINE
- 24" W --- EXISTING WATERLINE
- EXISTING CITY PROPERTY



RESOLUTION NO. 2018-9450-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN THE AMOUNT OF \$362,100, TO DESIGN, BID, AND ADMINISTER CONSTRUCTION OF THE RAIL BACKAGE ROAD AND RAIL SPUR WITHIN THE INDUSTRIAL RAIL PARK IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, rail access, road access, and water services are required for property within the Industrial Rail Park in northwest Temple and Staff recommends Council authorize a professional services agreement with Kasberg, Patrick & Associates, LP of Temple, Texas, in the amount of \$362,100 to design, bid, and administer construction of the Rail Backage Road and Rail Spur within the Industrial Rail Park in northwest Temple;

Whereas, funding for this professional services agreement is available in the Reinvestment Zone No. 1 Financing Plan, Line 102, Account No. 795-9500-531-6527, Project No. 101844; 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 with Kasberg, Patrick & Associates, LP of Temple, Texas, in the amount of \$362,100 to design, bid, and administer construction of the Rail Backage Road and Rail Spur within the Industrial Rail Park in northwest Temple.

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 6th day of **December**, 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

12/06/18
Item #4(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, to phase, bid, and administer construction of the Outer Loop Water Line and East/West Sewer Main in northwest Temple in an amount not to exceed \$143,330.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: Developable property in northwest Temple, including portions of the industrial rail park, is currently served by aged and undersized water lines, requiring upgraded delivery mains to provide adequate service. A 12" water line has been designed within the scope of the Outer Loop and is available to be advanced to bidding and construction. Sewer extension from the Little Elm trunk sewer is also required to serve property within the park.

The proposed water line phase extends from Corporate Way to Wendland Road, and a 10" sewer main will extend westward from the trunk sewer which is currently under construction and expected to be complete in 2019. A separate Item to add this construction scope by change order is on tonight's Agenda. The attached proposal details costs and scope of services for the following tasks:

Design Phasing	\$ 17,660
Design	\$ 35,900
Bidding	\$ 6,500
Construction Administration	\$ 32,400
Inspection Services	\$ 50,870
TOTAL	<u>\$ 143,330</u>

Design will be completed within 30 calendar days.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the professional services agreement with Kasberg, Patrick & Associates to phase, bid and administer construction of the Outer Loop Water and Wastewater Lines in northwest Temple. The budget adjustment also funds the construction costs of the water line project. Funding in an amount not to exceed \$143,330 will be available for project 101997 as follows:

	<u>561-5200-535-6813</u>	<u>561-5400-535-6813</u>	<u>Total</u>
Project Budget	\$ -	\$ 318,500	\$ 318,500
Budget Adjustment	901,500	-	901,500
Encumbered/Committed to Date	-	-	-
Kasberg, Patrick & Associates	(83,430)	(59,900)	(143,330)
Bell Contractors Change Order #2	-	(246,526)	(246,526)
Remaining Project Funds	<u><u>\$ 818,070</u></u>	<u><u>\$ 12,074</u></u>	<u><u>\$ 830,144</u></u>

ATTACHMENTS:

[Engineer's Proposal](#)
[Water Map](#)
[Sewer Map](#)
[Budget Adjustment](#)
[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

November 28, 2018

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

Re: City of Temple
Outer Loop (Corporate Way to Wendland Road) Water Infrastructure / Site 64 Wastewater

Dear Mr. Bond:

At the request of the City of Temple, we are submitting this contract amendment proposal for the above referenced project. The current plans for the Outer Loop Project are complete with an incorporated design as a complete project from IH35 to Central Pointe Parkway. This amendment will modify the current plan set to phase the project to construct the water infrastructure from Corporate Way to Wendland Road to support future economic development in the area. Our Preliminary Opinion of Probable Construction Cost for the water infrastructure project is \$780,000. Also included in this proposal is the addition of 10-inch wastewater line on Industrial Park Site 64. This project will serve future development with the ability to convey high level wastewater flows to the Doshier Farm Wastewater Treatment Plant in conjunction with the Northwest Little Elm Trunk Sewer Project. Our Preliminary Opinion of Probable Construction Cost for the wastewater infrastructure is \$350,000

The work to be performed by KPA under this contract amendment consists of modifying the existing plans to meet the project phasing set out with the Temple Reinvestment Zone's Master Plan. The current completed project plans will be modified to develop required water infrastructure for an economic development client in the Temple Industrial Park. Bidding, construction administration and on-site representation are a part of this proposal. Also included in the project is the addition of 10-inch wastewater infrastructure to coincide with the Northwest Little Elm Wastewater Improvements project. The intent is to change order these improvements into the Northwest Little Elm Wastewater Improvements Project in order to save both time and capital.

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

The following modifications to the existing Outer Loop and Northwest Little Elm Wastewater Improvements plans will be performed:

1. PLAN MODIFICATIONS FOR THE OUTER LOOP PROJECT (\$17,660)

- a. General – The index sheets and all titles blocks will require modification to change the project from a full connection at Central Point Parkway to IH35 to water infrastructure from Corporate Way to Wendland Road. The cost to modify these sheets is \$2,960.
- b. Erosion Control - The erosion control sheets will require modification for the revised water infrastructure. The cost to modify these sheets is \$1,000.
- c. Plan Profile Sheets – The roadway plan-profile sheets will require modification to illustrate the revised location vertically of the water infrastructure and to illustrate the waterlines and amenities as existing. The cost to modify these sheets is \$2,700.
- d. Water Sheets – The water sheets will be modified to change the alignment of the waterline to meet the current topography understanding the Outer Loop will follow this project. Care will be taken to develop an interim solution for depth to create adequate cover and limit depth for future cover from fills for the Outer Loop. Future Outer Loop infrastructure will be illustrated on the sheets and labeled as “future infrastructure to be constructed by others”. The cost to Modify these sheets is \$10,200.
- e. Details – The detail sheets will be modified to remove unnecessary details to eliminate confusion for the project. The cost to Modify these sheets is \$800.

2. BIDDING FOR THE OUTER LOOP WATER PROJECT (\$6500)

- a. Solicit bidders for the project.
- b. Develop and Chair the Pre-Bid Conference.
- c. Receive questions and develop Addenda.
- d. Attend the Bid Opening.
- e. Tabulate Bids and check the bidder references.
- f. Recommend award of the Project.
- g. Attend City Council Meeting for award.

3. CONSTRUCTION ADMINISTRATION FOR THE OUTER LOOP WATER PROJECT (\$22,300)

- a. Chair the Pre-Construction Conference.
- b. Review and approve all submittals for the project.
- c. Perform construction administration to include site visits, meetings with the contractor and answer questions and holding progress meetings as required.
- d. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- e. Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- f. Develop record drawings based on information supplied by the contractor.

4. ON-SITE REPRESENTATION FOR THE OUTER LOOP WATER PROJECT (\$36,970)

- a. Perform daily on-site representation an average of 3 hours per day.
- b. Prepare and submit weekly logs of construction activities.

5. DESIGN PLANS 10-INCH WASTEWATER PROJECT (\$30,700)

- a. Erosion Control - The erosion control sheets will be designed to integrate the area for expansion of wastewater to the project.
- b. Plan Profile Sheets – The wastewater plan-profile sheets will be developed. They will coincide with the connection to the Northwest Little Elm Project and expand west to the developable areas of Industrial Park Site 64 toward Wendland Road. Design shall include analysis for heavy wastewater users for the site.
- c. Northwest Little Elm Design Modifications – Modifications to the current design for the Northwest Little Elm Wastewater Project will be completed to allow for future potential heavy wastewater users.
- d. Details – The detail sheets will be modified and added to develop the proposed additions to the project area for achieving the goal of heavy wastewater use on Industrial Park Site 64.

6. DESIGN SURVEY (\$5,200) – Design surveys will be conducted for the extent of the wastewater area to connect to infrastructure into the Northwest Little Elm Wastewater Project. While survey crews are deployed, we will also collect design survey data for the future roadway extension for the Rail Backage Road & Rail improvements (E-W) Project.

7. CONSTRUCTION ADMINISTRATION FOR WASTEWATER PROJECT (\$10,100)

- a. Review and approve all submittals for the project.
- b. Perform construction administration to include site visits, meetings with the contractor and answer questions and holding progress meetings as required.
- c. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- d. Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- e. Develop record drawings based on information supplied by the contractor.

8. ON-SITE REPRESENTATION FOR WASTEWATER PROJECT (\$12,400)

- a. Perform daily on-site representation an average of 3 hours per day.
- b. Prepare and submit weekly logs of construction activities.

9. COLLECT RECORD DATA FOR INSTALLED WASTEWATER MANHOLES (\$1,500)

- a. After construction is complete, All County Surveying will mobilize and certify all constructed manhole for horizontal alignment in northing and easting and vertical alignment. This data will be included in the record drawings submitted to the City of Temple.

The revisions to the Outer Loop (Corporate Way to Wendland Road) Water Infrastructure / Site 64 Wastewater Project can be completed for the lump sum price of \$143,330. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a long horizontal flourish extending to the right.

R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"



Charges for Additional Services

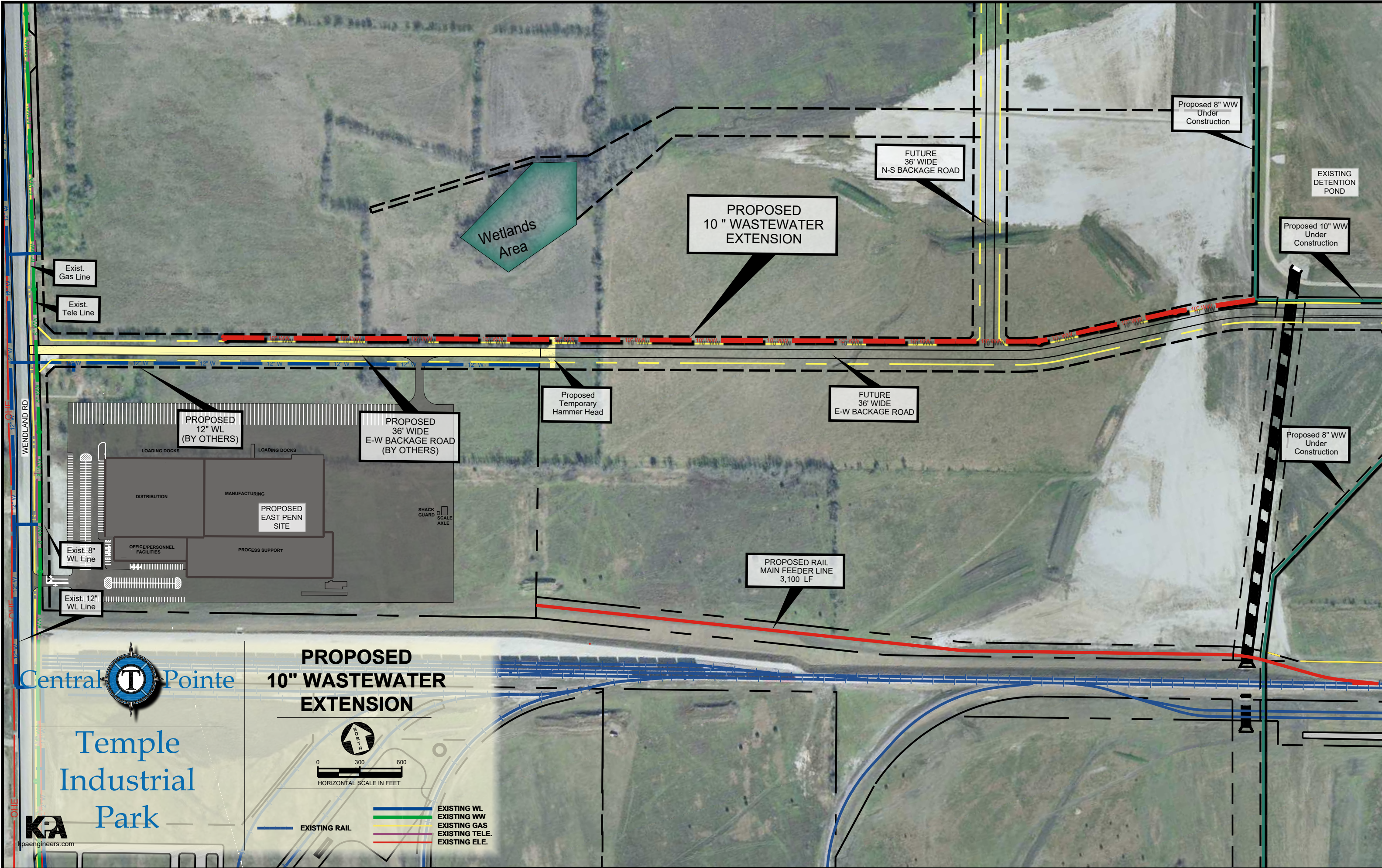
**City of Temple
Outer Loop (Corporate Way to Wendland Road) Water Infrastructure / Site 64 Wastewater
Project**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 85.00/hour
Project Engineer	2.4	50.00 – 70.00/hour
Engineer-in-Training	2.4	40.00 – 60.00/hour
Engineering Technician	2.4	35.00 – 60.00/hour
CAD Technician	2.4	30.00 – 55.00/hour
Clerical	2.4	15.00 – 35.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	150.00/hour
On-Site Representative	2.1	30.00 – 50.00/hour



P:\Temple Reinvestment\2018\18-XXX 12in W/LCAD\Working\OVERALL LAYOUT.dwg - OA Exh

 CITY OF TEMPLE, TEXAS	
CORPORATE WAY TO WENDLAND WATERLINE	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
NOVEMBER 2018	EXHIBIT A





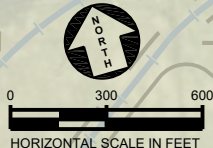
Central Pointe

Temple Industrial Park



paengineers.com

**PROPOSED
10" WASTEWATER
EXTENSION**



- EXISTING WL
 - EXISTING WW
 - EXISTING GAS
 - EXISTING TELE.
 - EXISTING ELE.
- EXISTING RAIL

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
561-5200-535-68-13	101997	Capital - Bonds/Outer Loop	\$ 901,500	
561-5400-535-69-05	101475	Capital - Bonds/Lift Station Improvements		411,500
561-5400-535-69-80	101628	Capital - Bonds/Williamson Crk Trunk Sewer		490,000
TOTAL.....			\$ 901,500	\$ 901,500

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

To appropriate funding for a professional services agreement with Kasberg, Patrick & Associates, LP to phase, bid and administer construction of the Outer Loop Water Line in northwest Temple in the amount of \$83,430 (with the contract having an amount not to exceed of \$143,330). Additional funding is being appropriated to cover the water line construction OPC in the amount of \$780,000 and \$38,070 for potential material testing fees.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/06/18

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2018-9451-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$143,330, TO PHASE, BID, AND ADMINISTER CONSTRUCTION OF THE OUTER LOOP WATER LINE AND EAST/WEST SEWER MAIN IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, developable property in northwest Temple, including portions of the Industrial Rail Park, is currently served by aged and undersized water lines, requiring upgraded delivery mains to provide adequate service;

Whereas, a 12-inch water line has been designed within the scope of the Outer Loop and is available to be advanced to bidding and construction – the sewer extension from Little Elm trunk sewer is also required to serve property within the park;

Whereas, the proposed water line phase extends from Corporate Way to Wendland Road, and a 10-inch sewer main will extend westward from the trunk sewer which is currently under construction and expected to be complete in 2019;

Whereas, funding for this professional services agreement is available, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 561-5200-535-6813, Account No. 561-5400-535-6813, Project No. 101997; 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 the professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas, in an amount not to exceed \$143,330, to phase, bid, and administer construction of the Outer Loop Water Line and East/West Sewer Main in northwest Temple.

Part 3: The City Council authorizes an amendment to the fiscal year 2019 budget, substantially in the form of the copy attached hereto as Exhibit ‘A.’

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

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/18
Item #4(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution extending an Exclusive Listing Agreement with Airspace DFW, LLC for the lease of Hangars 20 and 26 at the Draughton Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description

ITEM SUMMARY: Staff has engaged the services of Airspace DFW, LLC (“Airspace”) to assist with the listing and leasing of two hangars at the Draughton Miller Central Texas Regional Airport. The two hangars are designated as Hangar 20 and Hangar 26. The two hangars previously housed AMCOM and its operations for several years.

Airspace is a real estate company which specializes in the sale and lease of airport hangars. Airspace will market the hangars for lease and assist with negotiating a lease agreement with any prospective tenant. The current Listing Agreement will expire on December 31, 2018. Staff is requesting the agreement be extended to March 31, 2019.

FISCAL IMPACT: Pursuant to the terms of the Listing Agreement, Airspace will be entitled to a payment equal to 4% of the aggregate rental provided in any executed lease. If the hangars are leased to a tenant who is procured by a cooperating broker, then the fee will increase to 6% of the aggregate rental provided.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9452-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, EXTENDING AN EXCLUSIVE LISTING AGREEMENT WITH AIRSPACE DFW, LLC FOR THE LEASE OF HANGARS 20 AND 26 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff has engaged the services of Airspace DFW, LLC (“Airspace”) to assist with the listing and leasing of two hangars at the Draughon-Miller Central Texas Regional Airport;

Whereas, the two hangars are designated as Hangar 20 and Hangar 26 and previously housed AMCOM and its operations for several years;

Whereas, Airspace is a real estate company which specializes in the sale and lease of airport hangars, and who will market the hangars for lease and assist with negotiating a lease agreement with any prospective tenant;

Whereas, the current Listing Agreement will expire December 31, 2018 and Staff recommends Council authorize an extension to the agreement with Airspace DFW, LLC until March 31, 2019;

Whereas, pursuant to the terms of the Listing Agreement, Airspace will be entitled to a payment equal to 4% of the aggregate rental provided in any executed lease - if the hangars are leased to a tenant who is procured by a cooperating broker, then the fee will increase to 6% of the aggregate rental provided; 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 extension to the Exclusive Listing Agreement with Airspace DFW, LLC for the lease of Hangars 20 and 26 at the Draughon-Miller Central Texas Regional Airport until March 31, 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 6th day of **December**, 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

12/06/18
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider amending Resolution No. 2018-9357-R, which authorized an Economic Development Agreement with United Way of Central Texas in an amount not to exceed \$125,000, to clarify items eligible for reimbursement under the agreement.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 4, 2018, through Resolution No. 2018-9357-R, the City Council authorized an Economic Development Agreement with United Way of Central Texas ("United Way") in an amount not to exceed \$125,000. The resolution stated that the money would be used for additional irrigation and landscaping improvements in the public sidewalks, and right-of-way on the south and east sides of the building.

After additional discussions with United Way, Staff is asking that Council amend the original resolution to allow the funding to be used for additional exterior improvements, including demolition costs, electric and lighting improvements, masonry and stucco work, painting, landscaping, and irrigation.

FISCAL IMPACT: As stated in Resolution No. 2018-9357-R, funding for this agreement is available in the Reinvestment Zone Financing and Project Plans, Lines 417, 3rd Street Corridor Enhancement, Account No. 795-9500-531-6315, Project No. 101977.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9453-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION NO. 2018-9357-R, WHICH AUTHORIZED AN ECONOMIC DEVELOPMENT AGREEMENT WITH UNITED WAY OF CENTRAL TEXAS IN AN AMOUNT NOT TO EXCEED \$125,000, TO CLARIFY ITEMS ELIGIBLE FOR REIMBURSEMENT UNDER THE AGREEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 4, 2018 and through Resolution No. 2018-9357-R, Council authorized an Economic Development Agreement with United Way of Central Texas (“United Way”) in an amount not to exceed \$125,000;

Whereas, the Resolution stated that the money would be used for additional irrigation and landscaping improvements in the public sidewalks, and right-of-way on the south and east sides of the building;

Whereas, after additional discussions with United Way, Staff recommends Council amend the original Resolution to allow the funding to be used for additional exterior improvements, including demolition costs, electric and lighting improvements, masonry and stucco work, painting, landscaping, and irrigation;

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

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

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

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

Part 2: The City Council amends Resolution No. 2018-9357-R to clarify items eligible for reimbursement under the original Economic Development Agreement with the United Way which was approved by City Council on October 4, 2018, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents necessary for this amendment.

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 **6th** day of **December**, 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

12/06/18
Item #4(J)
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 granting an easement to Oncor Electric Delivery Company, LLC to relocate electric facilities for the expansion of the City's landfill.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple is currently developing a landfill expansion plan with Texas Commission on Environment Quality (TCEQ). Oncor Electric Delivery Company, LLC (Oncor) is the local electric delivery provider and currently has electrical facilities in the planned expansion area. The current expansion plan requires that Oncor relocate those facilities. Oncor has agreed to the relocation. However, in order to do so, Oncor needs an approximately 100-foot wide, 16.245-acre easement on City-owned property to construct, operate, improve, reconstruct, replace, repair, inspect, patrol, maintain, and add or remove those facilities.

At this time, Staff is asking for authorization to grant an easement to Oncor Electric Delivery Company, LLC to relocate electric facilities for the expansion of the City's landfill.

FISCAL IMPACT: There is no request for reimbursement related to this easement since the sole purpose of the facilities relocation by Oncor is to provide needed service to the City's landfill.

ATTACHMENTS:

[Proposed Easement Agreement
Resolution](#)

Line Name: Temple – Minerva 138 kV T Line

Easement #: _____

WA #: OPT37277

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF BELL

§

That, the **City of Temple, Texas**, a Texas home rule City, its successors and assigns, hereinafter called "Grantor", whether one or more, for and in consideration of Ten and no/100 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, 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 electric transmission and communication lines, each consisting of a variable number of wires and cables, together with all necessary or desirable appurtenances including supporting structures, foundations, guy wires and guy anchorages (the "Facilities") over, under, across and upon that certain tract of land located in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas and being more particularly described by metes and bounds in Exhibit "A", attached hereto and made part hereof, and illustrated with the drawing identified as Exhibit "B" attached hereto and made part hereof (the "Easement Area").

Together with: (1) the right of reasonable ingress and egress over and along the Easement Area and the land of Grantor adjacent thereto (hereinafter, the "Property") to the extent necessary and for the limited purpose of accessing the Easement Area, for the purpose of and with the right to construct, operate, improve, reconstruct, replace, repair, inspect, patrol, maintain and add or remove such Facilities or other Facilities as the Grantee may from time to time find necessary, convenient or desirable to erect thereon during the initial construction of the Facilities or at any time thereafter; (2) the right to install gates in all existing and future fences crossing the Easement Area, provided such gates will be installed in a manner that will not weaken such fences; to the extent that construction operations and/or use of the Easement Area require the temporary removal of part of a then existing fence, Grantee shall at all times provide temporary fencing of an equivalent size, grade, quality, and type present at the time of removal, so that persons cannot gain access to the Property; (3) the right to relocate its Facilities along the same general direction of said lines; (4) the right to trim and cut down trees and shrubbery on the 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 the Grantee, necessary to prevent possible interference with the operation of said lines or to remove possible hazard thereto; and (5) the right to remove at Grantor's expense or to prevent the construction on the Easement Area of any or all buildings, structures and obstructions. Grantee shall, except in the event of an emergency, provide Grantor with reasonable advance notice prior to entering the Property to conduct work on the Facilities.

Grantor shall not make or cause any changes in grade, elevation, or contour of the land (except those activities, excluding terracing, associated with normal agricultural activities) that will materially endanger the Facilities within the Easement Area described herein without first obtaining the prior written consent of Grantee, such consent not to be unreasonably withheld or delayed.

Grantor shall not perform any excavations, trenching, or other soil disturbing activities (except those activities, excluding terracing, associated with normal agricultural activities) that will materially endanger the Facilities within the Easement Area described herein without first obtaining the prior written consent of Grantee, such consent not to be unreasonably withheld or delayed.

Grantor shall have the right to use the Easement Area insofar as such use does not impair, interfere with or obstruct the use of the Easement by Grantee. Grantor reserves the right to place surfacing materials over and across the Easement and to use the same for parking and/or driveways or walkways. Grantee retains the right to prohibit and/or restrict parking during periods of its construction or maintenance work. Grantor reserves the right to construct or locate in a near perpendicular fashion but not less than a 45 degree angle, utilities, drainage ditches, roadways, driveways, across, within or under

the Easement Area herein granted. Grantor assumes all responsibility for the cost of constructing, paving and maintaining said roadways or driveways within easement crossing areas. Grantor further reserves the right to lay out, dedicate, construct, maintain and use across said Easement such roads, streets, alleys, railroad tracks, underground telephone cables and conduits and gas, water and sewer pipe lines as will not interfere with Grantee's use of said Easement for the purpose aforesaid, provided all such facilities shall be located at angles of not less than 45 degrees to any of Grantee's lines, and shall be so constructed as to provide with respect to Grantee's Facilities the minimum clearances provided by law and recognized as standard in the electrical industry, as same may change from time to time. Grantor also reserves the right to erect fences not more than 8 feet high across said land, provided all such fences shall have gates, openings, or removable sections at least 16 feet wide which will permit Grantee reasonable access to all parts of said Easement Area. If Grantee later determines that a width greater than 16 feet is necessary, then Grantee shall have the right to install additional or wider gates at its sole discretion and expense. For the avoidance of confusion and notwithstanding anything herein to the contrary, Grantor shall not use the Easement Area in a manner that will, in the reasonable judgment of Grantee, impair or interfere with the exercise by Grantee of any of the rights herein granted.

Grantee agrees that this Easement is made under and subject to all matters of record and accepts the condition of the Easement Area on an "AS IS" basis. Grantor makes no warranty or representation with respect to its right, title, and interest in and to the Easement Area or the condition thereof; and the easement(s) granted by this Easement are subject to all leases, easements, rights-of-way, encumbrances, covenants, conditions, exceptions, agreements, restrictions, servitudes, and reservations heretofore granted or reserved, of record, and physical obstructions.

In addition to the consideration above recited for the easement and right-of-way hereby granted, the Grantee will pay to Grantor, as it may be respectively entitled for actual damages to fences and growing crops and improvements on the Property caused by reason of Grantee's negligence or willful misconduct in connection with the construction, maintenance, addition or removal of said lines; provided, however, that no such payment will be made for trimming or removal of trees growing on the Easement Area, nor for removal of buildings, structures, or obstructions erected upon the Easement Area after granting of this Easement.

Within ninety (90) days following completion of construction or maintenance operations on the Easement, weather permitting, Grantee shall repair and restore the surface of all areas of the Property disturbed by the Grantee to as near as reasonably possible the condition that existed prior to Grantee's activity upon the Easement.

Grantee agrees to and shall defend, protect, indemnify and hold harmless Grantor from and against all claims, losses, expenses, damages, demands, judgments, causes of action, suits, and liability in tort, contract, or any other basis and of every kind and character whatsoever, for personal injury, death, or property damage (collectively "Claims"), which arise out of Grantee's, its authorized agents, employees and/or contractors, use of the easement and right-of-way when such Claims result from the negligence or willful misconduct of the Grantee and/or its agents, employees and/or contractors. This provision shall survive the termination of the Agreement.

Grantee is an electric utility regulated by the Public Utility Commission of Texas (PUCT), and represents that the PUCT has approved Grantee's liability insurance limits and overall insurance program. At all times while this Agreement is in place, said electric utility shall maintain appropriate liability and worker's compensation coverage at levels consistent with other Texas and national utility providers.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said Facilities shall be abandoned, and in that event said Easement shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns. The respective rights and duties herein of Grantor and Grantee shall inure to the benefit of, and shall be binding upon, the respective successors, assigns, heirs, personal representatives, lessees, licensees and/or tenants of Grantor and Grantee. This Easement may be

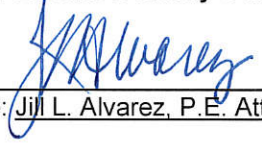
assigned in whole or in part; however Grantee does not have the right to grant use of or assign its interest in the Easement to third parties for operations not related to electric power transmission and/or distribution.

EXECUTED this ____ day of _____, A.D. 2018

Grantor:
City of Temple Texas

Timothy A. Davis, Mayor

Grantee:
Oncor Electric Delivery Company LLC

By: 
Name: Jiji L. Alvarez, P.E. Attorney-In-Fact

ATTEST:

Lacy Borgeson, City Secretary

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 **Timothy A. Davis**, as Mayor of the City of Temple, Texas.

Notary Public, State of Texas

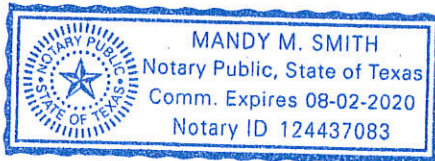
STATE OF TEXAS

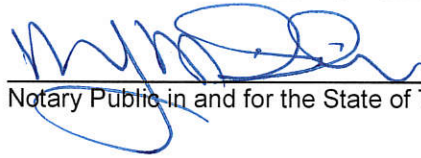
§
§
§

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Jill L. Alvarez, P.E., as the Attorney-In-Fact of Oncor Electric Delivery Company LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that 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 21st day of November, 2018




Notary Public in and for the State of Texas

After recording, return to:
Laura De La Paz
Oncor Electric Delivery Company
115 W 7th Street, Suite 505
Ft. Worth, Texas 76102

EXHIBIT 'A'
707,612 OR 16.245 ACRES
100-FOOT WIDE EASEMENT AREA

BEING A 100-FOOT WIDE EASEMENT AND HAVING 16.245 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY TEXAS AND BEING A PART OF A TRACT OF LAND DESCRIBED IN DEEDS TO THE CITY OF TEMPLE, TEXAS, RECORDED IN VOLUME 8769, PAGE 5795 OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, AND IN VOLUME 3017, PAGE 58 AND VOLUME 754, PAGE 395 OF THE DEED RECORDS OF BELL COUNTY, TEXAS (D.R.B.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID CITY OF TEMPLE TRACT (VOLUME 8769, PAGE 579), SAME BEING THE APPARENT WEST RIGHT-OF-WAY LINE OF BOB WHITE ROAD (60-FOOT WIDE APPARENT RIGHT-OF-WAY), FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CITY OF TEMPLE TRACT (VOLUME 8769, PAGE 579) BEARS NORTH 16 DEGREES 54 MINUTES 16 SECONDS EAST, A DISTANCE OF 550.41 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N: 10364832.93, E: 3247723.45;

THENCE SOUTH 16 DEGREES 54 MINUTES 16 SECONDS WEST, WITH THE EAST LINE OF SAID CITY OF TEMPLE TRACT (VOLUME 8769, PAGE 579), A DISTANCE OF 106.79 FEET TO A POINT FOR CORNER;

THENCE CROSSING SAID CITY OF TEMPLE TRACTS, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

NORTH 52 DEGREES 33 MINUTES 18 SECONDS WEST, A DISTANCE OF 43.29 FEET TO A POINT FOR CORNER;

SOUTH 38 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 614.43 FEET TO A POINT FOR CORNER;

NORTH 63 DEGREES 42 MINUTES 15 SECONDS WEST, A DISTANCE OF 2,531.07 FEET TO A POINT FOR CORNER;

NORTH 32 DEGREES 01 MINUTES 14 SECONDS WEST, A DISTANCE OF 1,792.32 FEET TO A POINT FOR CORNER;

NORTH 32 DEGREES 09 MINUTES 48 SECONDS WEST, A DISTANCE OF 1,186.56 FEET TO A POINT FOR CORNER;

NORTH 53 DEGREES 10 MINUTES 25 SECONDS WEST, A DISTANCE OF 458.66 FEET TO A POINT FOR CORNER;

NORTH 24 DEGREES 42 MINUTES 24 SECONDS EAST, A DISTANCE OF 533.79 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID CITY OF TEMPLE TRACT (VOLUME 754, PAGE 395) AND A TRACT OF LAND DESCRIBED IN DEED TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 649, PAGE 467, D.R.B.C.T.;

THENCE SOUTH 74 DEGREES 05 MINUTES 14 SECONDS EAST, WITH THE COMMON LINE OF SAID CITY OF TEMPLE TRACT (VOLUME 754, PAGE 395) AND SAID TEXAS POWER & LIGHT TRACT, A DISTANCE OF 101.19 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID TEXAS POWER & LIGHT TRACT BEARS SOUTH 74 DEGREES 05 MINUTES 14 SECONDS EAST, A DISTANCE OF 336.60 FEET;

THENCE CROSSING SAID CITY OF TEMPLE TRACTS, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

SOUTH 24 DEGREES 42 MINUTES 24 SECONDS WEST, A DISTANCE OF 468.45 FEET TO A POINT FOR CORNER;

SOUTH 53 DEGREES 10 MINUTES 25 SECONDS EAST, A DISTANCE OF 396.39 FEET TO A POINT FOR CORNER;

ONCOR ELECTRIC DELIVERY
TEMPLE-MINERVA LINE RELOCATION
TRANSMISSION LINE EASEMENT
CITY OF TEMPLE
EASEMENT NO. E-

43059-LINE EASEMENT_R1
SAM Job No. 43059
SHEET 2 of 6

EXHIBIT 'A'
707,612 OR 16.245 ACRES
100-FOOT WIDE EASEMENT AREA

SOUTH 32 DEGREES 09 MINUTES 48 SECONDS EAST, A DISTANCE OF 1,205.23 FEET TO A POINT FOR CORNER;

SOUTH 32 DEGREES 01 MINUTES 14 SECONDS EAST, A DISTANCE OF 1,764.07 FEET TO A POINT FOR CORNER;

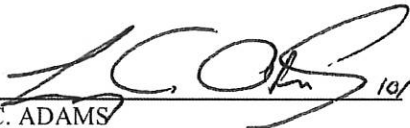
SOUTH 63 DEGREES 42 MINUTES 15 SECONDS EAST, A DISTANCE OF 2,421.80 FEET TO A POINT FOR CORNER;

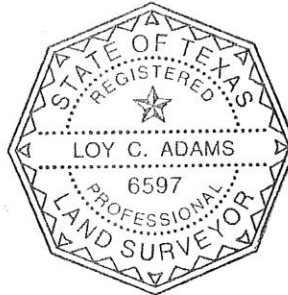
NORTH 38 DEGREES 21 MINUTES 27 SECONDS EAST, A DISTANCE OF 631.96 FEET TO A POINT FOR CORNER;

SOUTH 52 DEGREES 33 MINUTES 18 SECONDS EAST, A DISTANCE OF 104.24 FEET TO THE **POINT OF BEGINNING**, CONTAINING 707,612 SQUARE FEET OR 16.245 ACRES OF LAND, MORE OR LESS.

BASIS OF BEARINGS DERIVED FROM THE TEXAS COORDINATE SYSTEM OF 1983, NAD 83(2011), CENTRAL ZONE (4203). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.0001403902. ALL COORDINATES SHOWN ARE GRID VALUES.

REFERENCE IS MADE TO THE SKETCH OF EVEN DATE ACCOMPANYING THIS DESCRIPTION.


LOY C. ADAMS
TEXAS REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6597
SURVEYING AND MAPPING, LLC
TEXAS FIRM REGISTRATION NO. 10064300
DATE: OCTOBER 26, 2018



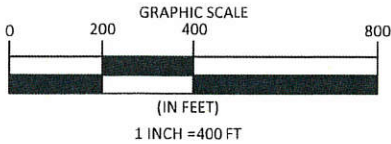
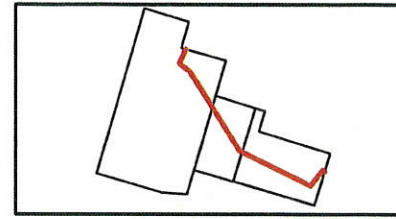


EXHIBIT 'B'

E- _____

PARENT TRACT MAP & LOCATION OF EASEMENT



(NOT TO SCALE)

N

MATCH LINE SHEET 04

PROPOSED 100'
WIDE EASEMENT
16.245 ACRES
(707,612 S.F.)
 $\angle = 7,076.12'$

MAXIMO MORENO SURVEY
ABSTRACT NO. 14
BELL COUNTY, TEXAS

CITY OF TEMPLE, TEXAS
VOLUME 8769, PAGE 579
O.P.R.B.C.T.

P.O.R.
1/2" IRON
ROD FOUND

P.O.B.
GRID COORDINATES
N:10364832.93
E:3247723.45

RUBEN HERNANDEZ AND
YADIRA ARROYO
DOCUMENT NO. 00041151
O.P.R.B.C.T.

BOB WHITE ROAD (A.K.A. QUAIL TRAIL)
60' WIDE APPARENT RIGHT-OF-WAY
(RECORD NOT FOUND)

LEGEND

O.P.R.B.C.T.

OFFICIAL PUBLIC RECORDS

D.R.B.C.T.

BELL COUNTY, TEXAS
DEED RECORDS

P.O.B.

BELL COUNTY, TEXAS

P.O.R.

POINT OF BEGINNING

△

POINT OF REFERENCE

●

CALCULATED POINT

IRON ROD FOUND (AS NOTED)

PROPOSED EASEMENT

PROPOSED EASEMENT CENTERLINE

PROPERTY LINE

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE TEXAS COORDINATE SYSTEM OF 1983, NAD 83 (2011), CENTRAL ZONE (4203). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.0001403902. ALL COORDINATES SHOWN ARE GRID VALUES.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE CERTIFICATE.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.

SHEET 03 OF 06

PROJECT TEMPLE-MINERVA

JOB NUMBER: 43059

DATE: 10/26/2018

SCALE: 1"=400'

TRACT: CITY OF TEMPLE

DRAWN BY: JDM

ONCOR ELECTRIC DELIVERY
16.245 ACRES, 707,612 SQUARE FEET
TRANSMISSION LINE EASEMENT
TEMPLE - MINERVA LINE RELOCATION
MAXIMO MORENO SURVEY
ABSTRACT NO. 14
BELL COUNTY, TEXAS



43059-LINE EASEMENT_R1.DWG

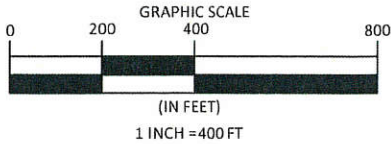
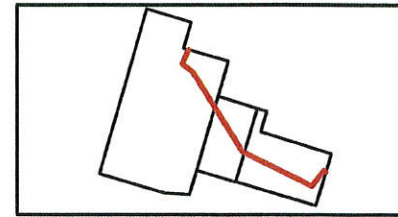


EXHIBIT 'B'

E-_____

PARENT TRACT MAP &
LOCATION OF EASEMENT



(NOT TO SCALE)



MATCH LINE SHEET 05

CITY OF TEMPLE, TEXAS
VOLUME 754, PAGE 395
D.R.B.C.T.

MAXIMO MORENO SURVEY
ABSTRACT NO. 14
BELL COUNTY, TEXAS

CITY OF TEMPLE
VOLUME 3017, PAGE 58
D.R.B.C.T.

PROPOSED 100'
WIDE EASEMENT
16.245 ACRES
(707,612 S.F.)
C=7,076.12'

CITY OF TEMPLE, TEXAS
VOLUME 8769, PAGE 579
O.P.R.B.C.T.

MATCH LINE SHEET 03

LEGEND

O.P.R.B.C.T.

D.R.B.C.T.

P.O.B.

P.O.R.



OFFICIAL PUBLIC RECORDS

BELL COUNTY, TEXAS

DEED RECORDS

BELL COUNTY, TEXAS

POINT OF BEGINNING

POINT OF REFERENCE

CALCULATED POINT

IRON ROD FOUND (AS NOTED)

PROPOSED EASEMENT

PROPOSED EASEMENT CENTERLINE

PROPERTY LINE

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE TEXAS COORDINATE SYSTEM OF 1983, NAD 83 (2011), CENTRAL ZONE (4203). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.0001403902. ALL COORDINATES SHOWN ARE GRID VALUES.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE CERTIFICATE.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.

SHEET 04 OF 06

PROJECT TEMPLE-MINERVA

JOB NUMBER: 43059

DATE: 10/26/2018

SCALE: 1"=400'

TRACT: CITY OF TEMPLE

DRAWN BY: JDM

ONCOR ELECTRIC DELIVERY
12.183 ACRES, 530,709 SQUARE FEET
TRANSMISSION LINE EASEMENT
TEMPLE - MINERVA LINE RELOCATION
MAXIMO MORENO SURVEY
ABSTRACT NO. 14
BELL COUNTY, TEXAS



43059-LINE EASEMENT_R1.DWG

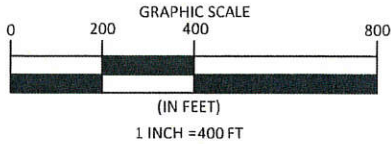
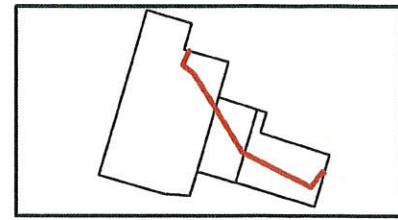


EXHIBIT 'B'

E- _____

PARENT TRACT MAP & LOCATION OF EASEMENT



MAXIMO MORENO SURVEY
ABSTRACT NO. 14
BELL COUNTY, TEXAS

TEXAS POWER & LIGHT
COMPANY
(ONCOR SUBSTATION)
VOLUME 649, PAGE 467
D.R.B.C.T.

P.O.R.
5/8" IRON
ROD FOUND

CITY OF TEMPLE, TEXAS
VOLUME 754, PAGE 395
D.R.B.C.T.

PROPOSED 100'
WIDE EASEMENT
16.245 ACRES
(707,612 S.F.)
C=7,076.12'

MATCH LINE SHEET 04

LEGEND

O.P.R.B.C.T.

OFFICIAL PUBLIC RECORDS
BELL COUNTY, TEXAS
DEED RECORDS

D.R.B.C.T.

BELL COUNTY, TEXAS

P.O.B.

POINT OF BEGINNING

P.O.R.

POINT OF REFERENCE



CALCULATED POINT



IRON ROD FOUND (AS NOTED)



PROPOSED EASEMENT



PROPOSED EASEMENT CENTERLINE



PROPERTY LINE

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE TEXAS COORDINATE SYSTEM OF 1983, NAD 83 (2011), CENTRAL ZONE (4203). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.0001403902. ALL COORDINATES SHOWN ARE GRID VALUES.
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SHEET 05 OF 06

PROJECT TEMPLE-MINERVA

JOB NUMBER: 43059

DATE: 10/26/2018

SCALE: 1"=400'

TRACT: CITY OF TEMPLE

DRAWN BY: JDM

ONCOR ELECTRIC DELIVERY 16.245 ACRES, 707,612 SQUARE FEET TRANSMISSION LINE EASEMENT

TEMPLE - MINERVA LINE RELOCATION
MAXIMO MORENO SURVEY
ABSTRACT NO. 14
BELL COUNTY, TEXAS



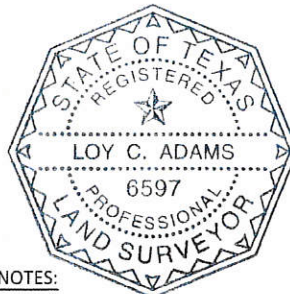
43059-LINE EASEMENT_R1.DWG

EXHIBIT 'B'

E-_____

N

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S16°54'16"W	106.79'
L2	N52°33'18"W	43.29'
L3	S38°21'27"W	614.43'
L4	N63°42'15"W	2531.07'
L5	N32°01'14"W	1792.32'
L6	N32°09'48"W	1186.56'
L7	N53°10'25"W	458.66'
L8	N24°42'24"E	533.79'
L9	S74°05'14"E	101.19'
L10	S24°42'24"W	468.45'
L11	S53°10'25"E	396.39'
L12	S32°09'48"E	1205.23'
L13	S32°01'14"E	1764.07'
L14	S63°42'15"E	2421.80'
L15	N38°21'27"E	631.96'
L16	S52°33'18"E	104.24'
L17	N16°54'16"E	550.41'
L18	S74°05'14"E	336.60'



[Signature] 10/26/2018
 LOY C. ADAMS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6597, STATE OF TEXAS

NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE TEXAS COORDINATE SYSTEM OF 1983, NAD 83 (2011), CENTRAL ZONE (4203). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.0001403902. ALL COORDINATES SHOWN ARE GRID VALUES.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE CERTIFICATE.
4. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.

SHEET 06 OF 06

PROJECT TEMPLE-MINERVA
 JOB NUMBER: 43059
 DATE: 10/26/2018
 SCALE: NOT TO SCALE
 TRACT: CITY OF TEMPLE
 DRAWN BY: JDM

ONCOR ELECTRIC DELIVERY
16.245 ACRES, 707,612 SQUARE FEET
TRANSMISSION LINE EASEMENT
 TEMPLE - MINERVA LINE RELOCATION
 MAXIMO MORENO SURVEY
 ABSTRACT NO. 14
 BELL COUNTY, TEXAS



43059-LINE EASEMENT_R1.DWG

SURVEYING AND MAPPING, LLC. 7101 ENVY COURT, DALLAS, TX 75247 PH: (214) 631-7888 FAX (214) 631-7103 EMAIL: SAM@SAM.BIZ TEXAS FIRM NO. 10064300

RESOLUTION NO. 2018-9454-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING AN EASEMENT TO ONCOR ELECTRIC DELIVERY COMPANY, LLC TO RELOCATE ELECTRIC FACILITIES FOR THE EXPANSION OF THE CITY'S LANDFILL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently developing a landfill expansion plan with the Texas Commission on Environment Quality ("TCEQ") and Oncor Electric Delivery Company, LLC ("Oncor") is the local electric delivery provider which has electrical facilities in the planned expansion area that requires Oncor to relocate those facilities;

Whereas, Oncor has agreed to the relocation, however, in order to do so, Oncor needs an approximately 100-foot wide, 16.245-acre easement on City-owned property to construct, operate, improve, reconstruct, replace, repair, inspect, patrol, maintain, and add or remove those facilities;

Whereas, Staff recommends Council grant an easement to Oncor Electric Delivery Company, LLC to relocate electric facilities for the expansion of the City's landfill;

Whereas, there is no request for reimbursement related to this easement since the sole purpose of the relocation by Oncor is to provide the needed service to the City's landfill; 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 to relocate electric facilities for the expansion of the City's landfill, 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 **6th** day of **December**, 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

12/06/18
Item #4(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Possession and Use Agreement for right of way, a drainage easement, and a temporary construction easement which are necessary for the construction of the Kegley Road Expansion Project Phases 2-4 and authorizing payment to the property owner in the amount of \$100,000 as consideration for the agreement.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed Kegley Road Expansion Project, Phases 2-4. The design encompasses three rights of way, a drainage easement, and a temporary construction easement from three properties. These properties have the same ownership.

Appraisals were conducted on the properties and offer made to the owner based on the appraisals. Negotiations are in progress to acquire the needed rights of way, drainage easement, and temporary construction easement. However, in order to meet the construction schedule, the City and the Owner have agreed to enter into a Possession and Use Agreement while the parties continue to work towards a purchase agreement for the property. As consideration for the Possession and Use Agreement, the City will pay the property owner \$100,000. This amount will be credited towards the final acquisition price for the needed rights of way, drainage easement, and temporary construction easement.

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

FISCAL IMPACT: Funding is available for the Possession and Use Agreement, which is necessary to for the construction of the Kegley Road Expansion Project Phases 2-4 in an amount not to exceed \$100,000 in account 365-3400-531-6888, projects 101606 and 101607.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9455-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A POSSESSION AND USE AGREEMENT FOR RIGHT-OF-WAY, A DRAINAGE EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONSTRUCTION OF THE KEGLEY ROAD EXPANSION PROJECT PHASES 2-4; AUTHORIZING PAYMENT TO THE PROPERTY OWNER IN THE AMOUNT OF \$100,000 AS CONSIDERATION FOR THE AGREEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed Kegley Road Expansion Project, Phases 2 – 4, and the design encompasses three rights-of-way, a drainage easement, and a temporary construction easement from three properties that have the same ownership;

Whereas, appraisals have been performed and an offer made to the owner based on the appraisals - negotiations are in progress to acquire the needed rights-of-way, drainage easement, and temporary construction easement, and in order to meet the construction schedule, the City and the Owner have agreed to enter into a Possession and Use Agreement while the parties continue to work towards a purchase agreement for the property;

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

Whereas, Staff recommends Council authorize a Possession and Use Agreement for right-of-way, a drainage easement, and a temporary construction easement necessary for the construction of the Kegley Road Expansion Project Phases 2-4, as well as authorize the payment of the consideration for the Possession and Use Agreement and credit it towards acquisition of the right-of-way, drainage easement, and temporary construction easement, in the amount of \$100,000;

Whereas, funding for the Possession and Use Agreement is available in Account No. 365-3400-531-6888, Project Nos. 101606 and 101607; 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 Possession and Use Agreement for right-of-way, a drainage easement, and a temporary construction easement necessary for the construction of the Kegley Road Expansion Project Phases 2-4 and authorizes payment to the property owner in the amount of \$100,000 as consideration for the agreement.

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 **6th** day of **December**, 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

12/06/18
Item #4(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of jail services from Bell County Law Enforcement Center, in the estimated amount of \$65,000 for FY 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For several years the City has utilized the services of Bell County to house inmates instead of maintaining an in-house jail operation. The Bell County Law Enforcement Center has trained staff in place and space available to fulfill the City's needs. The City has been pleased with the services provided by Bell County and staff recommends the continued purchase of jail services from Bell County.

FISCAL IMPACT: Funding in the amount of \$65,000 is appropriated in the FY 2019 Operating Budget in account 110-2011-521-2623 for jail housing services to be provided by the Bell County Law Enforcement Center.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9456-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF JAIL SERVICES IN THE ESTIMATED AMOUNT OF \$65,000, PROVIDED BY THE BELL COUNTY LAW ENFORCEMENT CENTER FOR FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for several years, the City has utilized the services of Bell County to house inmates instead of maintaining an in-house jail operation - the Bell County Law Enforcement Center has trained staff in place and space available to fulfill the City's needs;

Whereas, Staff has been pleased with the services provided by Bell County and recommends Council authorize the continued purchase of jail services from Bell County Law Enforcement Center, for fiscal year 2019, in the estimated annual amount of \$65,000;

Whereas, funding for jail services is appropriated in the fiscal year 2019 budget in Account No. 110-2011-521-2623; and

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

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

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

Part 2: The City Council authorizes the continued purchase of jail services from Bell County Law Enforcement Center for fiscal year 2019, in the annual amount of \$65,000.

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

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

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/18
Item #4(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of right-of-way and two temporary construction easements necessary for the expansion of Kegley Road and authorizing closing costs associated with the purchase in an estimated amount of \$7,000.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is currently in the design phase for the proposed expansion of Kegley Road. The design requires the acquisition of eight rights-of-way, two drainage easements, and five temporary construction easements from six property owners. Appraisals have been performed on all acquisitions. Offers have been made to the owners based on the completed appraisals.

The City has acquired four rights of way, one drainage easement, and one temporary construction easement. Staff is actively negotiating with the other property owners and hopes to reach agreements in the coming weeks. The City has reached an agreement with a property owner for right-of-way and two temporary construction easements. At this time, Staff is asking for authorization to purchase the right-of-way and two temporary construction easements and pay closing costs in an estimated amount of \$7,000.

The address and Bell County Appraisal District ID Numbers of the properties are listed below:

3040, 2815, 2971 Kegley Road—Bell CAD ID #319834, 70111 & 70112
Kegley Road—Bell CAD ID #29637

FISCAL IMPACT: Funding is available for the purchase of right-of-way and two temporary construction easements necessary for the expansion of Kegley Road and authorizing closing costs associated with the purchase in an estimated amount of \$7,000 in account 365-3400-531-6888, project 101607.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9457-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY AND TWO TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR THE EXPANSION OF KEGLEY ROAD; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN A TOTAL ESTIMATED AMOUNT OF \$7,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Kegley Road - the design requires the acquisition of eight rights-of-way, two drainage easements, and five temporary construction easements from six property owners;

Whereas, appraisals have been performed on all acquisitions and offers have been made to the owners based on the completed appraisals;

Whereas, the City has acquired four rights-of-way, one drainage easement, and one temporary construction easement and is actively negotiating with the other property owners in hopes of reaching agreements in the coming weeks;

Whereas, the City has reached an agreement with a property owner for right-of-way and two temporary construction easements and recommends Council authorize the purchase of the right-of-way and temporary construction easements, as well as pay closing costs in a total estimated amount of \$7,000;

Whereas, the address and Bell County Appraisal District ID Numbers of the properties are listed below:

3040, 2815, 2971 Kegley Road—Bell CAD ID No. 319834;
70111 & 70112 Kegley Road—Bell CAD ID No. 29637;

Whereas, funding for the purchase of the right-of-way, two temporary construction easements, and closing costs is available in Account No. 365-3400-531-6888, Project No. 101607; 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 right-of-way and two temporary construction easements which are necessary for the expansion of Kegley Road and authorizes the payment of closing costs associated with these purchases, in a total estimated amount of \$7,000.

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

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

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/18
Item #4(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

Justin Brantley, Assistant Director of Purchasing & Facilities

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Daco Fire Equipment, Inc. of Lubbock, for repairs to Fire Truck #21 in an amount not to exceed \$30,083.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Fire Truck #21 is a 2001 75' aerial truck (asset #11192) with a Rosenbauer ladder that is currently serving as a reserve unit; however it is currently out of service due to operational issues with the ladder. In April, the truck was taken to Daco Fire Equipment (Daco) in Lubbock, the only authorized dealer and service provider in Texas for Rosenbauer aerial ladders, for the repair of the ladder at an estimated cost of \$18,775. Upon further evaluation by Daco of the ladder, additional needed repairs to the outriggers, stabilizers, and waterway were identified in order for the ladder to pass certification and return to service. The estimated cost of these additional repairs is \$11,309, making a total estimated repair cost of \$30,084.

Since Daco is the only authorized service provider for Rosenbauer aerial ladders in Texas, Staff is requesting that Council authorize these repairs as a single-source purchase as allowed by the Local Government Code Chapter 252.022, based on the captive replacement parts that are needed to make the repairs. Authorization of these repairs will provide for necessary fire truck backup coverage.

FISCAL IMPACT: Funding for the additional repairs to Fire Truck #21 by Daco Fire Equipment, Inc. in the amount of \$11,309 is available in the adopted FY 2019 Budget in account 110-2230-522-2333. The initial \$18,775 repair cost was funded from the FY 2018 Budget from account 110-2230-522-2333.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9458-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH DACO FIRE EQUIPMENT, INC. OF LUBBOCK, TEXAS FOR REPAIRS TO FIRE TRUCK NO. 21 IN AN AMOUNT NOT TO EXCEED \$30,083; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Fire Truck #21 (Asset No. 11192) is a 2001 75-foot aerial truck with a Rosenbauer ladder that is currently serving as a reserve unit, but is currently out of service due to operational issues with the ladder;

Whereas, in April, 2018, the truck was taken to Daco Fire Equipment (“Daco”) in Lubbock, Texas, for repair of the ladder in an estimated cost of \$18,775 - Daco is the only authorized dealer and service provider in Texas for Rosenbauer aerial ladders;

Whereas, upon further evaluation of the ladder by Daco, additional repairs were identified for the ladder to pass certification and return to service - the estimated cost of these additional repairs is \$11,309, making a total estimated repair cost of \$30,083;

Whereas, since Daco is the only authorized service provider for Rosenbauer aerial ladders in Texas Staff recommends Council authorize these repairs as a single-source purchase as allowed by the Local Government Code Chapter 252.022, based on the captive replacement parts that are needed to make the repairs;

Whereas, funding for the additional repairs to Truck 21 is available in the adopted fiscal year 2019 budget in Account No. 110-2230-522-2333 - the initial repair costs of \$18,775 were funded from the fiscal year 2018 budget from Account No. 110-2230-522-2333; 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 a contract with Daco Fire Equipment, Inc. of Lubbock, Texas for repairs to Fire Truck No. 21 in an amount not to exceed \$30,083, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any necessary documents.

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 6th day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #4(O)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: FY-18-4-AB: Consider adopting a resolution authorizing partial abandonment of 10 feet out of a 15-foot wide public utility easement within a 0.550 +/- acre parcel, shown as Lot 19, Block 3 on the plat of The Campus at Lakewood Ranch Phase V, located generally at 11209 Inverness Road.

STAFF RECOMMENDATION: Staff recommends approval for the partial abandonment of a 15-foot public utility easement, as presented in the item description and more particularly described in Exhibit A and respective field notes.

ITEM SUMMARY: The applicant, Dana Lange, submitted a request to abandon a portion of the public utility easement (PUE) in order to construct a detached garage on his property.

The 0.550 parcel is currently platted by The Campus at Lakewood Ranch Phase V subdivision. The 15-foot public utility easement is shown on the survey as "Cab. C, Sl. 228-D" and is attached as Exhibit A. The remainder of the easement will be located within the lot along the existing property line.

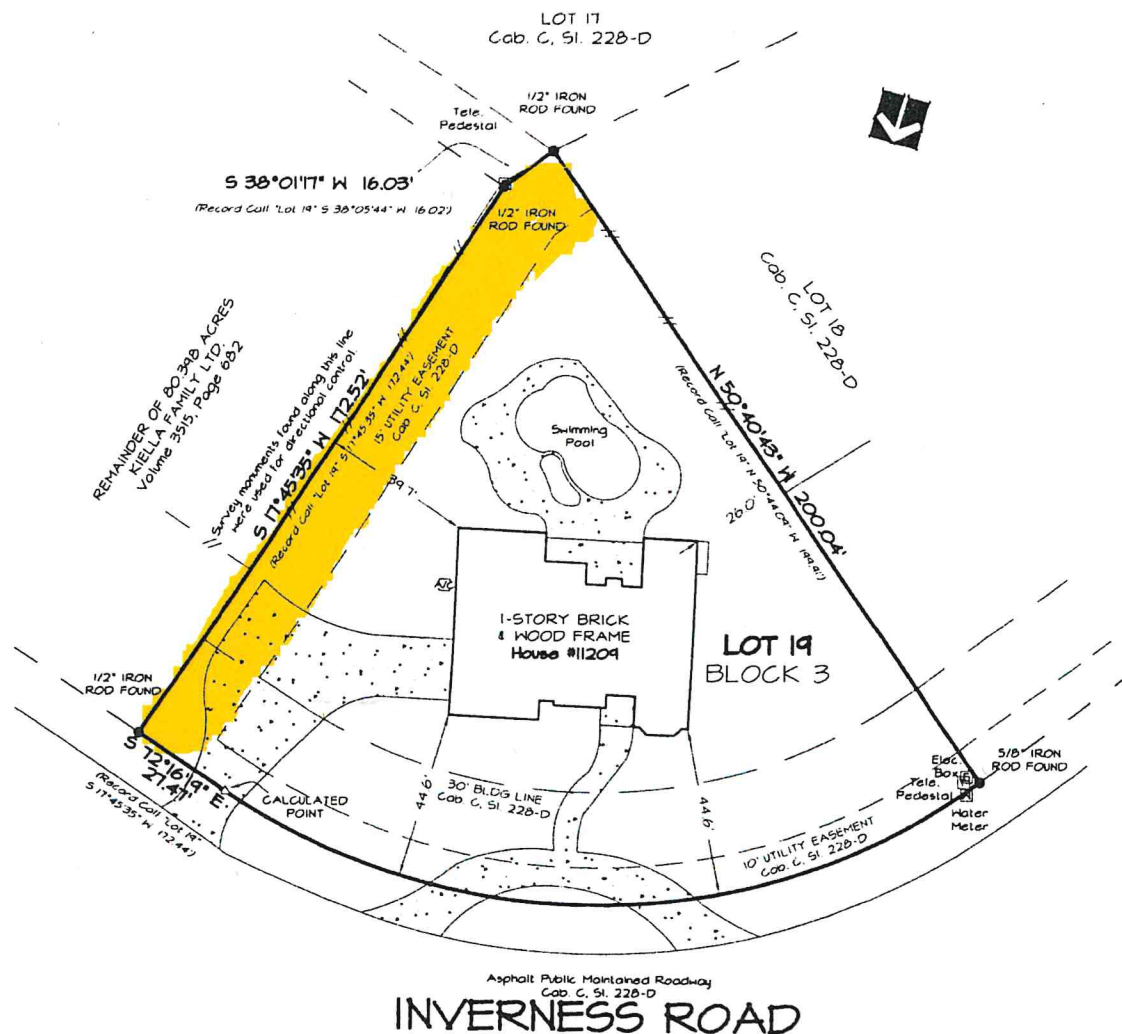
Planning staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be partially abandoned. AT&T has indicated that the remaining 5-foot public utility easement is sufficient for their needs, and relocation was completed on November 8, 2018. Other utility providers' responses indicate there are no other existing public facilities or utilities in the easement and there are no objections to releasing the easement.

FISCAL IMPACT: None

ATTACHMENTS:

[Surveyor Sketch \(Exhibit A\)](#)
[Resolution](#)

Surveyor's Sketch showing LOT NINETEEN (19), in BLOCK THREE (3), of THE CAMPUS AT LAKEWOOD RANCH, PHASE V, in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet C, Slide 228-D, Plat Records of Bell County, Texas.

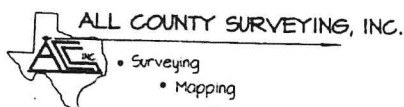


Survey performed for: DANA LANSE as per that title commitment provided by MONTEITH ABSTRACT COMPANY 61907-3645 EFFECTIVE DATE: JANUARY 16, 2008

Note from the Surveyor:
The following instruments listed on the title commitment supplied by Monteith Abstract & Title Company, S.F. No. 07-3645, effective date January 16, 2008, have been reviewed by this surveyor and based upon what is visible on the ground and what can be plotted from their descriptions, do not appear to affect this property. (Vol. / Pg.) * 2005 / 529 * 2026 / 105 * 2149 / 487

In addition to what is shown on the plat there is created 5' wide easements for drainage purposes on, over and across the platted rear and side lot lines of each and every lot in the subdivision according to the restrictions of record in Volume 4304, Page 46, Official Public Records of Real Property of Bell County, Texas.

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



ALL COUNTY SURVEYING, INC.
• Surveying
• Mapping
• Construction Layout
1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608

1988 2008 20 YEARS OF EXCELLENCE

Handwritten signature and date: 1-29-2008

Plot Date 01-24-08

Survey completed 01-24-08
Scale: 1" = 30'
Job No. 99799104
Dwg No. 99799104
Drawn by DMF
Surveyor CCL #4636

Copyright 2008 All County Surveying, Inc.

RESOLUTION NO. 2018-9459-R
(FY-18-4-AB)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PARTIAL ABANDONMENT OF APPROXIMATELY 10-FEET OF AN APPROXIMATELY 15-FOOT WIDE WIDE PUBLIC UTILITY EASEMENT WITHIN AN APPROXIMATELY 0.550 ACRE PARCEL, SHOWN AS LOT 19, BLOCK 3, ON THE PLAT OF THE CAMPUS AT LAKEWOOD RANCH, PHASE V, LOCATED GENERALLY AT 11209 INVERNESS ROAD, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Dana Lange, has submitted a request for partial abandonment of approximately 10-feet of an approximately 15-foot wide wide public utility easement within a 0.550 acre parcel, shown as Lot 19, Block 3, on the plat of the Campus at Lakewood Ranch, Phase V, located generally at 11209 Inverness Road, Temple, Bell County, Texas, which is more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, Planning Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be partially abandoned - AT&T has indicated that the remaining 5-foot public utility easement is sufficient for their needs, and relocation was completed on November 8, 2018;

Whereas, other utility providers' responses indicate there are no other existing public facilities or utilities in the easement and there are no objections to releasing the easement; and

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

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

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 of Temple, Texas authorizes the partial abandonment of approximately 10-feet of an approximately 15-foot wide wide public utility easement within a 0.550-acre parcel, shown as Lot 19, Block 3, on the plat of the Campus at Lakewood Ranch, Phase V, located generally at 11209 Inverness Road, Temple, Bell County, Texas, and more particularly described in Exhibit A.

Part 3: Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

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 on the **6th** day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2018, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:
City Attorney's Office

*2 North Main Street, Suite 308
Temple, TX 76501*



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #4(P)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FY-18-5-AB: Consider adopting a resolution authorizing a 0.022-acre partial abandonment of an existing 10-foot wide public utility easement located on Lot 29, Block 14, Westfield Development, Phase VIII, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the abandonment request as presented in the Item Description.

ITEM SUMMARY: Turley Associates, on behalf of the Kiella Development, Inc., requests a partial abandonment of 0.022 acres within an existing 10-foot wide utility easement located on Lot 29, Block 14, Westfield Development, Phase VIII, at the northeast corner of the Parkfield Lane right-of-way, shown more fully in the attached survey.

This easement abandonment request is associated with a proposed single-family residential plat, known as Westfield Development, Phase VIII Replat No.1 (FY-18-38-PLT), as well as rezoning case FY-18-15-ZC).

Planning staff contacted all public and private service providers, including the Public Works Department. There are no objections to the requested easement abandonment.

FISCAL IMPACT: Not applicable

ATTACHMENTS:

[Survey \(Exhibit A\)](#)
[Field Notes](#)
[Resolution](#)

BEING a 0.022 acre tract of land in Bell County, Texas situated in the BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT No. 17 and being a part or portion of that certain 2.257 acre tract of land described as Lot 29, Block 14, Westfield Development, Phase VIII according to the map or plat of record in Cabinet D, Slide 348-C, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being in the south boundary line of the said Lot 29, Block 14, Westfield Development, Phase VIII and being the northwest corner of Lot 28, said Block 14 and being in the west boundary line of Block 14, Westfield Development, Phase III according to the map or plat of record in Cabinet D, Slide 117-A, Plat Records of Bell County, Texas and being the northeast corner of the right-of-way of Parkfield Lane as described in said Cabinet D, Slide 348-C for corner;

THENCE departing the said south boundary line and the said Lot 28, Block 14 and the said right-of-way line and over and across the said Lot 29, Block 14 the following three (3) calls:

- 1) N. 16° 15' 58" E., 10.00 feet to a point for corner;
- 2) S. 73° 44' 02" E., 97.50 feet to a point for corner;
- 3) S. 16° 15' 58" W., 10.00 feet to a point being the south boundary line of the said Lot 29, Block 14 and being in the north boundary line of the said Lot 28, Block 14 for corner;

THENCE N. 73° 44' 02" W., 97.50 feet with the said south boundary line and the said north boundary line to the Point of BEGINNING and containing 0.022m acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

Michael E. Alvis

Michael E. Alvis, R.P.L.S.#5402
September 24, 2018



THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 4004
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 24"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884
PUBLISHED CITY COORDINATES ARE X = 3,206,128.30 Y = 10,383,154.18
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS
N. 04° 27' 51" W., 2051.40 FEET.



TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING

301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400

Line Table		
Line #	Direction	Length
L1	N16°15'58"E	10.00'
L2	N16°15'58"E	10.00'

THIS PROJECT IS REFERENCED IN NAD 1983 CENTRAL TEXAS STATE PLANE.
ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND
ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 4004
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 24"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999884
PUBLISHED CITY COORDINATES ARE X = 3,206,128.30 Y = 10,383,154.18
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS
N. 04° 27' 51" W., 2051.40 FEET.

SCALE 1:20

29

POINT
L1
1/2" IRON ROD WITH CAP
STAMPED "RPLS 2475" FOUND
IPOB
S73°44'02"E 97.50'
0.022 ACRES
S73°44'02"E 97.50'
POINT
L2

PARKFIELD LANE
(50' R.O.W. 31' B-B)

28

WESTFIELD DEVELOPMENT, PHASE VIII
CABINET D, SLIDE 348-C

27

14

WESTFIELD DEVELOPMENT, PHASE III
CABINET D, SLIDE 117-A

BEING a 0.022 acre tract of land more particularly described by separate field notes.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO
FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.



STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,
a Registered Professional Land Surveyor in the State of Texas,
COUNTY OF BELL do hereby certify that this survey was this day made
on the ground of the property described herein and
is correct.

IN WITNESS THEREOF, my hand and seal, this the 24th day of September 2018.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402



301 N. 3rd St.
TEMPLE, TEXAS 76501

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TPE No. F-1658 • TBPLS No. 10056000

254.773.2400
www.turley-inc.com

17-1095
SKETCH
MGM

RESOLUTION NO. 2018-9460-R
(FY-18-5-AB)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING PARTIAL ABANDONMENT OF AN
APPROXIMATELY 0.022 ACRE EXISTING 10-FOOT WIDE PUBLIC
UTILITY EASEMENT LOCATED ON LOT 29, BLOCK 14, WESTFIELD
DEVELOPMENT, PHASE VIII, TEMPLE, BELL COUNTY, TEXAS; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Turley Associates has submitted a request on behalf of Kiella Development, Inc., for partial abandonment of an approximately 0.022 acre existing 10-foot wide public utility easement located on Lot 29, Block 14, Westfield Development, Phase VIII, Temple, Bell County, Texas, which is more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the easement may be abandoned, as the providers' responses indicated there are no objections to abandoning the easement; and

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

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

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 of Temple, Texas authorizes the partial abandonment of an approximately 0.022 acre existing 10-foot wide public utility easement located on Lot 29, Block 14, Westfield Development, Phase VIII, Temple, Bell County, Texas, addressed as 2704 Fossil Creek Drive, and more particularly described in Exhibit A.

Part 3: Upon request, the City of Temple will provide a copy of this Resolution and any other evidence of abandonment of the utility easement, which may be reasonably required.

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 on the 6th day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____,
2018, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

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



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #4(Q)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: SECOND READING – FINAL HEARING FY-18-14-ZC: Consider amending Ordinance No. 2018-4907 to add 11.80 +/- acres to an existing Planned Development-Single Family 2 development at the Reserve at Pea Ridge, with an accompanying site development plan amendment for the property situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Temple, Texas.

STAFF RECOMMENDATION: Based on the following, staff recommends approval with conditions for a rezoning amending the existing PD development site plan for the Reserve at Pea Ridge subdivision by adding this swapped property. A new condition (14) has been added to apply park fees paid at platting for future trail construction.

1. That the proposed Development Plan/Site Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The request is in compliance with the Future Land Use Map (FLUM) Suburban Residential designation and current adjacent subdivisions
3. The proposed zoning is compatible with surrounding zoning;
4. The request complies with the Thoroughfare Plan and Trails Master Plan; and
5. Public facilities are nearby to serve the subject property.

Staff recommends approval of the request, subject to the following amended conditions:

1. Substantial compliance with the attached development/site plan
2. 20' Front setbacks, 10' rear, 10' side setbacks street side, 5' side setbacks interior lots
3. Paved trail heads provided to adjacent city trails planned
4. No single residential lots with drive access onto realigned S Pea Ridge Road; shared drive if needed only with No Backing requirement
5. East of Pea Ridge realignment (approximately 3 acres), option of one or two family dwellings with two family only on minimum 60 foot wide lots
6. Maximum of 350 total lots (for total of original and amended portion)
7. Sodded front yards
8. One tree in each front yard minimum 2" diameter at breast height
9. Minimum of three 5 gallon shrubs, five 1-gallon shrubs in front yard.
10. Front façade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.
11. Each home façade is required to be a minimum of 80% masonry except for gables, dormers, eaves, overhangs, porches, etc.

12. Front façade to be a minimum of 50% masonry excluding hardie plank siding with same permitted exceptions as written above
13. Residential sidewalks as shown to be installed as homes are constructed.
14. Park fees paid by the developer will go toward trail development near this subdivision and will be further agreed upon, per square foot cost and trail designs at platting.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their October 15th, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the rezoning and development site plan per staff's recommendation.

ITEM SUMMARY: Josh Welch on behalf of WBW is asking for rezoning on the additional property that was swapped with the city to match the previous PD-SF-2. This property, swapped to create a new linear park on the subdivision's western boundary, has been added to this Planned Development which is required to be rezoned from AG to be added to the site plan as PD SF-2. The PD Ordinance for the first rezoning of the original 81 acres was approved April 19, 2018. This new portion accesses S. Pea Ridge Road and is bounded on the west and north by city park property and an Oncor easement. Trails access into the city's future park is planned for both original and newly added portions of the development.

Planned Development

UDC Section 3.4.1 defines a PD as:

"A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council and requires a binding site plan. In this case, the proposal would include a future amendment to add additional property to the development.

SURROUNDING PROPERTIES AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

Direction	FLUP	Zoning	Current Land Use
Subject Property	Suburban Residential	AG	Vacant
North	Suburban Residential and Parkland/Open Space	AG & PD SF-1	Residential
South	Suburban Residential	AG	Undeveloped

East	Suburban Residential	AG, PD - 2F, SF-2	Undeveloped and residential
West	Suburban Residential	SF-2	Future parkland

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

Document	Policy, Goal, Objective or Map	Compliant?
CP	Map 3.1 - Future Land Use and Character (FLUP)	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

Future Land Use Map (CP Map 3.1)

In the FLUM, the subject property is designated as the Suburban Residential character district. This district is intended for residential subdivisions of medium density as represented by this PD.

The proposal is in compliance with the FLUM and adjacent current zoning.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from S Pea Ridge Road, which is designated as a collector in the Thoroughfare Plan and will be realigned in compliance with engineering best practices for a curvilinear route through the subject property in the first phase of the PD, with the southern portion of South Pea Ridge to be improved by the city in the near future.

Availability of Public Facilities (CP Goal 4.1)

Water and Sewer are available to service the subject property.

DEVELOPMENT REVIEW COMMITTEE: As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on October 1st and 4th, 2018. Site characteristics, resulting land swap, trails connections and history of the property were discussed.

PUBLIC NOTICE: Twelve notices (12) were mailed to property owners within the 200 feet buffer area of the subject property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Thursday, October 11th, 2018, 0 notices were received in disagreement; and 0 in agreement (property owner) were returned, with 0 notice returned undeliverable.

The newspaper printed notice of the public hearing on October 4, 2018 in accordance with state law and local ordinance.

CITY COUNCIL MEETING SCHEDULE: This request is scheduled for a first reading on November 15, 2018 and a second reading on December 6, 2018.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

New Development/Site Plan
Original PD Ordinance 2018-4907
Aerial Map
Utility Map
Zoning Map
Site Photos
Future Land Use and Character Map
Thoroughfare & Trails Map
Notification Map
Excerpt from P & Z
Ordinance

The Reserve at Pea Ridge Planned Development Standards:

- Underlying zoning SF-2
- 20' Front setbacks
- 10' side setbacks adjacent to streets
- 5' side setbacks
- Paved trail heads to be provided
- Property to the east of Pea Ridge realignment to have the option of one-family or two-family dwellings (two-family dwellings are a minimum lot width of 60')
- Maximum of 350 lots

Residential Landscaping Standards:

- Front yard shall be sodded
- One tree required in the front yard to be a minimum 2" caliper at breast height
- Shrubs: minimum of three 5 gallon shrubs and five 1 gallon shrubs placed in the front yard
- Park fees shall go toward trail development costs

Residential Architectural Standards:

- The front façade must have at least two architectural features. Items may include but not limited to: roof breaks, columns, gables, varied roof pitch, etc.
- The façade of each home is required to be at least 80% masonry (brick, rock, stucco, hardie-plank or other cementitious products), permitted exceptions: gables, dormers, eaves, overhangs, porches, etc.
- The front façade of each home must be at least 50% masonry, excluding hardie-plank, with the same permitted exceptions as written above.
- Residential sidewalks shall be installed when homes are built as shown. Sidewalk along Pea Ridge will be built along with oversizing of Pea Ridge road.



The Reserve
at **Pea Ridge**

ORDINANCE NO. 2018-4907
(Z-FY-18-16)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING AND SITE DEVELOPMENT PLAN ON APPROXIMATELY 81 ACRES FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY TWO ZONING DISTRICT, ADDRESSED AS 1810 SOUTH PEA RIDGE ROAD, IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, WBW, is the owner of 81 acres located at 1810 South Pea Ridge Road and is proposing development of the subject property with future plans for an accompanying land swap of a comparably sized parcel of City property to provide park land for the additional connecting portion of drainage areas at the east side of their tract;

Whereas, additionally, applicant will participate in realigning South Pea Ridge Road through the subject 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 Site Development Plan from Agricultural Zoning District to Planned Development Single Family Two Zoning District, on approximately 81 acres addressed as 1810 South Pea Ridge Road in the Baldwin Robertson Survey, Abstract No. 17, 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 from Agricultural Zoning District to Planned Development Single Family Two Zoning District on approximately 81 acres situated in the Baldwin Robertson Survey, Abstract No. 17, Temple, Texas and addressed as 1810 South Pea Ridge Road, as more thoroughly described by the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes along with the following conditions:

1. Substantial compliance with the attached Development Plan/Site Plan;
2. 20' Front setbacks, 10' rear, 10' side setbacks street side, 5' side setbacks interior lots;
3. Paved trail heads provided to adjacent city trails planned;
4. Homes adjacent to Southern Draw to be maximum of one story;

5. East of Pea Ridge realignment (approximately 3 acres), option of one or two family dwellings with two family only on minimum 60-foot-wide lots;
6. Maximum of 350 total lots;
7. Sodded front yards;
8. One tree in each front yard minimum 2" diameter at breast height;
9. Minimum of three 5 gallon shrubs, five 1-gallon shrubs in front yard;
10. Front façade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.;
11. Each home façade is required to be a minimum of 80% masonry except for gables, dormers, eaves, overhangs, porches, etc.;
12. Front façade to be a minimum of 50% masonry excluding hardie plank siding with same permitted exceptions as written above; and
13. Residential sidewalks as shown to be installed as homes are constructed. Sidewalk along S. Pea Ridge portion will be built along with oversizing the roadway to collector standards.

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 5th day of April, 2018.

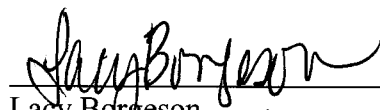
PASSED AND APPROVED on Second Reading on the 19th day of April, 2018.

THE CITY OF TEMPLE, TEXAS




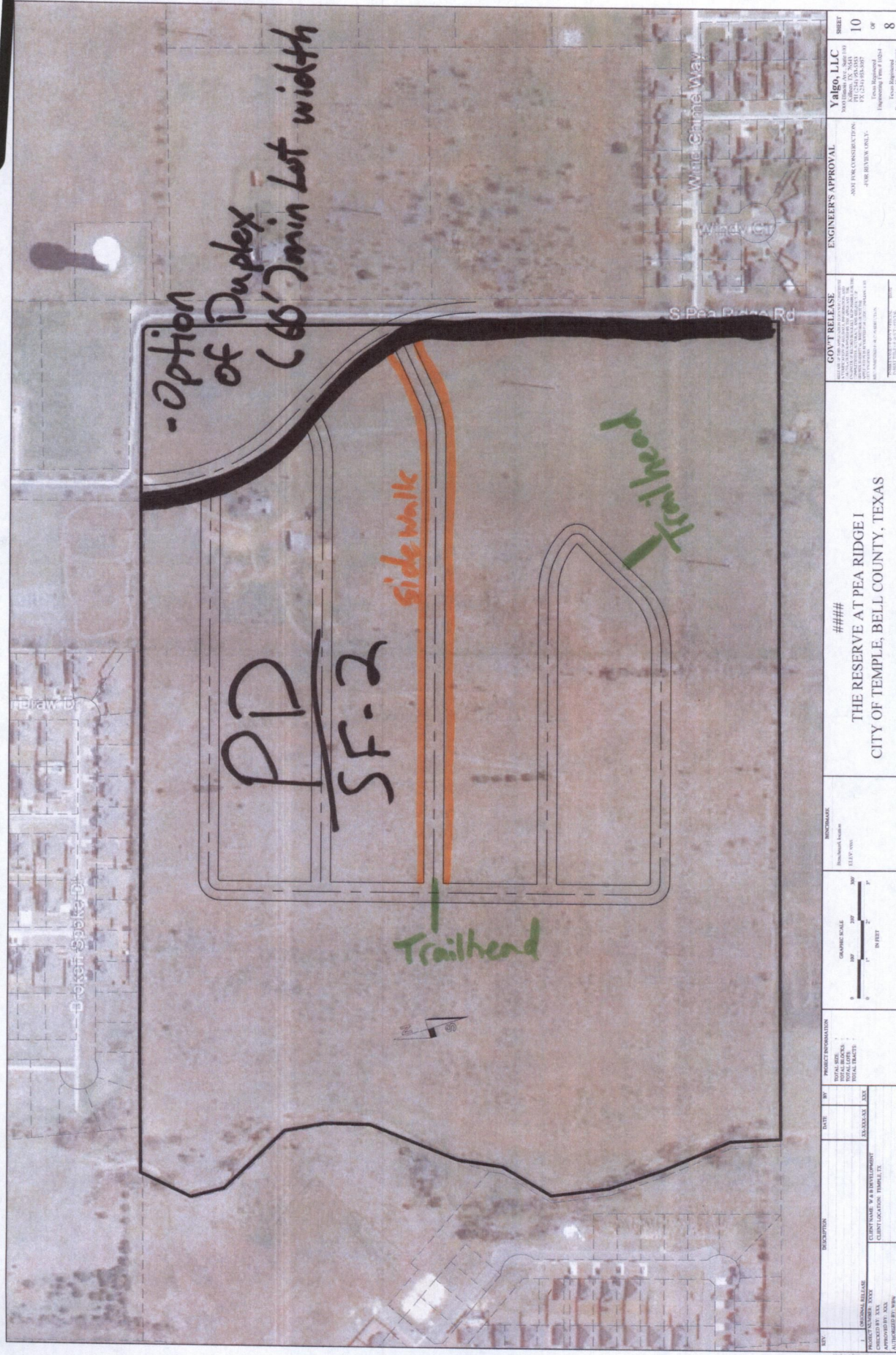
DANIEL A. DUNN, Mayor

ATTEST:


 Lacy Borgeson
 City Secretary


APPROVED AS TO FORM:


 Kayla Landeros
 City Attorney





AG TO PD-SF-2

AERIAL MAP

Zoning Case :
FY-18-14-ZC

Transportation

Streets

 MAJOR ARTERIAL

 COLLECTOR

 LOCAL STREET

 MINOR ARTERIAL

 Temple Municipal Boundary

Parcel Features

 Parcels

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: 9/26/2018





AG TO PD-SF-2

UTILITY MAP

Zoning Case :
FY-18-14-ZC

Sewer

- Manhole
- Gravity Main

Water Distribution

- ✚ Hydrant
- Main

Parcel Features

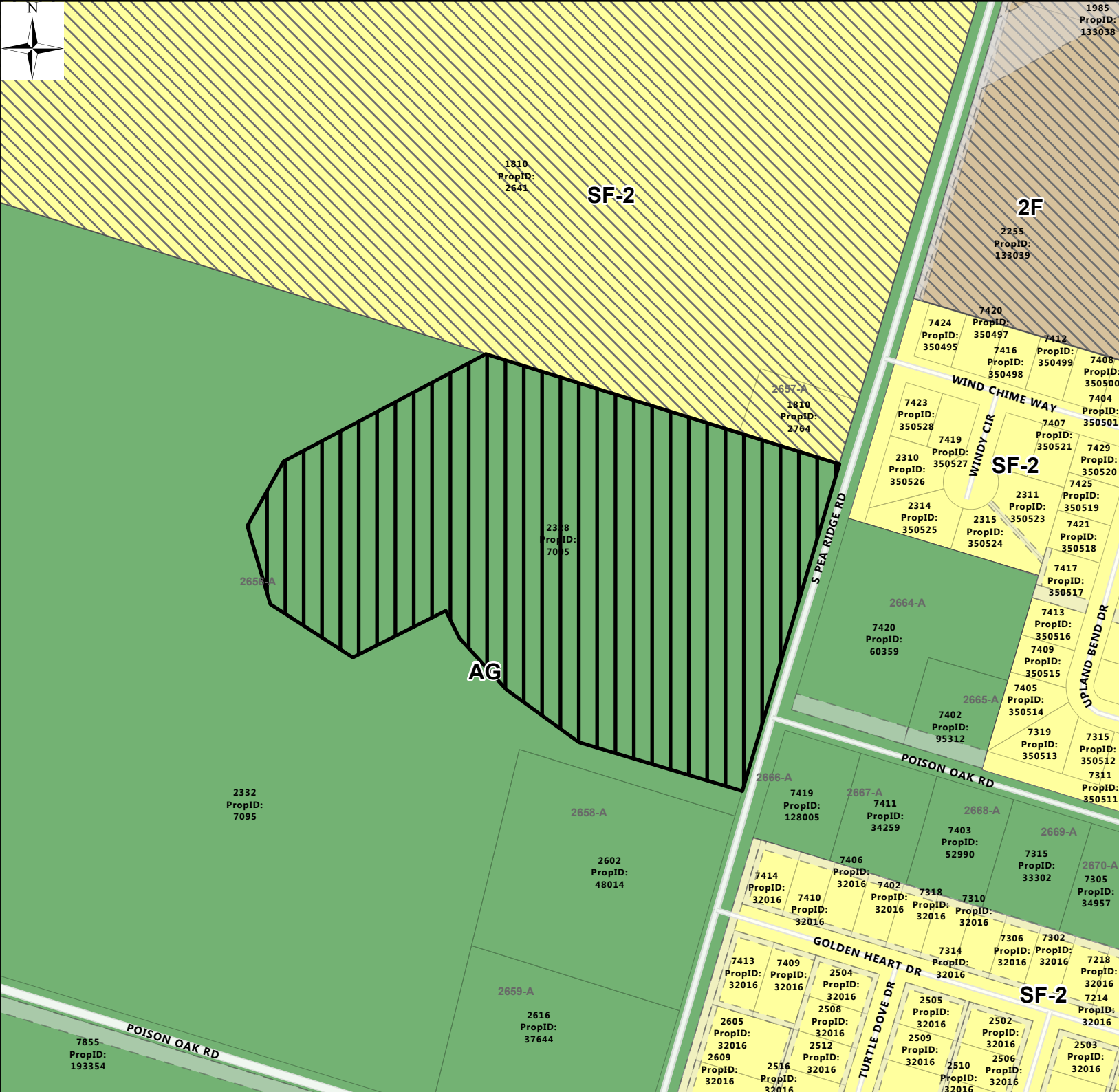
- ▭ Parcels
- ▭ Production.SDE.Easement

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Irbarrett

Date: 9/26/2018





Zoning Case :
FY-18-14-ZC

- | 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 - LI, 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 |
| SFA-3 - PD | MH |
| 2F | MH - CUP |
| 2F - CUP | MH - PD |
| 2F - PD | MU |
| MF-1 | MU - CUP |
| MF-1 - CUP | SD-C |
| MF-1 - PD | SD-C - CUP |
| MF-2 | SD-H |
| MF-2 - CUP | SD-H - CUP |
| MF-2 - PD | SD-T |
| MF-3 - PD | SD-V |
| O-1 | T4 |
| O-1 - CUP | T4 - PD |
| 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 | CUP |
| GR - PD | PD |
| GR - CUP, PD | |
- Production.SDE.Easement

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Irbarrett
Date: 9/26/2018







AG TO PD-SF-2 FUTURE LAND USE MAP

Zoning Case :
FY-18-14-ZC

Transportation

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Parcel Features

- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- Production.SDE.Easement

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Irbarrett

Date: 9/26/2018





AG TO PD-SF-2 THOROUGHFARE AND TRAILS MAP

Zoning Case :
FY-18-14-ZC

Parcel Features

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- Production.SDE

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Irbarrett
Date: 9/26/2018

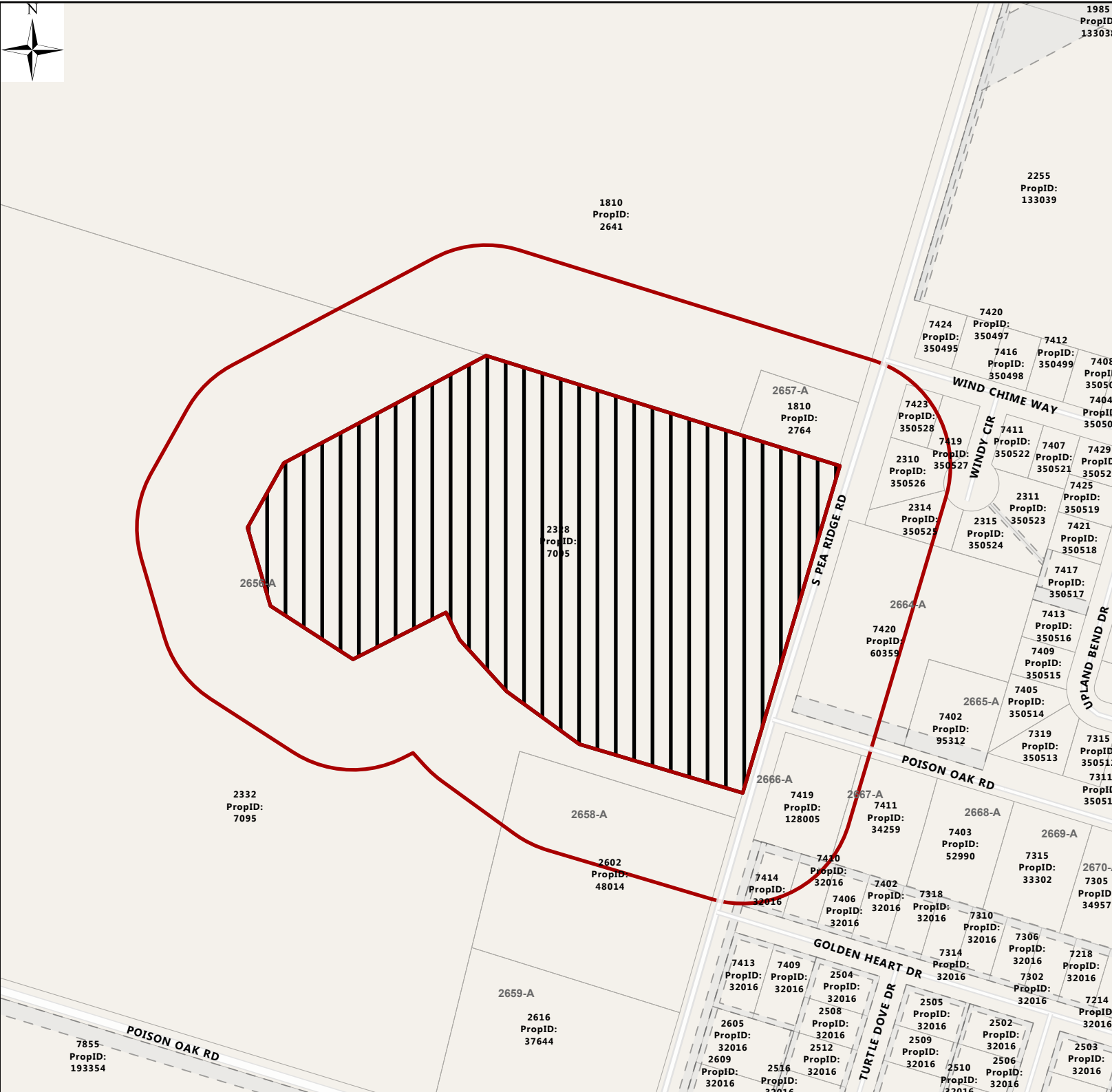




AG TO PD-SF-2

200'
NOTIFICATION MAP

Zoning Case :
FY-18-14-ZC



Production.SDE.Easement

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Irbarrett

Date: 9/26/2018



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

MONDAY, October 15, 2018

ACTION ITEMS:

Item 2: FY-18-14-ZC – Hold a public hearing to consider and recommend action to amend Ordinance No. 2018-4907 to add 11.80+/- acres to an existing Planned Development-Single Family 2 (PD-SF-2) development and rezone from Agricultural (AG) district to PD-SF-2 with accompanying site development plan amendment for the property situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Temple, Texas.

Ms. Lynn Barrett, Assistant Director of Planning, stated this case is a Planned Development (PD) Amendment to rezone an additional 11.8 acres for an updated site plan located on South Pea Ridge, and the applicant is Josh Welch with WBW Development Group. This item is scheduled to go forward to City Council for first reading on November 15, 2018 and second reading on December 6, 2018.

Aerial map shown. Property was an original PD for 81 acres that included a land swap with the City of Temple to add a linear park to the west in exchange for 11.8 acres. Subject property is currently zoned AG located in the Belton Independent School District (BISD), and proposed to be rezoned Planned Development-Single Family-2 (PD-SF-2) with the same conditions as the original PD. An additional condition requirement designates park fees to fund trail improvements in this area.

Site area photograph shown.

Proposed Zoning-Planned Development Site Plan shown. Ms. Barrett distinguished between the original PD rezoning area (outlined in blue on presentation slide) with that of the new area gained (outlined in red) as well as proposed road changes.

Current zoning map shown.

Future Land Use map shown. The entire PD site plan and surrounding areas are Suburban Residential and found to be in compliance with this land use.

Water and sewer are available nearby to serve the property and found to be in compliance.

Thoroughfare and trails map shown and found to be in compliance. A sidewalk will be included on South Pea Ridge as well as proposed trail heads that will link up with the linear park and along the creek bed to the west.

Ms. Barrett reviewed the definition of a PD per the Unified Development Code (UDC) and the approval requirement of a Development/Site plan that is binding.

The Reserve at South Pea Ridge PD original and new required conditions include:

1. Substantial compliance with the development/site plan;
2. 20-foot front setbacks, 10-foot rear setbacks, 10-foot side setbacks street side, five-foot side setbacks interior lots;
3. Paved trail heads provided to adjacent city trails planned;
4. Homes adjacent to Southern Draw Subdivision to be maximum of one-story;
5. No single residential lots with drive access onto realigned South Pea Ridge Road; shared drive if needed only with “no backing out” directly onto South Pea Ridge;
6. East of Pea Ridge realignment (approximately three acres), option of one or two family dwellings with two family only on minimum 60-foot wide lots;
7. Maximum of 350 total lots;
8. Sodded front yards;
9. One tree in each front yard minimum two-inch diameter at breast height;
10. Minimum of three five-gallon shrubs, five one-gallon shrubs in front yard;
11. Front façade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.;
12. Each home façade is required to be a minimum of 80% masonry (including Hardie plank) except for gables, dormers, eaves, overhangs, porches, etc.;
13. Front façade to be a minimum of 50% masonry excluding Hardie plank siding with same permitted exceptions as written above
14. Residential sidewalks as shown to be installed as homes are constructed. Sidewalk along South Pea Ridge portion will be built along with oversizing the roadway to collector standards; and
15. Park fees paid by the developer will go toward trail development near this subdivision and will be further agreed upon, per square foot cost and trail designs at platting.

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

Staff recommends approval of amending Zoning Ordinance 2018-4907 to add 11.80+/- acres to an existing Planned Development-Single Family 2 (PD-SF-2) development and to rezone from Agricultural (AG) district to PD-SF-2 with accompanying site development plan in accordance with Site Development Plan as presented and the previously mentioned conditions.

Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Ward made a motion to approve Item 2, **FY-18-14-ZC**, per staff recommendation, and Commissioner Alaniz made a second.

Motion passed: (7:0)

Commissioner Marshall absent.

Item 3: FY-18-19-PLT – Hold a public hearing to consider and take action on the Final Plat of FM93 Commercial, a 3.983 +/- acres, 2 lot, 1-block, non-residential subdivision, situated in the Maximo Moreno Survey, Abstract No. 14, being a replat of all that certain Lot 23, Block 6, Alta Vista III, Bell County, Texas, located at the northeast corner of South 5th Street and West FM 93.

Ms. Tammy Lyerly, Senior Planner, stated the Planning & Zoning Commission is the final plat authority since the applicant has not requested any exceptions to the UDC.

Aerial map shown. The subject property is located in the northeast corner of South 5th Street and West FM 93.

Background: The Development Review Committee (DRC) reviewed this plat on September 20, 2018 and deemed it administratively complete on October 10, 2018.

Ms. Lyerly stated this replat requires a public hearing due to Texas Local Government Code 212.014 which deals with replatting without vacating a preceding plat.

Water will be provided to the subdivision through an existing twelve-inch water line within the South 5th Street right-of-way and within six-inch and a one point five-inch water lines within the West FM 93 right-of-way. Sewer services will be provided through a proposed six-inch sewer line within the fifteen-foot wide utility easement along the east property line.

Proposed plat shown.

Utility plan map shown.

Staff recommends approval of the Final Plat of FM 93 Commercial.

Chair Langley opened the public hearing

There being no speakers, the public hearing was closed.

Commissioner Fettig made a motion to approve Item 3, **FY-18-19-PLT**, per staff recommendation, and Commissioner Wright.

Motion passed: (7:0)

Commissioner Marshal absent.

ORDINANCE NO. 2018-4941
(FY-18-14-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE 2018-4907 TO ADD APPROXIMATELY 11.80 ACRES TO AN EXISTING PLANNED DEVELOPMENT-SINGLE FAMILY TWO DEVELOPMENT AT THE RESERVE AT PEA RIDGE, WITH AN ACCOMPANYING SITE DEVELOPMENT PLAN AMENDMENT, FOR THE PROPERTY SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 19, 2018, the City Council approved Ordinance No. 2018-4907 which authorized the rezoning of and a site development plan for 81.00 acres addressed as 1810 South Pea Ridge Road – the property was rezoned from Agricultural district to Planned Development Single Family Two;

Whereas, Ordinance No. 2018-4907 included several conditions within the Planned Development which are listed below:

1. Substantial compliance with the Development Plan/Site Plan;
2. 20' front setbacks, 10' rear setbacks, 10' side setbacks on the street side of lots, and 5' side setbacks on interior lots;
3. Paved trail heads provided to future, adjacent City trails;
4. No single residential lots with drive access onto realigned South Pea Ridge Road; shared drive if needed only with no backing allowed;
5. East of Pea Ridge alignment (approximately three acres), option of one or two-family dwellings with two family only on minimum 60-foot wide lots;
6. Maximum of 350 total lots;
7. Sodded front yards;
8. One tree in each front yard minimum 2" diameter at breast height;
9. Minimum of three 5-gallon shrubs, five 1-gallon shrubs in front yard;
10. Front façade of each structure will have a minimum of two architectural features of roof breaks, columns, gables, varied roof pitch, etc.;
11. Each home façade is required to be a minimum of 80% masonry except for gables, dormers, eaves, overhangs, porches, etc.;
12. Front façade to be a minimum of 50% masonry excluding hardie plank siding with same permitted exceptions as written above; and
13. Residential sidewalks, as shown, to be installed as homes are constructed.

Whereas, after Ordinance No. 2018-4907 was adopted, the City and WBW Development entered into a Developer Participation Agreement in which the City conveyed to WBW approximately 11.8 acres in exchange for other property located to the west of the subdivision;

Whereas, WBW has now requested that Ordinance No. 2018-4907 be amended to add the 11.8 acres to the Planned Development Single Family Two zoning district;

Whereas, the 11.8 acres is currently zoned Agricultural, therefore the proposed amendment would rezone the 11.8 acres to Planned Development Single Family Two;

Whereas, an amended site/development plan has also been submitted showing the addition of the 11.8 acres – the site/development plan is attached hereto as Exhibit A;

Whereas, Staff recommends council amend Ordinance 2018-4907 to add approximately 11.80 acres to the existing Planned Development-Single Family Two development at the Reserve at Pea Ridge, with an accompanying site development plan amendment for the property addressed as 1810 South Pea Ridge Road and situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Temple, Texas;

Whereas, Staff also recommends that Council add an additional condition to the Planned Development as set forth below:

14. Park fees paid by the developer will go toward trail development near this subdivision and will be further agreed upon, per square foot cost and trail designs, at the platting stage; and

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

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

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

Part 2: The City Council amends Ordinance 2018-4907 to add approximately 11.80 acres to an existing Planned Development Single Family Two development at the Reserve at Pea Ridge, with an accompanying site development plan amendment for the property addressed as 1810 South Pea Ridge Road and situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Temple, Texas.

Part 3: The City Council amends Ordinance 2018-4907 to add an additional condition, as follows:

14. Park fees paid by the developer will go toward trail development near this subdivision and will be further agreed upon, per square foot cost and trail designs, at the platting stage.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

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

Part 6: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **November**, 2018.

PASSED AND APPROVED on Second Reading on the **6th** day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #4(R)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – FINAL HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue as City of Temple Tax Abatement Reinvestment Zone Number 37 for commercial/industrial tax abatement.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in item description and conduct a public hearing. Second reading will be scheduled for the December 6, 2018 City Council meeting.

ITEM SUMMARY: The proposed ordinance designates a tract of land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue as Tax Abatement Reinvestment Zone Number 37 for commercial/industrial tax abatement. The property tax identification numbers for the subject properties are 123407 and 24489.

The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. We anticipate bringing a tax abatement agreement for proposed improvements to the property for Council's consideration at the December 6, 2018 meeting.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Map](#)
[Ordinance](#)



Tax Abatement Zone #37

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

ORDINANCE NO. 2018-4942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A TRACT OF LAND CONSISTING OF APPROXIMATELY 0.376 ACRE LOCATED AT 110 EAST CENTRAL AVENUE AND 114 EAST CENTRAL AVENUE AS CITY OF TEMPLE TAX ABATEMENT REINVESTMENT ZONE NUMBER 37 FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council of the City of Temple, Texas (“City”), desires to promote the development or redevelopment of a certain geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code;

Whereas, the City held a public hearing as required, after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

Whereas, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the Ordinance calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement;

Whereas, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone; and

Whereas, Staff recommends designating a tract of land consisting of approximately 0.376 acre located at 110 East Central Avenue and 114 East Central Avenue and identified in the property tax rolls by Property Identification Nos. 123407 and 24489, as Tax Abatement Reinvestment Zone Number 37 for commercial/industrial tax abatement in order to promote economic development in the City.

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

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, after conducting such hearings and having heard such evidence and testimony has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER THIRTY-SEVEN") should be approximately 0.376 acre located at 110 East Central Avenue and 114 East Central Avenue, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER THIRTY-SEVEN will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical.

D. That REINVESTMENT ZONE NUMBER THIRTY-SEVEN meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City."

E. That REINVESTMENT ZONE NUMBER THIRTY-SEVEN meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 0.376 acre located at 110 East Central Avenue and 114 East Central Avenue, Temple, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-SEVEN, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on **December 6, 2018.**

Part 5: To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Part 6: Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

Part 7: Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

Part 8: Severance clause. 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 9: Effective date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 10: Sunset provision. The designation of TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-SEVEN shall expire five years from the effective date of this Ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 11: Open Meeting Act. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **November**, 2018.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **December**, 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

12/06/18
Item #4(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – FINAL HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road, within a tract of land identified by the Bell County Appraisal District as 410044, as City of Temple Tax Abatement Reinvestment Zone Number 38 for commercial/industrial tax abatement.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in item description and conduct a public hearing. Second reading will be scheduled for the December 6, 2018 City Council meeting.

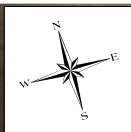
ITEM SUMMARY: The proposed ordinance designates a tract of land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road as Tax Abatement Reinvestment Zone Number 38 for commercial/industrial tax abatement. The proposed zone will be located within a larger property identified as 410044 by the Bell County Appraisal District.

The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. We anticipate bringing a tax abatement agreement for proposed improvements to the property for Council's consideration at the December 6, 2018 meeting.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Map](#)
[Ordinance](#)



WENDLAND RD

36.9 acres

WESTERN WAY

WILSONART DR



Tax Abatement Zone #38

DISCLAIMER:

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

ORDINANCE NO. 2018-4943

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A TRACT OF LAND CONSISTING OF APPROXIMATELY 36.9 ACRES LOCATED ON THE EAST SIDE OF WENDLAND ROAD AND SOUTH OF MOORES MILL ROAD, WITHIN A TRACT OF LAND IDENTIFIED BY THE BELL COUNTY APPRAISAL DISTRICT AS 410044, AS CITY OF TEMPLE TAX ABATEMENT REINVESTMENT ZONE NUMBER 38 FOR COMMERCIAL/ INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council of the City of Temple, Texas (“City”), desires to promote the development or redevelopment of a certain geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code;

Whereas, the City held a public hearing as required, after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

Whereas, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the Ordinance calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement;

Whereas, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone; and

Whereas, Staff recommends designating a tract of land consisting of approximately 36.9 acres located on the east side of Wendland Road and south of Moores Mill Road, within a tract of land identified by the Bell County Appraisal District as 410044, as Tax Abatement Reinvestment Zone Number 38 for commercial/industrial tax abatement in order to promote economic development in the City.

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

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, after conducting such hearings and having heard such evidence and testimony has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER THIRTY-EIGHT") should be approximately 36.9 acres located on the east side of Wendland Road and south of Moores Mill Road, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER THIRTY-EIGHT will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical.

D. That REINVESTMENT ZONE NUMBER THIRTY-EIGHT meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City."

E. That REINVESTMENT ZONE NUMBER THIRTY-EIGHT meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 36.9 acres located on the east side of Wendland Road and south of Moores Mill Road, Temple, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-EIGHT, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on **December 6, 2018.**

Part 5: To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Part 6: Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

Part 7: Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

Part 8: Severance clause. 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 9: Effective date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 10: Sunset provision. The designation of TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-EIGHT shall expire five years from the effective date of this Ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone

designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 11: Open Meeting Act. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **November**, 2018.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **December**, 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

12/06/18
Item #4(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving the annual report for the Tax Increment Financing Reinvestment Zone No. 1 for year ending September 30, 2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to comply with the State law requiring submission of an annual report to the taxing units within the Reinvestment Zone No. 1 (Zone).

The attached report discloses the financial condition of the Zone as of 9/30/2018, as well as the tax collections by taxing entity.

The financial information contained in this report will be presented to the Reinvestment Zone No. 1 Board at the December 5, 2018 board meeting. The annual report will be mailed to the chief executive officer of each taxing unit that participates in the Reinvestment Zone #1 and to the State Comptroller as required by state law.

FISCAL IMPACT: Attached is the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for year ending September 30, 2018.

ATTACHMENTS:

[Annual Report - to be provided](#)
[Resolution](#)

RESOLUTION NO. 2018-9461-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE ANNUAL REPORT FOR THE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE FOR YEAR ENDING SEPTEMBER 30, 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 311.016 of the Tax Increment Financing Act requires that on or before the 150th day following the end of the fiscal year of the municipality, the governing body of a municipality submit to the chief executive officer of each taxing unit that levies property tax on real property in a reinvestment zone created by the municipality, an annual report on the status of the zone;

Whereas, State law requires a copy of the report must also be sent to the Texas Attorney General and State Comptroller;

Whereas, the report attached hereto as Exhibit 'A,' discloses the financial condition of the Tax Increment Financing Reinvestment Zone as of September 30, 2018, as well as the tax collections by taxing entity;

Whereas, the financial information contained in the report was presented to the City of Temple Tax Increment Financing Reinvestment Zone Number One Board at the December 5, 2018 board meeting;

Whereas, Staff recommends approval of the annual report for the Tax Increment Financing Reinvestment Zone Number One for year ending September 30, 2018, which meets all the mandated requirements for submission, including a balance sheet and income statement as of September 30, 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 approves the City of Temple Tax Increment Financing Reinvestment Zone Number One Annual Report for the fiscal year 2017-2018, a copy of which is attached hereto and made a part of this Resolution for all purposes as Exhibit "A," and the Director of Finance is hereby directed to submit the report to the chief executive officer of each taxing unit that levies property tax on real property in City of Temple Tax Increment Financing

Reinvestment Zone Number One. A copy of the report shall also be sent to the Attorney General and State Comptroller.

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 **6th** day of **December**, 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

12/06/18
Item #4(U)
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 \$793,834.

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
December 6, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3795-524-2631		Contracted Services / Demolitions/Lot Clean-Up	\$ 28,588	
110-0000-445-1995		Other / Reinvestment Zone # 1 Reimbursement		\$ 28,588
<p>To appropriate General Fund revenue and Transform Temple expenditures in the amount of \$28,588. In FY 2018, RZ # 1 budgeted \$450,000 for Downtown expenditures (Transform Temple) although only \$421,599 was appropriated in Transform Temple's budget for FY 2018.</p> <p>RZ # 1 carry forwards into FY 2019 were \$172,241 as compared to Transform Temple carry forwards into FY 2019 of \$143,653 which resulted in a net difference of \$28,588. This BA will true-up the difference by appropriating additional revenue and expenditures to be reimbursed by RZ #1.</p>				
561-5500-535-6938	101774	Capital - Bonds / Temple-Belton WWTP Improvements, Phase I	\$ 5,000	
561-5400-535-6905	101475	Capital - Bonds / Lift Station Improvements - Shallowford Lift Station		\$ 5,000
<p>To appropriate funding for material testing with Langerman Foster Engineering in the estimated amount of \$5,000.</p>				
110-3400-531-2334		Repair & Maintenance / Traffic Signal/Sign	\$ 51	
110-2800-532-2334		Repair & Maintenance / Traffic Signal/Sign	\$ 130	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 181
<p>To appropriate insurance proceeds in the amount of \$50.64 received from Germania Insurance related to damages to a speed limit sign on South 5th Street occurring 10/20/18.</p> <p>In addition, this budget adjustment will appropriate insurance proceeds in the amount of \$129.86 received from Nationwide related to damages to a traffic signal light on West Adams.</p>				
110-3620-560-2515		Other Services / Dues & Subscriptions	\$ 5,100	
110-0000-446-3530		Other / Miscellaneous Airport Revenue		\$ 5,100
<p>To appropriate anticipated reimbursements by AvFuel for Total Aviation Services' monthly user license fee.</p>				
520-5400-535-2516		Other Services / Judgments & Damages	\$ 3,243	
520-0000-443-3054		Other Charges / Insurance Claims		\$ 3,243
<p>To appropriate insurance proceeds from State Farm Mutual Automobile Insurance Company for damages to asset 14541 that occurred on 10/05/18.</p>				
110-2011-521-1119		Salaries / Overtime	\$ 170,000	
110-0000-442-0718		Police Revenue / Police Overtime		\$ 170,000
<p>To appropriate revenue and expenditures related to James Construction overtime for I-35 reconstruction project.</p>				
362-3200-551-6423	101897	Capital - Bonds / Pool Floor Plaster at Sammon's Indoor Pool	\$ 20,000	
362-3200-551-6422	101692	Capital - Bonds / Clarence Martin Upgrades - Phase 1B	\$ 51,200	
362-3200-551-6421	101548	Capital - Bonds / New Vestibule at Summit Fitness Center	\$ 47,529	
362-0000-358-1110		Parks GO Bonds - Undesignated Fund Balance		\$ 118,729
<p>To appropriate interest earning from the Parks' GO Bonds for Recreation projects - pool floor plaster at Sammon's Indoor Pool, facility upgrades at Clarence Martin Recreational Center and a new vestibule @ Summit Fitness Recreational Center.</p>				
110-0000-352-1345		General Fund - Undesignated Fund Balance	\$ 118,729	
110-5932-551-6310	101692	Capital Buildings & Grounds / Clarence Martin Upgrades - Phase 1B		\$ 51,200
110-5932-551-6310	101548	Capital Buildings & Grounds / New Vestibule at Summit Fitness Center		\$ 47,529
110-5932-551-6364	101897	Capital Buildings & Grounds / Swimming Pool Upgrades - Pool Floor Plaster at Sammon's Indoor Pool		\$ 20,000
<p>To unallocate General Fund project funding from Recreation projects. These projects will be funded with interest earnings from the Parks GO Bonds.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
December 6, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
365-3400-531-6532		Capital - Bonds / Contingency Fund Balance	\$ 173,102	
365-3400-531-6813	101824	Capital - Bonds / Outer Loop, Phase IV		\$ 144,358
365-3400-531-6982	101632	Capital - Bonds / Dairy Road Improvements		\$ 14,554
365-2800-532-6810	101830	Capital - Bonds / Traffic Signals - Backup Generator		\$ 100
365-2800-532-6810	101490	Capital - Bonds / Traffic Signals - Kegley Road @ W Adams		\$ 6,464
365-2800-532-6810	101833	Capital - Bonds / Traffic Signals - Malfunction Management Units for Signal Updates		\$ 5,475
365-2800-532-6810	101958	Capital - Bonds / Traffic Signals - Camera Replacements		\$ 735
365-3400-531-6889	101467	Capital - Bonds / Tanglehead Road Improvements - Meadows, Phase IV		\$ 1,416
To reallocate TCIP project savings to contingency for future use.				
260-6000-515-2110		Supplies / Office Supplies	\$ 500	
260-6000-515-2514		Other Services / Travel & Training		\$ 4,103
260-6000-515-2616		Contracted Services / Professional		\$ 8,000
260-6000-515-2623		Contracted Services / Other Contracted Services	\$ 1	
260-6000-515-6532		Capital - Special Projects / Contingency		\$ 11,304
260-6100-571-2698		Contracted Services / Demolitions/Special Projects	\$ 85,285	
260-6100-571-6315	101434	Capital Buildings & Grounds / Sidewalk/Curb/Gutter		\$ 1,943
260-6100-571-6532		Capital - Special Projects / Contingency	\$ 9,024	
260-6130-571-2695		Contracted Services / Neighborhood Revitalization		\$ 70,000
260-6140-571-1112		Salaries / Professional	\$ 58,041	
260-6140-571-1220		Personnel Benefits / Retirement/Pension	\$ 9,658	
260-6140-571-1221		Personnel Benefits / Social Security	\$ 842	
260-6140-571-1222		Personnel Benefits / Health Insurance	\$ 6,516	
260-6140-571-1223		Personnel Benefits / Work Compensation	\$ 100	
260-6140-571-1224		Personnel Benefits / Unemployment Insurance	\$ 362	
260-6140-571-1225		Personnel Benefits / Dental Insurance	\$ 97	
260-6140-571-1226		Personnel Benefits / Life Insurance	\$ 60	
260-6140-571-1227		Personnel Benefits / AD&D Insurance	\$ 13	
260-6140-571-1228		Personnel Benefits / Long Term Disability	\$ 157	
260-6140-571-1236		Personnel Benefits / HSA - City Contribution	\$ 506	
260-6140-571-2695		Contracted Services / Neighborhood Revitalization		\$ 75,812
To adjust the CDBG carried forward amounts for salaries & benefits, operational accounts and completed projects.				
TOTAL AMENDMENTS			\$ 793,834	\$ 793,834
GENERAL FUND				
Beginning Contingency Balance			\$ 100,000	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ 100,000	
Beginning Judgments & Damages 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 Compensation Contingency			\$ 285,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			-	
Net Balance of Compensation Contingency Account			\$ 285,000	
Net Balance Council Contingency			\$ 664,725	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
December 6, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		WATER & WASTEWATER FUND		
		Beginning Contingency Balance		\$ 219,446
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ 219,446
		Beginning Compensation Contingency		\$ 54,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account		\$ 54,000
		Net Balance Water & Wastewater Fund Contingency		\$ 273,446
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	16,500
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 16,500
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	336,406
		Beginning Compensation Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	10,500
		Net Balance Drainage Fund Contingency		\$ 346,906
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		34,641
		Added to Contingency Sweep Account		9,024
		Taken From Contingency		(11,304)
		Net Balance Fed/State Grant Fund Contingency		\$ 32,361

RESOLUTION NO. 2018-9462-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 24th 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 6th day of **December**, 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

12/06/18
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a ten-year franchise with Heart of Texas Electric Cooperative, Inc. to construct, maintain, operate, and use an electric transmission and distribution system within the City.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description.

ITEM SUMMARY: Heart of Texas Electric Cooperative, Inc. (“HOTEC”) has requested to provide electric distribution services within the City. HOTEC’s proposed service area is attached as Exhibit A. Pursuant to Article 10 of the City of Temple Charter, City of Temple Code of Ordinances Section 22-63, Texas Local Government Code Section 282.003, and Chapter 33 of the Texas Utilities Code, HOTEC must first be granted a franchise to provide those services within the City.

HOTEC has submitted the necessary paperwork requesting the franchise. HOTEC will operate its electric distribution services from its offices at 1111 Johnson Drive McGregor, Texas. The initial term of the utility franchise will be 10 years with renewals up to five additional years upon the mutual agreement of the parties, unless either the City or HOTEC provides notice at least 60 days before the expiration of the term of the intent to terminate. The term may not be extended beyond the 15 year maximum term length as permitted by City Charter without HOTEC reapplying for a franchise with the City.

This utility franchise is non-exclusive and allows HOTEC to construct, maintain, and operate, in the public rights-of-way, electric, light, data and power lines, with all necessary and desirable appurtenances for the purpose of supplying electricity. The City reserves the right to lay, and permit to be laid, all storm, sewer, gas, water, wastewater, voice, video, data, and other pipelines, cable, and conduits or other improvements that may be necessary in, across, along, over, through, or under, the public rights-of-way occupied by HOTEC. City requested relocations of HOTEC facilities in the public rights-of-way shall be at HOTEC’s expense.

HOTEC will pay to the City annually a franchise fee equal to 4% of the gross receipts from the sale of electricity within the City limits for the calendar year January to December. Payments are due to the City no later than February 1st of the next year following the close of the calendar year for which payment is calculated. Franchise fees may be reviewed every 5 years during the term of this franchise.

HOTEC has requested that Council consider a franchise fee of 3% of its annual gross receipts within the City limits. A letter from HOTEC regarding rate consideration is attached as Exhibit B.

Staff recommends authorizing a 10 year franchise agreement with HOTECH with renewals up to five additional years upon the mutual agreement of the parties. Fifteen years is the maximum franchise length permitted by City Charter. The commencement date for the franchise agreement will be January 1, 2019 and the expiration date for the initial franchise term will be January 1, 2029.

FISCAL IMPACT: HOTECH will pay the City 4% of the gross receipts from the sale of electricity with in the City for the calendar year January to December, due the following February 1st.

ATTACHMENTS:

[Exhibit A- Heart of Texas Electric Cooperative, Inc.'s Proposed Service Area](#)

[Exhibit B- Letter from Heart of Texas Electric Cooperative, Inc. regarding rate Resolution](#)



Heart of Texas Electric Cooperative, Inc.

Directors:

Dewayne Draeger, The Grove
Kermit Dreyer, Gatesville
Paul Edge, Turnersville
Dan Foster, Cameron
Kenneth Hollas, Cameron
Allen Shows, China Spring

Brandon Young
General Manager

PHONE (254) 840-2871
P.O. BOX 357
Mc GREGOR, TEXAS 76657-0357

PHONE (254) 231-0444
P.O. BOX 598
ROSEBUD, TEXAS 76570

Officers:

President
Garland Cook, McGregor

Vice President
Larry Stock, Rosebud

Secretary-Treasurer
Bobby Nawara, Bruceville

To: The Temple City Council

Heart of Texas Electric Cooperative, Inc. is a member owned, non-profit corporation which operates in Bell and other counties in the area. Electric Cooperatives were formed in the early part of last century under the Rural Electrification Administration to provide electric service to rural areas. Due to the expansive areas served by Electric Cooperatives, other types of utilities could not profitably serve such areas. For example, the 64 distribution Electric Cooperatives have over 320,000 miles of lines in 241 Texas Counties, but with only a little over 2 million meters, or only about 7 meters per mile on average. Compared to investor owned utilities such as Oncor, which operates in urban areas, this disparity creates a higher cost to serve each customer.

The Board of Directors of Heart of Texas Electric Cooperative, Inc. respectfully requests that the Temple City Council consider a reduced rate in this Franchise Agreement, which is necessary for Heart of Texas to provide service to one or more new developments within the City of Temple. Heart of Texas is paying a lesser rate in every Cities in which it serves ratepayers, with the highest current franchise fee being 3% of gross revenues from sales of electricity within a City.

Electric Cooperatives are democratic, property tax-paying, not-for-profit businesses governed by member-electric boards of directors, and adhere to a proud tradition of community service, with their members and employees participating in economic development efforts and charitable undertaking the contribute to quality of life in their communities. Your consideration of a reduced rate in the Franchise Agreement would be helpful and appreciated by all the members of the Cooperative, and assist it to keep its electric rates for your citizens as low as possible.

Yours truly,



Brandon Young, CEO/Manager

ORDINANCE NO. 2018-4945

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO HEART OF TEXAS ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, MAINTAIN, OPERATE, AND USE AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE CITY; PROVIDING FOR A FEE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES, SALES AND USE TAXES, AND SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS; PROVIDING INSURANCE REQUIREMENTS; PROVIDING INDEMNITY TO THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple, Texas (“City”) is a municipal corporation organized under the laws of the State of Texas, and pursuant to the Texas Constitution and state law, possesses the power to protect and promote the public health, safety, and welfare, to regulate the use of the public rights-of-way, and to issue and revoke licenses;

Whereas, the City owns or is the proprietor over public streets, rights-of-way, alleys, and other public property and acts as trustee and guardian for the benefit of City citizens;

Whereas, Heart of Texas Electric Cooperative, Inc., is a Texas non-profit electric cooperative corporation (“Grantee”), in the business of supplying electricity for light, heat, power and other purposes, and has applied pursuant to Article 10 of the City of Temple Charter and City of Temple Code of Ordinances Section 22-63, Texas Local Government Code Section 282.003, and Chapter 33 of the Texas Utilities Code for consent of the City to make use of its public rights-of-way for the purpose of providing such service within the City;

Whereas, pursuant to the laws of the State of Texas, including but not limited to Texas Tax Code Section 182.025, and Texas Utilities Code Chapters 33, 37, 41, and 181, the Texas Legislature has recognized and established that an incorporated municipality may make a reasonable, lawful charge for the use of public rights-of-way within the municipality;

Whereas, the City Council has determined that the availability of electric distribution services in the City will promote the public health, safety, and general welfare of the residents of the city and would serve the public interest;

Whereas, it is hereby found and determined by the City Council that it is in the best interests of the City that such consent be granted, subject to the terms and conditions provided herein;

Whereas, Grantee will pay the City 4% of the gross receipts from the sale of electricity with in the City for the calendar year January to December, due the following February 1st; and

Whereas, the meeting at which this ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act.

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

Part 1: Findings. The City Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct legislative and factual findings of the City Council of the City of Temple and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: Grant. Subject to the provisions of the Code of Ordinances, as such may be amended from time to time, Grantee is hereby granted the right, privilege and franchise to construct, maintain, and operate in the present and future streets, alleys, parks and public ways (“Public Rights-of-Way”) of the City of Temple, Texas (including, to the extent allowed by law, any area subsequently annexed into the City during the term of this franchise), electric, light, data and power lines, with all necessary or desirable appurtenances (including underground conduit, poles, wires, transmission lines and other structures and telephone or other communication wires for its own use) (the “System”) for the purpose of supplying electricity to the City, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes. This franchise does not confer upon Grantee the right, privilege or authority to provide cable television service, or telephone service, or to engage in any other business within the City other than the transmission and distribution of electric power as herein provided.

Part 3: Term. This franchise shall become effective upon the later of its passage, publication, and Grantee’s written acceptance as provided below, and unless sooner terminated as provided herein shall expire on January 1, 2029; this franchise may be renewed for a period of up to five (5) years, upon the mutual agreement of the parties, unless either the City or Grantee provides written notice at least sixty (60) days before the expiration of the term of the intent to terminate. Nothing contained herein shall extend the term of this franchise beyond the fifteen (15) year maximum franchise term length as permitted by City Charter; at the expiration of the initial ten (10) year term and a renewal period of not more than five (5) years, Grantee must reapply for a franchise with the City.

Part 4: Non-Exclusivity. This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights and privileges to any other person, firm or corporation, provided that such grant does not unreasonably interfere with the rights granted herein.

Part 5: Rights Reserved.

- A. The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater, voice, video, data and other pipelines, cable, and conduits or other improvements, and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, through or under Public Rights-of-Way occupied by Grantee. The City also reserves the right to change in any manner any curb, sidewalk, highway, alley, public way, street, utility lines, water or wastewater pipes, gas lines, storm sewers, drainage basins, drainage ditches, and the like. If Grantee is required by City to remove or relocate its poles, towers, conduits, cables and other facilities to accommodate public right-of-way improvements, and Grantee is eligible under Federal, State, County, City or other local agencies or programs for reimbursement of costs and

expenses incurred by Grantee as a result of such removal or relocation, City agrees to cooperate with Grantee in Grantee's submission of any application for reimbursement. City shall provide Grantee with at least thirty (30) days' notice when requesting Grantee to relocate facilities and shall specify a new location for such facilities along the public rights-of-way. Grantee shall, except in cases of emergency conditions or work incidental in nature, obtain a permit, if required by City ordinance, prior to performing work in the public rights-of-way, except in no instance shall Grantee be required to pay fees or bonds related to its use of the public rights-of-way, despite the City's enactment of any ordinance providing the contrary. Grantee shall construct its facilities in conformance with the applicable provisions of the National Electric Safety Code. City requested relocations of Grantee facilities in the public rights-of-way shall be at the Grantee's expense; provided however, if the City is the end use Retail Customer (customer who purchases electric power or energy and ultimately consumes it) requesting the removal or relocation of Grantee facilities for its own benefit, or the project requiring the relocation is solely aesthetic/beautification in nature, it will be at the total expense of the City. Provided further, if the relocation request includes, or is for, the Grantee to relocate above-ground facilities to an underground location, City shall be fully responsible for the additional cost of placing the facilities underground. If City abandons any public rights-of-way in which Grantee has facilities, such abandonment shall be conditioned on Grantee's right to maintain its use of the former public rights-of-way and on the obligation of the party to whom the public rights-of-way are abandoned to reimburse Grantee for all removal or relocation expenses if Grantee agrees to the removal or relocation of its facilities following abandonment of the public rights-of-way. If the party to whom the public rights-of-way are abandoned requests the Grantee to remove or relocate its facilities and Grantee agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another public right-of-way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

- B. If the City requires the Grantee to adapt or conform its facilities, or in any manner to alter, relocate or change its property to enable any entity other than the City to use, or use with greater convenience, said public rights-of-way, the Grantee shall not be bound to make such changes until such other entity shall have undertaken, with good and sufficient bond, to reimburse the Grantee for any costs, loss or expense which will be caused by, or arises out of such change, alteration or relocation of Grantee's property or facilities.
- C. Grantee retains all of its lawful authority and rights under the Public Utility Regulatory Act ("PURA") and any other applicable laws, rules and regulations.

Part 6: *Service Standard.* Service furnished hereunder to the City and its inhabitants shall be first class in all respects considering all circumstances. Grantee shall at all times comply with all applicable laws and regulations, and shall at its sole expense maintain all licenses, permits and certifications necessary or appropriate for the exercise of its rights hereunder. However, this Franchise shall in no way affect or impair the rights, obligations or remedies of the parties under PURA, or other state and federal law, rules or regulations. Nothing herein shall be deemed a waiver, release or relinquishment of either party's right to contest, appeal or file suit with respect to any action or

decision of the other party, including ordinances adopted by the City that Grantee believes are contrary to any federal, state or local law, rules or regulations.

Part 7: *Installation and Maintenance.* All of Grantee's poles, conduits, structures and other appurtenances shall be erected and maintained in good order and condition, and so as not to unreasonably interfere with traffic over Public Rights-of-Way, or present a danger to life or property. Grantee shall promptly restore any Public Rights-of-Way to at least the same condition as existed prior to any damage caused by the exercise of Grantee's rights hereunder. The location of all poles, conduits, and other structures shall be subject to approval of the City's Director of Public Works or her designee, but not so as to unreasonably interfere with the proper operation of said lines. An approval by such Director, or any other agent of the City, of any part of Grantee's performance shall not be construed to waive compliance with this franchise or to establish a standard of performance other than required by this franchise or by law.

Part 8: *Tree Pruning.* Grantee shall have the right and privilege, insofar as the City is able to grant the same, in accordance with National Arborist Association standards, of the pruning of all trees and other natural vegetation which overhang the Public Rights-of-Way, in such a manner and to such extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its wires, poles and other fixtures and equipment.

Part 9: *Books and Records.* During the term of this franchise and for a minimum of two years thereafter, Grantee shall keep and maintain comprehensive records, accounts, and financial and operating reports in a manner that will allow the City to verify Grantee's compliance with the terms of this franchise. The Director of Finance, or her designee, shall, upon 15 days' advance notice, have the right to inspect such records. In the event the Director determines that Grantee has not complied with any term or condition of this franchise, the Director shall have the right to use those records in any manner necessary to resolve Grantee's noncompliance. If Grantee provides confidential or proprietary information to the City under this or any other provision of this franchise, Grantee shall be solely responsible for identifying such information with markings calculated to bring the City's attention to the proprietary or confidential nature of the information. The City agrees to maintain the confidentiality of any non-public information obtained from Grantee so designated to the extent allowed by law. City shall not be liable to Grantee for the release of any information the City is required to release by law, or that the City, after consultation with legal counsel, in good faith believes it is required by law to release. City shall endeavor to: (i) provide notice to Grantee of any request for release of information marked by Grantee as proprietary or confidential prior to releasing the information so as to allow Grantee adequate time to pursue available remedies for protection; and (ii) provide Grantee with a copy of any request the City submits to the Texas Attorney General seeking an opinion on the disclosure of such information.

Part 10: *Franchise Fees.* In consideration for the rights and privileges granted herein, the administration of this Franchise by the City, the temporary interference with the use of the public rights-of-way, as rental for the use of the public rights of way and for other costs and obligations undertaken by the City herein, Grantee agrees to annually pay to the City a franchise fee equal to four percent (4%) of the gross receipts from the sale of electricity within the City limits for the calendar year January to December, in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever

kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general and special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements. Payments are due at the City not later than February 1st of the next year following the close of the calendar year for which the payment is calculated. At the time such payment is delivered, Grantee shall file with the City a sworn report containing an accounting of the calculated fee, together with such additional information as the City may reasonably require. Franchise fees may be reviewed by the City every five (5) years during the term of this franchise.

Part 11: *Late Fees; Audit Fees.* Grantee shall pay a late penalty on franchise fee payments (or portions thereof) that are not timely received by the City at a rate charged from such due date at the annual rate of ten (10%) percent per annum. In addition, if the results of any audit indicate Grantee underpaid the franchise fee by more than three percent (3%), then Grantee shall pay the reasonable costs of the audit.

Part 12: *No Waiver.* No acceptance of payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this franchise or for the performance of any other obligation hereunder. Any overpayment to the City through error or otherwise will, at the sole option of the City, either be refunded or offset against the next payment due from Grantee. Waiver of the City's rights hereunder may only be effected by a written instrument approved by the City Council. The provisions of this Section will survive termination or expiration of this franchise.

Part 13: *Insurance.* Upon acceptance of this franchise by Grantee and before Grantee shall have any rights hereunder, Grantee shall file with the City a certificate of insurance evidencing General Liability Insurance which covers claims for bodily injury, property damage and death. Such insurance shall have minimum limits of \$1,000,000 per occurrence. All insurance contracts and certificate of insurance will: (i) name the City as an "additional named insured;" (ii) waive subrogation against the City, its officers, employees and elected representatives; and (iii) provide that such insurance is primary insurance with respect to the City, its officers, employees and elected representatives. Grantee shall continuously and without interruption maintain in force the insurance coverage and limits required by this Section.

Part 14: *Release and Indemnity.* The rights granted by this franchise shall not create any additional liability to the City. GRANTEE HEREBY RELEASES AND DISCHARGES THE CITY FROM AND FURTHER COVENANTS AND WARRANTS THAT IT WILL PROTECT, DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY, ITS AGENTS, OFFICERS, OFFICIALS, LEGAL REPRESENTATIVES, EMPLOYEES, INSURERS AND ASSIGNS (COLLECTIVELY REFERRED TO IN THIS SECTION AS "THE CITY") FROM ANY AND ALL FINES, DEMANDS, DAMAGES, INJURIES OR CLAIMS AND CAUSES OF ACTION ARISING BY REASON OF OR IN CONNECTION WITH: (i) THE ACTUAL OR ALLEGED ERRORS, INTENTIONAL ACTS, OMISSIONS OR NEGLIGENT ACTS OF GRANTEE (INCLUDING ITS OFFICERS, AGENTS, BONDING COMPANIES, EMPLOYEES AND ANY OTHER PARTY EMPLOYED OR CONTRACTED BY GRANTEE TO PERFORM UNDER THIS FRANCHISE) RELATING TO THIS FRANCHISE; AND (ii) ANY ACTION OR FAILURE TO ACT BY GRANTEE (INCLUDING ITS OFFICERS, AGENTS, BONDING COMPANIES, EMPLOYEES AND ANY OTHER PARTY EMPLOYED OR CONTRACTED BY GRANTEE) TO PERFORM

UNDER THIS FRANCHISE IN CONNECTION WITH THE SYSTEM OR THIS FRANCHISE. IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OR FAULT OF BOTH THE CITY AND GRANTEE, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY OF THE DEFENSES OF THE PARTIES UNDER TEXAS LAW. FURTHER, IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OR FAULT OF BOTH THE GRANTEE AND THE CITY, RESPONSIBILITY FOR ALL COSTS OF DEFENSE SHALL BE APPORTIONED BETWEEN THE CITY AND GRANTEE BASED UPON THE COMPARATIVE FAULT OF EACH. This indemnity clause shall apply to Grantee whether Grantee is immune from liability or not. As to any matters arising under this indemnity provision for which Grantee has agreed to indemnify the City, Grantee shall have the right to select defense counsel, subject to City's approval, which will not be unreasonably withheld. If Grantee fails to retain counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this franchise, City shall have the right to retain defense counsel on its own behalf, and Grantee shall be liable for all reasonable defense costs incurred by City, except as provided above as to joint and concurrent negligence or fault. Grantee's liability under this indemnity clause is separate from its duties under the insurance provisions of this franchise. This section is solely for the benefit of the City and does not create or grant any rights, contractual or otherwise, to any other person or entity. The City and Grantee shall promptly advise each other in writing of any known claim or demand against Grantee or City related to or arising out of the Grantee's activities in the Public Rights-of-Way. The obligations of this Section will survive the expiration or termination of this franchise.

Part 15: *Default and Remedies.* The City will give Grantee not less than 30 days' written notice of any alleged default hereunder, provided that if the nature of the alleged default is such that the giving of such notice is impractical due to a threat of harm to life or property then the City shall give such notice as may be reasonable under the circumstances. If Grantee remains in default beyond any period provided for cure thereof, the City may terminate this franchise unless Grantee has commenced a cure and is diligently pursuing such cure. Termination is final upon the effective date of City Council adoption of an ordinance ratifying the termination. Upon any termination of this franchise, all amounts owed by Grantee to the City shall immediately become due and payable and Grantee's obligation to pay such sums shall survive the termination of this franchise. Alternatively, the City, at its sole option and discretion and without waiving such uncured default, may determine to: (i) maintain this franchise in full force and effect and file suit against Grantee for damages, specific performance, injunctive relief, or some combination thereof; (ii) or pursue such other remedies as may be available to the City at law or in equity, or both. The City's rights and remedies herein shall be in addition to, and not in limitation of, any other rights or remedies provided by law, in equity, or by administrative proceeding before the PUC, Federal Energy Regulatory Commission, or respective successor or similar governmental agencies.

Part 16: *Force Majeure.* Except as may be expressly provided otherwise, Grantee shall not be liable to the City for any failure of performance hereunder due to causes beyond Grantee's control, including but not limited to: (a) acts of God, fire, explosion, vandalism, storm, or other similar occurrences; (b) national emergencies, insurrections, riots, acts of terrorism, or wars; or (c) strikes, lockouts, work stoppage, or other labor difficulties. To the extent practicable, the Grantee shall be

prompt in restoring normal conditions, establishing new schedules and resuming operations as soon as the force majeure event causing the failure or delay has ceased. Grantee shall promptly notify the City of any delay in performance under this Section and such failure's effect on performance required under this franchise.

Part 17: *Successors and Assigns.* This franchise may be transferred, leased, or assigned upon majority vote of the City Council. The rights granted by this franchise inure to the benefit of Grantee and any entity controlling, controlled by, or under common control with Grantee. Upon any assignment approved by majority vote of the City Council, such related entity assumes all obligations of Grantee hereunder and is bound to the same extent as Grantee hereunder. Grantee shall give City no less than ninety (90) days written notice of any intended transfer, lease, or assignment in order that the same may be considered by the City Council. However, this provision is subject to, and nothing contained herein shall be interpreted to prevail over the rights of any lender to Grantee, including, but not limited to, the United States of America, acting through the Rural Utilities Service and/or the National Rural Utilities Cooperative Finance Corporation or their successors, by virtue of 7 U.S.C. §907, or any successor thereto, as amended from time to time.

Part 18: *Entire Franchise; Amendment.* This ordinance sets forth the entirety of the franchise granted hereby, and no other understandings or agreements exist with regard to such matters. This ordinance supersedes all prior franchises granted to Grantee or its predecessors. This franchise may be amended only by an ordinance duly adopted by the City Council and accepted by Grantee.

Part 19: *Acceptance.* In order to accept this franchise, Grantee shall file its written acceptance within thirty (30) days after its passage and approval, and if it fails to do so this franchise shall automatically expire without necessity for any further action by the City Council.

Part 20: *Termination and Forfeiture.* This franchise may be repealed by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with the terms of this franchise. The City, at its option, may terminate this franchise by giving written notice of such termination to Grantee on occurrence of any of the following:

1. The filing of a voluntary bankruptcy petition by Grantee;
2. The taking of jurisdiction of Grantee or its assets in bankruptcy proceedings by any court, such proceedings not being vacated within thirty (30) days;
3. The taking of Grantee's interest in this contract or of property placed on the premises by execution;
4. The appointment of a court of a receiver for Grantee, such proceedings not being vacated in thirty (30) days.

Notwithstanding any other provision of this ordinance, the City Council shall have the option to forfeit, cancel, or terminate this franchise at any time for failure of the Grantee to comply with any City ordinances regulating the use by Grantee of the streets, alleys, easements, or public ways of the City in accordance with the following procedure:

1. Should Grantee further continue to violate or fail to comply with the terms and provisions of this franchise or the terms and conditions of any applicable City ordinance for a period of thirty (30) days after Grantee has been notified in writing by the City to cease and desist from any such violation or failure to comply as specified, then the Grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all rights and privileges granted by this franchise; provided, however, that if the Grantee is in violation of any provision of this ordinance other than the payment of money and if Grantee commences work or other efforts to cure such violation within thirty (30) days after receipt of written notice and thereafter proceeds with such curative work with reasonable diligence until such work is complete, then such violation shall cease to exist and the franchise will not be forfeited.
2. Provided, that such forfeiture shall be declared only by a written decision of the City Council after an appropriate public proceeding before the City Council affording the Grantee due process and full opportunity to be heard and to respond to any such notice of violation or failure to comply. All due process requirements shall be met by providing the Grantee with at least fifteen (15) days prior written notice of any public hearing concerning the forfeiture of the franchise, and, in addition, fifteen (15) days' notice by publication shall be given of the date, time, and place of any public hearing to interested members of the public, which notice shall be paid for by Grantee.
3. The City Council, after full public hearing, may in its discretion, forfeit the franchise or upon finding a failure to comply, impose a lesser penalty than forfeiture of this franchise, or excuse the violation or failure to comply upon a showing by Grantee of mitigating circumstances or upon showing good cause for said violation or failure to comply, as may be determined by the Council.
4. Grantee shall have the right to appeal any finding of violation or failure to comply that results in a forfeiture of the franchise to the Public Utility Commission of Texas or any Court of competent jurisdiction in Bell County, Texas, which Court shall consider the appeal. Provided however, that if the Grantee does not perfect its appeal within thirty (30) days from the date of the City Council's decision, its right to appeal shall be waived.

Part 21: *Repealer.* All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance and are hereby repealed only to the extent of such conflict.

Part 22: *Severability.* It is hereby declared to be the intention of the City Council of the City of Temple that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such

unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

Part 23: *Proper Notice and Open Meeting.* 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, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **December**, 2018.

PASSED AND APPROVED on Second Reading and Final Reading and Public Hearing on the **20th** day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Acceptance of Franchise

To the Honorable Mayor and City Council of the City of Temple, Texas:

Heart of Texas Electric Cooperative, Inc., acting by and through the undersigned authorized officer, hereby accepts Ordinance No. 2018-4945 granting an electric distribution franchise.

Heart of Texas Electric Cooperative, Inc.

By: _____
Signature

Brandon Young _____
Name Printed

CEO/General Manager _____
Title

Date: _____

ATTEST:

By: _____
Bobby Nawara
Board Secretary-Treasurer



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #6
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTIONS: FIRST READING – PUBLIC HEARING – FY-18-15-ZC: Consider an ordinance adopting a rezoning from General Retail zoning district to Single Family Three zoning district on 2.257 +/- acres, situated in the Baldwin Robertson League Survey, Abstract No. 17, Bell County, Texas, addressed as 651 North Pea Ridge Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its November 5, 2018, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the requested rezoning from General Retail (GR) zoning district to Single Family Three (SF-3) zoning district, per Staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning from General Retail (GR) zoning district to Single Family-Three (SF-3) zoning district for the following reasons:

1. Compliance with surrounding zoning and land uses;
2. Compliance with the Thoroughfare Plan; and
3. Compliance with availability of public facilities to serve the subject property

ITEM SUMMARY: The applicant requests this rezoning from General Retail (GR) zoning district to Single Family Three (SF-3) zoning district to allow additional development of single family residential homes within the Westfield development. The subject property is currently going through the replatting process to divide one previously platted General Retail Lot into 14 single family Lots with a street extension of Parkfield Lane.

The applicant's requested **SF-3 zoning district** permits single-family detached residences and related accessory structures and provides single-family development at urban densities in locations well served by public utilities and roadways. The district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks, and shopping areas and transit services.

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 **Suburban Commercial** character districts of the *Choices '08* City of Temple Comprehensive Plan.

The property's Suburban Commercial land use classification is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. Therefore, it limits the floor area ratio and requires a higher landscape surface ratio than in the Auto Urban Commercial district. The applicant's current General Retail District complies with this land use classification. **The applicant's requested Single Family Three district (SF-3) does not comply with the property's Suburban Commercial land use classification, but it is consistent with the surrounding single family residential zoning districts.**

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property's west property line fronts **North Pea Ridge Road**, a designated **Proposed Collector** in the Thoroughfare Plan. **The applicant's requested SF-3 zoning district is appropriate along Collectors.** The property's north property line fronts **Stonehollow Drive**, a designated **Local Street** in the Thoroughfare Plan. **The applicant's requested SF-3 zoning district is appropriate along Local Streets.**

Availability of Public Facilities (CP Goal 4.1)

There is an existing 8-inch water line along the south right-of-way of Stonehollow Drive and an existing 2-inch water line along the east right-of-way of North Pea Ridge Road. An existing 8-inch water line extends to the south property line from the west right-of-way of Parkfield Lane.

An existing 8-inch sanitary sewer line from the right-of-way of Parkfield Lane extends into the south portion of the subject property.

Proposed City Council Meeting Schedule

This item is tentatively scheduled for a City Council public hearing (first reading) on December 6, 2018. The second reading of City Council is tentatively scheduled for December 20, 2018.

PUBLIC NOTICE: Twenty-one notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday, November 21, 2018, two notices have been received in favor of the proposed rezoning and one notice has been returned in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on October 25, 2018, in accordance with state law and local ordinance.



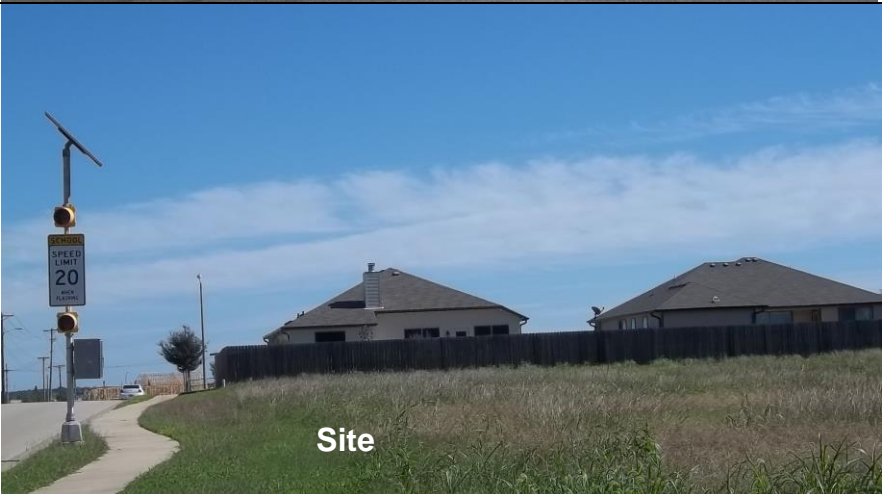
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

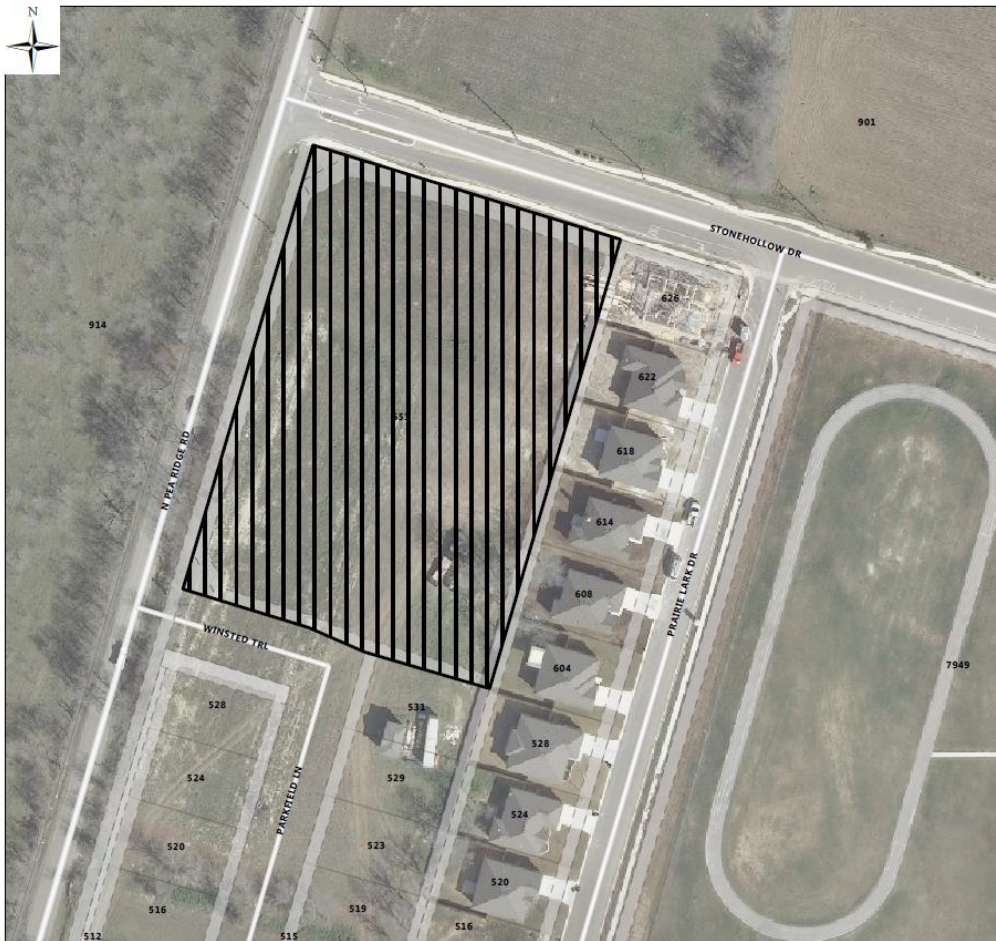
Site and Surrounding Property Photos
Location map with Aerial
Zoning Map
Future Land Use and Character Map
Thoroughfare Map
Utility Map
Notification Map
Development Regulations
Surrounding Property and Uses
Comprehensive Plan Compliance
Property Owners Notification Response Letters
Ordinance

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	GR	Undeveloped Land	 <p>Site</p> <p>N. Pea Ridge Rd</p>
			 <p>Site</p> <p>Stonehollow Dr</p>
East	SF-2	Single Family Residential	 <p>Site</p>

Direction	Zoning	Current Land Use	Photo
West	SF-2	Undeveloped Single Family Residential	
South	SF-3	Single Family Residential	
North	SF-3	Undeveloped Single Family Residential	



GR TO SF-3

AERIAL MAP

Zoning Case :
FY-18-15-ZC

Address :
651 N Pea Ridge Rd

Transportation

Streets

COLLECTOR

LOCAL STREET

Temple Municipal Boundary

Parcel Features

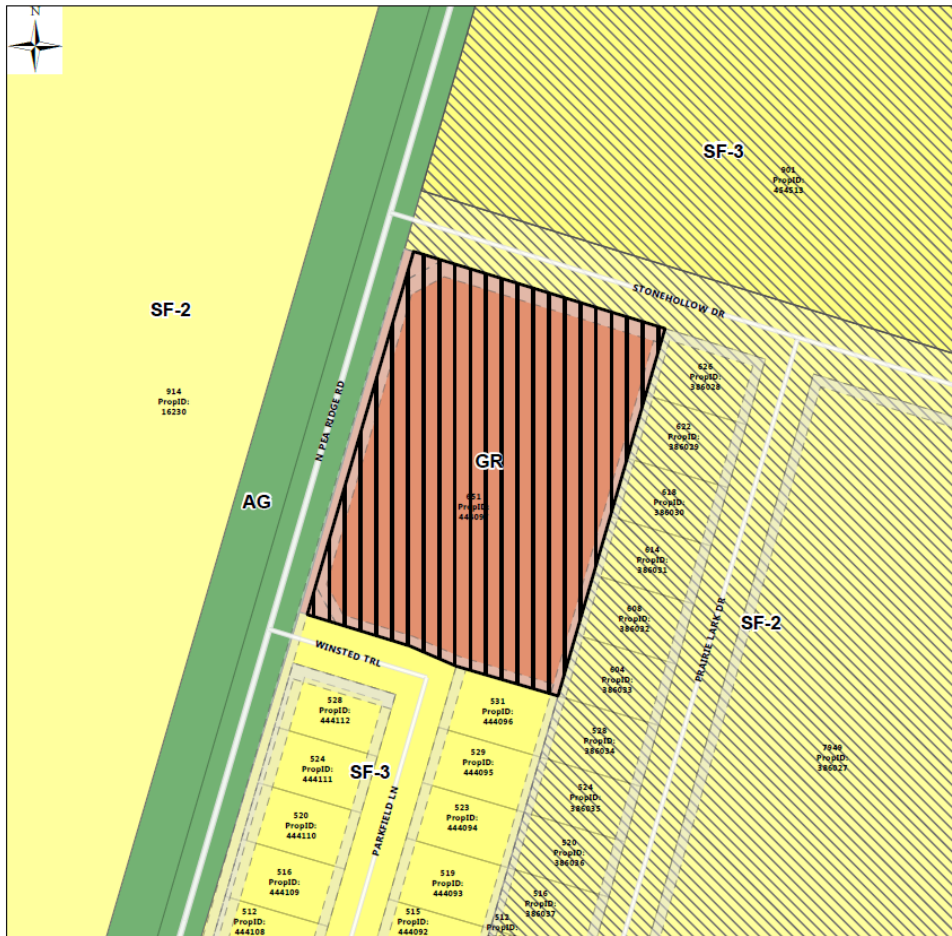
Parcels

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.

tlyerly

Date: 10/2/2018



GR TO SF-3

Zoning Case :
FY-18-15-ZC

Address :
651 N Pea Ridge Rd

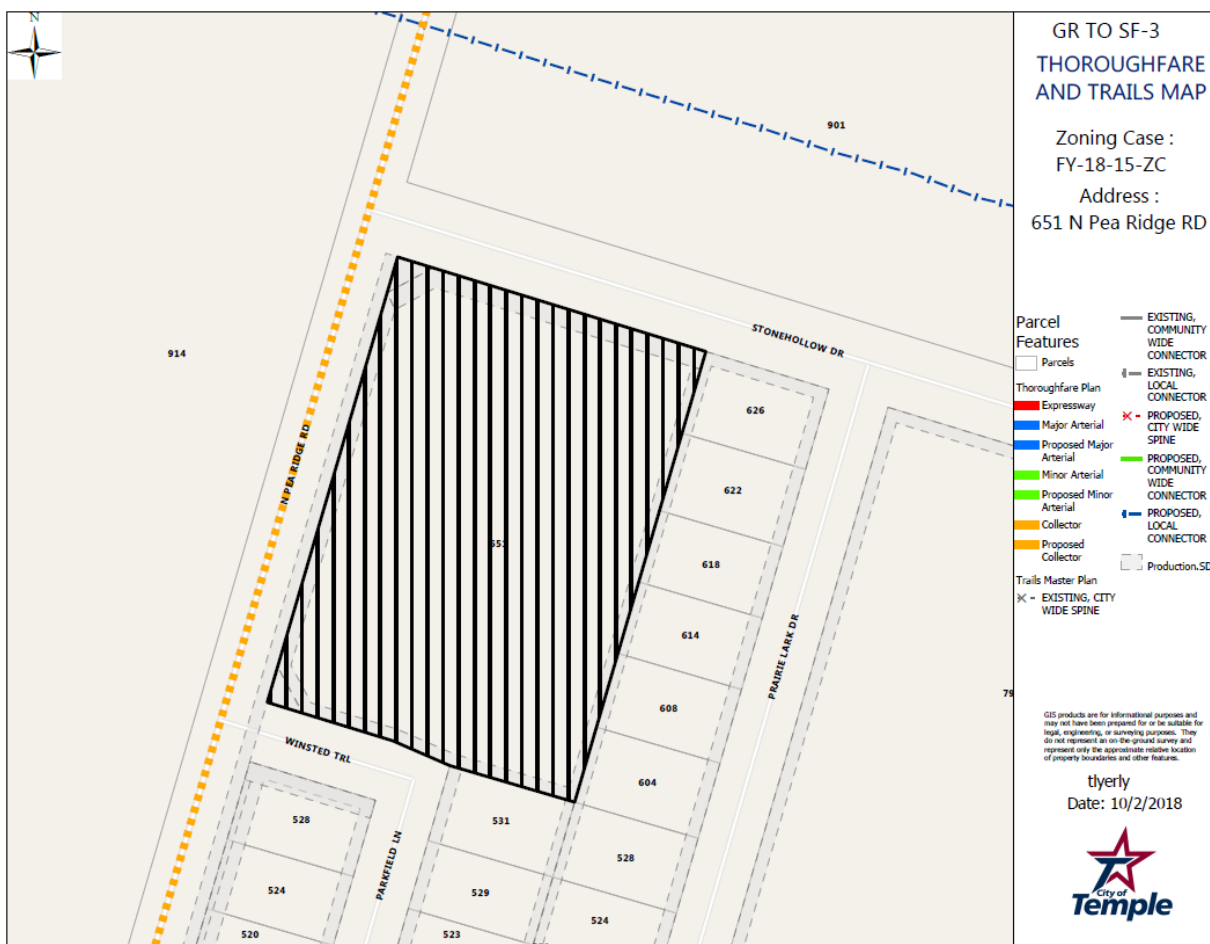
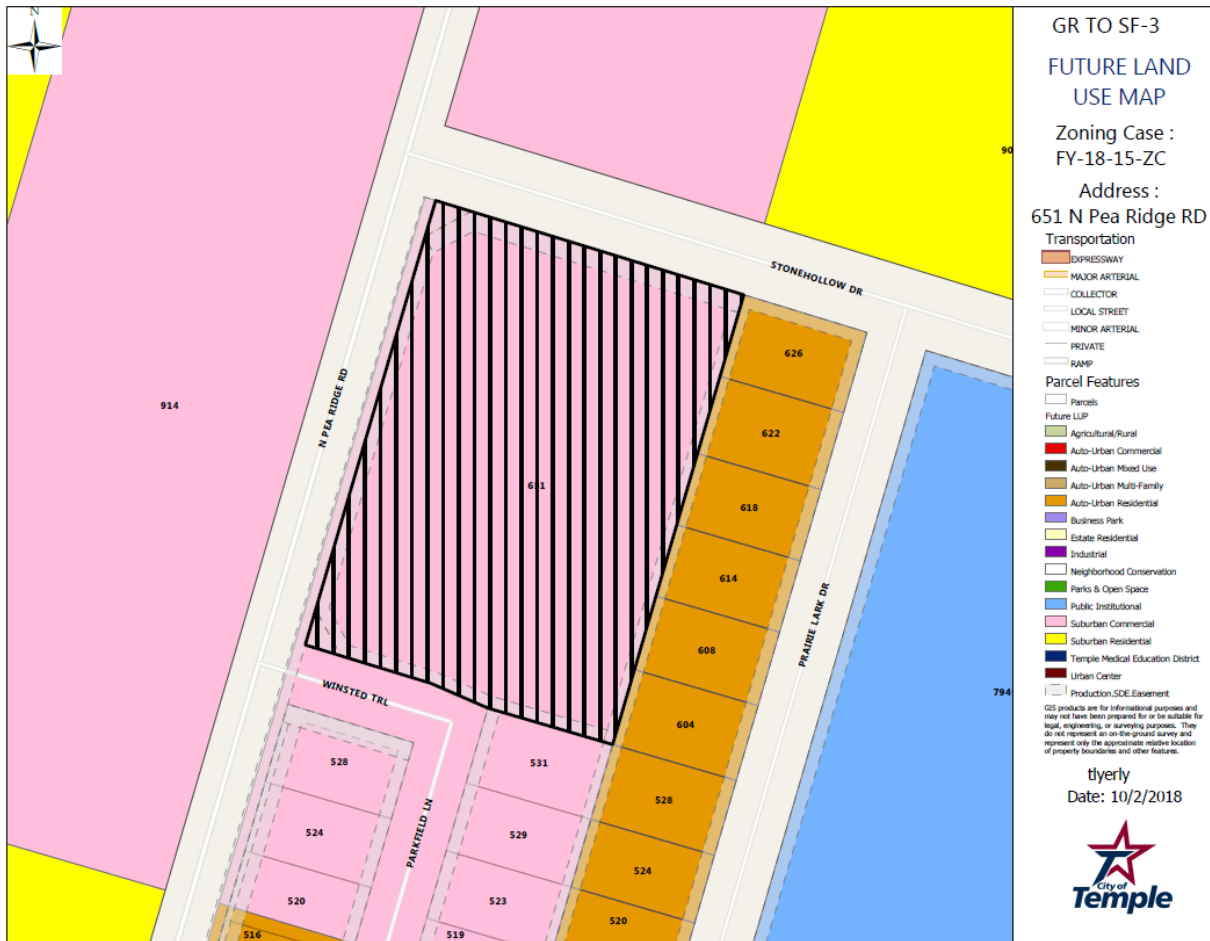
Current Zoning	CA
GR	CA - CLP
LI	CA - PD
LI - PD	C
SP-1	C - CLP
SP-1 - PD	C - PD
SP-2	C - CLP, PD
SP-2 - PD	LI
SP-3	LI - CLP
SP-3 - PD	LI - PD
SP-3 - CLP, PD	LI - CLP, PD
SP-4	HE - PD
SP-4 - PD	AG
SP-4 - CLP	AG - CLP
SP-5	MH
SP-5 - PD	MH - CLP
SP-5 - CLP	MH - PD
SP-6	MJ
SP-6 - PD	MJ - CLP
SP-6 - CLP	SO-C
SP-7	SO-C - CLP
SP-7 - PD	SO-H
SP-7 - CLP	SO-H - CLP
SP-8	SO-T
SP-8 - PD	SO-V
SP-8 - CLP	TS
SP-9	TS - PD
SP-9 - PD	TS - CLP
SP-9 - CLP	TS - E - PD
SP-10	TS - E - CLP
SP-10 - PD	NO BAKE
SP-10 - CLP	CLP
SP-11	CLP
SP-12	Production,SDE,Easement

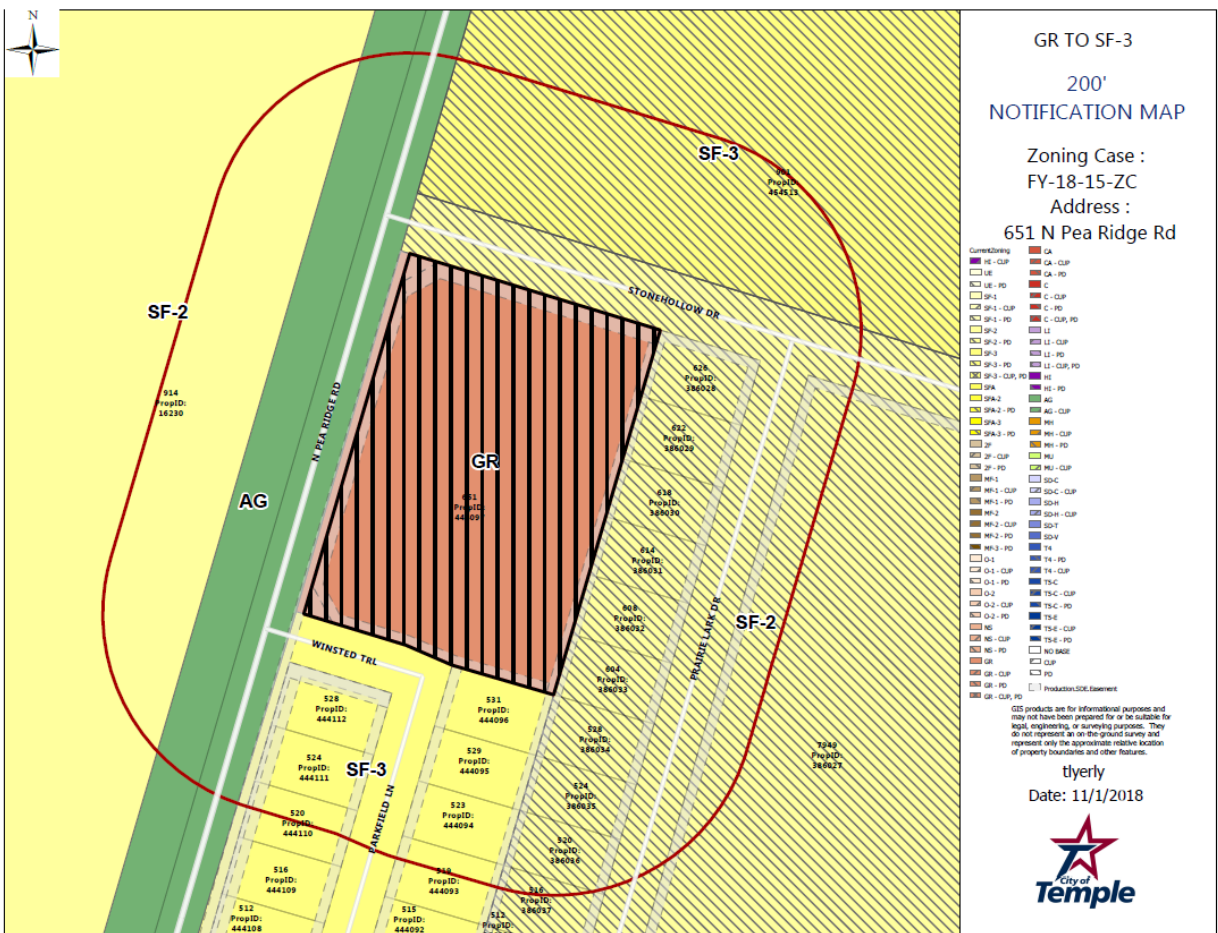
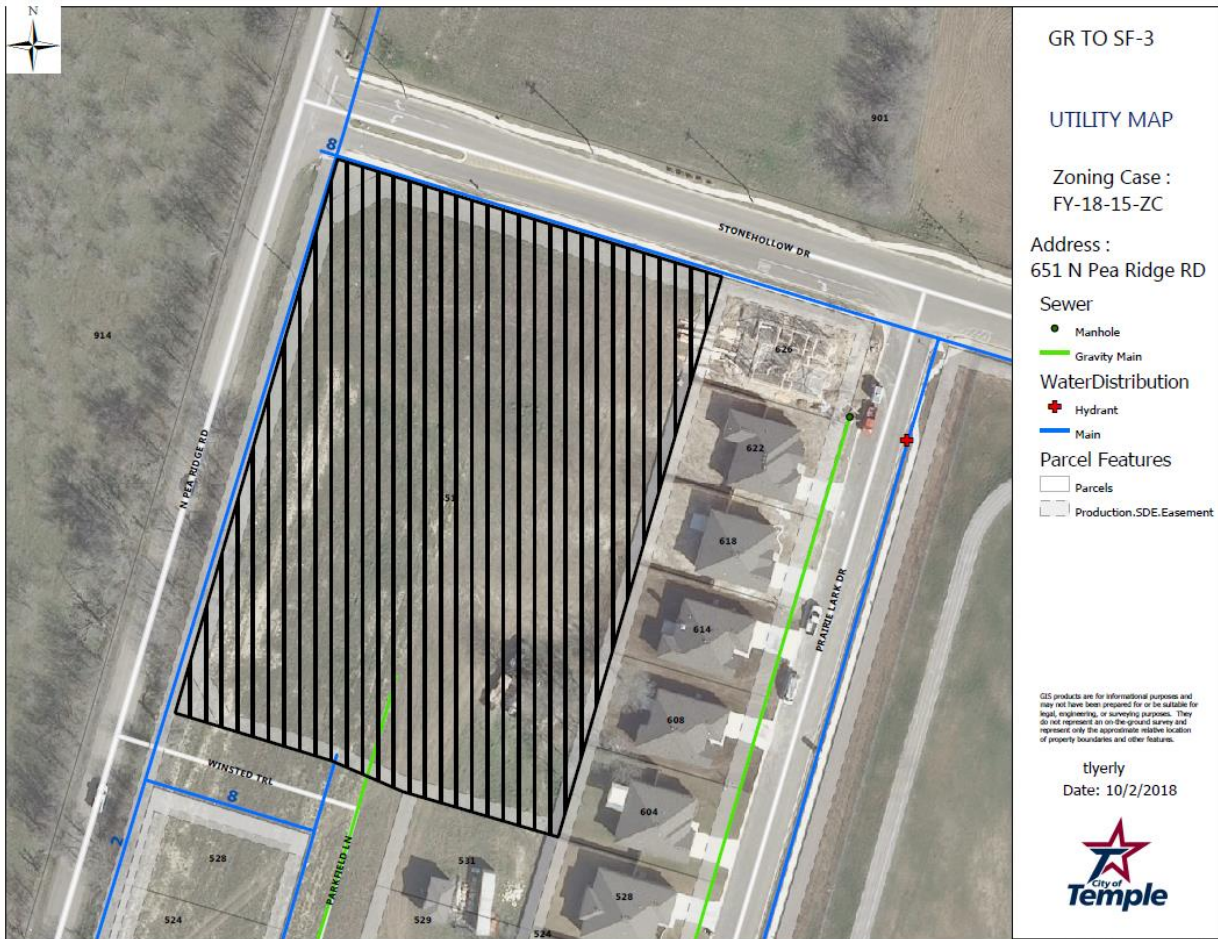
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

tlyerly

Date: 11/1/2018







DEVELOPMENT REGULATIONS:

	<u>Proposed (SF-3)</u>	<u>Current (GR)</u> (Single Family Detached Dwelling)
Minimum Lot Size	4,000 Square Feet	5,000 Square Feet
Minimum Lot Width	40 Feet	50 Feet
Minimum Lot Depth	100 Feet	100 Feet
Front Setback	15 Feet	15 Feet
Side Setback	5 Feet	10% Lot width - min.5 Feet
Side Setback (corner)	15 Feet	15 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	2-1/2 Stories	3 Stories
ALH - Any Legal Height not Prohibited by other Laws		
* UDC Sect 4.4 - Measurements and Special Case		

Permitted & Conditional Use Table – Single Family-Three (SF-3)

Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached) * Industrialized Housing
Retail & Service Uses	N/A
Commercial Uses	N/A
Industrial Uses	N/A
Recreational Uses	* Park or Playground
Vehicle Service Uses	N/A
Restaurant Uses	N/A
Overnight Accommodations	N/A
Transportation Uses	*Railroad track right-of-way or team track

Permitted & Conditional Use Table - General Retail (GR)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
Retail & Service Uses	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
Recreational Uses	* Park or Playground * Beer & Wine (On Premise Consumption) < 75%
Vehicle Service Uses	* Auto Leasing, Rental * Auto Sales - New & Used (outside Lot) * Car Wash * Vehicle Servicing (Minor)
Restaurant Uses	* With & Without Drive-In
Overnight Accommodations	* Hotel or Motel
Transportation Uses	* Emergency Vehicle Service * Helistop

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	GR	Undeveloped Land
North	Suburban Commercial	PD-SF-3	Undeveloped Single Family Residential
South	Suburban Commercial	SF-3	Single Family Residential
West	Suburban Commercial	SF-2	Undeveloped Single-Family Residential
East	Auto-Urban Residential	PD-SF-2	Single Family Residential

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

:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	No
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	Partial

CP = Comprehensive Plan STP = Sidewalk and Trails Plan



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

444095
ROBINSON, BRANDY N
529 PARKFIELD LN
TEMPLE, TX 76502

RECEIVED

NOV 02 2018

**CITY OF TEMPLE
PLANNING & DEVELOPMENT**

Zoning Application Number: FY-18-15-ZC

Case Manager: Tammy Lyerly

Location: 651 North Pea Ridge Road

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:

Brandy Robinson
Signature

Brandy Robinson
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, or mail or hand-deliver this comment form to the address below, no later than **November 5, 2018**.

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

Number of Notices Mailed: 21

Date Mailed: October 25, 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**

386031
ROSS, ROSA DARLENE
614 PRAIRE LARK DR
TEMPLE, TX 76502

RECEIVED
NOV 05 2018
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-18-15-ZC

Case Manager: Tammy Lyerly

Location: 651 North Pea Ridge Road

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

Rosa Darlene Ross

Print Name

254-681-1046

r.darlene@hotmail.com

(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, or mail or hand-deliver this comment form to the address below, no later than **November 5, 2018**.

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

Number of Notices Mailed: 21

Date Mailed: October 25, 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

NOV 05 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

444111
MCFARLAND, JAMES D
524 PARKFIELD LN
TEMPLE, TX 76502

Zoning Application Number: FY-18-15-ZC

Case Manager: Tammy Lyerly

Location: 651 North Pea Ridge Road

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

I ☐ agree

☒ disagree with this request

Comments:

I DO NOT WANT THE NOISE + ALL THE OTHER INSANE THINGS WHICH
ARE POSSIBLE FROM A MAJOR PROJECT LIKE THIS ONE. JUST
LEAVE THE AREA THE WAY IT IS WITH OUT CHANGE

Signature

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, tllyerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 5, 2018**.

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

Number of Notices Mailed: 21

Date Mailed: October 25, 2018

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

ORDINANCE NO. 2018-4946
(FY-18-15-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL ZONING DISTRICT TO SINGLE FAMILY THREE ZONING DISTRICT ON APPROXIMATELY 2.257 ACRES, SITUATED IN THE BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, AND ADDRESSED AS 651 NORTH PEA RIDGE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from General Retail zoning district to Single Family Three zoning district on approximately 2.257 acres, situated in the Baldwin Robertson League Survey, Abstract No. 17, Bell County, Texas, addressed as 651 North Pea Ridge Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of December, 2018.

PASSED AND APPROVED on Second Reading on the **20th** day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #7
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - FY-18-5-SITE Consider adopting an ordinance authorizing an amendment of ordinance No. 2018-4934, to add a site plan for a proposed 16.461 +/- acre, 59 lot, 2 block, residential subdivision, situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, addressed as 5120 South 31st Street, Temple, Texas.

ITEM SUMMARY: The applicant, DB Commercial, requests development/ site plan approval as required by the rezoning ordinance (Ordinance 2018-4934) approved by City Council on October 4, 2018, which added 0.49 +/- acres to the existing Planned Development-General Retail (PD-GR)-zoned property for a total of 11.99 +/- acres.

Per Ordinance 2018-4934, the proposed development must comply with the following conditions:

1. The use and development of the property shall conform to the requirements of the General Retail district;
2. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to South 31st Street, signage, landscaping, parking and other related development issues. This review will follow the routine procedure require for a rezoning request in all aspects, including legal notification, and review by the Planning & Zoning Commission and City Council;
3. A subdivision plat is required prior to the development of this property and shall include attention to the flood plain in this area; and
4. The director of Planning, with consultation as needed by the Design Review Committee, shall be authorized to approve minor changes to the development/ site plan for any residential or non-residential development which includes but is not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards.

STAFF RECOMMENDATION: Staff recommends approval of attaching the development/ site plan to the existing Planned Development conditioned as required by Ordinance 2018-4934.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their November 5, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval per staff's recommendation.

During the meeting, concern was expressed from a representative of the Nazarene church. The church would desire a higher percentage of masonry materials to help increase longevity of the exterior of the adjacent residences. In addition, the fencing would increase privacy, particularly abutting the church property line to the north.

PLANNED DEVELOPMENT (UDC SEC. 3.4): As a flexible overlay zoning district, this planned development as amended during the recent addition of 0.49 +/- acres, is presented with a binding development/ site plan and subject to review and approval by City Council as recommended by the Planning & Zoning Commission. This development plan has been reviewed and evaluated in accordance with UDC Section 3.4.5 (PD Criteria). Similar to a PD rezoning process, conditions of approval can be applied to the development/ site plan review.

The proposed development/ site plan is summarized in more detail as follows:

SUBDIVISION PLAT: Development as a 59-lot single family subdivision plat is being considered by a prospective buyer of the property. A subdivision plat known as "The Bend" (attached), includes a combination of 11.99 +/- acres of Planned Development-General Retail (PD-GR) & 4.42 +/- acres of Multiple-Family Dwelling-2 (MF-2)-zoned land. The total acreage being considered for the subdivision is 16.461 +/- acres and proposed for development as detached single family residences.

ACCESS: Access will be taken directly from South 31st Street (FM1741), an arterial street, which is TxDOT right-of-way. TxDOT has been provided a copy of the development plan / subdivision plat. TxDOT concurs with the alignment of the proposed Bend Drive, contingent to adequate sight spacing. In accordance with UDC Section 7.2.4, prohibition of residential drive approaches along arterial streets is being addressed with the review of the plat.

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

TRAIL CONNECTIVITY & PARK FEES: The development/ site plan reflects a 5-foot sidewalk along a section of Bend Drive which will provide pedestrian connectivity from within the subdivision to the existing sidewalk along South 31st Street. The existing 6-foot sidewalk along South 31st Street will presently serve the purpose for the proposed community-wide connector trail. Parks fees will be paid by the developer and will be used to help develop the adjacent Waterford Park.

DRC REVIEW: The DRC reviewed the development/ site plan & subdivision plat for "The Bend" on September 20, 2018. The subdivision plat will be forthcoming after the development/ site plan has been reviewed by City Council.

PUBLIC NOTICE: Nineteen 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 November 27, 2018 at 9:00 AM, three notices, two from the same owner, in agreement have been received.

The newspaper printed notice of the public hearing on October 25, 2018, in accordance with state law and local ordinance.

SCHOOL DISTRICT: Temple Independent School District (TISD)

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Development Plan - The Bend subdivision (Exhibit A)

Utility Map

Notification Map

PD Development Plan Criteria Table

Site & Surrounding Property Photos

Ordinance 2018-4934

Returned Property Notices

P&Z Excerpts (November 5, 2018)

Ordinance



Development Plan

UTILITY MAP

Zoning Case :
FY-18-5-SITE

Address :
5120 S. 31st Street

Sewer

- Manhole
- Gravity Main

Water Distribution

- ✚ Hydrant
- Main

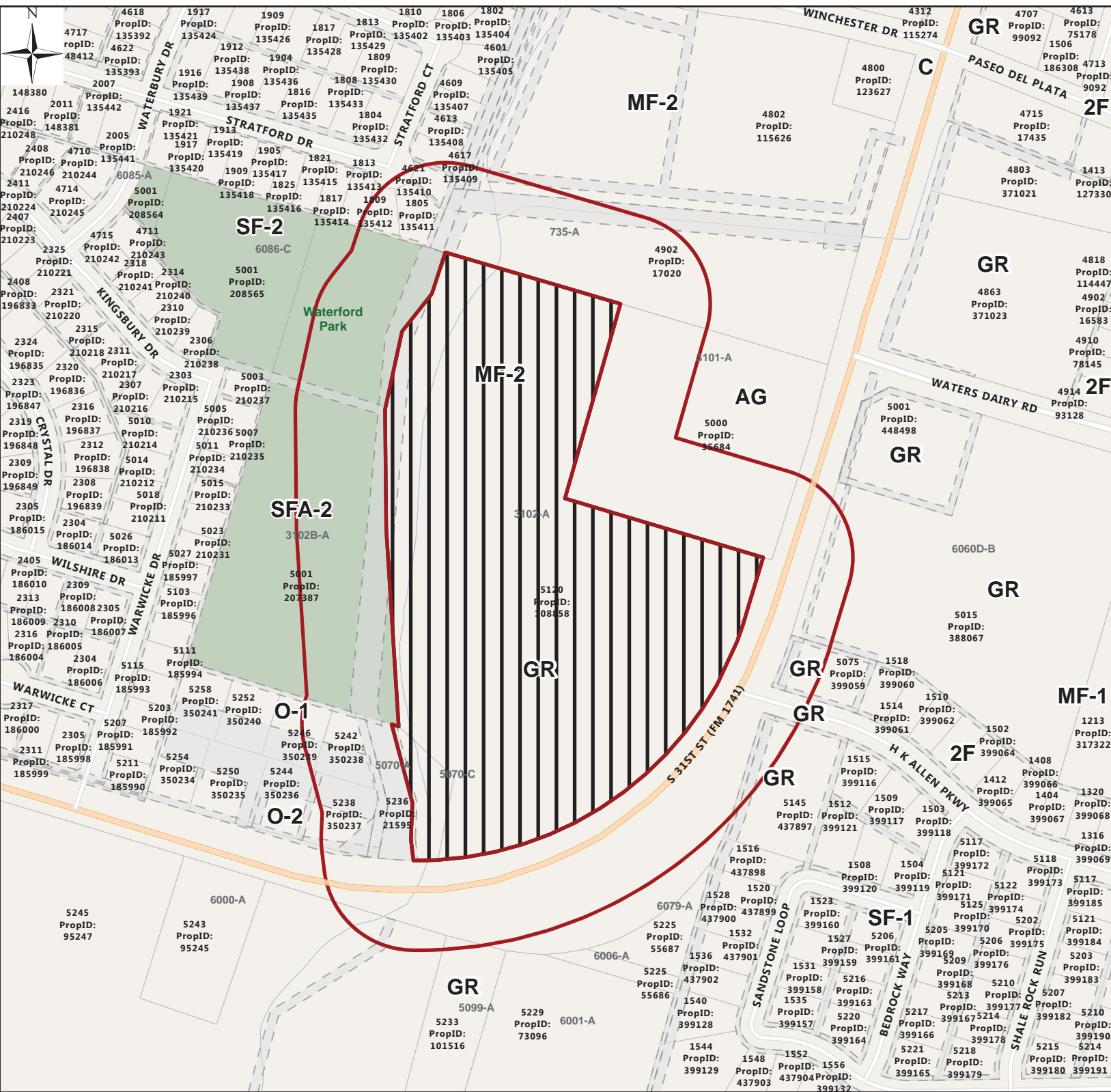
Parcel Features

- 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.

mbaker
Date: 10/10/2018





Development Plan

200'

NOTIFICATION MAP

Zoning Case :
FY-18-5-SITE
Address :
5120 S. 31st Street

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.

mbaker
Date: 10/10/2018



Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that when the overall planned development is proposed with a development / site plan, it will conform to the PD ordinance and all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for any new residential and non-residential development. Compliance will be determined both during the review of the final plat as well as during the review of building permits.
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.	YES	Drainage and other related engineering will be addressed during the review of the final plat. No issues have been identified related to the preservation of existing natural resources on the property.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is addressed as 5234 South 31st Street. This 0.49 +/- acres has been recently added (Ordinance 2018-4934) to the existing planned development and will be developed collectively as 16.461 +/- acres. The site is currently undeveloped. The development/ site plan & final plat have been reviewed by DRC. Revisions to final plat are currently being reviewed by the DRC. At this time, the development/ site plan is being evaluated for its overall merits, character and harmony with the surrounding area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Vehicular access has been addressed with a single access point to the 59-lot subdivision. Access is prohibited for lots that back-up against South 31st Street. To date, no circulation issues have been identified.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Parking will be reviewed in accordance with UDC Section 7.5 at the time of individual building permit application. In the case of any future non-residential development, separate development/ site plan review will be required.
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.	YES	As discussed in #D, if the plan/ plat is developed as anticipated for residential uses, no residential uses will front or take access directly from South 31st Street, since South 31st Street is an arterial. Confirmation has been made during DRC review of the plan/ plat. Access to the site will be provided by a single access point into the development from South 31st Street, a TxDOT ROW.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistency with the Thoroughfare Plan has been addressed with the review of the development/ site plan and subdivision plat by the DRC. No compliance issues have been identified.
H. Landscaping and screening are integrated into the overall site design: 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.	YES	If developed with residential uses, as anticipated, landscaping requirements will be finalized during the building permit stage. If developed with non-residential uses, landscaping will be addressed during the public review of the development/ site plan. Conditions may be added to provide flexibility to the Director of Planning to make minor adjustment for landscaping, buffering and screening as warranted to address buffering and screening requirements.
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	Parkland dedication fees will be addressed during the DRC review of the subdivision plat and/or development/ site plan.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water will be provided by the City of Temple. Wastewater will be provided by sewer. Drainage facilities as well as other utilities have been addressed with the review of the plat. Compliance will be confirmed and finalized by the review of construction documents. To date, no issues have been identified.

Site & Surrounding Property Photos



Site: Undeveloped - Looking across South 31st Street (PD-GR)



Site: Undeveloped - Looking across South 31st Street (PD-GR)



West: Existing Non-Residential Uses (Waterford Professional Park) (O-1 & O-2)



East & South: Looking across South 31st Street - Undeveloped, Scattered Residential & Non-Residential Uses (AG, PD-GR & SF-1)

ORDINANCE NO. 2018-4934
(FY-18-11-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE 1995-2368 TO ADD APPROXIMATELY 0.49 ACRES, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, ADDRESSED AS 5234 SOUTH 31ST STREET, TEMPLE, TEXAS, TO AN EXISTING PLANNED DEVELOPMENT - GENERAL RETAIL PROPERTY; AUTHORIZE REZONING OF THE APPROXIMATELY 0.49 ACRES FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, DB Commercial, on behalf of the property owner, Barge Properties, requests an amendment to Ordinance 1995-2368 to add approximately 0.49 acres, and as more generally depicted in Exhibit A, to the existing Planned Development with a base-zoning of General Retail;

Whereas, in accordance with Ordinance 1995-2368, the following are still applicable to this current request:

1. The use and development of the property shall conform to the requirements of the General Retail district;
2. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to South 31st Street, signage, landscaping, parking and other related development issues. This review will follow the routine procedure required for a rezoning request in all respects, including legal notification, and review by the Planning Commission and City Council; and
3. A subdivision plat is required prior to the development of this property and shall include attention to the flood plain in this area;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends Council amend Ordinance 1995-2368 to add approximately 0.49 acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail, and authorize rezoning the approximately 0.49 acres from Agricultural zoning district to Planned Development-General Retail zoning district, with the following conditions:

1. Conditions as prescribed by Ordinance 1995-2368 are still applicable; and

Staff recommends the addition of the following condition:

2. The Director of Planning, with consultation as needed by the Design Review Committee, shall be authorized to approve minor changes to the development/site plan for any residential or non-residential development which includes but is not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards; and

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

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

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

Part 2: The City Council amends Ordinance 1995-2368 to add approximately 0.49 acres, situated in the Redding Roberts Survey, Abstract No. 692, addressed as 5234 South 31st Street, Temple, Texas, to an existing Planned Development-General Retail, and authorize rezoning the approximately 0.49 acres from Agricultural zoning district to Planned Development-General Retail zoning district, with the following conditions:

1. Conditions as prescribed by Ordinance 1995-2368 are still applicable;
and

Staff recommends the addition of the following condition:

2. The Director of Planning, with consultation as needed by the Design Review Committee, shall be authorized to approve minor changes to the development/site plan for any residential or non-residential development which includes but is not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards.

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.

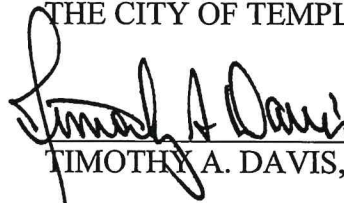
Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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 20th day of September, 2018.

PASSED AND APPROVED on Second Reading on the 4th day of October, 2018.

THE CITY OF TEMPLE, TEXAS



TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:



Kayla Landeros
City Attorney

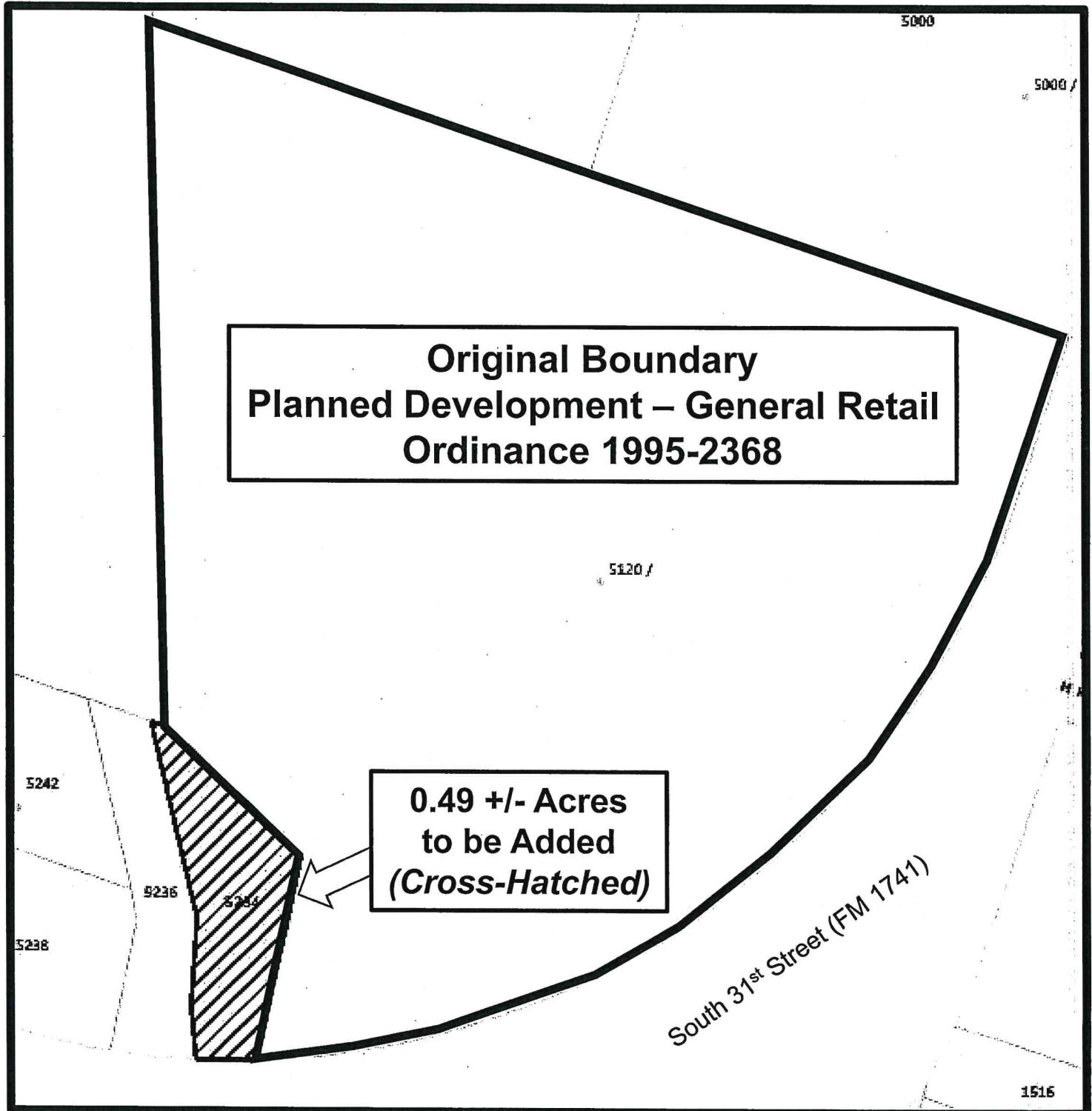
ATTEST:



Lacy Borgeson
City Secretary



EXHIBIT A





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

332059
BARGE, V W III
2005 BIRDCREEK DR STE 211
TEMPLE, TX 76502-1002

Zoning Application Number: FY-18-5-SITE

Case Manager: Mark Baker

Location: 5120 South 31st Street

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the 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

V.W. BARGE

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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 5, 2018**.

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

RECEIVED

OCT 29 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 19

Date Mailed: October 25, 2018

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



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

108858
SOUTH THIRTY-FIRST LTD
C/O BARGE PROPERTIES
2005 BIRDCREEK DR STE 211
TEMPLE, TX 76502-1002

Zoning Application Number: FY-18-5-SITE

Case Manager: Mark Baker

Location: 5120 South 31st Street

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the 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:

VW B
Signature

V.W. BARGE
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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 5, 2018**.

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

RECEIVED

OCT 29 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 19

Date Mailed: October 25, 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**

350238
KIELLA FAMILY LTD
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: FY-18-5-SITE

Case Manager: Mark Baker

Location: 5120 South 31st Street

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the 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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **November 5, 2018**.

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

RECEIVED

OCT 31 2018

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 19

Date Mailed: October 25, 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, NOVEMBER 5, 2018

ACTION ITEMS

Item 4: FY-18-5-SITE - Hold a public hearing to discuss and recommend action to amend Ordinance No. 2018-4934, to add a site plan for a proposed 16.461 +/- acre, 59 lot, 2 block, residential subdivision, situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, addressed as 5120 South 31st Street, Temple, Texas.

Mr. Baker stated this case is scheduled to go forward to City Council for first reading on December 6, 2018 and second reading on December 20, 2018.

Proposed aerial site plan is shown. Mr. Baker stated this request amends Ordinance 2018-4934 to attach a 16.46 +/- acre 59-lot single family residential subdivision. The subdivision plat is forthcoming, and Planning and Zoning Commission will review in January of 2019 after City Council review. Public review of this site/development plan is required.

The existing water and sewer map is shown and found to be in compliance. Water is provided through 12- inch lines in South 31st Street, and sewer is provided through 12-inch lines within a 60-foot public drainage and utility easement on the west side of the subject property.

An aerial site plan photo is shown of surrounding properties.

On-site property photo is shown.

Nineteen notices were mailed in accordance with all state and local regulations with three responses (two from applicant) returned in agreement, and zero responses returned in disagreement.

The Compliance Summary chart is shown with all criteria found to be in compliance.

Staff recommends approval of the request to amend Ordinance 2018-4934, to attach the development/site plan to the existing Planned Development as required by the following conditions of Ordinance 2018-4934:

1. The use and development of the property shall conform to the requirements of the General Retail district;
2. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to South 31st Street, signage, landscaping, parking, and other related development issues. This review will follow the routine procedure required for a rezoning request in all aspects, including legal notification and review by the Planning & Zoning Commission and City Council;

3. A subdivision plat is required prior to the development of this property and shall include attention to the flood plain in this area; and
4. The Director of Planning, with consultation as needed by the Design Review Committee (DRC), shall be authorized to approve minor changes to the development/site plan for any residential or non-residential development which includes but is not limited to: drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum UDC development standards.

Chair Langley opened the public hearing.

Mr. Lee Hubbard, 6920 Boutwell Drive, Temple, Texas, stated concern over the percentage of masonry proposed to be used in construction of these residences. Mr. Hubbard also inquired if the developer plans to install a fence around the properties near the surrounding Nazarene Church.

Mr. Baker deferred to the developer for response.

Mr. Mike Beevers, 1501 FM 439, Belton, Texas, stated he was the developer and does not know the exact percentage of masonry proposed for these homes. Mr. Beevers stated it is rare to see homes in this price range without backyard privacy fences.

Mr. Hubbard returned to the podium and stated the percentage of masonry on the homes determines the longevity and value of the subdivision and homes.

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

Vice-Chair Ward made a motion to approve Item 4, **FY-18-5-SITE**, per staff recommendation, and Commissioner Armstrong made a second.

Motion passed: (7:0)

Commissioner Marshall absent.

ORDINANCE NO. 2018-4947
(FY-18-5-SITE)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2018-4934 TO ADD A SITE PLAN FOR A PROPOSED APPROXIMATELY 16.461 ACRE, 59 LOT, 2 BLOCK, RESIDENTIAL SUBDIVISION, SITUATED IN THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, ADDRESSED AS 5120 SOUTH 31ST STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, DB Commercial, requests development/site plan approval as required by Ordinance 2018-4934 approved by City Council on October 4, 2018, which added approximately 0.49 acres to the existing Planned Development-General Retail zoned property, making it a total of approximately 11.99 acres;

Whereas, per Ordinance 2018-4934, the proposed development must comply with the following conditions:

1. The use and development of the property shall conform to the requirements of the General Retail District;

2. A detailed site plan review is required prior to the issuance of a building permit for any development on this property to address building intensity and arrangement, access to South 31st Street, signage, landscaping, parking and other related development issues - this review will follow the routine procedure required for a rezoning request in all aspects, including legal notification, and review by the Planning & Zoning Commission and City Council;

3. A subdivision plat is required prior to the development of this property and shall include attention to the flood plain in this area; and

4. The Director of Planning, with consultation as needed by the Design Review Committee, shall be authorized to approve minor changes to the development/site plan for any residential or non-residential development which includes, but is not limited to, drainage considerations, overall lot layout, street configuration and as needed related to exterior building elevations, buffering and screening, in compliance with minimum Unified Development Code Development Standards;

Whereas, at their November 5, 2018 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the development/site plan to the existing Planned Development, 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. 2018-4934 to add a site plan for a proposed approximately 16.461 acre, 59 lot, 2 block, residential subdivision, situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, addressed as 5120 South 31st Street, Temple, Texas.

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 **6th** day of **December**, 2018.

PASSED AND APPROVED on Second Reading on the **20th** day of **December**, 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

12/06/18
Item #8
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting the following ordinances:

- (A) FY-19-1-AB: Authorizing abandonment and conveyance of all or portions of service alleyways adjacent to Extraco Bank originally dedicated within the Original Town of Temple.
- (B) FY-19-2-AB: Authorizing abandonment and conveyance of all or portions of service alleyways behind 110 and 112 South 1st Street originally dedicated within the Original Town of Temple.

STAFF RECOMMENDATION: Staff recommends approval of the alleyway abandonments as described above.

ITEM SUMMARY: (A) Extraco Banks requests the abandonment of a section of the alley at the existing bank for a drive-through ATM lane. Turley Associates survey shows a 0.013 acres tract of land, being part of a twenty feet wide alley, situated in Block 28, Original Town of Temple.

(B) Short-Term Lending requests the abandonment of a section of the alley to allow for construction of an outdoor patio behind the existing buildings at 110 and 112 South 1st Street. Turley Associates survey shows a 0.028 acre tract of land, being part of a twenty feet wide alley, situated in Block 28, Original Town of Temple.

Short-Term Lending GP, Inc was awarded two Strategic Investment Zone (SIZ) Grants, totaling \$160,530, on June 28, 2018. City Council approved a \$70,000 grant for a proposed coffee shop at 110 South 1st Street and \$90,530 for a proposed restaurant at 112 South 1st Street. Following award of the grant funds, the City Manager entered into a Development Agreement for the Tier II project. The scope consists of interior renovation, including fire suppression, façade improvements, landscaping and other improvements associated with converting the alley area behind the building to a spacious seating area serving both the coffee shop and the restaurant.

This area is zoned Central Area (CA) district. The CA district principally addresses development in the Central Business District of the City, allowing most commercial, retail and office uses. Maximum building height may be any legal limit that other laws and ordinances do not prohibit.

Upon conveyance of the properties to the applicants, the City will retain Public Utility Easements in the alley to ensure the various commercial utility providers have access to their lines.

Staff is seeking authorization to convey the service alleyway adjacent to Extraco Bank to the bank at no cost. Staff is also seeking authorization to convey the service alleyways behind 110 and 112 South 1st Street to Short-Term Lending GP, Inc. at no cost. Pursuant to Texas Local Government Code Section 253.013, the governing body of a City with a population greater than 65,000 and less than 90,000 that is located in a county in which part, but not all of a military installation is located, may donate surplus property owned by the City that is of negligible or negative value if the governing body finds the following facts to be true:

- (1) The property is not improved, including by having a structure on it or by being paved;
- (2) Ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs;
- (3) Ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and
- (4) The cost of maintaining the property is of substantial burden to the City.

The alleyways at issue are paved, however the alleyway adjacent to Extraco was paved by Extraco and the pavement behind 110 and 112 South 1st Street is in a deteriorating condition. All other requirements listed in Section 253.013 are true for the alleyways.

UTILITY PROVIDER RESPONSES:

ATMOS – Approved, see comments

AT&T – Approved, see comments

GRANDE – No comments received

ONCOR – Approved, see comments

SPECTRUM – No comments received

USPS – No comments received

WINDSTREAM – No objection, approved

FISCAL IMPACT: Texas Local Government Code Section 253.013 allows the properties to be conveyed without requiring compensation.

ATTACHMENTS:

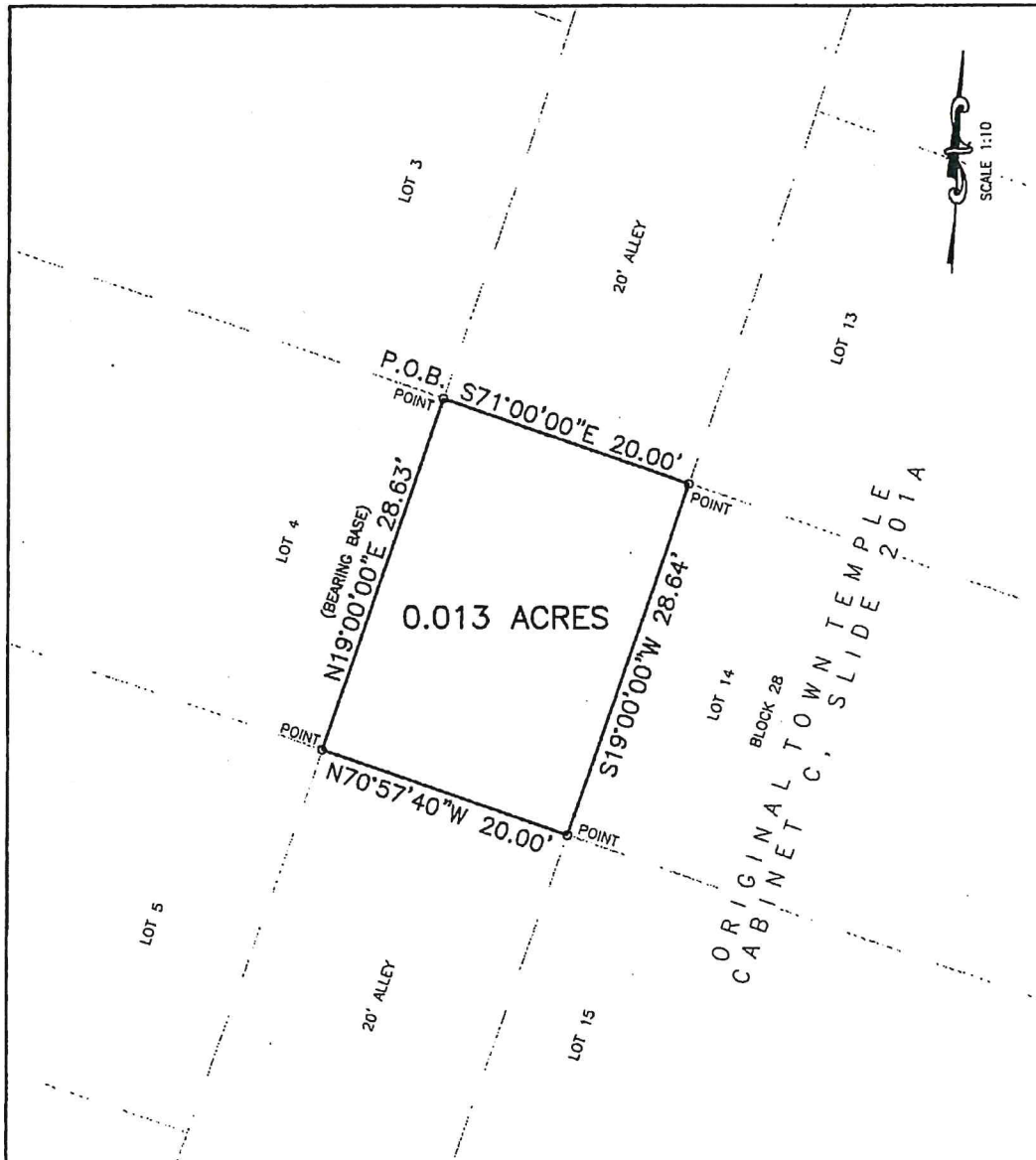
[Surveys of Abandonments & Field Notes \(Exhibit A\)](#)

[Aerial Map \(Exhibit B\)](#)

[Site Photos](#)

[Utility Provider Responses](#)

[Ordinance](#)



THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 0.013 acre tract of land situated in the City of Temple, Bell County, Texas and being a part or portion of a twenty feet wide (20') alley, Block 28, Original Town of Temple, Bell County, Texas.



STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 20th day of April 2018.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402

BEING a 0.013 acre tract of land situated in the City of Temple, Bell County, Texas and being a part or portion of a twenty feet wide (20') alley, Block 28, Original Town of Temple, Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being in the west boundary line of the said twenty feet wide alley and being the evidenced northeast corner of Lot 4, said Block 28 and being the evidenced southeast corner of Lot 3, said Block 28 for corner;

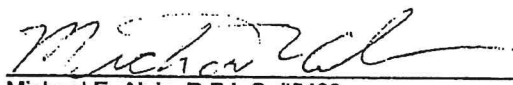
THENCE S. 71° 00' 00" E., 20.00 feet departing the said Lot 4 and the said Lot 3 and the said west boundary line and over and across the said twenty feet wide alley to a point being in the east boundary line of the said twenty feet wide alley and being the evidenced northwest corner of Lot 14, said Block 28 and being the southwest corner of Lot 13, said Block 28 for corner;

THENCE S. 19° 00' 00" W., 28.64 feet departing the said Lot 13, said Block 28 and with the west boundary lines of Lot 14, said Block 28 and with the east boundary line of the said twenty feet wide alley to a point being the southwest corner of the said Lot 14, Block 28 and being the northwest corner of Lot 15, said Block 28 for corner;

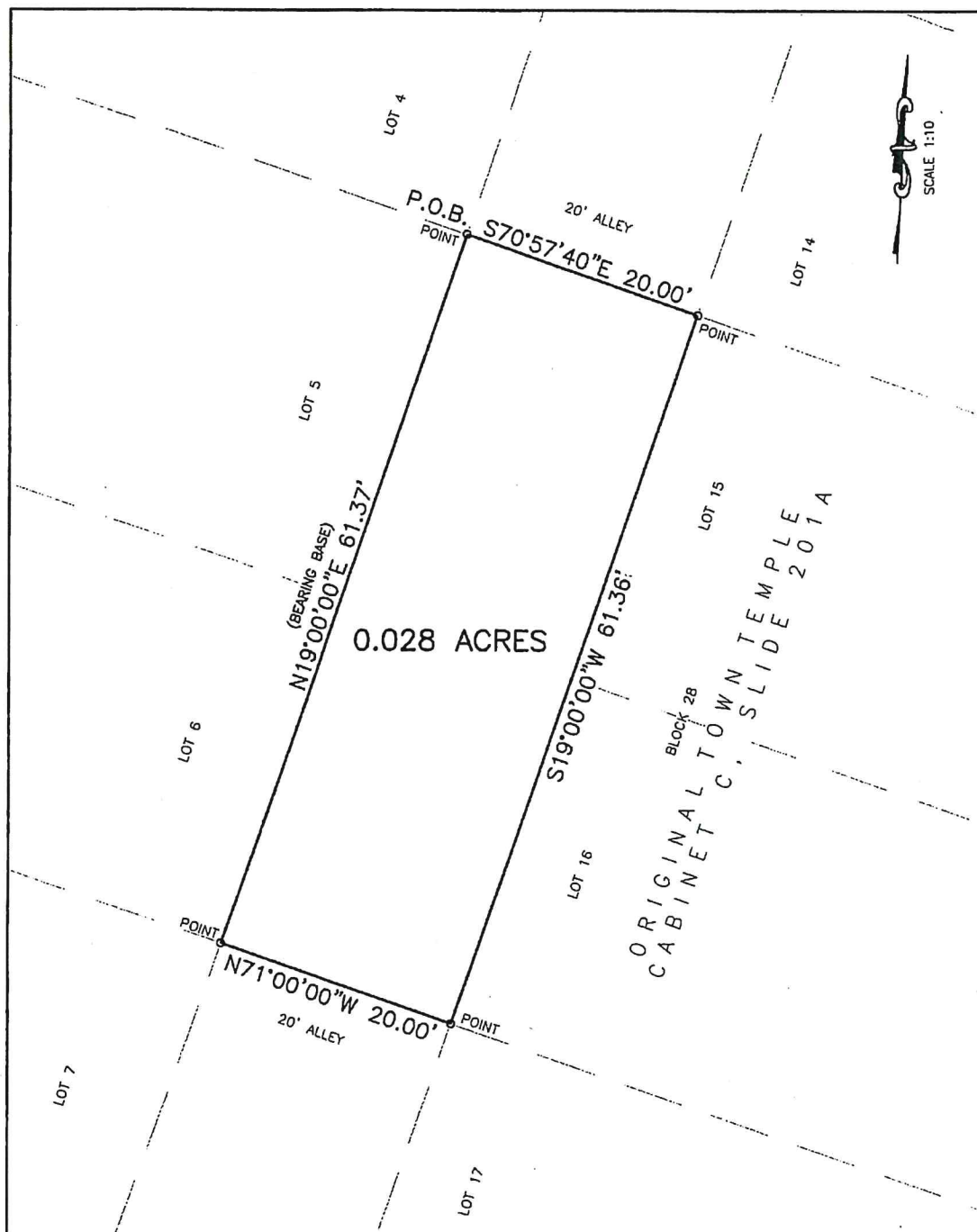
THENCE N. 70° 57' 40" W., 20.00 feet departing the said east boundary line and the said Lot 14, Block 28 and the said Lot 15, Block 28 and over and across the said twenty feet wide alley to a point being in the west boundary line of the said twenty feet wide alley and being the evidenced southeast corner of Lot 4, said Block 28 and being the evidenced northeast corner of Lot 5, said Block 28 for corner;

THENCE N. 19° 00' 00" E., 28.63 feet departing the said Lot 5, Block 28 and with the east boundary lines of Lot 5, said Block 28 and with the west boundary line of the said twenty feet wide alley to the Point of BEGINNING and containing 0.013 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.


Michael E. Alvis, R.P.L.S. #5402
April 20, 2018





THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY AND NO FURTHER EASEMENT RESEARCH WAS PERFORMED BY THIS COMPANY.

BEING a 0.028 acre tract of land situated in the City of Temple, Bell County, Texas and being a part or portion of a twenty feet wide (20') alley, Block 28, Original Town of Temple, Bell County, Texas.



STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct.

IN WITNESS THEREOF, my hand and seal, this the 20th day of April 2018.

Michael E. Alvis

Michael E. Alvis, R.P.L.S., No. 5402



301 N. 3rd St.
TEMPLE, TEXAS 76501

ENGINEERING • PLANNING • SURVEYING

TYPE No. F-1856 • TOPLS No. 10059000

254.773.2400
www.turley-inc.com

17-1341
SKETCH
MGM

BEING a 0.028 acre tract of land situated in the City of Temple, Bell County, Texas and being a part or portion of a twenty feet wide (20') alley, Block 28, Original Town of Temple, Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point being in the west boundary line of the said twenty feet wide alley and being the evidenced northeast corner of Lot 5, said Block 28 and being the evidenced southeast corner of Lot 4, said Block 28 for corner;

THENCE S. 70° 57' 40" E., 20.00 feet departing the said Lot 5 and the said Lot 4 and the said west boundary line and over and across the said twenty feet wide alley to a point being in the east boundary line of the said twenty feet wide alley and being the evidenced northwest corner of Lot 15, said Block 28 and being the southwest corner of Lot 14, said Block 28 for corner;

THENCE S. 19° 00' 00" W., 61.36 feet departing the said Lot 14, said Block 28 and with the west boundary lines of Lot 15 and Lot 16, said Block 28 and with the east boundary line of the said twenty feet wide alley to a point being the southwest corner of the said Lot 16, Block 28 and being the northwest corner of Lot 17, said Block 28 for corner;

THENCE N. 71° 00' 00" W., 20.00 feet departing the said east boundary line and the said Lot 16, Block 28 and the said Lot 17, Block 28 and over and across the said twenty feet wide alley to a point being in the west boundary line of the said twenty feet wide alley and being the southeast corner of Lot 6, said Block 28 and being the northeast corner of Lot 7, said Block 28 for corner;

THENCE N. 19° 00' 00" E., 61.37 feet departing the said Lot 7, Block 28 and with the east boundary lines of Lot 6 and Lot 5, said Block 28 and with the west boundary line of the said twenty feet wide alley to the Point of BEGINNING and containing 0.028 acres of land.

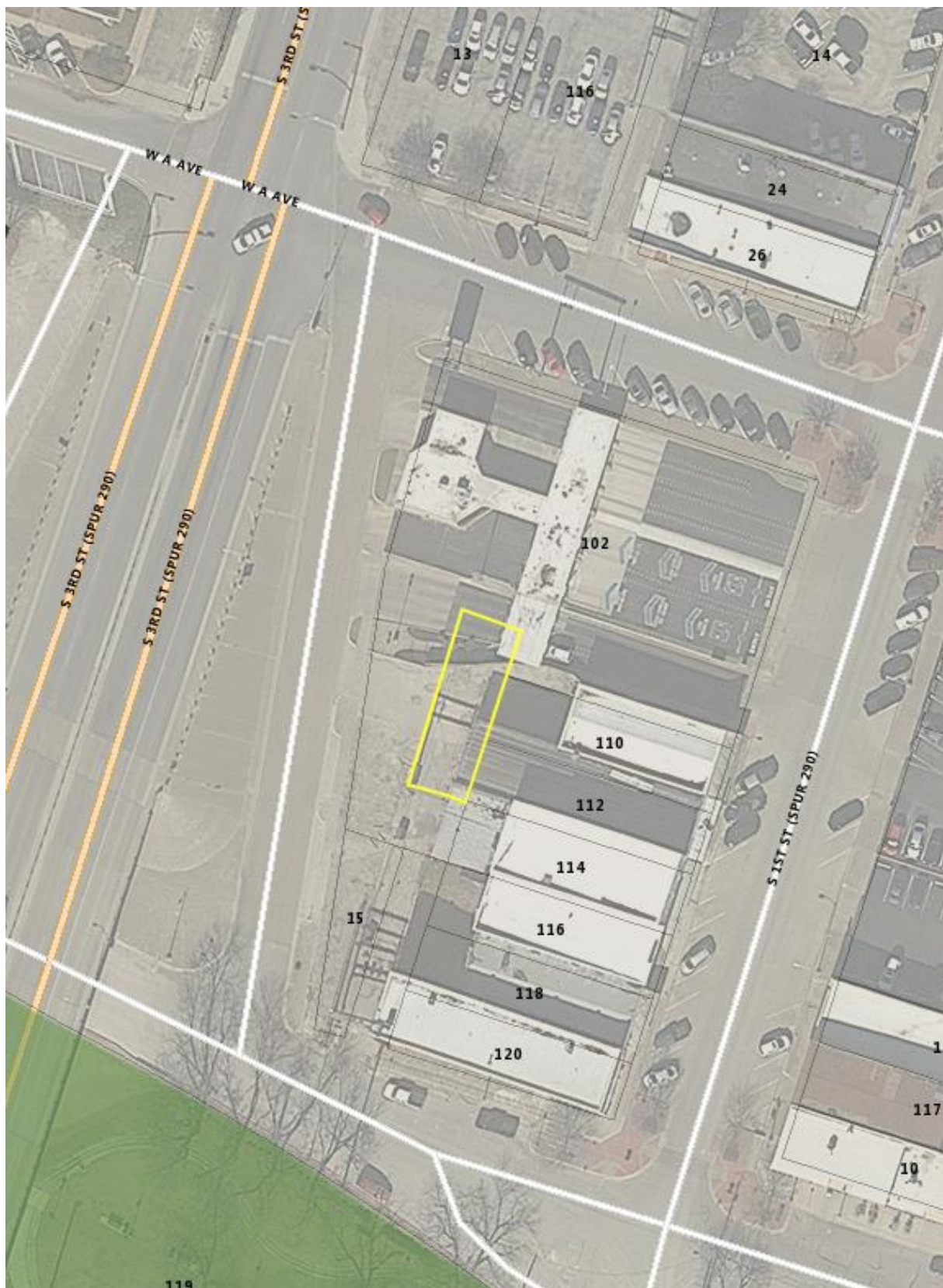
I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
April 20, 2018



Location of proposed alley abandonments near South 1st Street, Temple TX



Google Earth oblique view:



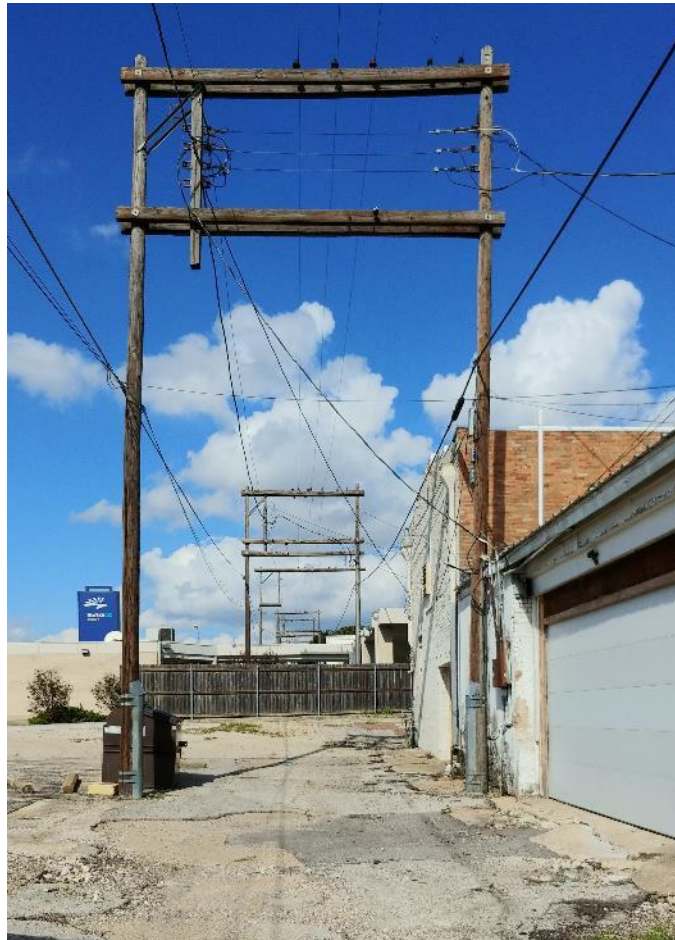
View facing northeast:



View facing east:



View facing north in alley:





CITY COUNCIL ITEM ATTACHMENT

12/6/18

Item #

Regular Agenda

Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

UTILITY PROVIDER RESPONSES:

ATMOS – “Atmos has a 2” IP poly II gas main in the alley, stops just north of 110. Atmos would be able to allow a patio to be built over it. I would like to see them put in a gate on the south end of the easement just in case there is a problem with gas service on the gas main in the future so Atmos does not have to remove any fencing. It would need to be large enough to drive a truck through. Also note: That they show a tree being planted in the easement over the gas main area. That will need to be moved out of the easement area west. Atmos will not have a problem with this other than installing a gate and the PUE easement is made up and getting a copy.”

AT&T – “As long as there is an easement for utilities and the property owners know that any changes needing to be done within this easement to utilities would be at their expense AT&T is ok with the 20’UE.”

GRANDE – No comments received

ONCOR – “I don’t see an issue as long as they do not build any permanent or temporary structure under out existing facilities. They can build a fence, but cannot use our structures as part of said fence. They should be made aware, that any maintenance that may need to be performed will be their responsibility to repair the property.”

SPECTRUM – No comments received

USPS – No comments received

WINDSTREAM – No objection

ORDINANCE NO. 2018-4948
(FY-19-1-AB)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT AND CONVEYANCE OF ALL OR PORTIONS OF SERVICE ALLEYWAYS ADJACENT TO EXTRACO BANK, ORIGINALLY DEDICATED WITHIN THE ORIGINAL TOWN OF TEMPLE, BELL COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Extraco Banks requests the abandonment of a section of the alley at the existing bank for a drive-through ATM lane - Turley Associates' survey shows a 0.013-acre tract of land, being part of a twenty-foot wide (20') alley, situated in Block 28, Original Town of Temple;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the alley may be abandoned and conveyed, but the City will retain Public Utility Easements in the alley to ensure various commercial utility providers have access to their lines;

Whereas, Staff recommends Council authorize the conveyance of the service alleyway adjacent to Extraco Bank to the bank at no cost;

Whereas, pursuant to Texas Local Government Code Section 253.013, the governing body of a City with a population greater than 65,000 and less than 90,000 that is located in a county in which part, but not all, of a military installation is located, may donate surplus property owned by the City that is of negligible or negative value if the governing body finds the following facts to be true:

- (1) The property is not improved, including by having a structure on it or by being paved;
- (2) Ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs;
- (3) Ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and
- (4) The cost of maintaining the property is of substantial burden to the City;

Whereas, the alleyways at issue are paved, however the alleyway adjacent to Extraco was paved by Extraco - all other requirements listed in Section 253.013 are true related to the alleyways; and

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

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

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

Part 2: The City of Temple, Texas authorizes the abandonment of all or portions of service alleyways adjacent to Extraco Bank originally dedicated within the Original Town of Temple, and more particularly described in Exhibit A and authorizes conveyance of the abandoned alleyways to Extraco Corporation.

Part 3: The City reserves Public Utility Easements in the alley to ensure the various commercial utility providers have access to their lines.

Part 4: Upon request, the City of Temple will provide a copy of this Ordinance and any other evidence of abandonment, which may be reasonably required.

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

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **December**, 2018.

PASSED AND APPROVED on Second Reading on the **20th** day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2018, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

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

ORDINANCE NO. 2018-4949
(FY-19-2-AB)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT AND CONVEYANCE OF ALL OR PORTIONS OF SERVICE ALLEYWAYS BEHIND 110 AND 112 SOUTH 1ST STREET, ORIGINALLY DEDICATED WITHIN THE ORIGINAL TOWN OF TEMPLE, BELL COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Short-Term Lending GP, Inc., requests the abandonment of a section of the alley to allow for construction of an outdoor patio behind the existing buildings at 110 and 112 South 1st Street;

Whereas, Turley Associates' survey shows an approximately 0.028-acre tract of land, being part of a twenty-foot wide alley, situated in Block 28, Original Town of Temple which would be abandoned;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department, and confirmed that the alley may be abandoned and conveyed, but the City will retain Public Utility Easements in the alley to ensure various commercial utility providers have access to their lines;

Whereas, Staff recommends Council abandon the alleyways and authorize the conveyance of the alleyways behind 110 and 112 South 1st Street to Short-Term Lending GP, Inc. at no cost;

Whereas, pursuant to Texas Local Government Code Section 253.013, the governing body of a City with a population greater than 65,000 and less than 90,000 that is located in a county in which part, but not all of a military installation is located, may donate surplus property owned by the City that is of negligible or negative value if the governing body finds the following facts to be true:

- (1) The property is not improved, including by having a structure on it or by being paved;
- (2) Ownership of the property does not provide any identifiable positive benefit to the City in relation to the City's current needs;
- (3) Ownership of the property is not likely to provide any identifiable positive benefit to the City in relation to the City's future needs; and
- (4) The cost of maintaining the property is of substantial burden to the City;

Whereas, the alleyways at issue are paved, however the pavement behind 110 and 112 South 1st Street is in a deteriorating condition – all other requirements listed in Section 253.013 are true for the alleyways; and

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

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

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

Part 2: The City of Temple, Texas authorizes the abandonment of all or portions of service alleyways behind 110 and 112 South 1st Street originally dedicated within the Original Town of Temple, and more particularly described in Exhibit A and authorizes conveyances of the abandoned alleyways to Short-Term Lending, GP.

Part 3: The City reserves Public Utility Easements in the alley to ensure the various commercial utility providers have access to their lines.

Part 4: Upon request, the City of Temple will provide a copy of this Ordinance and any other evidence of abandonment, which may be reasonably required.

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

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of December, 2018.

PASSED AND APPROVED on Second Reading on the 20th day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____,
2018, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

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



COUNCIL AGENDA ITEM MEMORANDUM

12/06/2018
Item #9
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

STAFF RECOMMENDATION: Conduct public hearing, adopt the ordinance on first reading, and set it for second reading on December 20, 2018.

ITEM SUMMARY:

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

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

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program.
- Ensuring that criminal background checks will be conducted on prospective youth program employees.
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Recreation Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.

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

In 2018, average daily enrolled attendance at the afterschool sites was 279. The summer camp average enrolled attendance increased slightly from 253 to 262. All training and inspection requirements were met.

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

The Parks and Recreation Department is not recommending any changes to the current (and proposed) Child Care Ordinance.

FISCAL IMPACT:

None

ATTACHMENTS:

[2018 Child Care Standards Report](#)
[2019 Child Care Standards Ordinance](#)

Parks and Recreation Services Department
Child Care Standards Annual Report
2018

Throughout the 2018 school year, the City of Temple Parks and Recreation Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, four Belton I.S.D campuses, St. Mary's Catholic School and Temple Charter Academy. The department also organized three summer camps, a spring break camp (Camp Adventure), a Thanksgiving camp (Camp Journey), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

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

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

<u>Location</u>	<u>Attendance (daily average)</u>	
	2017	2018
Thornton Elementary	18	14
Western Hills	13	15
Kennedy Powell	12	13
Cater	12	8
Lakewood	61	53
Pirtle	60	55
Tarver	62	48
St. Mary's	13	18
High Point	62	50
Temple Charter Academy	N/A	5

Camps

Summer camps included Camp Heatwave, which took place at the Wilson Park Recreation Center and Camp Horizon & Harmony which were held at Pirtle Elementary School. Camp Heatwave was an 11 week program and Horizon and Harmony lasted 10 weeks. Both camps were staffed with part-time recreation leaders and supervised by a full-time Recreation Specialist and a Recreation Coordinator. The same staffing format also occurred at Camp Holidayze, Camp Journey, and Camp Adventure

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

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

Camp Name**Attendance (daily average)**

	<u>2017</u>	<u>2018</u>
Camp Journey (Thanksgiving Break)	46	68
Camp Holiday (Christmas Break)	59	70
Camp Adventure (Spring Break)	68	75
Camp Heatwave (Summer Camp)	132	132
Camp Horizon (Summer Camp)	68	85
Camp Harmony (Summer Camp)	53	42

Scholarships

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

After School Program:

7 – 50% reduced (Parents paid \$20 per child, weekly)

1 – 20% reduced (Parents paid \$32 per child, weekly)

Camp Heatwave, Quest, Horizon

13 – 50% reduced (Parents paid \$35 per child, weekly)

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

Inspection Schedule

The Wilson Recreation Center and all after school sites were inspected in April, May and December 2018 for any hazards or potential problems by the Recreation Superintendent. None were noted.

Training

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

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

All staff were given quarterly safety training.

All training requirements were met.

Recommendations

No recommendations at this time.

TEMPLE YOUTH PROGRAMS' STANDARDS OF CARE

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

General Administration

1. Organization

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

2. Definitions

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

3. Inspections/Monitoring/Enforcement

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

4. Enrollment

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

medical authorization.

- (7) any medicines the child may be taking

5. Suspected Abuse

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

Staffing-Responsibilities and Training

6. Youth Program Coordinator Qualifications

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

7. Coordinator's Responsibilities

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

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

8. Recreation Leader (“Leader”) Qualifications

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

9. Leader Responsibilities

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

10. Training/Orientation

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

Operations

11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

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

13. Discipline

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

14. Programming

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

aid and emergency care available on field trips.

- (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

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

16. Transportation

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

Facility Standards

17. Safety

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

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

18. Fire

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

19. Health

- A. Illness or Injury

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

B. Program employees will administer medication only if:

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

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.

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

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance

ORDINANCE NO. 2018-4950

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

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

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

Whereas, in 2018, the average daily attendance at the afterschool sites was 279, and the summer camp average enrollment increased slightly from 253 to 262 in 2018 – all training and inspection requirements were met;

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

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

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

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

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **December, 2018**.

PASSED AND APPROVED on Second Reading on the **20th** day of **December, 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

12/06/18
Item #10
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting resolutions:

- (A) Authorizing a Tax Abatement Agreement with Turner Real Estate, LLC which will cover increases in the taxable value of real property on an approximately 0.376-acre tract of land designated as Tax Abatement Reinvestment Zone Number 37; and
- (B) Authorizing an Economic Development Agreement with Turner Real Estate, LLC for the redevelopment of the Hawn Hotel and Arcadia Theater properties.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) The proposed resolution would authorize an agreement with Turner Real Estate, LLC ("TRE") which, if approved, gives the company 10 years of tax abatement on the increased taxable value of real property improvements on land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue in Temple.

The proposed agreement covers approximately 0.376 acres of land that is under consideration for designation as City of Temple Tax Abatement Reinvestment Zone Number 37. TRE plans to renovate the current structures on the properties for residential, retail, and entertainment uses. The agreement provides that the tax abatement period commences in the first full calendar year after a Certificate of Occupancy is issued for the improvements or the properties pass a final inspection, whichever is applicable. The proposed tax abatement would be for 10 years at a declining rate as set forth below:

Years 1-5:	100%
Year 6:	90%
Year 7:	80%
Year 8:	70%
Year 9:	60%
Year 10:	50%

On December 6, 2018, the City Council will consider, on second reading, an ordinance designating the property on which the improvements will be located as Tax Abatement Reinvestment Zone Number 37. TRE estimates that its investment will be approximately \$6,000,000 in real property improvements. The actual value of the improvements, and the value of the City's tax abatement, is dependent on appraisal by the Bell County Appraisal District.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. TRE's proposal meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The improvements proposed meet the minimum criteria established for tax abatement consideration and meet the requirements for the proposed tax abatement. The proposed improvements fall within the definition of "eligible facilities" in the criteria.

The agreement has all of the terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring TRE to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

(B) In the fall of 2017, the City of Temple issued a Request for Proposal ("RFP") for the redevelopment of the Hawn Hotel and Arcadia Theater properties. In November 2017, TRE submitted its response to the RFP proposing a mixed-used redevelopment of both properties, as well as the City-owned property located at 102 East Central Avenue and commonly referred to as the Public Services Building. TRE's proposal included a mixture of residential, retail, and entertainment uses.

For the past several months, the City and TRE have been performing due diligence on the proposed redevelopment and related public improvements. Council is being asked to consider authorizing an Economic Development Agreement ("EDA") between the City, Temple Historic Arcadia Theatre, Inc., and TRE. The proposed EDA includes the following commitments on each party.

City of Temple Commitments:

- The City will agree to convey to TRE the Hawn Hotel, the Public Services Building, and the City-owned parking lot located at 119 E Adams Avenue;
- The City will provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building;
- The City will provide reimbursement funding, in an amount not to exceed \$250,000, for costs incurred for façade improvements, signage, demolition, and design work;
- The City will lease to TRE a portion of the City-owned parking lot east of North 4th Street and North of East Central Avenue for a term of 50 years at a lease rate of \$1 per year;
- The City will ensure that adequate wastewater service is available for the uses of the three properties contemplated by the EDA;
- The City will design and construct certain public improvements, such as, but not limited to, intersection enhancements, landscaping, signage, monuments, and dry utility relocations around the properties and such cost will not exceed \$1,600,000.

Arcadia Theatre, Inc. Commitments:

- Arcadia Theatre, Inc. will convey to TRE the Arcadia Theater property.

TRE Commitments:

- TRE will accept the properties;

- TRE will complete at least \$6,000,000 worth of improvements to the properties which will consist of mixed-use development, to include, but not limited to, residential, retail, and entertainment uses;
- TRE will agree to renovate the Arcadia Theater to be utilized as a multi-purpose events center and performance hall;
- TRE will complete the improvements to the Hawn Hotel and Arcadia Theater no later than 3 years from the date each property is conveyed to TRE; and
- TRE will complete the improvements to the Public Services Building no later than 4 years from the date the property is conveyed to TRE.

The EDA includes remedies for the City and Arcadia Theatre, Inc. if the improvements are not completed as agreed to by TRE.

City Staff is excited about the proposed project and recommends approval of the Tax Abatement Agreement and the Economic Development Agreement with Turner Real Estate, LLC.

FISCAL IMPACT:

(A) Tax Abatement Agreement: The tax abatement agreement with Turner Real Estate, LLC would have the potential of abating approximately \$337,212 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value. This amount is based on an estimate of the appraised value of real property improvements of \$6,000,000 for 10 years at a declining rate of 100% in years 1-5, 90% in year 6, 80% in year 7, 70% in year 8, 60% in year 9 and 50% in year 10.

(B) Economic Development Agreement: The City will provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building. A budget adjustment is being presented to Council appropriating funding from the General Fund's Unallocated Fund Balance in the amount of \$300,000 to fund the reimbursement. Funding will be appropriated in account 351-1100-513-2623.

The City will provide reimbursement funding, in an amount not to exceed \$250,000, for costs incurred for façade improvements, signage, demolition, and design work. Funding for these improvements will be from the City's SIZ funding. Funding will be appropriated in account 110-1500-515-2695 and will be funded over a multi-year period.

The City will design and construct certain public improvements, such as, but not limited to, intersection enhancements, landscaping, signage, monuments, and dry utility relocations around the properties and such cost will not exceed \$1,600,000. Funding for the public improvements is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 406, Downtown City Center, account 795-9600-531-6565, project 101029.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

BUDGET ADJUSTMENT FORM

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

+

—

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
351-1100-513-26-23		Other Contracted Services	\$ 300,000	
351-0000-490-25-82		Transfer In - General Fund	300,000	
110-9100-591-81-51		Transfer Out - Designated Capital Projects	300,000	
110-0000-352-13-45		Designated Capital Projects - Unallocated		300,000
		DO NOT POST		
TOTAL.....			\$ 900,000	\$ 300,000

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

To appropriate funding for the economic development agreement with Turner Real Estate, LLC to provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

12/06/18

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2018-9463-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A TAX ABATEMENT AGREEMENT WITH TURNER REAL ESTATE, LLC WHICH WILL COVER INCREASES IN THE TAXABLE VALUE OF REAL PROPERTY ON AN APPROXIMATELY 0.376 ACRE TRACT OF LAND DESIGNATED AS TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-SEVEN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

Whereas, on June 28, 2016, the City Council adopted Ordinance No. 2018-4922, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

Whereas, the agreement with Turner Real Estate, LLC (“TRE”) gives the company ten years of tax abatement on the increased taxable value of real property improvements on land consisting of approximately 0.376 acres and located at 110 East Central Avenue and 114 East Central Avenue in Temple, Texas;

Whereas, TRE plans to renovate the current structures on the properties for residential, retail, and entertainment uses - the agreement provides that the tax abatement period commences in the first full calendar year after a Certificate of Occupancy is issued for the improvements or the properties pass a final inspection, whichever is applicable;

Whereas, the proposed tax abatement would be for 10 years at a declining rate as set forth below:

Years 1-5: 100%
Year 6: 90%
Year 7: 80%
Year 8: 70%
Year 9: 60%
Year 10: 50%

Whereas, TRE estimates that its investment will be approximately \$6,000,000 in real property improvements, however, the actual value of the improvements, and the value of the City’s tax abatement, is dependent on appraisal by the Bell County Appraisal District;

Whereas, the City’s Economic Development Policy sets out the criteria and guidelines for granting tax abatement and TRE’s proposal meets the standards for granting tax abatement on the increase in real property improvements established by the City’s Criteria and Guidelines for tax abatement;

Whereas, the improvements proposed meet the minimum criteria established for tax abatement consideration and meet the requirements for the proposed tax abatement. The proposed improvements fall within the definition of “eligible facilities” in the criteria;

Whereas, the agreement has all of the terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring TRE to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement;

Whereas, the tax abatement agreement with Turner Real Estate, LLC. would have the potential of abating approximately \$337,212 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value - this amount is based on an estimate of the appraised value of real property improvements of \$6,000,000 for 10-years at a declining rate of 100% in years 1-5, 90% in year 6, 80% in year 7, 70% in year 8, 60% in year 9, and 50% in year 10; and

Whereas, the City Council has considered the matter and finds that the proposed tax abatement with Turner Real Estate, LLC is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

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 Mayor is authorized to execute a tax abatement agreement, after approval as to form by the City Attorney, with Turner Real Estate, LLC which will cover increases in the taxable value of real property on an approximately 0.376-acre tract of land designated as Tax Abatement Reinvestment Zone Number 37.

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 6th day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson

Kayla Landeros

City Secretary

City Attorney

RESOLUTION NO. 2018-9464-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH TURNER REAL ESTATE, LLC FOR THE REDEVELOPMENT OF THE HAWN HOTEL AND ARCADIA THEATER PROPERTIES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in the fall of 2017, the City of Temple issued a Request for Proposal (“RFP”) for the redevelopment of the Hawn Hotel and Arcadia Theater properties;

Whereas, in November 2017, Turner Real Estate, LLC (“TRE”) submitted its response to the RFP proposing a mixed-used redevelopment of both properties, as well as the City-owned property located at 102 East Central Avenue, and commonly referred to as the Public Services Building - TRE’s proposal included a mixture of residential, retail, and entertainment uses;

Whereas, for the past several months, the City and TRE have been performing due diligence on the proposed redevelopment and related public improvements and Staff now recommends Council authorize an Economic Development Agreement (“EDA”) between the City, Temple Historic Arcadia Theatre, Inc., and TRE;

Whereas, the proposed EDA includes the following commitments on each party.

City of Temple Commitments:

- The City will agree to convey to TRE the Hawn Hotel, the Public Services Building, and the City-owned parking lot located at 119 E Adams Avenue;
- The City will provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building;
- The City will provide reimbursement funding, in an amount not to exceed \$250,000, for costs incurred for façade improvements, signage, demolition, and design work;
- The City will lease to TRE a portion of the City-owned parking lot east of North 4th Street and North of East Central Avenue for a term of 50 years at a lease rate of \$1 per year;
- The City will ensure that adequate wastewater service is available for the uses of the three properties contemplated by the EDA;
- The City will design and construct certain public improvements, such as, but not limited to, intersection enhancements, landscaping, signage, monuments, and dry utility relocations around the properties and such cost will not exceed \$1,600,000;

Arcadia Theatre, Inc. Commitments:

- Arcadia Theatre, Inc. will convey to TRE the Arcadia Theater property;

TRE Commitments:

- TRE will accept the properties;
- TRE will complete at least \$6,000,000 worth of improvements to the properties which will consist of mixed-use development, to include, but not limited to, residential, retail, and entertainment uses;
- TRE will agree to renovate the Arcadia Theater to be utilized as a multi-purpose events center and performance hall;
- TRE will complete the improvements to the Hawn Hotel and Arcadia Theater no later than 3 years from the date each property is conveyed to TRE; and
- TRE will complete the improvements to the Public Services Building no later than 4 years from the date the property is conveyed to TRE;

Whereas, the EDA includes remedies for the City and Arcadia Theatre, Inc. if the improvements are not completed as agreed to by TRE;

Whereas, the City will provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building;

Whereas, a budget adjustment is being presented to Council appropriating funding from the General Fund's Unallocated Fund Balance in the amount of \$300,000 to fund the reimbursement and will be appropriated in Account No. 351-1100-513-2623;

Whereas, the City will provide reimbursement funding, in an amount not to exceed \$250,000, for costs incurred for façade improvements, signage, demolition, and design work;

Whereas, funding for these improvements will be from the City's Strategic Investment Zone funding, will be appropriated in Account No. 110-1500-515-2695, and will be funded over a multi-year period;

Whereas, the City will design and construct certain public improvements, such as, but not limited to, intersection enhancements, landscaping, signage, monuments, and dry utility relocations around the properties and such cost will not exceed \$1,600,000;

Whereas, funding for the public improvements is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 406, Downtown City Center, Account No. 795-9600-531-6565, Project No. 101029; 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 Economic Development Agreement with Turner Real Estate, LLC for the redevelopment of the Hawn Hotel and Arcadia Theater properties.

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 **6th** day of **December**, 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

12/06/18
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Tax Abatement Agreement with East Penn Manufacturing Co. which will cover increases in the taxable value of real and personal property on an approximately 36.9-acre tract of land designated as Tax Abatement Reinvestment Zone Number 38.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would authorize an agreement with East Penn Manufacturing Co ("East Penn") which, if approved, gives the company five years of tax abatement on the increased taxable value of real and personal property improvements on land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road (the "Property"), within a tract of land identified by the Bell County Appraisal District as 410044.

The proposed agreement covers approximately 36.9 acres of land that is under consideration for designation as City of Temple Tax Abatement Reinvestment Zone Number 38. East Penn produces Transportation/SLI (Starting, Lighting, and Ignition) batteries. It plans to construct a new finishing distribution center on the Property. The agreement provides that the tax abatement period commences in the first full calendar year after the required improvements are completed. East Penn would receive 50% tax abatement for five years.

East Penn timely filed an application to receive tax abatement on the planned improvements. On December 6, 2018, the City Council will consider, on second reading, an ordinance designating the property on which the improvements will be located as Tax Abatement Reinvestment Zone Number 38. East Penn estimates that its investment will be approximately \$100,000,000 in real and personal property improvements. The actual value of the improvements, and the value of the City's tax abatement, is dependent on appraisal by the Bell County Appraisal District. The new facility will house approximately 266 employees.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. East Penn's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The improvements proposed meet the minimum criteria established for tax abatement consideration and meet the

requirements for 50% tax abatement. The proposed improvements fall within the definition of “eligible facilities” in the criteria.

The proposed Agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring East Penn to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

FISCAL IMPACT: The tax abatement agreement with East Penn would have the potential of abating approximately \$1,653,000 in property taxes over the life of the agreement using the City’s current tax rate of \$0.6612 per \$100 value. This amount is based on an estimate of the appraised value of real and personal property improvements of \$100,000,000 abated for 5 years at 50%.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9465-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A TAX ABATEMENT AGREEMENT WITH EAST PENN MANUFACTURING CO. WHICH WILL COVER INCREASES IN THE TAXABLE VALUE OF REAL AND PERSONAL PROPERTY ON AN APPROXIMATELY 36.9 ACRE TRACT OF LAND DESIGNATED AS TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-EIGHT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

Whereas, on June 28, 2018, the City Council adopted Ordinance No. 2018-4922, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

Whereas, the agreement with East Penn Manufacturing Co. (“East Penn”) gives the company five-years of tax abatement, at a rate of 50%, on the increased taxable value of real and personal property improvements on land consisting of approximately 36.9 acres and located on the east side of Wendland Road and south of Moores Mill Road (the “Property”), within a tract of land identified by the Bell County Appraisal District as 410044;

Whereas, East Penn produces Transportation/SLI (Starting, Lighting, and Ignition) batteries and plans to construct a new finishing distribution center on the Property;

Whereas, East Penn timely filed an application to receive tax abatement on the planned improvements to real and personal property proposed for the site and estimates that its investment will be approximately \$100,000,000 in real and personal property improvements;

Whereas, the actual value of the improvements, and the value of the City’s tax abatement, is dependent on appraisal by the Bell County Appraisal District – the new facility will house approximately 266 employees;

Whereas, the City’s Economic Development Policy sets out the criteria and guidelines for granting tax abatement - East Penn’s application meets the standards for granting tax abatement on the increase in real property improvements established by the City’s Criteria and Guidelines for tax abatement;

Whereas, the improvements proposed meet the minimum criteria established for tax abatement consideration and meet the requirements for 50% tax abatement - the proposed improvements fall within the definition of “eligible facilities” in the criteria;

Whereas, Staff will provide all taxing entities involved with notice and a copy of the proposed agreement which incorporates all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring East Penn to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement;

Whereas, the tax abatement agreement with East Penn Manufacturing Co. would have the potential of abating approximately \$1,653,000 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value - this amount is based on an estimated increase in the appraised value of real property improvements of \$100,000,000 over a 5-year period with a 50% tax abatement; and

Whereas, the City Council has considered the matter and finds that the proposed tax abatement with East Penn Manufacturing Co. in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

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 Mayor is authorized to execute a tax abatement agreement, after approval as to form by the City Attorney, with East Penn Manufacturing Co. which will cover increases in the taxable value of real and personal property on an approximately 36.9-acre tract of land designated as Tax Abatement Reinvestment Zone Number 38.

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 6th day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson

Kayla Landeros

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/06/18
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of right-of-way necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$22,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road. Improvements include expanding the current two lane pavement section to a new four lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping.

The design requires the acquisition of right-of-way from thirty-two (32) properties. Twenty-nine (29) of the thirty-two (32) properties are owned by twenty-five (25) private citizens or entities. One right-of-way has been donated by Belton Independent School District. The City and the State of Texas (TxDOT) own the two remaining properties.

Appraisals have been conducted on the majority of the properties and the remaining appraisals are expected to be complete in the next two to three weeks. Offers have been made to those property owners based on the appraisals. For those properties that will require relocation, Stateside is preparing the necessary relocation studies.

With the assistance of Stateside Right of Way Services, Inc. (Stateside), the City has reached an agreement with a property owner. The City has acquired two properties and is coordinating closing on two properties.

At this time, Staff is asking for authorization to purchase the right-of-way necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$22,500.

The addresses and Bell County Appraisal District ID Number of the property is 9306 Poison Oak Road, #94887.

FISCAL IMPACT: Funding for the purchase of right-of-way necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$22,500 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9466-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE, IN A TOTAL ESTIMATED AMOUNT OF \$22,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road, which includes expanding the current two-lane pavement section to a new four lane roadway, extending to connect to Old Waco Road, and installing pedestrian facilities, drainage facilities, utilities, street lighting, and landscaping;

Whereas, the design requires the acquisition of right-of-way from 32 properties - 29 of the properties are owned by 25 private citizens or entities, one right-of-way has been donated by Belton Independent School District, and the City and the State of Texas (TxDOT) own the two remaining properties;

Whereas, appraisals have been performed on the majority of the properties and the remaining appraisals are expected to be complete in the next few weeks - offers have been made to the owners based on the completed appraisals, and for those properties that will require relocation, Stateside Right of Way Services, Inc. (Stateside) is preparing the necessary relocation studies;

Whereas, with the assistance of Stateside, the City has reached an agreement with a property owner and Staff recommends Council authorize the purchase of right-of-way which is necessary for the expansion of Poison Oak Road, as well as authorize the payment of closing costs associated with the purchase, in a total estimated amount of \$22,500;

Whereas, the address and Bell County Appraisal District ID Number of the property is:

9306 Poison Oak Road—Bell CAD ID No. 94887;

Whereas, funding for the purchase of the right-of-way and closing costs associated with Poison Oak Road Expansion Project is available in Account No. 365-3400-531-6886, Project No. 101715; 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 right-of-way necessary for the Poison Oak Road Expansion Project, as well as authorizes the payment of closing costs associated with this purchase, in a total estimated amount of \$22,500.

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

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/18
Item #13
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing Change Order #2 with Bell Contractors, Inc., (Bell) of Belton in the amount of \$292,851.32 for construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Construction of the Northwest & Northeast Little Elm Creek Trunk Sewer is extending gravity wastewater service within northwest industrial park and achieving abandonment of three lift stations (Hart Road, PFG, and Wendland Road/GST). Additional sewer extension from east to west is required to serve developing property in the industrial park.

On February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (Engineer) in the amount of \$189,220 for design, bidding and construction phase services. On March 15, 2018, Council authorized a construction contract with Bell for \$1,728,689.32. On August 31, 2018, the City approved Change Order #1 in the amount of \$16,907.86.

The attached Change Order #2 upsizes a portion of this trunk sewer and extends it to the west. A map and change order form are attached with further details. The proposed change order increases the total contract amount to \$2,038,448.50, which is an 18% net increase to the original contract amount. The Engineer recommends the change order in their attached letter. Additional construction time associated with the change order revises the contractual end date to June 21, 2019.

On December 5, 2018, the Reinvestment Zone No. 1 Board approved to recommend that Council authorize this change order to the construction contract with Bell Contractors.

FISCAL IMPACT: Funding for Change Order #2 with Bell Contractors, Inc. in the amount of \$292,851.32 for construction of the Northwest & Northeast Little Elm Creek Trunk Sewer project is available as follows:

	Outer Loop N WL	East/West Sewer Main	Little Elm Trunk Sewer	Total
	101997	101997	101000	
	561-5200-535-6813	561-5400-535-6813	795-9500-531-6368	
Project Budget	\$ -	\$ 318,500	\$ 1,925,000	\$ 2,243,500
Budget Adjustment	901,500	-	-	901,500
Encumbered/Committed to Date	-	-	(1,820,867)	(1,820,867)
Kasberg, Patrick & Associates	(83,430)	(59,900)	-	(143,330)
Bell Contractors Change Order #2	-	(246,526)	(46,326)	(292,852)
Remaining Project Funds	\$ 818,070	\$ 12,074	\$ 57,807	\$ 887,951

ATTACHMENTS:

[Recommendation Letter](#)
[Change Order Form](#)
[Project Map](#)
[Resolution](#)



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

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

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

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

November 29, 2018

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

Re: City of Temple, Texas
Northeast & Northwest Little Elm Trunk Sewer

Dear Mr. Billeck:

Enclosed is one copy of Change Order No. 2 in the amount of \$292,851.32 for the above referenced project. This change order is for upsizing Wastewater Line B from Station 35+98 to Station 55+32.74 from 8" to 10", upsizing Wastewater Line C from Station 3+90 to Station 13+75 from 8" to 10" and also extending the 10" wastewater line an additional 4,000 ft. to the west. The change order includes 112 calendar days to complete these items.

We recommend approval of Change Order No. 2 in the amount of \$292,851.32, for a Revised Contract Amount of \$2,038,448.50 and an additional 112 calendar days. Please return a copy of the fully change order to KPA for our files.

Sincerely,

A handwritten signature in blue ink that reads 'Ginger R. Tolbert'.

Ginger R. Tolbert, P.E.

GRT/crc

xc: Jonathan Perez, Bell Contractors, Inc.
2016-103-40

CHANGE ORDER

PROJECT: Northwest & Northeast Little Elm Creek Trunk Sewer
 OWNER: City of Temple
 CONTRACTOR: Bell Contractors, Inc.
 ENGINEER: Kasberg, Patrick & Associates
 CHANGE ORDER #: 2

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

Add: Upsizing Wastewater Line "B" STA 35+98 to STA 55+32.74

Part A: Wastewater Line "B"

Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO2-01	10" SDR-26 Upsize Cost	1936	LF	\$ 5.53	\$ 10,706.08
CO2-02	New Manhole Bases	6	EA	\$ 1,231.54	\$ 7,389.24
CO2-03	Demo Bases On Site	6	EA	\$ 569.48	\$ 3,416.88
CO2-04	Remove & Replace Piping within Bore Casing	65	LF	\$ 31.69	\$ 2,059.85
CO2-05	Remove 8" Piping	682	LF	\$ 8.76	\$ 5,974.32
CO2-06	Remove Manholes	2	EA	\$ 1,138.95	\$ 2,277.90
CO2-07	8" Pipe Restocking Fee	1936	LF	\$ 1.25	\$ 2,420.00
Sub-Total					\$ 34,244.27

Add: Upsizing Wastewater Line "C" STA 3+90 to STA 13+75

Part B: Wastewater Line "C"

Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO2-08	10" SDR-26 Upsize Cost	985	LF	\$ 5.53	\$ 5,447.05
CO2-09	New Manhole Bases	3	EA	\$ 1,231.54	\$ 3,694.62
CO2-10	Demo Bases On Site	3	EA	\$ 569.48	\$ 1,708.44
CO2-11	8" Pipe Restocking Fee	985	LF	\$ 1.25	\$ 1,231.25
Sub-Total					\$ 12,081.36

Add: Extension of Wastewater from Wastewater Line "C" STA 13+75

Part B: Wastewater Line "D"

Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO2-12	Remobilization of Equipment @ Railroad	2	EA	\$ 5,000.00	\$ 10,000.00
B-2	Right-of-Way Preparation	40	STA	\$ 345.00	\$ 13,800.00
B-4	Trench Safety Plan Implementation (Pipe)	4000	LF	\$ 1.48	\$ 5,920.00
B-5	Trench Safety (manholes/bore pits)	4320	SF	\$ 0.53	\$ 2,289.60
B-11	Clean-Up and Final Grading	4000	LF	\$ 1.31	\$ 5,240.00
B-12	Silt Fence	4000	LF	\$ 1.65	\$ 6,600.00
B-14	4' Diameter Manhole	9	EA	\$ 3,044.01	\$ 27,396.09
B-19	Seeding	14,000	SY	\$ 1.39	\$ 19,460.00
CO2-08	10" Wastewater Line	4000	LF	\$ 34.58	\$ 138,320.00
CO2-13	Mobilization, Bonds & Insurance	100%	LS	\$ 7,200.00	\$ 7,200.00
CO2-14	Deflection Testing Wastewater Line	100%	LS	\$ 2,200.00	\$ 2,200.00
CO2-15	Air Testing Wastewater Line	100%	LS	\$ 1,800.00	\$ 1,800.00
CO2-16	Vacuum Testing Manholes	100%	LS	\$ 1,800.00	\$ 1,800.00
CO2-17	Video Inspection of WWL D	100%	LS	\$ 4,500.00	\$ 4,500.00
Sub-Total					\$ 246,525.69

Change Order Total \$ 292,851.32

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

Original Contract Amount	\$	1,728,689.32	
Previous Net Change in Contract Amount	\$	16,907.86	
Net Change in Contract Amount	\$	292,851.32	
Revised Contract Amount	\$	2,038,448.50	
Original Contract Time		270	days
Previous Net Change in Contract Time		28	days
Net Change in Contract Time		140	days
Revised Contract Time		410	days
Original Final Completion Date		February 1, 2019	
Revised Final Completion Date		June 21, 2019	

Recommended By:

Project Manager (City Staff) Date

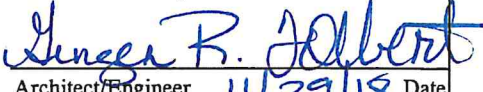
Agreed to:

 11-29-18
Contractor Date

Approved as to form:

City Attorney's Office Date

Recommended by:

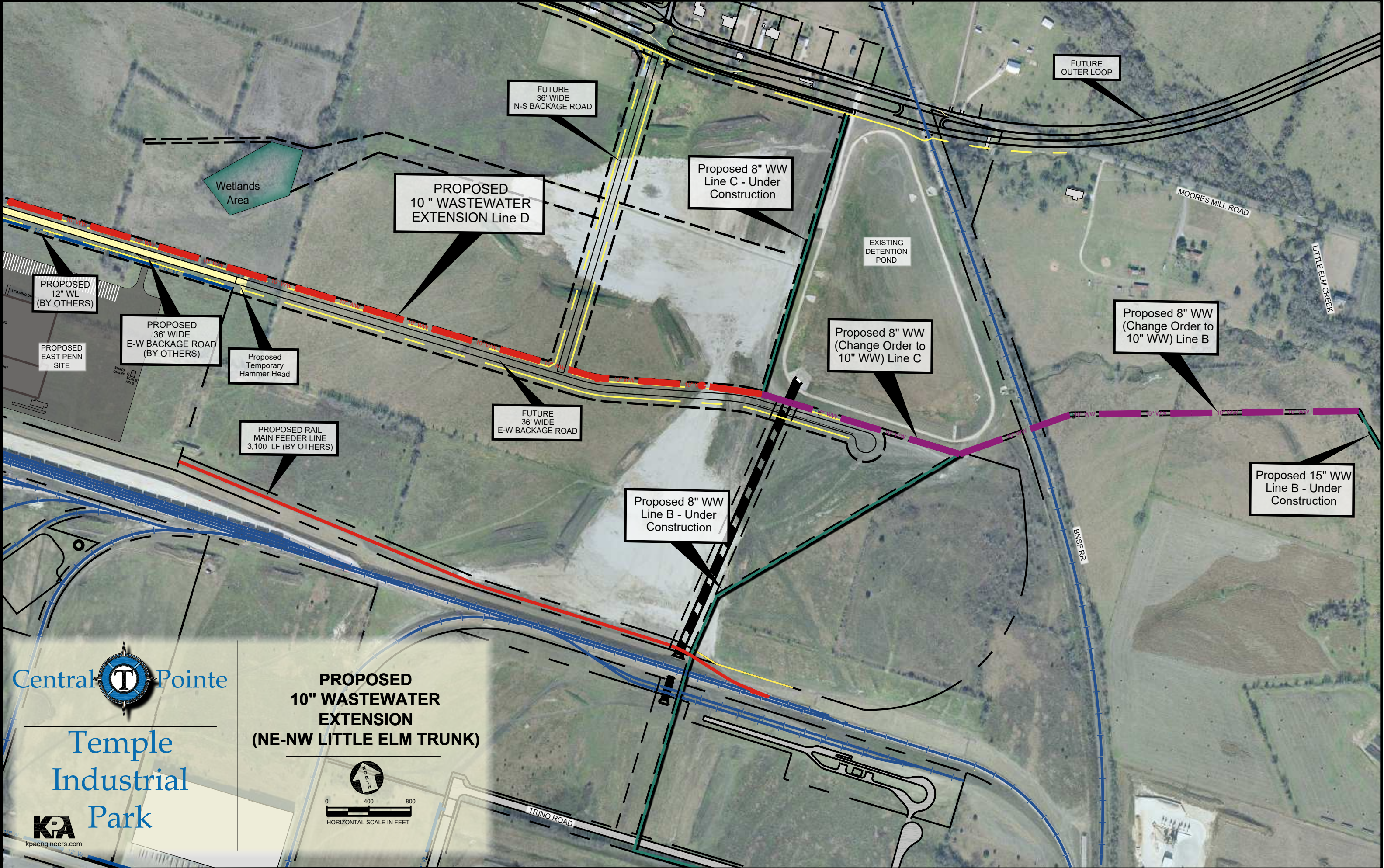
 11/29/18
Architect/Engineer Date

Approved by City of Temple:

Brynn Myers, City Manager Date

Approved by Finance Department

Finance Date



Central

Pointe

Temple

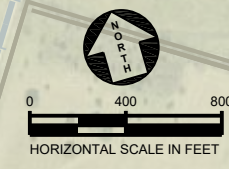
Industrial

Park

KPA

kpaengineers.com

**PROPOSED
10" WASTEWATER
EXTENSION
(NE-NW LITTLE ELM TRUNK)**



RESOLUTION NO. 2018-9467-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 TO A CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$292,841.32, FOR CONSTRUCTION OF THE NORTHWEST AND NORTHEAST LITTLE ELM CREEK TRUNK SEWER PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, construction of the Northwest and Northeast Little Elm Creek Trunk Sewer is extending gravity wastewater service within Northwest Industrial Park and achieving abandonment of three lift stations (Hart Road, PFG, and Wendland Road/GST);

Whereas, additional sewer extensions from east to west are required to serve developing property in the industrial park;

Whereas, on February 4, 2016, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (“KPA”) in the amount of \$189,220, for design, bidding and construction phase services - on March 15, 2018, Council authorized a construction contract with Bell Contractors, Inc. in the amount of \$1,728,689.32, and on August 31, 2018, the City approved Change Order No. 1 with Bell Contractors, Inc. in the amount of \$16,907.86;

Whereas, Change Order No. 2 upsizes a portion of this trunk sewer and extends it to the west – this change order increases the total contract amount to \$2,038,448.50, which is an 18% net increase to the original contract amount;

Whereas, on December 5, 2018, the Redevelopment Zone No. 1 Board approved Change Order No. 2 and Staff and KPA recommends Council authorize Change Order No. 2 to the construction contract with Bell Contractors, Inc. in the amount of \$292,841.32;

Whereas, funding is available for this change order in the following accounts:

Account No. 561-5200-535-6813, Project No. 101997;
Account No. 561-5400-535-6813, Project No. 101997;
Account No. 795-9500-531-6368, Project No. 101000; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 2 to a construction contract with Bell Contractors, Inc. of Belton, Texas in the amount of \$292,851.32, for construction of the Northwest and Northeast Little Elm Creek Trunk Sewer project.

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

PASSED AND APPROVED this the 6th day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney