



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, DECEMBER 20, 2018
3:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 20, 2018.
2. Receive a legislative update and priorities briefing.
3. Receive a presentation on the Hillcrest Cemetery.
4. Discuss an update to the City's Comprehensive Plan.
5. Discuss potential amendments to the City's Boards and Commissions Policy.
6. Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Council Appointees. No final action will be taken.

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. Presentation by Judge Burrows and Shay Luedeke, Tax Assessor Collector, of the Child Safety Funds collect in the amount of \$82,065.89.

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) [December 6, 2018 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (B) [2018-9468-R](#): Consider a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, to design, bid, and administer construction of the 31st Street Project at I-35 in an amount not to exceed \$695,900.
- (C) [2018-9469-R](#): Consider adopting a resolution authorizing a professional services agreement with Rabroker & Associates, PC of Temple for the design services needed to construct a new pump station at Sammons Golf Links, in the amount of \$28,000.

- (D) [2018-9470-R](#): Consider adopting a resolution authorizing a professional services agreement with NewGen Strategies and Solutions, LLC for a Water and Wastewater cost of service study, in the amount not to exceed of \$45,600.
- (E) [2018-9471-R](#): Consider adopting a resolution authorizing a professional services agreement for the development of a Comprehensive Plan with Halff Associates, Inc. of Austin, in the amount of \$246,880.
- (F) [2018-9472-R](#): Consider adopting a resolution authorizing a lease agreement with Alan Campbell for lease of T-hangar #57 at the Draughton-Miller Central Texas Regional Airport.
- (G) [2018-9473-R](#): Consider adopting a resolution authorizing a cooperative agreement with The Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas, that will enable continued use of grant-awarded equipment by Temple Fire and Rescue.
- (H) [2018-9474-R](#): Consider adopting a resolution authorizing a 14-month fuel management contract commencing February 1, 2019, with FleetCor Technologies Operating Company, LLC of Norcross, Georgia, in the estimated amount of \$1,412,845.
- (I) [2018-9475-R](#): Consider amending Resolution No. 2018-9109-R which authorized a Developer Participation Agreement with WBW Land Investment, L.P. to amend the name of the contracting entity from WBW Land Investment, L.P. to WBW Development Group, LLC – Series 027.
- (J) [2018-9476-R](#): Consider adopting a resolution authorizing an amendment to the Strategic Investment Zone Chapter 380 Development Agreement with Caelum Altus IV, LLC, which covers improvements to property located at 17 East Central Avenue, to extend the improvement completion date to July 31, 2019.
- (K) [2018-9477-R](#): Consider approving a resolution amending the City of Temple's Wireless Services Design Manual to change the fee assessed for each additional small wireless facility in order to conform with the Federal Communications Commission's Declaratory Ruling and Third Report and Order approved September 26, 2018.
- (L) [2018-9478-R](#): Consider adopting a resolution ratifying an emergency construction contract with All-Tex Utilities, LLC of Hillsboro, for a wastewater trunk line replacement at Wildflower Country Club, in the estimated amount of \$108,342.50.
- (M) [2018-9479-R](#): Consider adopting a resolution authorizing the purchase of document scanning services from doc2e-file, Inc. of Houston in an amount not to exceed \$28,000.
- (N) [2018-9480-R](#): Consider adopting a resolution authorizing change order #2 with T Construction, LLC of Houston for construction of the Old Town Wastewater Replacement Project, in an amount of \$5,975.
- (O) [2018-9481-R](#): Consider adopting a resolution authorizing the purchase of computer replacement hardware during FY 2019 from GovConnection, Inc., of Merrimack, New Hampshire, in the estimated annual amount of \$122,300.

- (P) [2018-9482-R](#): Consider adopting a resolution authorizing the purchase of twelve online turbidity meters for the Membrane Water Treatment Facility from Hach Company of Loveland, Colorado, in the amount of \$97,584.68.
- (Q) [2018-9483-R](#): Consider adopting a resolution authorizing the purchase of a temporary construction easement necessary for the expansion of Kegley Road in an estimated amount of \$10,308.
- (R) [2018-9484-R](#): Consider adopting a resolution authorizing the purchase of 59 metal refuse containers and 19 metal recycling containers from Wastequip, LLC, Beeville, in the amount of \$80,588.
- (S) [2018-9485-R](#): Consider adopting a resolution authorizing the purchase and installation of three lighting control systems from Musco Sports Lighting, LLC of Oskaloosa, Iowa, in the amount of \$28,275.
- (T) [2018-9486-R](#): Consider authorizing payment of the TCEQ Water System fee to the Texas Commission on Environmental Quality for operations of Temple's water treatment plant in the amount of \$83,349.
- (U) [2018-9487-R](#): Consider adopting a resolution authorizing the submission of a matching grant application for the funding from the National Recreational Trails Fund through Texas Parks and Wildlife, in an amount not to exceed \$98,400.

Ordinances- Second & Final Reading

- (V) [2018-4945](#): SECOND READING – FINAL 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.
- (W) [2018-4946](#): SECOND READING – FINAL 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.
- (X) [2018-4947](#): SECOND READING – FINAL 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.
- (Y) SECOND READING – FINAL HEARING Consider adopting the following ordinances:
 - 1. [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.
 - 2. [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.
- (Z) [2018-4950](#): SECOND READING – FINAL HEARING – Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

Misc.

- (AA) **2018-9488-R:** Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

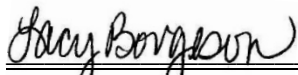
V. REGULAR AGENDA

RESOLUTIONS

5. **2018-9489-R:** Consider adopting a resolution authorizing deductive change order #5 with Bell Contractors, Inc. of Belton, for construction of the Jackson Park Wastewater Line Improvements, in the amount of \$49,517.
6. **2018-9490-R:** Consider adopting a resolution authorizing the purchase of three 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 \$456,000.
7. **2018-9491-R:** FY-18-11-PLT: Consider adopting a resolution approving the Master Preliminary Plat of County View Addition, an 81.173 +/- acre, with developer-requested exceptions to Unified Development Code related to the projection of streets, and to parkland dedication, situated in the B. Stracener Survey, Abstract No. 746 and the H.B. Balch Survey, Abstract No. 9786, Bell County, Texas; located north of East Young Avenue, west of NE H.K. Dodgen Loop, and east of Lower Troy Road.

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 11:30 am, on Monday, December 17, 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

12/20/18
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) December 6, 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:

[December 6, 2018 Special & Regular Meeting Minutes / Video](#)

TEMPLE CITY COUNCIL

DECEMBER 6, 2018

The City Council of the City of Temple, Texas conducted a workshop on Thursday, December 6, 2018 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

PRESENT:

Councilmember Jessica Walker
Councilmember Michael Pilkington
Mayor Pro Tem Judy Morales
Mayor Timothy Davis

ABSENT:

Councilmember Susan Long

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 6, 2018.

- Item #4(I) on Consent agenda - regarding the Economic Development Agreement with United Way. Mrs. Landeros noted this was to clarify items that are eligible for reimbursement under the contract.
- Item #5 on Regular agenda - regarding the Franchise Agreement with Heart of Texas Electric Cooperative, Inc. Mrs. Landeros noted that the HOTECH has requested that Council consider a franchise fee of 3% of its annual gross receipts within the City limits, instead of the 4%.
- Item #12 & #13 on Regular agenda - Councilmember Pilkington will abstain

2. Receive an update regarding Tax Increment Financing Reinvestment Zone #1 current and future projects.

Brynn Myers, City Manager provided an updated on several projects to include (1) the Rail Backage Rail Improvements that will support the East Penn site; (2) the Outer Loop 12" waste water line; (3) the Northwest & Northeast Little Elm project, which will eliminate three lift stations; (4) the Santa Fe Plaza - the project is still on target to complete in Summer 2019; (6) Downtown Central Avenue Corridor Enhancements; (7) Adams Avenue & Central Avenue Pedestrian Improvements - the study is currently underway for this project; (8) City Center - which includes the Hawn and Arcadia Buildings; (9) TMED Southwest District Enhancement Project - which will promote good pedestrian connectivity, unify the lighting for a "District feel", enhanced intersections, clean signage, and public art.

Mrs. Myers noted there are so many great projects currently underway.

At this time take approximately 4:49 p.m., Mayor Davis announced that the City Council would enter Executive Session. Approximately, 4:53 p.m., Councilmember Pilkington exited the room prior to further discussions.

- 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.**

At this time take approximately 5:03 p.m., Mayor Davis announced that the City Council would exit Executive Session.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 6, 2018 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Susan Long

I. CALL TO ORDER

1. Invocation

Pastor Ryan Wood with Christian Life Church, voiced the Invocation.

2. Pledge of Allegiance

Evie and Eliana Landeros, led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Jeffery Ware, 2600 Moores Mill Road, requests the City to provide closure and to execute the Eminent Domain on his property. Mr. Ware stated that to add insult to injury this same land will be sold and abated for

the industry and commercial endeavors of the new owners. He stated he has been involved with this process and is ready for it to be over, as this has been an ongoing process since 2008. He also noted that in 2015, the City should have made every effort to disclose the impact this would have to all the land owners. This has created a less than ideal family situation for all in the neighborhood.

III. PROCLAMATIONS AND SPECIAL RECOGNITION

3. Recognition of the Corporate Challenge winners.

Chuck Ramm, Assistant Director of Parks and Recreation recognized the participants in the 2018 Corporate Challenge games.

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) November 15, 2018 Special & Regular Called Meeting

(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.

(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.

(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.

Motion by Mayor Pro Tem Judy Morales approve the Consent Agenda as presented, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

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.**

Kayla Landeros, City Attorney presented this item to the Council. Heart of Texas Electric Cooperative, Inc. ("HOTEC") has requested to provide electric distribution services within the City. 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. The proposed area of service is approximately 31 acres off of Highway 317 and Cedar Creek Road.

The City currently has one franchised electrical provider, which is ONCOR. The property owner has requested service from HOTEC and the company is cable of providing service. HOTEC is a member-owned, non-profit corporation which currently operates in Bell and surrounding counties.

Mrs. Landeros noted that 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.

Mayor Davis declared the public hearing open with regards to item 5, and asked if anyone wished to address this item. There being none, 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 20, 2018, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

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.

Tammy Lyerly, City Planner presented this case to the Council. The applicant requests this rezoning from General Retail zoning district to Single Family Three 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.

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: 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 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 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: 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.

Staff recommends approval of the requested rezoning from General Retail zoning district to Single Family-Three 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.

At its November 5, 2018, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the requested

rezoning from General Retail zoning district to Single Family Three zoning district, per Staff's recommendation.

Mayor Davis declared the public hearing open with regards to item 6, and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Mike Pilkington adopt ordinance as presented on first reading, with second and final reading set for December 20, 2018, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

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.**

Mark Baker, Senior Planner presented this case to the Council. 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 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.

Development is proposed to be a 59-lot single family subdivision, plat is being considered by a prospective buyer of the property. A subdivision plat known as "The Bend", includes a combination of 11.99 +/- acres of Planned Development-General Retail and 4.42 +/- acres of Multiple-Family Dwelling-2 zoned land. The total acreage being considered for the subdivision is 16.461 +/- acres and proposed for development as detached single family residences.

Mr. Baker noted that 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.

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.

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.

Mr. Baker stated 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.

There were 19 notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday November 27, 2018 at 9:00AM, three notices, two from the same owner, in agreement have been received.

Staff recommends approval of attaching the development/ site plan to the existing Planned Development conditioned as

required by Ordinance 2018-4934. 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.

Mayor Davis declared the public hearing open with regards to item 7, and asked if anyone wished to address this item. There being none, 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 20, 2018, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

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.

Jason Deckman, City Planner presented this case to the Council. He began by stating item (A) is related to Extraco Banks' request for 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. Extraco Bank currently operates a drive-through bank at the corner of the Avenue A and South 1st Street, to include the drive-up automatic teller machines. This abandonment will provide a clear title to the property.

Item (B) is the request from Short-Term Lending for 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.

Mr. Deckman reminded Council that 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.

Mayor Davis declared the public hearing open with regards to item 8(A) & (B), and asked if anyone wished to address this

item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker adopt ordinances as presented on first reading, with second and final readings set for December 20, 2018, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

9. 2018-4950: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance adopting the Temple Youths' Program Standards of Care.

Chuck Ramm, Assistant Director of Parks and Recreations, presented this report to the Council. 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. One of the requirements of the Texas Department of Protective and Regulatory Services 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.

Mayor Davis declared the public hearing open with regards to item 9, and asked if anyone wished to address this item. There being none, 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 20, 2018, seconded by Councilmember Mike Pilkington.

Motion passed unanimously.

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.

Brynn Myers, City Manager presented both item (A) and (B) to the Council. She noted that in September, 2017, staff release an Request for Proposals for the redevelopment of the Hawn and the Arcadia Theaer. The Request for Proposal invited interested developers to propose improvements to the both buildings. In early November 2017, the City received one proposal from Turner Real Estate which is based in Waco. The Request for Proposal was submitted under the name Turner Real Estate, however the proposed agreements will be with a related company, Turner Behringer Development Company.

Mrs. Myers provided some background on Turner Behringer. She noted that Cody and Shane Turner and Todd Behringer are the owners of Turner Behringer. Their company is well-known in the Waco area for its successful renovation of several Downtown Waco buildings, to include the historic Hippodrome Theater. Another success project is the Franklin Square which is a retail and mixed-use development with residential lofts for lease; and the Altura Lofts which is 24 high-end lofts and penthouse suites. This is a few of the many projects in the downtown Waco area.

The Turner Behringer is proposing a mixed-use development (residential and retail) that would include the Hawn Hotel, Arcadia Theater, and the Sears Building. The Hawn would be renovated into for-lease apartments which would be managed by the company; while the lower floors would include retail/commercial space.

The Arcadia Theater would include event space that would accommodate everything from live music to lunch meetings. The Sears Building was recently vacated by the Workforce as they relocated to their new space at the Santa Fe Plaza. Mrs. Myers noted the Sears Building is being proposed for a later phase, and would include retail/office space and possibly more residential lofts.

Turner Behringer has been performing its due diligence over the past several months with an incredible amount of research and they are confident that the market will support the proposed uses.

Kayla Landeros, City Attorney discussed the details of the agreements with Council. As for the Economic Development

portion of the agreement, the City of Temple will commit to:

(1) The City will agree to convey to Turner Behringer the Hawn Hotel, the Public Services Building, and the City-owned parking lot located at 119 E Adams Avenue;

(2) 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;

(3) 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;

(4) The City will lease to Turner Behringer 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. Mrs. Landeros noted there is a small city owned parking lot to the north of the buildings; and this would be conveyed to the company;

(5) The City will ensure that adequate wastewater service is available for the uses of the three properties contemplated by the EDA; and

(6) 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. This is set forth in the Downtown City Center Concept Design plan; and funded by the Reinvestment Zone.

The Arcadia Theatre, Inc. commitments to the conveyance of the Arcadia Theater property to Turner Behringer.

Turner Behringer will accept the properties. They commit to completing a least \$6,000,000 worth of capital improvement to the properties; obtaining a building permit for the reconstruction of each property no later than 18-months from the date that each property is conveyed to Turner Behringer; complete the improvements to the Hawn and Arcadia no later than three years from the date of conveyance; and complete the improvements to the Sears Building no later than four years from the date of conveyance.

Mrs. Landeros then discussed the Tax Abatement portion of the agreement. 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 which is for the Hawn and Arcadia Theater buildings only, not the Sears Building. Staff will bring a separate agreement

and zone for the Sears Building as that project gets closer.

Turner Behringer 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 is for real property only and 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%

The Tax Abatement Agreement would have the potential of abating approximately \$219,188 in property taxes over the life of the Agreement (using the City's current tax rate).

Mrs. Myers thanked the City Staff for the enormous amount of work and due diligence that has been performed to help foster this project. This has been a team effort by so many, and we are excited to recommend this project to the Council for approval to further enhance the redevelopment of downtown.

Mayor Davis read a statement as provided by Councilmember Long.

"I am sorry to be unable to attend today's council meeting due to immobility because of recent surgery. I would, however, like to register my total support for the economic agreement proposed with Shane and Cody Turner of Turner Real Estate. The designated bldgs. are of historic importance to the history of Temple and to the future of our downtown core. The Turner involvement should prove to be an enormous asset to our revitalization desires."

Susan Long
District 3 City Council

Mayor Davis noted this is another great project and anchor for downtown Temple.

Motion by Councilmember Jessica Walker adopt resolutions (A) & (B) as presented with Turner Behringer Development Company, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

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.**

Brynn Myers, City Manager noted this is another exciting project for Temple and recommend for your consideration.

Kayla Landeros, City Attorney presented this item to the Council. The proposed agreement with East Penn Manufacturing Co ("East Penn") 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, 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. 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.

Mrs. Landeros continued stating 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.

Motion by Councilmember Mike Pilkington adopt resolution as presented, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

- 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.**

Christina Demirs, Deputy City Attorney provided a brief presentation. 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 32 properties. Twenty-nine of the thirty-two properties are owned by 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.

Councilmember Pilkington will abstain.

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

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

- 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.**

Mayor Davis this item is on regular agenda for voting purposes. Councilmember Pilkington will abstain.

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.

Timothy A. Davis, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

12/20/18
Item #4(B)
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 design, bid, and administer construction of the 31st Street Project at I-35 in an amount not to exceed \$695,900.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Improvements to North 31st from Calhoun Avenue to Houston Avenue are planned that include connections to I-35 frontage. Design and construction-phase services are required to implement the visioning concept that was previously presented to Council.

This project will provide a roundabout, streetscape improvements from Calhoun Avenue to Bray Street, drainage, water & sewer utilities, and an art feature within the proposed roundabout.

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

Field Surveying	\$ 9,850
Civil Design	\$ 318,150
Environmental & Archaeological	\$ 12,800
Landscape Design	\$ 79,100
Project Management	\$ 3,200
Bidding	\$ 8,800
Construction Administration	\$ 177,400
Inspection Services	<u>\$ 86,600</u>

TOTAL	<u>\$ 695,900</u>
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The Civil Design includes a \$50,000 contingency for preparing any necessary metes & bounds to support ROW acquisition.

Design will be completed within 300 calendar days after necessary rights-of-entry have been acquired. On December 5th, 2018, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by Council.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 602, Account 795-9500-531-6571, Project #101798 for the professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to design, bid, and administer construction of the 31st Street Project at I-35 in the amount of \$695,900 as follows:

Project Budget	\$	2,552,000
Encumbered/Committed to Date		(1,629,706)
Kasberg, Patrick & Associates		(695,900)
Remaining Project Funds Available	\$	226,394

Funding for construction of the 31st Street Project at I-35 is included in the FY 2020 Reinvestment Zone No. 1 Financing and Project Plans.

ATTACHMENTS:

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



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

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RICK N. KASBERG, P.E.
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1008 South Main Street
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November 29, 2018

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

Re: City of Temple
North 31st Street (Calhoun Avenue to Bray Street) with IH-35 Connection Project

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, bidding and construction phase services for the North 31st Street (Calhoun Avenue to Bray Street) with IH-35 Connection Project. This project will begin at Calhoun Avenue connecting to the IH-35 Frontage Road at Bray Street and include a connection to 31st Street and the IH-35 Frontage Road at Temple High School. The connection will be via a roundabout. The 100% design plans for the project will be in conjunction with the Concept Design recently completed for this area. The final product will be a 100% design of the project including plans, Opinion of Probable Cost (OPC), geotechnical investigations, environmental investigations, bidding, construction administration and on-site representation. 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 \$4,500,000. 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, OPCs, bidding and construction phase services for the North 31st Street (Calhoun Avenue to Bray Street) with IH-35 Connection Project. The overall project consists of 100% design of roadways with associated drainage, water utilities, landscaping, associated wastewater, pedestrian facilities, landscaping, roundabout with art feature, striping and signage. The project will be in conjunction with the visioning project that has been presented to City Council. The timeframe for design of the project is ten (10) months from the notice to proceed and receipt of all necessary rights-of-entry. Metes and bounds for rights-of-way and easements will be determined after design has established the location. The metes and bounds will be included in the contingency portion of the project. Acquisition processes shall be the responsibility of the City. Right-of-entry services are not included in this proposal.

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

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

The following services will be performed:

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. Rights-of-Way Data
- d. Perform sufficient property records research to obtain current ownership and deed information of affected properties current per Bell County Appraisal District Records at the time of plan development.
- e. Prepare revised overall ROW Plan Sets to be used by the City of Temple for required ROW acquisition and easement process.
- f. Prepare metes and bounds for the required right-of-way and easements. Metes and bounds will be delivered to the designated City of Temple Project Manager to utilize in the City's efforts to acquire rights-of-way and easements. Metes and bounds will be under the Contingency portion of the proposal. There is not any acquisition services included in this proposal.
- g. 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. Discussions with utility pole owners have begun in the visioning phase that has recently completed. Underground duct banks will be required with this project and will be included in the design.

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 or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 200 feet left and right of the proposed roadway centerline, provided ROE allows such access.

- vi. Channel cross sections shall be provided from the face of the existing drainage structures or edge of channel connection (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, etc., that define the actual contour of the section and the overbank area, provided ROE allows such access.
- vii. A stream alignment and profile extending the entire limits of the channel cross sections described above shall be developed from the channel cross section information.
- viii. Profiles of intersecting driveways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins with proposed vertical alignment changes, provided ROE allows such access.
- ix. Field surveys shall provide the locations of small signs, mailboxes 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. Review potential landscaping and amenity options for the roadway.
- viii. Coordination with private utilities – After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation. It is anticipated that a portion of the project will utilize an underground duct bank.

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 and summarize driveway features including material type and geometric design. Driveways shall be

replaced with HMAC or concrete, conforming to existing. Profiles for each driveway will be completed to illustrate the connection with proposed infrastructure and existing private access. All access facilities will meet the requirements of the City of Temple criteria.

- 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. Finalize infrastructure for underground duct banks.
- xi. 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 culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates.
- iii. Develop preliminary hydraulics to all cross-culvert conveyances and the roadway system.
- iv. Develop preliminary designs for all cross-drainage structures throughout the project limits.
- v. Develop preliminary designs for proposed storm water collection systems for the project area.
- vi. Determine potential utility conflicts based on preliminary design for the project area.
- vii. Develop preliminary drainage easement requirements for the project area.
- 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 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 streams and channel ways. Design shall include conveyance for positive drainage and shall check current water surface elevations to proposed water surface elevations after project completion.
- iv. Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
- v. Develop final drainage easement requirements for the project area. Layouts for drainage easements shall be prepared for review with the City. Details will be provided for the production of metes and bounds for acquisition.
- vi. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed cross road culverts and storm sewer systems.
- vii. Develop summary of final quantities for all drainage infrastructure and prepare OPCs based on current bid data.
- viii. Coordinate with the City of Temple to review the final drainage design, phasing for the project, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
- ix. Storm Water Pollution Prevention Plans (SW3P) - Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices and any required permanent erosion control measures in accordance with the City of Temple Policy.

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. UTILITY DESIGN

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

8. ENVIRONMENTAL

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

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 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. STRUCTURAL DESIGN

- a. Structural design will be developed for the signage and art feature in the roundabout.

11. ELECTRICAL DESIGN

- a. Electrical design will be completed for all lights, signs, up lighting, etc. on the project.

12. LANDSCAPING AND IRRIGATION

- a. 30% Complete Plan Set
 - i. Develop the 30% plan for landscaping along the streetscape to include street trees, bedding, benches, trash receptacles, etc.
 - ii. Develop the 30% plan for landscaping within the median for the roadway connection from IH-35 Frontage road to the roundabout at TISD.
 - iii. Develop the 30% plan for crosswalk, intersection enhancements, connection, roundabout materials for review and approval by the City of Temple.
 - iv. Prepare the 30% plan for the roundabout items and materials for review and approval by the City of Temple.
 - v. Develop the 30% plan for all signage (non-traffic) for review and approval by the City of Temple.
- b. 100% Complete Plan Set
 - i. Develop the 100% plan for landscaping along the streetscape to include street trees, bedding, benches, trash receptacles, etc.
 - ii. Develop the 100% plan for landscaping within the median for the roadway connection from IH-35 Frontage road to the roundabout at TISD.
 - iii. Develop the 100% plan for crosswalk, intersection enhancements, connection, roundabout materials for review and approval by the City of Temple.
 - iv. Prepare the 100% plan for the roundabout items and materials for review and approval by the City of Temple.
 - v. Develop the 100% plan for all signage (non-traffic) for review and approval by the City of Temple.

13. 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

14. CONTINGENCY

- a. Contingency will be utilized for unanticipated items that arise as directed by City Staff as well as metes and bounds.

The following scope of work for North 31st Street (Calhoun Avenue to Bray Street) with IH-35 Connection Project can be completed for the lump sum price of \$695,900. 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	\$	14,400
FIELD SURVEYING	\$	9,850
ROADWAY DESIGN	\$	94,350
DRAINAGE	\$	51,900
SIGNING & PAVEMENT MARKING	\$	6,500
UTILITY DESIGN	\$	26,900
ENVIRONMENTAL & ARCHAEOLOGICAL	\$	12,800
STRUCTURAL DESIGN	\$	13,600
ELECTRICAL DESIGN	\$	38,900
GEOTECHNICAL	\$	18,600
LANDSCAPE AND IRRIGATION	\$	79,100
MISC. DESIGN	\$	3,000
GENERAL MANAGEMENT & COORDINATION	\$	3,200
BIDDING	\$	8,800
CONSTRUCTION ADMINISTRATION	\$	177,400
ON-SITE REPRESENTATION	\$	86,600
CONTINGENCY	\$	50,000
TOTAL	\$	695,900

Sincerely,



R. David Patrick, P.E., CFM

xc: File

ATTACHMENT “C”

Charges for Additional Services

City of Temple

North 31st Street (Calhoun Avenue to Bray Street) with IH-35 Connection 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 – 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



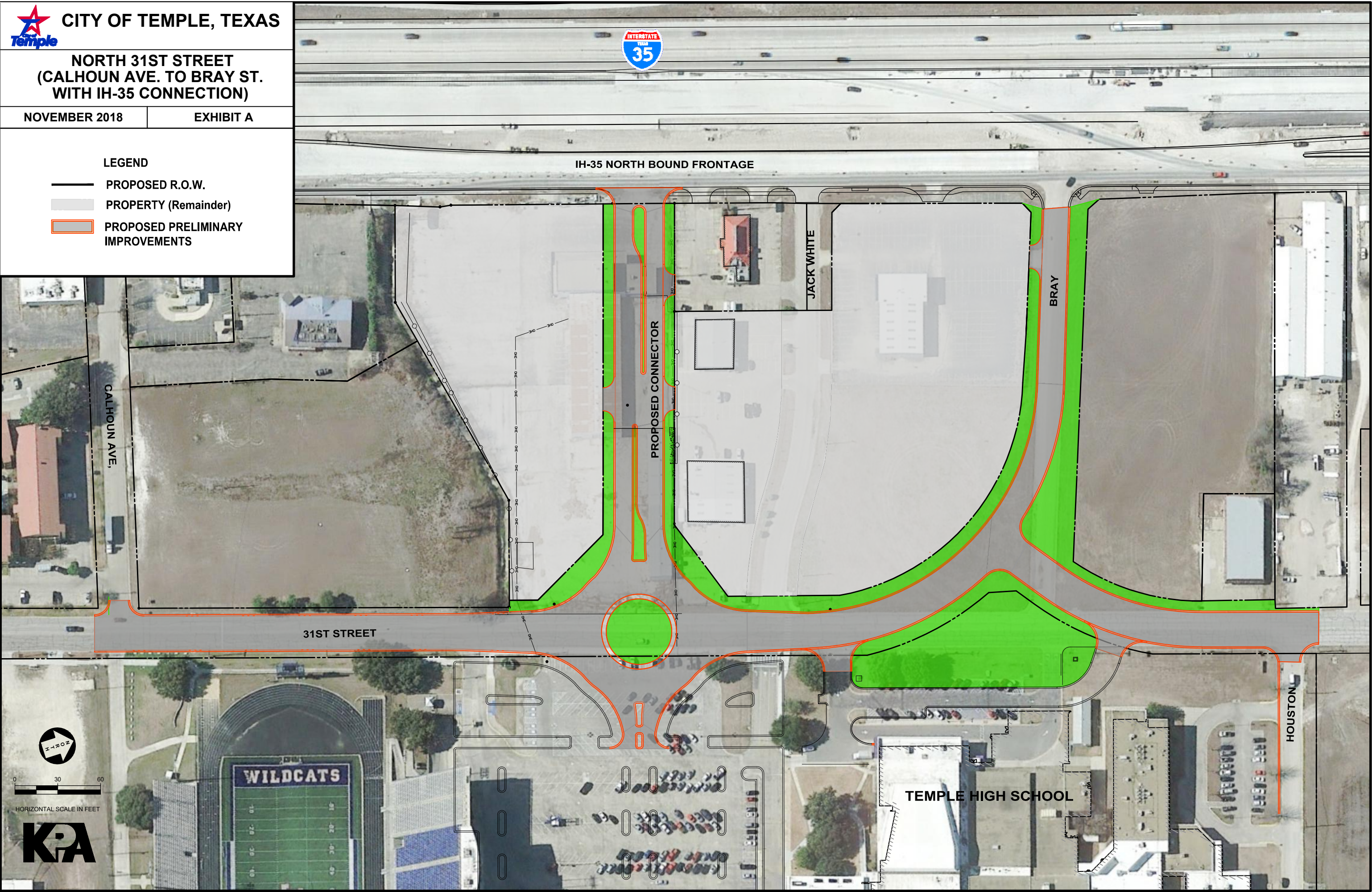
**NORTH 31ST STREET
(CALHOUN AVE. TO BRAY ST.
WITH IH-35 CONNECTION)**

NOVEMBER 2018

EXHIBIT A

LEGEND

- **PROPOSED R.O.W.**
 PROPERTY (Remainder)
 PROPOSED PRELIMINARY IMPROVEMENTS



RESOLUTION NO. 2018-9468-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 \$695,900, TO DESIGN, BID, AND ADMINISTER CONSTRUCTION OF THE 31ST STREET PROJECT AT I-35; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, improvements to North 31st from Calhoun Avenue to Houston Avenue are planned that include connections to I-35 frontage;

Whereas, design and construction-phase services are required to implement the visioning concept that was previously presented to Council;

Whereas, this project will provide a roundabout, streetscape improvements from Calhoun Avenue to Bray Street, drainage, water and sewer utilities, and an art feature within the proposed roundabout;

Whereas, on December 5, 2018, the Reinvestment Zone No. 1 Board approved a recommendation to Council to authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in an amount not to exceed \$695,900 to design, bid and administer construction of the 31st Street Project at I-35;

Whereas, funds for this professional services agreement are available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 602, Account No. 795-9500-531-6571, Project No. 101798; 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 and Associates, LP of Temple, Texas, in an amount not to exceed \$695,900, to design, bid, and administer construction of the 31st Street Project at I-35.

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 **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

12/20/18
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Chuck Ramm, Assistant Director of Parks & Recreation
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Rabroker & Associates, PC of Temple for the design services needed to construct a new pump station at Sammons Golf Links, in the amount of \$28,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2016, the vertical pump on the south side of the golf course was replaced. There is a second vertical pump station adjacent to Lake Jim Thornton on the golf course that has reached the end of its useful life. Both of these pump stations provide for irrigation of the golf course. Authorization of this design contract with Rabroker & Associates, PC (Rabroker) will provide for the design of a new vertical pump and pump house in a location that will optimize the extraction of water from Lake Jim Thornton (see attached proposal).

Rabroker has provided a preliminary opinion of probable cost for the project of approximately \$300,000. Even though funding is not currently available to construct the project, Staff is recommending that based on the critical function this pump provides for the golf course and the bad condition of the current pump, that the design of the pump and pump house be completed now so the construction can move forward quickly when funding is identified.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate funding from the Parks Bond interest earnings for the professional services agreement with Rabroker & Associates, PC for the design services needed to construct a new pump station at Sammons Golf Links. Funding in the amount of \$28,000 will be available in account 362-3100-551-6840, project 102002, as follows:

Project Budget	\$	-
Budget Adjustment		28,000
Encumbered/Committed to Date		-
Rabroker & Associates - Golf Course Pump Station		(28,000)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

Rabroker & Associates, PC Proposal
Budget Adjustment
Resolution



RABROKER

& ASSOCIATES

Texas Registered Engineering Firm #F-12538

MEP Consulting Engineers

P.O. Box 2061

Belton, TX 76513

Proposal for Professional Engineering Services

September 7, 2018

Mrs. Belinda Mattke

City of Temple

Purchasing Department

3210 E. Avenue H, Building C

Temple, TX 76501

Re: Sammon's Park Golf Course New Pump Station project

Dear Mrs. Mattke:

Rabroker & Associates, P.C. is pleased to provide the following fee proposal to provide engineering and architectural design services for the above referenced project. We look forward to working with City of Temple and a successful project together.

SCOPE OF SERVICES:

The basic scope of services provided by Rabroker & Associates, P.C. (hereafter referred to as the 'Engineer', the 'Firm', or 'R&A') to City of Temple (hereafter referred to as the 'Client', the 'City', or the 'Owner') shall be as follows:

- 1) Preparation of the design documents necessary for a complete pump and pump house relocation and replacement at Sammon's Park Golf Course in Temple, Texas, to include the following:
 - a. Civil engineering services:
 - i. Pump and associated piping replacement design and plan.
 - ii. Piping replacement design and plan.



Proposal for Professional Engineering Services

S a m m o n ' s P a r k G o l f C o u r s e N e w P u m p S t a t i o n

- iii. Suction line and intake design and plan. Review bathymetry report furnished by the Client for possible relocation of intake to pump station.
 - iv. Coordination with pump manufacturer.
 - v. Erosion Control plan.
 - vi. Site grading plan.
 - vii. Dimension plan.
 - viii. Civil engineering details and specifications as necessary.
 - b. Architectural services:
 - i. Code analysis.
 - ii. Basic construction documents for permitting, agency review, and construction.
 - iii. Foundation and structural engineering documents.
 - c. Electrical and Mechanical engineering services:
 - i. Electrical system design documents to include: replacement of exterior disconnecting means, design and specification of electrical distribution equipment and lighting inside new pump house, design and specification of new electrical connection to pump controller.
 - ii. Coordination with Oncor Electric Delivery as necessary.
 - iii. Design and specification of new exhaust fan and unit heater for the pump building. This assumes a structure of approximately the same size and dimensions will be provided for the new pump enclosure building.
 - d. Coordination with Client as necessary.
- 2) Design Documents Phase.
- a. Upon receipt of the signed contract and formal notice to proceed, the Engineer will commence preparation of the engineering documents. We estimate a design timeframe of



Proposal for Professional Engineering Services

S a m m o n ' s P a r k G o l f C o u r s e N e w P u m p S t a t i o n

eight (8) weeks after receipt of topographic survey, not inclusive of time needed for Owner's review and comment.

- b. The engineer will furnish an estimate of probable cost (OPC) to the Client for review.
- c. The Engineer will furnish a maximum of two (2) interim review sets to the Client for review and comment: a 50% progress and 95% progress set, or at two other percent completion milestones as desired by the Client. Return of the interim review set comments indicates the Client's acceptance of the design intent and authorization to proceed and finalize the design. The Engineer will review and incorporate the interim review comments, where applicable, prior to the final issuance of the signed and sealed construction documents. The exact issue date of the 100% construction documents shall be coordinated with the Client.

3) Bidding Assistance Phase and Construction Administration Services

- a. Upon approval of the final design documents, the Engineer shall assist the Client as necessary to provide a 'bid set' of the construction documents. The distribution of the plans and specifications will be handled by the Client. The Engineer will assist as necessary at the project's pre-bid meeting, plus attend the bid opening. The Engineer will respond to questions from Contractors during the bidding phase, during the pre-determined timeframe. If requested, the Engineer will provide opinion of probable cost to the Client.
- b. The Engineer will furnish a signed and sealed construction Contractor award recommendation letter to the City.

4) Construction Administration Services.

The construction administration activities and deliverables itemized below are included under the base scope of services for this project. Any request for other professional services during the Construction Phase shall be considered as additional services and shall be subject to the 'Additional Services' terms below.

- a. Submittal review. Submittal documents shall be furnished to the Engineer by the selected Contractor, either electronically or in hard copy format. Please allow ten (10) business days for Engineer's review, comment, and return of submittal.
- b. Requests for Information. A minimum of three (3) business days shall be provided for the Engineer's review, response, and return of Requests for Information (RFI) that are submitted.



Proposal for Professional Engineering Services

S a m m o n ' s P a r k G o l f C o u r s e N e w P u m p S t a t i o n

- c. Pre-Construction meeting. The Engineer will attend the pre-construction meeting prior to the commencement of construction. The Engineer will assist the Client as necessary at this meeting.
- d. Construction meetings. Attendance at two (2) on-site construction meetings are included in this proposal.
- e. The Engineer will observe major equipment installation and start up, equipment demonstrations/trainings, and the project close-out walk-through.
- f. Review of Contractor's pay application. The Contractor shall submit a pay application request for the work completed to date from the previous pay application as per the Client's Purchasing Department requirements. The Engineer will review the pay application from the Contractor, visit the site if necessary, and respond to the Client in accordance with the City's Purchasing Department requirements.
- g. Rabroker and Associates, P.C. proposes a maximum of one (1) on-site construction phase meeting to observe completed work and to generate the Contractor's punch list. A written report will be generated after the site observation and shall be distributed to the Contractor and Client. The Engineer shall re-visit the site to confirm the punch list items have been addressed by the Contractor.

The scope of work is based upon discussions and preliminary site visit with the Client. Rabroker & Associates, P.C. will work in conjunction with the Client to gather all required information to prepare the construction documents necessary for the project. The written specifications shall be furnished on the construction documents. Alternatively, at the written direction of the Client, the written specifications may be furnished in PDF format for inclusion in a bound project manual.

INFORMATION TO BE FURNISHED BY THE CLIENT / OWNER:

Rabroker & Associates, P.C. shall be provided with the following:

- Dimensionally accurate site plans in AutoCAD "DWG" format of the existing site.
- Information regarding the existing facility, especially the existing electrical and piping system as-built documentation.



Proposal for Professional Engineering Services

S a m m o n ' s P a r k G o l f C o u r s e N e w P u m p S t a t i o n

- Assistance obtaining the electrical load history from the electrical utility (only if necessary).
- Any and all space and program requirements as defined by the Client, including the Client's spare electrical capacity requirements.

EXCLUSIONS:

The following are excluded from this proposal:

- 1) Programming and start-up of new pump controller.
- 2) Project inspection activities, as the Client's inspector.
- 3) Risk assessment survey or report, including determination or classification of any "hazardous" and/or "classified" areas as defined by the National Fire Protection Association (NFPA).
- 4) Documentation and preparation of a comprehensive and complete one-line diagram of the existing electrical system(s), including, but not limited to, electrical distribution equipment locations and ratings, conductor sizes, types, lengths, and conduit material, surge protective device locations and ratings, etc. Note that a partial electrical one-line diagram will be provided for the system as necessary for this project.
- 5) Remediation and/or notification to the Client and/or Owner of any code violations, other civil, architectural, mechanical and/or electrical system issues, and/or remediation of other building or construction issues, etc. at the existing facility and/or site.
- 6) Any and all other engineering services, including, but not limited to: fire protection/detection/alarm engineering, plumbing engineering, etc.
- 7) Permitting activities and fees.
- 8) Design and/or specification of fire protection, detection, alarm, and mass notification system(s).
- 9) "Special" systems design and specification, including, but not limited to the following systems: voice, data, cable TV, satellite TV, voice over IP (VoIP), security, surveillance system, access system(s), audio/visual, public address, etc.



Proposal for Professional Engineering Services

S a m m o n ' s P a r k G o l f C o u r s e N e w P u m p S t a t i o n

- 10) Design and specification of co-generation systems, including, but not limited to: solar photovoltaic system(s), wind turbine system(s), etc.
- 11) The design of any areas or systems not described within the "Scope of Services" section of this document.
- 12) Services during construction other than those described within the "Proposed Construction Phase Services" section of this document.

Should this Scope of Work statement contain inaccuracies, or should the scope of the work differ, please notify the Engineer immediately for a revised proposal.

FEE & REIMBURSABLE EXPENSES:

We propose to provide the above-described basic scope of services for a lump sum fee of **Twenty-Eight Thousand dollars and no cents (\$28,000).**

The Client will be invoiced by Rabroker & Associates, P.C. monthly, based upon the percentage of professional services rendered at the date of invoice. Payment is due within thirty days (30) of the Client's receipt of any invoice. Rabroker & Associates, P.C. retains the right to add interest charges to overdue accounts at an interest rate of 1.5% per month. If the project is abandoned prior to completion of the design, the fee shall be due the date the project is abandoned and shall be based upon the percentage of Services performed.

ADDITIONAL SERVICES:

"Additional services" are defined as any service that is outside of the "Scope of Services" and "Proposed Construction Phase Services" as described above in this document, and any item desired that is included in the 'Exclusions' list above. Any modifications made to the Construction Documents by the Client after completion and submission of the Construction Documents shall be considered additional services. Should additional services be desired or required, it is understood the Client shall compensate the Engineer based upon on an hourly basis at a rates listed in the Professional Fee schedule below. The Engineer shall prepare



Proposal for Professional Engineering Services

S a m m o n ' s P a r k G o l f C o u r s e N e w P u m p S t a t i o n

a proposal based upon these rates and present it to the Client. Any request that requires travel shall also include mileage at fifty-four and a half cents (\$0.545) per mile, or the IRS mileage rate in effect when the contract was executed.

Rabroker & Associates, P.C. will not execute work related to additional services prior to receipt of written authorization that is signed by both parties (Rabroker & Associates, P.C. and the Client).

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$150 / hr.
Registered Architect	\$200 / hr.
Architectural Designer	\$125 / hr.
Designer	\$75 / hr.
CAD Draftsman	\$50 / hr.
Clerical	\$35 / hr.

We look forward to the opportunity to assist your team for this and future projects. Please do not hesitate to call with any questions you may have regarding this proposal.

Sincerely,

Nicholas Rabroker, P.E.
President
Rabroker & Associates, P.C.

9/7/18

Page 7 of 7

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	
362-3100-551-68-40	102002	Capital - Bonds / Golf Course Improvements	\$ 28,000		
362-0000-315-11-16		Park Bonds Fund Balance-Reserved for Future Expenditures		\$ 28,000	
		DO NOT POST			
TOTAL.....			\$ 28,000	\$ 28,000	

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

Appropriate funding for the professional services agreement with Rabroker & Associates in the amount of \$28,000 for the design services needed to construct a new pump station at Sammons Golf Links, project 102002, by utilizing Parks Bond interest earnings.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

12/20/18

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2018-9469-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RABROKER & ASSOCIATES, PC OF TEMPLE, TEXAS IN THE AMOUNT OF \$28,000, FOR DESIGN SERVICES NEEDED TO CONSTRUCT A NEW PUMP STATION AT SAMMONS GOLF LINKS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2016, the vertical pump on the south side of Sammons Golf Links was replaced - there is a second vertical pump station adjacent to Lake Jim Thornton on the golf course that has reached the end of its useful life;

Whereas, both pump stations provide for irrigation of the golf course and Staff believes, based on the critical function this pump provides for the golf course and the bad condition of the current pump, that the design of the pump and pump house be completed as soon as possible so the construction can move forward;

Whereas, Staff recommends Council authorize a professional services agreement with Rabroker Associates, PC ("Rabroker") who will provide for the design of a new vertical pump and pump house in a location that will optimize the extraction of water from Lake Jim Thornton;

Whereas, funding is available for this professional services agreement but an amendment to the fiscal year 2019 budget needs to be approved to appropriate the funds in Account No. 362-3100-551-6840, Project No. 102002; 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 Rabroker & Associates, PC of Temple, Texas in the amount of \$28,000, for design services needed to construct a new pump station at Sammons Golf Links.

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 **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

12/20/18
Item #4(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with NewGen Strategies and Solutions, LLC for a Water and Wastewater cost of service study, in the amount not to exceed of \$45,600.

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

ITEM SUMMARY: Approval of this item will allow for a water and wastewater cost of service study. The study will develop a five-year revenue requirement for the Water and Wastewater utility through FY 2024. NexGen was engaged to complete a study in the Spring of 2017. A vital component of the study is to incorporate the cost of future capital needs for the system. Staff delayed the completion of the study to allow for the delivery of the Water and Wastewater Master Plan. The Master Plan is scheduled to be completed in the Spring of 2019.

As part of the analysis and development of the five-year revenue requirement, NewGen will address the following:

- Review the historical and projected trends with regards to operations and maintenance costs, debt service, capital improvements, water usage, wastewater flows
- Identification of fixed versus variable cost
- Normalization of the revenue requirement to adjust for 'wet' and 'dry' years
- Inflation adjustments for labor, benefits, chemicals, electricity and all other operating costs
- Evaluation of current wastewater effluent rates
- Detail review of cost for customer water and sewer connections for service
- Design Retail and Wholesale water and wastewater rates and fees

FISCAL IMPACT: Funding in the amount of \$45,600 for the agreement with NewGen Strategies and Solutions, LLC to perform a Water and Wastewater cost of service study is included in the FY 2019 Operating Budget in account 520-5000-535-2616.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9470-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NEWGEN STRATEGIES AND SOLUTIONS, LLC IN AN AMOUNT NOT TO EXCEED \$45,600, FOR A WATER AND WASTEWATER COST OF SERVICE STUDY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a water and wastewater cost of service study will develop a five-year revenue requirement for the Water and Wastewater utility through fiscal year 2024;

Whereas, NexGen Strategies and Solutions, LLC was engaged to complete a study in the Spring of 2017 and a vital component of the study is to incorporate the cost of future capital needs for the system;

Whereas, Staff delayed the completion of the study to allow for the delivery of the Water and Wastewater Master Plan which is scheduled to be completed in the Spring of 2019;

Whereas, as part of the analysis and development of the five-year revenue requirement, NewGen will address the following:

- review the historical and projected trends with regards to operations and maintenance costs, debt service, capital improvements, water usage, wastewater flows;
- identification of fixed versus variable cost;
- normalization of the revenue requirement to adjust for ‘wet’ and ‘dry’ years;
- inflation adjustments for labor, benefits, chemicals, electricity and all other operating costs;
- evaluation of current wastewater effluent rates;
- detail review of cost for customer water and sewer connections for service; and
- design Retail and Wholesale water and wastewater rates and fees;

Whereas, funds for this professional services agreement is available in the fiscal year 2019 operating budget in Account No. 520-5000-535-2616; 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 NewGen Strategies and

Solutions, LLC, in the amount not to exceed \$45,600, for a water and wastewater cost of service study.

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 **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager
Brian Chandler, Director of Planning

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement for the development of a Comprehensive Plan with Halff Associates, Inc. of Austin, in the amount of \$246,880.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this professional services agreement will provide for the engagement of Halff Associates to lead the development of a new Comprehensive Plan for the City. The City's current Comprehensive Plan, Choices 08, was created in 2008. As Temple continues to grow, an updated Comprehensive Plan will be integral for laying the groundwork for the future development of our community. Extensive community engagement with our citizens and key stakeholders will be a central part of this important planning process.

Staff's recommendation of Halff Associates evolved from a short-listed group of three firms that were determined by Staff to be the most qualified in providing Comprehensive Plan services for Texas municipalities. The short-listed firms were as follows: Freese and Nichols, Inc. of Austin; Halff Associates, Inc. of Austin; and Kimley-Horn and Associates, Inc. of Dallas. On November 1, 2018, each of these three firms submitted a proposal for the Comprehensive Plan project.

A 10-member proposal evaluation committee comprised of representation from the City Manager's Office, Planning Department, City Attorney's Office, Public Works, and Parks & Recreation, along with three community members, reviewed the proposals. On November 27, 2018, the committee interviewed the three firms. Based on the written proposals submitted, along with the interviews with each firm, the committee is recommending the engagement of Halff Associates for the project. Some of the factors that support the committee's recommendation are as follows: the staffing of the project will all be based on out of Halff's Austin office (close proximity to Temple); financial benefit, meeting and community outreach efficiencies, and clarity to residents of having the Parks & Trails Master Plan being led by the same firm; and overall proposed staffing viability that matches with our City's culture.

It is anticipated that the Comprehensive Plan project will kick-off in January 2019, and the 14-month project will conclude with the presentation of a new Comprehensive Plan to Council in the spring of 2020.

FISCAL IMPACT: Funding for the professional services agreement with Halff Associates, Inc. in the amount of \$246,880 is available in the FY 2019 Operating Budget as follows:

Account	Description	Amount Available
110-1500-515-2616	Professional	\$ 82,294
292-2900-534-2616	Professional	82,293
520-5000-535-2616	Professional	82,293

Total Funding Available	\$ 246,880
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ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9471-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 \$246,880, FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's current Comprehensive Plan, Choices 08, was created in 2008;

Whereas, as Temple continues to grow, an updated Comprehensive Plan is integral for laying the groundwork for the future development of our community - extensive community engagement with our citizens and key stakeholders will be a central part of this important planning process;

Whereas, Halff Associates, Inc. of Austin, Texas evolved from a short-listed group of three firms that were determined by Staff to be the most qualified in providing Comprehensive Plan services for Texas municipalities;

Whereas, a 10-member Staff evaluation committee reviewed the proposals and on November 27, 2018, the committee interviewed the three firms and based on the results, Staff recommends Council authorize a Professional Services Agreement with Halff Associates, Inc. for the development of a Comprehensive Plan;

Whereas, it is anticipated that the Comprehensive Plan project will kick-off in January 2019, and the 14-month project will conclude with the presentation of a new Comprehensive Plan to Council in the spring of 2020;

Whereas, funds for this agreement are available in the fiscal year 2019 Operating Budget in Account No. 110-1500-515-2616, Account No. 292-2900-534-2616; and Account No. 520-5000-535-2616; 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 the amount of \$246,880, for the development of a Comprehensive 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 **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Erin Smith, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Alan Campbell for lease of T-hangar #57 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Alan Campbell has requested to lease T-hangar #57 at the Airport for aircraft storage and aeronautical purposes. The rent for this T-hangar will be \$210 per month, due on the 1st day of the month.

Mr. Campbell will be leasing T-Hangar #57, which will be used to store a Piper PA-28-161, Tail # N1684T; Mr. Campbell has been leasing this space for many previous years.

The initial term of this lease agreement will be for 12-months and may be renewed for additional 12-month terms at the agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions. Staff recommends that the lease have an effective date of December 20, 2018.

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

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

FISCAL IMPACT: Annual lease revenue of \$2,520 for rental of T-Hanger #57 will be deposited into account 110-0000-446-3021.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9472-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH ALAN CAMPBELL FOR LEASE OF T-HANGAR 57 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Alan Campbell has requested to lease T-hangar No. 57 at the Draughon-Miller Central Texas Regional Airport (“Airport”) for aircraft storage and aeronautical purposes including the storage of a Piper PA-28-161 aircraft, Tail No. N1684T - Mr. Campbell has previously leased this space for many years;

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

Whereas, Staff recommends December 20, 2018 as an effective date with a rental rate for this T-hangar of \$210 per month, due on the 1st day of each month;

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

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

Whereas, annual lease revenue for rental of T-hangar No. 57 will be deposited into Account No. 110-0000-446-3021;

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

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

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

Part 2: The City Council authorizes the City Manager or her designee, after approval as to form by the City Attorney, to execute a lease agreement with Alan Campbell for lease of T-hangar No. 57 at the Draughon-Miller Central Texas Regional Airport.

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 **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a cooperative agreement with The Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas, that will enable continued use of grant-awarded equipment by Temple Fire and Rescue.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement is to facilitate renewing a cooperative agreement with Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas, that will enable the continued use of a generator and lighting set by Temple Fire and Rescue. This equipment was originally acquired through a grant in 1982 and has been available for City use since that time. The equipment and the truck used to transport the equipment is currently stored at the Fire and Police station on West Adams.

Staff is asking that City Council authorize the City Manager to execute all required documents.

The agreement will be in full effect until terminated by either party upon written notice, if approved.

FISCAL IMPACT: There is no requirement for the City of Temple to provide any funding for this agreement or equipment. Funding for regular maintenance and repairs of the equipment is included in the Fire Departments operating budget.

ATTACHMENTS:

[Cooperative agreement
Resolution](#)



**COOPERATIVE AGREEMENT
FEDERAL EXCESS PERSONAL PROPERTY PROGRAM (FEPP)**

This Cooperative Agreement ("Agreement") by and between, Temple Fire & Rescue located at BELL, Texas, hereinafter referred to as the COOPERATOR, and the Texas A&M Forest Service, a member of The Texas A&M University System, an agency of the state of Texas, hereinafter referred to as the SERVICE. This Agreement concedes that prevention and suppression of natural cover fires threatening forest and range lands, human lives, structural improvements and all other rural values is of mutual concern to both parties.

WHEREAS the COOPERATOR has requested the assistance of the SERVICE in developing wildfire protection on certain rural lands, and

WHEREAS SERVICE has found that such cooperation is necessary to enhance the organization of fire protection on forested, non-forested watershed, and rural land in the State, AND NOW, THEREFORE the parties agree as follows:

I. SERVICE agrees to:

1. Make available certain FEPP fire control equipment and tools to be used in the suppression of natural cover and structural fires and for other emergencies which threaten the loss of life and property. FEPP made available to COOPERATOR will be documented on an RFD Equipment Listing, signed by both parties. All FEPP made available to COOPERATOR will be subject to terms and conditions of this Agreement.
2. License federal excess motor equipment provided under this Agreement.
3. Provide repair parts for FEPP maintenance purposes when available.
4. Permit removal of any accessories which the COOPERATOR has added to the FEPP prior to its return to the SERVICE.
5. Provide technical assistance in operational fire planning, use of equipment, and training in fire prevention and wildland fire suppression.
6. Transport FEPP equipment at the discretion of the SERVICE when and where the means to do so is available. The COOPERATOR may expedite transportation of their own accord.

II. COOPERATOR agrees to:

1. Cooperate fully with the SERVICE in coping with wildfire problems, and cooperate with other county, area and regional fire response organizations in coping with mutual fire problems.

2. Use equipment and tools provided solely in the suppression of natural cover or structural fires or for other emergencies which threaten the loss of life or property.
3. Have FEPP in service within six months of acquisition by the COOPERATOR.
4. Secure FEPP at a mutually agreeable location.
5. Paint FEPP and to be responsible for all additional repair, and operational costs.
6. Permit annual FEPP inspections by SERVICE representatives.
7. Not alter FEPP without prior approval of the SERVICE. FEPP must be returned to the SERVICE for final disposition.
8. Maintain current liability and property damage insurance for each FEPP; to assume full liability for injury to the operator or others injured by FEPP and for damages resulting from movement or use; and to indemnify and hold the SERVICE harmless from any and all claims, damages, costs and charges whatsoever.
9. Have all motor vehicles inspected annually by an approved vehicle inspection station, and to submit a copy of the certificate of inspection to the SERVICE.
10. Provide systematic training to members in fire prevention and suppression, safety and first aid.
11. Ensure that the Federal and State identification tag is not defaced or removed from the FEPP.
12. Report to the SERVICE if any FEPP is lost, stolen, damaged or missing within five business days of the occurrence and provide law enforcement reports and other documentation as required to substantiate the claim.
13. Provide access to, and the right to examine all records, books, papers, or documents relating to this property to the SERVICE, the USDA Forest Service, and the Comptroller General of the United States or their authorized representatives.

III. General Terms and Conditions

1. Title to the FEPP shall remain with the USDA Forest Service.
2. When FEPP on loan to a COOPERATOR is lost, damaged, or stolen, the SERVICE will determine whether there was negligence or gross negligence on the part of a legitimate operator or custodian. Incidents of negligence or gross negligence will be resolved in accordance with the USDA Forest Service FEPP Desk Guide Chapter 20.
3. The SERVICE shall have the right to recall FEPP equipment when the vehicle is not being maintained and/or operated in such a manner as to be of mutual advantage.
4. Violation of any section of this Agreement could result in its termination and further participation in and use of available funds in the SERVICE's Rural Fire Protection Program.
5. This Agreement is not assignable.
6. This Agreement shall be governed by the laws of the state of Texas. Pursuant to Section 85.18 (b), *Texas Education Code*, venue for a state court suit filed against The Texas A&M University System, any member of The Texas A&M University System, or any officer or employee of The Texas A&M University System is in the county in which the primary office of the chief executive officer of the system or component, as applicable, is located. At execution of this Agreement, such county is Brazos County, Texas.
7. This is the entire agreement and any subsequent amendments shall be in writing and signed by both parties.

8. This Agreement supersedes and replaces all previous verbal and written agreements.
9. This Agreement covers all equipment still in possession by the COOPERATOR that was assigned on previous verbal or written agreements.
10. **COOPERATOR shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.**

IV. The primary points of contact for each party shall be as follows:

COOPERATOR

Temple Fire & Rescue

210 N 3RD

TEMPLE, TX, 76501

SERVICE

Texas A&M Forest Service

PO Box 310

Lufkin, TX 75902

Contracting parties agree to notify the other of any changes in the above. Any notices regarding contract violations or termination shall be made in writing to the points of contact.

VI. In witness whereof, the parties hereto have executed this Agreement, for a five year term, effective upon final signature.

Approvals

COOPERATOR

SERVICE

Signature

Signature

Title (Please Print)

Director

Title

Date

Date

F E P P
RCFP EQUIPMENT LISTING

Cooperator Temple Fire & Rescue located at TEMPLE, Texas 76501 (Zip).

Contact Person: _____ Title: _____

Address: 210 N 3RD Phone No.: 2542985682

County: BELL

EQUIPMENT DESCRIPTION: FEPP # 7350 / AG000 1609296

1. Equip Type: GENERATOR SET/TRL Model: ONAN Year: 1982
Motor or Serial No.: 83151/M License No.: 988-167
Cab: _____ Chassis: 0

Temple Fire & Rescue
COOPERATOR

TEXAS FOREST SERVICE, a Member of The
Texas A&M University System

By: _____

By: _____

Title: _____

Title: Capacity Building Department Head

Date: _____

Date: _____

"An Equal Opportunity Employer"

RESOLUTION NO. 2018-9473-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COOPERATIVE AGREEMENT WITH THE TEXAS A&M FOREST SERVICE, A MEMBER OF THE TEXAS A&M UNIVERSITY SYSTEM, AND AN AGENCY OF THE STATE OF TEXAS, THAT WILL ENABLE CONTINUED USE OF GRANT-AWARDED EQUIPMENT BY TEMPLE FIRE AND RESCUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this cooperative agreement will facilitate the renewal of a cooperative agreement with Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas, that will enable the continued use of a generator and lighting set by Temple Fire and Rescue;

Whereas, this equipment was originally acquired through a grant in 1982 and has been available for City use since that time - the equipment and the truck used to transport the equipment is currently stored at the Fire and Police station on West Adams;

Whereas, Staff recommends Council authorize a cooperative agreement with Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas, that will enable the continued use of a generator and lighting set by Temple Fire and Rescue;

Whereas, this cooperative agreement will be in full effect until terminated by either party upon written notice;

Whereas, there is no requirement for the City to provide any funding for this agreement or equipment – funding for regular maintenance and repairs is included in the Fire Departments operating budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a cooperative agreement with Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas, that will enable the continued use of a generator and lighting set by Temple Fire and Rescue.

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 **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services
Kirk Scopac, Director of Fleet Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a 14 month fuel management contract commencing February 1, 2019, with FleetCor Technologies Operating Company, LLC of Norcross, Georgia, in the estimated amount of \$1,412,845.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Since 2013, the City has purchased and managed fuel utilizing a fuel management services contract with Texas Fleet Fuel, Ltd through a Texas Cooperative Purchasing Network (TCPN) contract. On December 12, 2016 the City executed an amendment to the fuel management services contract in which FleetCor Technologies Operating Company, LLC assumed the contract from Texas Fleet Fuel, Ltd. This amendment assumed the contract's 60 month term which expires on January 31, 2019.

FleetCor's fuel management services contract allows City vehicles to fill up at local convenience stores and provides fuel management services by providing the City with a weekly report showing each vehicle's fueling, who fueled, where they fueled, and the price for that week. Staff is able to upload this information into our fleet maintenance system with little effort. This system has worked very well for the City, and staff desires to continue using the fuel management service through FleetCor.

FleetCor has offered the City an agreement and pricing, utilizing their current National IPA contract with pricing of 11.5¢ per gallon over the OPIS (Oil Price Information Service) rack price for each week, exclusive of freight and federal taxes, a savings of 0.4¢ per gallon received under the current agreement. Cost plus pricing is available at all Convenience Network locations accepting the Fuelman card with the exception of Chevron/Texaco and Bucc-ee's stations. Retail pricing will be provided in instances where Chevron/Texaco and Bucc-ee's stations are used.

Staff has determined that switching out the card program and fuel management system that already interfaces with the City's existing system would be costly and a significant administrative undertaking. In addition, the offered pricing is still a good value compared to other offerings in the market. Staff is recommending the execution of the fuel management services contract utilizing National IPA contract # R161501. Contracts awarded by National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The proposed contract is for a term of 14 months, beginning February 1, 2019 through March 31, 2020 to coincide with the term of the National IPA contract, which includes an option to renew annually for an additional two years if agreed to by National IPA and FleetCor. If the contract is renewed between National IPA and FleetCor, most likely Staff will bring to Council a recommendation to extend the City's use of the National IPA contract also.

FISCAL IMPACT: Funding for the purchases made under the contract with FleetCor is included in the adopted FY 2019 Budget for each department that operates vehicles and equipment. The estimated expenditure for fuel and fuel management services under this contract for the 14 months ending March 31, 2020, is \$1,412,845.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9474-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A 14-MONTH FUEL MANAGEMENT CONTRACT IN THE ESTIMATED AMOUNT OF \$1,412,845, WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC OF NORCROSS, GEORGIA, COMMENCING FEBRUARY 1, 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, since 2013, the City has purchased and managed fuel utilizing a fuel management services contract with Texas Fleet Fuel, Ltd. through a Texas Cooperative Purchasing Network (TCPN) contract;

Whereas, on December 12, 2016 the City executed an amendment to the fuel management services contract in which FleetCor Technologies Operating Company, LLC (FleetCor) assumed the contract from Texas Fleet Fuel, Ltd. - this amendment assumed the contract's 60-month term which expires January 31, 2019;

Whereas, FleetCor's fuel management services contract allows City vehicles to fill up at local convenience stores and provides fuel management services by providing the City with a weekly report showing each vehicle's fueling, who fueled, where they fueled, and the price for that week;

Whereas, Staff has the ability to upload this information into a fleet maintenance system with little effort - this system has worked very well for the City, and Staff desires to continue using the fuel management service through FleetCor;

Whereas, FleetCor has offered the City an agreement and pricing, utilizing their current National IPA contract with pricing of 11.5¢ per gallon over the Oil Price Information Service (OPIS) rack price for each week, exclusive of freight and federal taxes, a savings of 0.4¢ per gallon received under the current agreement;

Whereas, cost plus pricing is available at all Convenience Network locations accepting the Fuelman card with the exception of Chevron/Texaco and Bucc-ee's stations - retail pricing will be provided in instances where Chevron/Texaco and Bucc-ee's stations are used;

Whereas, Staff has determined that switching out the card and fuel management system that already interfaces with the City's existing system would be costly and a significant administrative undertaking;

Whereas, Staff believes the offered pricing is still a good value compared to other offerings in the market and recommends Council authorize a 14-month fuel management contract in the estimated amount of \$1,412,845, with FleetCor Technologies Operating Company, LLC of Norcross, Georgia, commencing February 1, 2019;

Whereas, Staff recommends utilizing National IPA Contract No. R161501 - contracts awarded by National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Whereas, the proposed contract is for a term of 14 months, beginning February 1, 2019 through March 31, 2020 which coincides with the term of the National IPA contract, and which includes an option to renew annually for an additional two years if agreed to by National IPA and FleetCor;

Whereas, funding for the purchases made under the contract with FleetCor is included in the adopted fiscal year 2019 budget for each department that operates vehicles and equipment - the estimated expenditure for fuel and fuel management services under this contract for the 14 months ending March 31, 2020, is \$1,412,845; 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 14-month fuel management contract in the estimated amount of \$1,412,845, with FleetCor Technologies Operating Company, LLC of Norcross, Georgia, commencing February 1, 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 20th 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



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider amending Resolution No. 2018-9109-R which authorized a Developer Participation Agreement with WBW Land Investment, L.P. to amend the name of the contracting entity from WBW Land Investment, L.P. to WBW Development Group, LLC – Series 027.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On April 19, 2018, through Resolution No. 2018-9109-R, the City Council authorized a Developer Participation Agreement with WBW Land Investment, L.P. to construct a portion of South Pea Ridge Road. The Agreement also includes the conveyance of approximately 11.8 acres of City-owned property to WBW Land Investment, L.P.

After the Agreement was approved by Council, the developer requested that the name of the contracting entity be changed to WBW Development Group, LLC – Series 027. The contract has been executed using the requested name. The 11.8 acres was originally deeded to WBW Land Investment, L.P., but has since been transferred to WBW Development Group, LLC – Series 027.

For these reasons, Staff is asking Council to amend Resolution No. 2018-9109-R to change the name of the contracting entity from WBW Land Investment, L.P. to WBW Development Group, LLC – Series 027.

FISCAL IMPACT: Funding for the Developer Participation Agreement with WBW Development Group, LLC – Series 027, to reimburse 100% of the cost of oversizing the street and 100% of the cost of constructing the sidewalks for South Pea Ridge Road in an amount not to exceed \$150,000 is available in account 365-3400-531-6860, project #101214.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9475-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION NO. 2018-9109-R WHICH AUTHORIZED A DEVELOPER PARTICIPATION AGREEMENT WITH WBW LAND INVESTMENT, L.P., TO AMEND THE NAME OF THE CONTRACTING ENTITY TO WBW DEVELOPMENT GROUP, LLC – SERIES 027; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 19, 2018, through Resolution No. 2018-9109-R, Council authorized a Developer Participation Agreement with WBW Land Investment, L.P. to construct a portion of South Pea Ridge Road - the Agreement included the conveyance of approximately 11.8 acres of City-owned property to WBW Land Investment, L.P.;

Whereas, after the Agreement was approved by Council, the developer requested that the name of the contracting entity be changed to WBW Development Group, LLC – Series 027, and the contract was executed using the requested name;

Whereas, the 11.8 acres was originally deeded to WBW Land Investment, L.P., but has since been transferred to WBW Development Group, LLC – Series 027;

Whereas, for these reasons, Staff recommends Council amend Resolution No. 2018-9109-R to change the name of the contracting entity from WBW Land Investment, L.P. to WBW Development Group, LLC – Series 027;

Whereas, funding is available for this agreement in Account No. 365-3400-531-6315, Project No. 101214; 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. 2018-9109-R changing the name of the contracting entity from WBW Land Investment, L.P. to WBW Development Group, LLC – Series 027.

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 **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

12/20/18
Item #(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the Strategic Investment Zone Chapter 380 Development Agreement with Caelum Altus IV, LLC, which covers improvements to property located at 17 East Central Avenue, to extend the improvement completion date to July 31, 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 7, 2017, the City Council authorized a Strategic Investment Zone ("SIZ") Chapter 380 Development Agreement (the "Agreement") with Caelum Altus IV, LLC for improvements to property located at 17 East Central Avenue. The Agreement provides a SIZ 1:1 matching grant of up to \$115,000 for program allowable building improvements. Those improvements include façade, sidewalk, life safety, and elevator improvements.

The improvement completion date in the Agreement is December 15, 2018. The Agreement allows the City Manager to administratively grant a one-time, 90-day extension, however any extension of more than 90 days requires City Council approval. The property owner has completed significant demolition work on the property and is still actively engaged in completing the proposed improvements. The owner has not been able to meet the December 15, 2018 improvement completion date and has requested that City Council grant an extension of the Agreement and completion date until July 31, 2019.

Considering the progress made thus far on the project, Staff is supportive of the requested extension.

FISCAL IMPACT: The total maximum grant match by the City is \$115,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding for this Strategic Investment Zone Chapter 380 Development Agreement was allocated in FY 2018 and is currently available in account 110-1500-515-2695.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9476-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE STRATEGIC INVESTMENT ZONE CHAPTER 380 DEVELOPMENT AGREEMENT WITH CAELUM ALTUS IV, LLC, WHICH COVERS IMPROVEMENTS TO PROPERTY LOCATED AT 17 EAST CENTRAL AVENUE, TO EXTEND THE IMPROVEMENT COMPLETION DATE TO JULY 31, 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 7, 2017, Council authorized a Strategic Investment Zone (“SIZ”) Chapter 380 Development Agreement (the “Agreement”) with Caelum Altus IV, LLC for improvements to property located at 17 East Central Avenue;

Whereas, the Agreement provides for a SIZ 1:1 matching grant of up to \$115,000 for program allowable building improvements - those improvements include façade, sidewalk, life safety, and elevator improvements;

Whereas, the improvement completion date in the Agreement is December 15, 2018, and allows the City Manager to administratively grant a one-time, 90-day extension, however an extension of more than 90 days requires City Council approval;

Whereas, the property owner has completed significant demolition work on the property and is still actively engaged in completing the proposed improvements, but is not able to meet the December 15, 2018 improvement completion date;

Whereas, the owner requests Council grant an extension of the Agreement and completion date until July 31, 2019, and considering the progress made on the project, Staff recommends Council authorize an extension to July 31, 2019;

Whereas, the total maximum grant match by the City is \$115,000 - payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City;

Whereas, funding for this Strategic Investment Zone Chapter 380 Development Agreement was allocated in fiscal year 2018 and is currently available in Account No. 110-1500-515-2695; 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 an amendment to the Strategic Investment Zone Chapter 380 Development Agreement with Caelum Altus IV, LLC, which covers improvements to property located at 17 East Central Avenue, to extend the improvement completion date to July 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 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

12/20/18
Item #4(K)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider approving a resolution amending the City of Temple's Wireless Services Design Manual to change the fee assessed for each additional small wireless facility in order to conform with the Federal Communications Commission's Declaratory Ruling and Third Report and Order approved September 26, 2018.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On September 26, 2018, the Federal Communications Commission (FCC) approved its Declaratory Ruling and Third Report and Order relating to state and local management of small wireless infrastructure deployment. This declaratory ruling report and order limits the ability of state and local governments to regulate the deployment of small wireless facilities, commonly known as small cells. The Ruling, Third Report and Order will go into effect January 19, 2019.

Under the Ruling, the FCC adopted a new standard to determine whether state or local government regulations of small wireless facilities violate Sections 253 and 332 of the Communications Act (47 U.S.C. § 253; 47 U.S.C. § 332). This standard is an "effective prohibition" standard; under the standard, a state or local requirement for wireless facilities that "materially limits or inhibits the ability of any competitor or potential competitor to compete" is considered an effective prohibition, which is a violation of the Communications Act.

The Ruling also limits the fees that can be charged to wireless providers to install small wireless facilities in public rights-of-way and identified specific fee levels that presumptively comply with the new standard. Fees must be a "reasonable approximation of costs" related to deploying wireless facilities, including costs for maintaining the right-of-way, maintaining structures within the right-of-way, or processing application permits. Fees must be based on objectionably reasonable costs and non-discriminatory. Fees based on gross revenues, not the cost of use of the right-of-way, are specifically preempted by the Ruling. The FCC concluded that the following fees amounts are presumptively reasonable:

- \$500 for non-recurring fees, including a single up-front application that includes up to five small wireless facilities; \$100 for each additional small wireless facility;
- \$1,000 for non-recurring fees for a new pole (not a collocation) intended to support one or more wireless facilities;
- \$270 per small wireless facility per year for all recurring fees, which includes any potential right-of-way access fees or fees for attaching facilities to municipally owned structures in the right-of-way.

Based on this Ruling, there is one fee that will need to be changed in the City of Temple's Wireless Services Design Manual. The City's Design Manual was adopted by Council in August, 2017. The manual currently has a fee \$250 for each additional small wireless facility (beyond the initial five); this should be amended to \$100 to be in line with the presumptively reasonable fee set forth in the FCC's Ruling.

The Ruling also concluded that aesthetic requirements for small cell wireless facilities are not preempted if they are reasonable, non-discriminatory, objective, and published in advance. Under the Ruling, any new aesthetic requirements should be published by a local government no more than 180 days from the date the FCC's Ruling is published in the Federal Register. The City previously adopted aesthetic requirements in the Design Manual and Staff is not recommending any changes to those requirements at this time.

The Third Report and Order established new time limits, known as "shot clocks" for the processing of small wireless facility applications, and preserved and codified the shot clocks for non-small wireless facilities. These applicable time limits are:

- 10 days to review a small wireless facility application for completeness and notify the applicant of any missing information in order to reset the shot clock;
- 30 days to review any wireless facility application for completeness and toll the shot clock if the applicant is notified in writing that the application is not acceptable;
- 10 days to review a resubmission and notify the applicant of any missing information;
- 60 days to act on an application to collocate a small wireless facility on an existing structure (does not have to be a telecommunications structure);
- 60 days to act on a request for a non-substantial modification, including modifications to macro towers;
- 90 days to act on an application to collocate a facility other than a small wireless facility using an existing structure;
- 90 days to act on an application for a small wireless facility using a new structure; and
- 150 days to act on an application for a facility other than a small wireless facility using a new structure.

Days are calendar days and the shot clock begins to run from the day the application is submitted. The shot clocks apply to all authorizations necessary for the deployment of personal wireless service, which includes license or franchise agreements to access the rights-of-way, building, electrical or road closure permits, public notices and meetings, aesthetic approvals, and pre-application procedures.

In order to comply with the presumptively reasonable fees established by the FCC's Ruling, Staff recommends amending the fee for each additional small wireless facility as set forth in the attached Design Manual from \$250 to \$100.

FISCAL IMPACT: In FY 2018, three applications (covering up to five network nodes) were received and two annual fees were paid for a total of \$2,000 in revenue, which was recognized in account 110-0000-422-0923, Right-of-Way Permits. There were no additional small wireless facility network nodes requested with these applications.

ATTACHMENTS:

[Design Manual](#)
[Resolution](#)



City of Temple
Wireless Services Design Manual

Section 1: Purpose

- A. The City of Temple (“City”) understands the benefits of deployment of small cell wireless technology within the City and desires to set forth a process for deployment that ensures positive and efficient results for the City, its citizens, and Network Providers (“Provider(s)”).
- B. The standards and procedures provided in this Wireless Services Design Manual (“Design Manual”) are adopted to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the City’s right-of-way (“ROW”) and to minimize and reduce impacts to the City, its residents and visitors; and for the general health and welfare of the public.
- C. The City has adopted this Design Manual to provide technical criteria and details necessary for Providers seeking to install and construct network nodes and node support poles in the City’s ROW.
- D. Providers are required to adhere to the requirements found in this Design Manual and Texas Local Government Code Chapter 284 for the placement of their facilities within the City’s ROW.

Section 2: Definitions

For purposes of this Design Manual the following terms have the meanings as set forth below. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural.

- A. **“Abandon”** and its derivatives means the network nodes and node support poles, or any portion thereof, that have been left by a Provider in an unused or non-functioning condition for more than 120 consecutive days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the network nodes and node support poles, or portion thereof, has the ability to provide wireless communications.
- B. **“City”** means the City of Temple, Texas and the City’s officers and employees.
- C. **“Design District”** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended, and includes the City’s “Temple Medical and Educational District” and the “1st and 3rd Overlay” area. Both are depicted in Exhibit A attached to this Design Manual and incorporated herein for all purposes.



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Wireless Services Design Manual

- D. **“Historic District”** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended, and includes the City’s Historic District designated as such in Chapter 17 of the City’s Code of Ordinances and the City’s downtown area which is designated as a “National Register Historic District” by the National Register of Historic Places which is administered at the federal level by the Secretary of the Interior. Maps of the downtown area which is so designated and of the City’s Historic District are attached to this Design Manual as Exhibit B and incorporated herein for all purposes.
- E. **“Network node”** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended.
- F. **“Node support pole”** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended.
- G. **“Park”** means the various properties under the direction, control, and supervision of the City’s Parks and Recreation Department and as depicted on Exhibit C to this Design Manual. The properties listed in Exhibit C are designated as parks only for the purposes of this Design Manual and Chapter 284 of the Local Government Code.
- H. **“Right-of-Way Permit”** means a document issued by the City authorizing installation, removal, modification or other work for Provider’s network nodes or node support poles in accordance with approved plans and specifications.
- I. **“Public Right-of-Way”** or **“ROW”** has the meaning set forth in Texas Local Government Code Chapter 284, or as amended, but does not include a private easement or the airwaves above a public right-of-way with regard to wireless communications.
- J. **“Traffic Signal”** means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.
- K. **“Stealth design”** means any method of installation of network nodes or node support poles such that no portion of any antenna, antenna equipment, or any other apparatus associated with the function of the nodes or poles is visible.

Section 3: Permitting

- A. Attachment to Existing Poles: Prior to installation or modification of a network node, Provider must complete and submit to the City a Right-of-Way Permit application, along with standard required documents and the following items:



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Wireless Services Design Manual

1. the application fee;
 2. an aerial map showing the location of the existing pole to which the network node will be attached and a street view image;
 3. plans and drawings prepared by a professional engineer who has evaluated the existing pole or infrastructure for structural stability to carry the proposed equipment and if pole re-enforcement is necessary, the provider must submit an engineering design and specification drawings for the proposed alteration to the existing pole;
 4. scaled dimensioned drawings or pictures of the proposed attachments of the network node to the existing poles or structures;
 5. scaled dimensioned construction plans indicating the current ROW line and showing the proposed underground conduit and equipment, and its spacing from existing utilities;
 6. an analysis that the proposed network node will not cause any interference to the City's public safety radio system, traffic signal light system, or other communications components;
 7. a traffic control plan, a stormwater pollution prevention plan (SWPPP), and a trench safety plan;
 8. if access to any non-City owned property is required to install the equipment, the provider must provide evidence of permission to use the non-City owned property;
 9. an agreement that written notice of the work, which includes contact information for the Provider, will be given to adjacent residential developments/neighborhoods within 300 feet of the existing pole or structure where the network node is to be installed;
 10. if a City pole is proposed for the installation, the Provider must submit a copy of the legal document evidencing the City's property interest in the ROW; and
 11. if a non-City pole is proposed for the installation, the Provider must submit evidence of permission to use the pole from the owner of the pole.
- B. Any proposed installation or modification of network node must comply with the following standards:



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Wireless Services Design Manual

1. Any facilities located off pole must remain in cabinetry or other enclosed structure underground, except for the electric meter pedestal. Facilities on pole must be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There must be no external cables or electric wire/cables on the pole or structure or aerial wires or cables extending from the pole or structure. Stealth design is encouraged.
 2. The electrical meter may not be mounted on a City metal pole or structure. Provider is required to use 240 voltage when connecting to any City infrastructure and provide a key to the meter upon inspection.
 3. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, must comply with TAS, ADA, and may not obstruct an existing or planned sidewalk, trail, or walkway. All proposed projecting attachments to the pole must provide a minimum vertical clearance of 8 feet. If any attachments are projecting towards the street side, it must provide a minimum clearance of 16 feet.
 4. The color of the network nodes must match the existing pole color such that the network nodes blend with the color of the pole to the extent possible. The City reserves the right to deny a certain style of node due to its difference in color to the pole.
 5. There may be no other pole, with small cell attachments permitted or under application review, within 300 feet of the subject pole.
- C. Installation of New Poles: Prior to installation or modification of a node support pole, Provider must complete and submit to the City a Right-of-Way Permit application, along with any standard required documents and the following items:
1. the application fee;
 2. an aerial map showing the location of the proposed new pole and a street view image;
 3. an analysis showing that the new pole is spaced at least 300 linear feet from another existing pole that is capable of supporting a network node;
 4. scaled dimensioned drawings or pictures of the proposed new pole, as well as any other proposed equipment associated with the pole, indicating the spacing from existing curbs, driveways, sidewalks, light poles, and any other poles or appurtenances;



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Wireless Services Design Manual

5. scaled dimensioned construction plans indicating the current ROW line and showing the proposed underground conduit and equipment and its spacing from existing lines;
 6. a traffic control plan, SWPPP, and trench safety plan;
 7. an analysis that the proposed pole and network node will not cause any interference with the City's public radio system, traffic signal light system, or other communications components;
 8. if access to any non-City owned property is required to install the equipment, the provider must submit evidence of permission to use the non-City owned property;
 9. an agreement that written notice of the work, which includes contact information for the Provider, will be given to adjacent residential developments/neighborhoods within 300 feet of the proposed location of the pole; and
 10. a copy of the legal document evidencing the City's property interest in the ROW.
- D. The proposal to install a new pole must comply with the following standards:
1. Any facilities located off pole must remain in cabinetry or other enclosed structure underground, except for the electric meter pedestal. Facilities on pole must be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There must be no external cables or electric wire/cables on the pole or structure or aerial wires or cables extending from the pole or structure. Stealth design and shroud poles are encouraged.
 2. The electrical meter may not be mounted on a City metal pole or structure. Provider is required to use 240 voltage when connecting to any City infrastructure and provide a key to the meter upon inspection.
 3. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, must comply with TAS, ADA, and may not obstruct an existing or planned sidewalk, trail, or walkway. All proposed projecting attachments to the pole must provide a minimum vertical clearance of 8 feet. If any attachments are projecting towards the street side, it must provide a minimum clearance of 16 feet.
 4. All attachments for the network nodes must match the color of the node support pole. All node support poles must match the existing poles in the



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surrounding block or district in which the node support pole is located in order to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.

- E. Upon approval of any permit, the Provider is required to call for the locations of any other existing utilities in the area.
- F. Electrical Permit: Provider is responsible for obtaining any required electrical power service to the network nodes and node support poles or structures. Provider's electrical supply must be separately metered from the City and match City infrastructure voltage. Provider is required to provide the City with sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, and any other information required by City Staff.

Section 4: Network Node and Node Support Pole Requirements

- A. Installation: Provider must, at its own cost and expense, install the network nodes and node support poles in a good and workmanlike manner and in accordance with the requirements promulgated by this Design Manual, and all other applicable laws, ordinances, codes, rules and regulations of the City, the State, and the United States ("Laws"), as such may be amended from time to time. Provider's work in City ROW is subject to the regulation, control and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the network nodes and node support poles must be in compliance with all applicable Laws.
- B. Inspections: The City may perform visual inspections of any network nodes and node support poles located in the ROW as the City deems appropriate without notice. If the inspection requires physical contact with the network nodes or node support poles, the City will provide written notice to the Provider within five business days of the planned inspection. Provider may have a representative present during the inspection.

In the event of an emergency situation, the City may, but is not required to, notify Provider of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify Provider as soon as practically possible after remediation is complete.

- C. Placement:
 - 1. *Parks*. Placement of network nodes and node support poles in any park, park roads, sidewalks, or property is prohibited. The City's parks are depicted in Exhibit C.



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2. *City Infrastructure.* Providers are prohibited from installing network nodes and node support poles on any City property that falls outside the definition of ROW in Chapter 284 of the Local Government Code.
3. *Residential Streets.* Providers are prohibited from installing network nodes or node support poles in ROW that is adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
4. *Historic District.* Providers are prohibited from installing network nodes or node support poles in ROW that is within a Historic District as defined by Chapter 284 of the Local Government Code and as designated in Exhibit B attached to this Design Manual, unless the installation is approved by the City in writing.
5. *Decorative Poles.* Providers are prohibited from installing network nodes on a decorative pole as defined by Chapter 284 of the Local Government Code, unless approved by the City in writing. This standard is applicable to all decorative poles in the City. The City will consider proposed installations that include a Stealth Design.
6. *Right-of-Way.* Node support poles and ground equipment must be placed, as much possible, within two feet of the outer edge of the ROW line. Node support poles and ground equipment or network nodes may not impede pedestrian or vehicular traffic in the ROW. If a node support pole and ground equipment or network node is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply with or otherwise renders the ROW non-compliant with applicable Laws, including the American with Disabilities Act, then Provider must immediately remove the node support poles, ground equipment, or network nodes.
7. *Fiber Connection.* Provider is responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its node support poles or network nodes.
8. *Generators.* Provider may not allow or install generators or back-up generators in the ROW.
9. *Equipment Dimensions.* Provider's node support poles and network nodes must comply with the dimensions set forth in Chapter 284 of the Local Government Code.



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10. *Tree Maintenance.* Provider, its contractors, and agents must obtain written permission from the City before trimming trees hanging over the Provider's network nodes and node support poles. When directed by the City, Provider must trim under the supervision and direction of the Transportation Director. The City will not be liable for any damages, injuries, or claims arising from Provider's actions under this section.
11. *Repair.* Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of the node support poles or network nodes, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the City to be damaged, including, but not limited to landscaping installed by the City, or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any Laws, Provider, at its sole cost and expense, must promptly repair and return such property to its original condition. If Provider does not repair the property or perform the work as described in this paragraph, the City will have the option, upon fifteen days' prior written notice to Provider or immediately if there is imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of Provider and to charge Provider for the reasonable and actual costs incurred by the City. Provider must reimburse the City for all costs.
12. *Signage.* Provider must post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes that is visible to the public. Signage required under this section may not exceed 4" x 6", unless otherwise required by law or the City.

Except as required by other Laws or by the utility pole owner, Provider may not post any other signage or advertising on the node support pole and network nodes, or utility pole.
12. *Graffiti Abatement.* As soon as practical, but not later than fifteen days from the date Provider receives notice thereof, Provider must remove all graffiti on any of its node support poles or network nodes located in City ROW.

D. Inventory.

1. Provider is required to maintain a list of its network nodes and node support poles and provide City an inventory of locations within ten days of installation. The inventory of network nodes and node support poles must include GIS coordinates, date of installation, type of pole used for installation, pole owner, and description/type of installation for each network node and node support pole installation.



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2. Upon the City's written request, Provider must provide a cumulative inventory within thirty days. For inactive network nodes and node support poles, the inventory must include the same information set forth in subsection 1 above, but must also include the date the network node or node support pole was deactivated and the date the network node or network support pole was removed from the ROW. City may compare the inventory to its records to identify any discrepancies.

E. Reservation of Rights.

1. The City reserves the right to install and permit others to install, utility facilities in the ROW. In permitting such work to be done by others, the City will not be liable to Provider for any damage caused by those persons or entities.
2. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic signal system and protect public safety.
3. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the ROW in the manner that best enables the City's operations.

- F. Coordination of Traffic Signal Maintenance Activity and Emergency Response.** Provider will provide the City a key to each meter box at the time of inspection and the City will have the ability to temporarily cut-off electricity to Provider's facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks, City will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect Provider's network nodes, Provider is solely responsible to repair or replace its network nodes and must coordinate its own emergency efforts with the City.

Section 5: Interference with Operations

- A. This City will not be liable to Provider for any damage caused by other Providers with wireless facilities sharing the same pole or for failure of Provider's network nodes for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.
- B. The City will not be liable to Provider by reason of inconvenience, annoyance or injury to the network nodes or node support poles or activities conducted by



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Provider therefrom, arising from the necessity of repairing any portion of the ROW, or from the making of any necessary alteration or improvements, in, or to, any portion of the ROW, or in, or to, City's fixtures, appurtenances or equipment. The City will use reasonable efforts not to cause material interference to Provider's operation of its network nodes or node support poles.

C. Signal interference with City's Communications Infrastructure Prohibited.

1. *No interference.* In the event that Provider's network nodes interfere with the City's traffic signal system, public safety radio system, or other City communication infrastructure operation on a spectrum where the City is legally authorized to operate, Provider must promptly cease operation of the network nodes causing said interference upon receiving notice from the City and refrain from operating. Provider will respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four hours of receiving notice.
2. *Protocol for responding to event of interference.* The protocol for responding to events of interference will require Provider to provide the City an Interference Remediation Report that includes the following items:
 - a. Remediation Plan. Devise a remediation plan to stop the event of interference;
 - b. Time frame for execution. Provide the expected time frame for execution of the remediation plan; and
 - c. Additional information. Include any additional information relevant to the execution of the remediation plan.

In the event that interference with City facilities cannot be eliminated, Provider must shut down the network nodes and remove or relocate the network node that is the source of the interference as soon as possible to a suitable alternative location made available by the City.

3. Following installation or modification of a network node, the City may require Provider to test the network node's radio frequency and other functions to confirm it does not interfere with the City's operations.



City of Temple

Wireless Services Design Manual

Section 6: Abandonment, Relocation and Removal

- A. Abandonment of obsolete network nodes and node support poles. Provider is required to remove network nodes and node support poles when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the network nodes and node support poles being abandoned or within 90 days of receipt of written notice from the City. When Provider removes or abandons permanent structures in the ROW, the Provider must notify the City in writing of such removal or abandonment and must file with the City the location and description of each network node or node support pole removed or abandoned. The City may require the Provider to complete additional remedial measures necessary for public safety and the integrity of the ROW.
- B. Relocation and removal at Provider's Expense. Provider must remove and relocate its network nodes and node support poles at its own expense to an alternative location not later than 120 days after receiving written notice that removal, relocation, and/or alternation of the network nodes and/or node support poles is necessary due to:
1. Construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project or other public improvement project;
 2. Maintenance, upgrade, expansion, replacement, removal or relocation of the City's pole or structure upon which Provider's network nodes are attached;
 3. The network node or node support pole, or portion thereof, is adversely affecting proper operation of traffic signals, streetlights, or other City property;
 4. Closure of a street or sale of City property;
 5. Projects and programs undertaken to protect or preserve the public health or safety;
 6. Activities undertaken to eliminate a public nuisance;
 7. Provider fails to obtain all applicable licenses, permits, and certifications required by Law for its network nodes or node support poles; or
 8. Any other duty otherwise arising under applicable law.



City of Temple

Wireless Services Design Manual

- C. Provider's duty to remove and relocate its network nodes and node support poles at its expense is not contingent upon the availability of an alternative location acceptable for relocation. City will make reasonable efforts to provide an alternative location within the ROW for relocation, but regardless of the availability of an alternative site acceptable to Provider, Provider must comply with the notice to remove its network nodes and node support poles as instructed.
- D. Removal or relocation by Provider. If the Provider removes or relocates at its own discretion, it must notify the City in writing not less than ten business days prior to removal or relocation. Provider must obtain all permits required for relocation or removal of its network nodes and node support poles prior to relocation or removal. The City will not issue any refunds for amounts paid by Provider for network nodes and node support poles that have been removed.
- E. Restoration. Provider is required to repair any damage to the ROW, and the property of any third party resulting from Provider's removal or relocation activities (or any other of Provider's activities hereunder) within ten days following the date of such removal or relocation, at Provider's sole cost and expense, including the restoration of the ROW and such property to substantially the same condition as it was immediately before the date Provider was granted a permit for the applicable location, including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration, and replacement is subject to the approval of the City.
- F. Provider is responsible and liable for the acts and omissions of Provider's employees, temporary employees, officers, directors, consultants, agents, affiliates, subsidiaries, sublessees, and subcontractors in connection with the performance of activities within the City's ROW, as if such acts or omissions were Provider's acts or omissions.

Section 7: Application Fees and Right-of-Way Rate

- A. Application Fees. Provider is required to pay an application fee of \$500 per application covering up to five network nodes, ~~\$250-100~~ for each additional network node per application, and \$1,000 per application for each node support pole. All application fees are due at the time the application is submitted.
- B. Right-of-Way Rate. Provider is required to pay an annual right-of-way rate of \$250 for each network node Provider has installed in the City. The annual rate will be due on December 31st of each year and will constitute payment for the subsequent year. If a network node is installed at any time during the year, Provider must pay to the City a pro-rated ROW rate covering the date the network node is completely installed and ending on December 31st. This pro-rated ROW rate is due within 30 days of installation of the network node.



City of Temple
Wireless Services Design Manual

- C. All applications must be submitted to the City's Permitting Department. Applications will be reviewed in accordance with the requirements set forth in Chapter 284 of the Local Government Code.

Section 8: Agreement

Before permit issuance, the Provider will be required to sign an agreement evidencing its obligations pursuant to this Design Manual and Chapter 284 of the Local Government Code.

RESOLUTION NO. 2018-9477-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY OF TEMPLE'S WIRELESS SERVICES DESIGN MANUAL TO CHANGE THE FEE ASSESSED FOR EACH ADDITIONAL SMALL WIRELESS FACILITY TO CONFORM WITH THE FEDERAL COMMUNICATIONS COMMISSION'S DECLARATORY RULING AND THIRD REPORT AND ORDER APPROVED SEPTEMBER 26, 2018; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 26, 2018, the Federal Communications Commission ("FCC") approved its Declaratory Ruling and Third Report and Order relating to state and local management of small wireless infrastructure deployment - this Declaratory Ruling Report and Order, which goes into effect January 19, 2019, limits the ability of state and local governments to regulate the deployment of small wireless facilities, commonly known as small cells;

Whereas, under the Ruling, the FCC adopted a new standard to determine whether state or local government regulations of small wireless facilities violate Sections 253 and 332 of the Communications Act (47 U.S.C. § 253; 47 U.S.C. § 332);

Whereas, this standard is an "effective prohibition" standard, and under the standard, a state or local requirement for wireless facilities that "materially limits or inhibits the ability of any competitor or potential competitor to compete" is considered an effective prohibition, which is a violation of the Communications Act;

Whereas, the Ruling also limits the fees that can be charged to wireless providers to install small wireless facilities in public rights-of-way and identifies specific fee levels that presumptively comply with the new standard - fees must be a "reasonable approximation of costs" related to deploying wireless facilities, including costs for maintaining the right-of-way, maintaining structures within the right-of-way, or processing application permits;

Whereas, fees must be based on objectionably reasonable costs and non-discriminatory - fees based on gross revenues, not the cost of use of the right-of-way, are specifically preempted by the Ruling and the FCC concluded that the following fee amounts are presumptively reasonable:

- \$500 for non-recurring fees, including a single up-front application that includes up to five small wireless facilities; \$100 for each additional small wireless facility;
- \$1,000 for non-recurring fees for a new pole (not a collocation) intended to support one or more wireless facilities;
- \$270 per small wireless facility per year for all recurring fees, which includes any potential right-of-way access fees or fees for attaching facilities to municipally owned structures in the right-of-way;

Whereas, based on this Ruling, there is one fee that will need to be changed in the City of Temple's Wireless Services Design Manual which was adopted by Council in August, 2017 - the manual currently has a fee of \$250 for each additional small wireless facility (beyond the initial five) which should be amended to \$100 to be in line with the presumptively reasonable fee set forth in the FCC's Ruling;

Whereas, the Ruling also concluded that aesthetic requirements for small cell wireless facilities are not preempted if they are reasonable, non-discriminatory, objective, and published in advance;

Whereas, under the Ruling, any new aesthetic requirements should be published by a local government no more than 180 days from the date the FCC's Ruling is published in the Federal Register - the City previously adopted aesthetic requirements in the Design Manual and Staff is not recommending any changes to those requirements at this time;

Whereas, the Third Report and Order established new time limits, known as "shot clocks" for the processing of small wireless facility applications, and preserved and codified the shot clocks for non-small wireless facilities - these applicable time limits are:

- 10 days to review a small wireless facility application for completeness and notify the applicant of any missing information in order to reset the shot clock;
- 30 days to review any wireless facility application for completeness and toll the shot clock if the applicant is notified in writing that the application is not acceptable;
- 10 days to review a resubmission and notify the applicant of any missing information;
- 60 days to act on an application to collocate a small wireless facility on an existing structure (does not have to be a telecommunications structure);
- 60 days to act on a request for a non-substantial modification, including modifications to macro towers;
- 90 days to act on an application to collocate a facility other than a small wireless facility using an existing structure;
- 90 days to act on an application for a small wireless facility using a new structure; and
- 150 days to act on an application for a facility other than a small wireless facility using a new structure;

Whereas, days are calendar days, and the shot clock runs from the day the application is submitted - shot clocks apply to all authorizations necessary for the deployment of personal wireless service, which includes license or franchise agreements to access the rights-of-way, building, electrical or road closure permits, public notices and meetings, aesthetic approvals, and pre-application procedures;

Whereas, in order to comply with the presumptively reasonable fees established by the FCC's Ruling, Staff recommends Council amend the fee for each additional small wireless facility as set forth in the attached Design Manual from \$250 to \$100;

Whereas, in fiscal year 2018, three applications (covering up to five network nodes) were received and two annual fees were paid for a total of \$2,000 in revenue, which was recognized in Account No. 110-0000-422-0923 - there were no additional small wireless facility network nodes requested with these applications; 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 the City of Temple's Wireless Services Design Manual to change the fee assessed for each additional small wireless facility as set forth in the attached Design Manual from \$250 to \$100 in order to conform with the Federal Communications Commission's Declaratory Ruling and Third Report and Order approved September 26, 2018.

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 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

12/20/18
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director
Damon B. Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying an emergency construction contract with All-Tex Utilities, LLC of Hillsboro, for a wastewater trunk line replacement at Wildflower Country Club, in the amount of \$108,342.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: City staff recently identified multiple failures within a 1,120 foot section of wastewater trunk main constructed from clay material within the Pepper Creek Basin. The investigation revealed major line offsets, sections of collapsed pipe, and major root intrusion. These issues resulted in major overflows which impacted the environment and posed a threat to public health including creation of a sink hole beneath a section of the golf course cart pathway. City staff is not currently equipped to address large multi-segment projects such as this, and consequently requested several quotes from experienced contractors with this type of work experience to complete short notice emergency repairs. Five quotes were received, ranging from \$105,700 to \$519,413.63.

Due to the time sensitivity and placement of this wastewater trunk main staff proceeded with a contract with the low bidder, All-Tex Utilities, LLC, prior to receiving Council's approval. This process was used per the bidding exemption under the Local Government Code §252.022(a)(1-3), "unforeseen damage to property and repairs that are needed quickly to preserve the property of the City and to protect the public health and safety of the City's residents". This agenda item ratifies work which is currently underway and will be complete by the end of December.

FISCAL IMPACT: Funding for the emergency construction contract with All-Tex Utilities, LLC, in the amount of \$108,342.50 is available in account 520-5400-535-6361, project 102000, as follows:

Project Budget	\$	108,343
Encumbered/Committed to Date		-
ALL-TEX Utilities - Emergency Construction Contract		(108,343)
Remaining Project Funds Available	\$	-

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2018-9478-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT WITH ALL-TEX UTILITIES, LLC OF HILLSBORO, TEXAS IN THE AMOUNT OF \$108,342.50, FOR THE WASTEWATER TRUNK LINE REPLACEMENT AT WILDFLOWER COUNTRY CLUB; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, City Staff recently identified multiple failures within a 1,120-foot section of wastewater trunk main constructed from clay material within the Pepper Creek Basin which revealed major line offsets, sections of collapsed pipe, and major root intrusion;

Whereas, these issues resulted in major overflows which impacted the environment and posed a threat to public health, including creation of a sink hole beneath a section of the Wildflower Country Club golf course cart pathway;

Whereas, City Staff is not currently equipped to address large multi-segment projects such as this, and consequently requested several quotes from experienced contractors with this type of work experience to complete short notice emergency repairs – Staff received five quotes, ranging from \$105,700.00 to \$519,413.63;

Whereas, due to the time sensitivity and placement of this wastewater trunk main, Staff proceeded with a contract with the low bidder, All-Tex Utilities, LLC of Hillsboro, Texas, prior to receiving Council's approval;

Whereas, this process was used per the bidding exemption under the Local Government Code §252.022(a)(1-3), "unforeseen damage to property and repairs that are needed quickly to preserve the property of the City" and "to protect the public health and safety of the City's residents;"

Whereas, Staff recommends Council ratify an emergency construction contract with All-Tex Utilities, LLC in the amount of \$108,342.50 for a wastewater trunk line replacement at Wildflower Country Club;

Whereas, funding for this emergency construction contract is available in Account No. 520-5400-535-6361, Project No. 102000; and

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

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

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

Part 2: The City Council ratifies an emergency construction contract with All-Tex Utilities, LLC of Hillsboro, Texas in the amount of \$108,342.50, for a wastewater trunk line replacement at Wildflower Country Club, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents necessary for this contract.

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 **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

12/20/18
Item #4(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of document scanning services from doc2e-file, Inc. of Houston in an amount not to exceed \$28,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has thousands of records that are both permanent and critical to the City's operations, and other documents that are historical and aging. Staff is recommending that doc2e-file, Inc. be engaged to assist in converting these paper documents into electronic files.

With the assistance of the Purchasing Department and IT Department, Staff was successful in testing the document scanning services that can be provided by doc2e-file. In working with doc2e-file, City Staff will prepare records to leave the premises and perform quality control checks upon documents being scanned and returned from doc2e-file.

BuyBoard has awarded doc2e-file, Inc. contract #544-17, which Staff is recommending using for these services. Contracts awarded by BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities. doc2e-file, Inc. will invoice for their services based on a per page price schedule plus travel.

FISCAL IMPACT: Funding in the amount of \$28,000 for the purchase of document scanning services from doc2e-file, Inc. is available in the FY 2019 operating budget in account 110-1400-511-2623.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9479-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF DOCUMENT SCANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$28,000, FROM DOC2E-FILE, INC. OF HOUSTON, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has thousands of records that are both permanent and critical to the City's operations, and other documents that are historical and aging;

Whereas, with the assistance of the Purchasing and IT Departments, Staff was successful in testing the document scanning services that doc2e-file provides, and in working with doc2e-file, Staff will be able to prepare records to leave the premises and perform quality control checks upon documents being scanned and returned from doc2e-file, Inc.;

Whereas, BuyBoard has awarded doc2e-file, Inc. Contract No. 544-17, which Staff recommends be used for these services - contracts awarded by BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff recommends Council authorize the purchase of document scanning services from doc2e-file, Inc. of Houston, Texas in an amount not to exceed \$28,000;

Whereas, funding is available for the purchase of document scanning services in Account No. 110-1400-511-2623; 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 purchase of document scanning services from doc2e-file, Inc. of Houston, Texas in an amount not to exceed \$28,000, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **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

12/20/18
Item #4(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #2 with T Construction, LLC of Houston, for construction of the Old Town Wastewater Replacement Project, in an amount of \$5,975.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2016, Council authorized a professional services agreement with Kasberg, Patrick and Associates, to develop wastewater improvements between South 3rd Street and South 11th Street from West Avenue D to West Avenue N. Public Works Utility Services identified specific aging and failing wastewater lines for replacement (See Attached Project Map). In June 2017, contract amendment #1 was approved to add the replacement of undersized water lines to the scope of the project. In September 2017, contract amendment #2 was approved to add construction phase services.

In October 2017, Council authorized a construction contract with T Construction, LLC in the amount of \$2,891,120 for the improvements mentioned above. Council authorized deductive change order #1 in October 2018 to reconcile adjusted quantities as identified through construction activities discovered in the field in the net deductive amount of \$50,404.

The attached change order #2 includes modifications due to existing field conditions including lowering 500 linear feet of 8-inch wastewater line in conflict with existing utilities, manhole adjustments, and rehabilitation method modifications for a net increase to the contract of \$5,975. The associated costs, along with change order #1, will increase the current contract price to \$2,846,691, resulting in a net 1.5% decrease from the original contract amount. Additional construction time associated with the change order revises the contractual end date to February 12, 2019. KPA recommends the change order in their attached letter.

FISCAL IMPACT: Funding for change order #2 with T Construction for the construction of the Old Town Wastewater Replacement in the amount of \$5,975 is available in project 101201 as follows:

	<u>520-5400-535-6361</u>	<u>561-5400-535-6964</u>	<u>Total</u>
Project Budget	\$ 2,300,000	\$ 1,160,000	\$ 3,460,000
Encumbered/Committed to Date	(1,953,945)	(1,160,000)	(3,113,945)
T Construction Change Order #2	(5,975)	-	(5,975)
Remaining Project Funds	\$ 340,080	\$ -	\$ 340,080

ATTACHMENTS:

[Engineer's 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

December 5, 2018

Ms. Sharon Carlos, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Old Town Wastewater & Water Replacements

Dear Ms. Carlos:

Attached is Change Order No. 2 in the amount of \$5,975.00. This change order consists of adjustments to quantities and modification of rehabilitation techniques for gravity sewer lines in the project, including the addition of 8" CIPP. This CO also includes the lowering a stretch of WW Line "E" to address a pre-existing conflict between the wastewater line and a storm drain. The cumulative net contract change (Change Orders 1 and 2) is a deduct of \$44,429 or 1.5% of the original contract amount. Change Order 2 includes an additional 45 days of contract time for the additional scope of work.

We have reviewed the change order and recommend execution of the additive change in the construction contract with T Construction in the amount of \$5,975.00

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas D. Valle'.

Thomas D. Valle, P.E.
TDV/

xc: Mr. Augustin Juarez
2016-119-40

CHANGE ORDER

PROJECT: Old Town Water & Wastewater Modifications

OWNER: City of Temple

CONTRACTOR: T Construction

ENGINEER: Kasberg Patrick & Associates, LP

CHANGE ORDER #: 2

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

1. Modifications to the rehabilitation method based on field conditions and/or internal video, and related items.

Item	Description	Quantity	Unit	Cost	Total
4	Trench Safety Implementation	500	LF	\$ 1.00	\$ 500.00
16	8" Wastewater by Open Cut	500	LF	\$ 65.00	\$ 32,500.00
17	6" Wastewater by Open Cut	-955	LF	\$ 70.00	\$ (66,850.00)
CO2-1	Extra MH Depth on WW "A"	19	VF	\$ 325.00	\$ 6,175.00
CO2-2	8" CIPP	170	LF	\$ 62.00	\$ 10,540.00
CO2-3	Mobilization on 8" CIPP	100%	LS	\$ 3,110.00	\$ 3,110.00
CO2-4	Additional Depth for 8" WW Open	500	LS	\$ 40.00	\$ 20,000.00
Total Add				\$	5,975.00

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

Original Contract Amount	\$ 2,891,120.00
Previous Net Change in Contract Amount	\$ (50,404.00)
Net Change in Contract Amount	\$ 5,975.00
Revised Contract Amount	\$ 2,846,691.00
Original Contract Time	300 Days
Previous Net Change in Contract Time	60 days
Net Change in Contract Time	45 days
Revised Contract Time	405 days
Original Final Completion Date	October 30, 2018
Revised Final Completion Date	February 12, 2019

Recommended By:


Recommended By:


Project Manager (City Staff) Date DEC 6, 2018


Architect/Engineer Date 12-5-18

Agreed To:

Approved by City of Temple:


Contractor Date 12-6-18

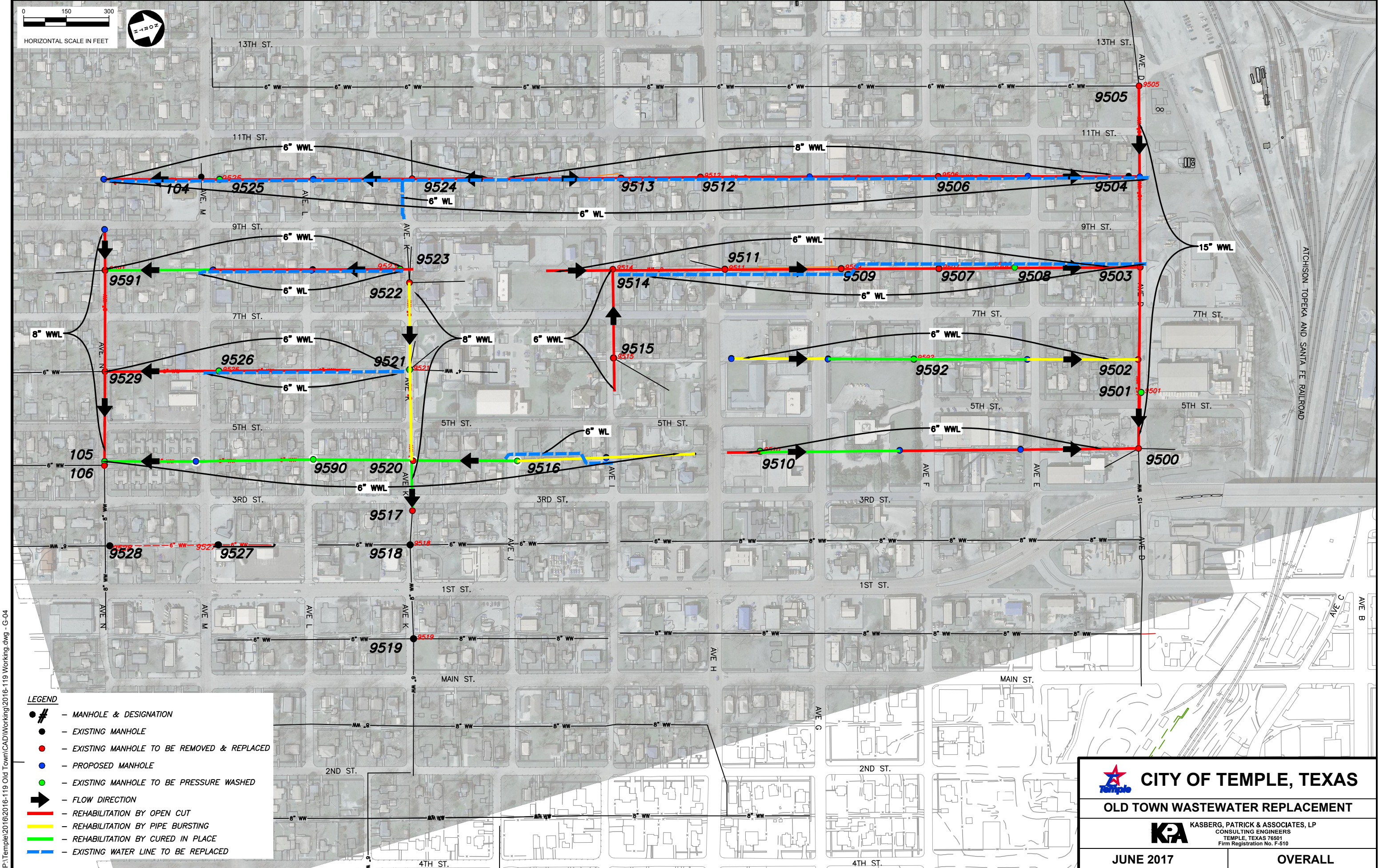
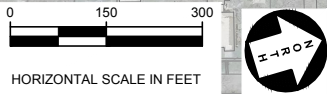
Brynn Myers, City Manager Date

Approved as to Form:

Approved by Finance Department:

City Attorney's Office Date



Finance Date



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LEGEND

- /# - MANHOLE & DESIGNATION
- - EXISTING MANHOLE
- - EXISTING MANHOLE TO BE REMOVED & REPLACED
- - PROPOSED MANHOLE
- - EXISTING MANHOLE TO BE PRESSURE WASHED
- ➔ - FLOW DIRECTION
- - REHABILITATION BY OPEN CUT
- - REHABILITATION BY PIPE BURSTING
- - REHABILITATION BY CURED IN PLACE
- - EXISTING WATER LINE TO BE REPLACED

 CITY OF TEMPLE, TEXAS	
OLD TOWN WASTEWATER REPLACEMENT	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76701 Firm Registration No. F-510	
JUNE 2017	OVERALL

RESOLUTION NO. 2018-9480-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 WITH T CONSTRUCTION, LLC OF HOUSTON, TEXAS IN THE AMOUNT OF \$5,975, FOR CONSTRUCTION OF THE OLD TOWN WASTEWATER REPLACEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April 2016, Council authorized a professional services agreement with Kasberg, Patrick and Associates, LP (“KPA”) of Temple, Texas, to develop wastewater improvements between South 3rd Street and South 11th Street from West Avenue D to West Avenue N;

Whereas, the Public Works Utility Services identified specific aging and failing wastewater lines for replacement, and in June 2017, Contract Amendment No. 1 was approved to add the replacement of undersized water lines to the scope of the project;

Whereas, in September 2017, Contract Amendment No. 2 was approved to add construction phase services - in October 2017, Council authorized a construction contract with T Construction, LLC of Houston, Texas in the amount of \$2,891,120, to construct the Old Town Wastewater Replacement Project;

Whereas, in October 2018, Deductive Change Order No. 1 was approved to reconcile adjusted quantities as identified through construction activities discovered in the field, in the net deductive amount of \$50,404;

Whereas, Change Order No. 2 includes modifications due to existing field conditions including lowering 500 linear feet of 8-inch wastewater line in conflict with existing utilities, manhole adjustments, and rehabilitation method modifications for a net increase to the contract of \$5,975;

Whereas, the associated costs, along with Change Order No. 1, increases the current contract price to \$2,846,691, resulting in a net 1.5% decrease from the original contract amount;

Whereas, Staff and KPA recommend Council authorize Change Order No. 2 with T Construction, LLC of Houston, Texas in an amount of \$5,975, for construction of the Old Town Wastewater Replacement Project;

Whereas, funding for Change Order No. 2 is available in Account No. 520-5400-535-6361 and Account No. 561-5400-535-6964, Project No. 101201; 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 with T Construction of Houston, Texas in the amount of \$5,975, for construction of the Old Town Wastewater Replacement Project.

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

PASSED AND APPROVED this the **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of computer replacement hardware during FY 2019 from GovConnection, Inc., of Merrimack, New Hampshire, in the estimated annual amount of \$122,300.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology Department currently has a PC, laptop and tablet replacement program that is funded through the Information Technology CIP funding to replace obsolete computer systems. Computers are in a four to five year replacement cycle. This cycle is based on the type of use (computing power needed) and overall age of the system. This replacement program was started in 2002 to ensure that we were running applications efficiently and effectively while also ensuring desktop and software applications were being supported under maintenance contracts. The Desktop PC Replacement Program will only cover current in-service PC's. If a new position is added or a program calls for an additional PC, software license or printer, this must be a newly budgeted item.

The City of Temple has chosen to standardize all hardware purchases with Dell PCs, laptops, tablets and servers. Our relationship with Dell has been very beneficial to the City and Dell equipment has proven to be reliable, supportable and cost competitive. Dell support offerings and service, in our experience, are un-matched by their competitors. Standardization is a key for any efficient support organization. It is not possible to support hardware from any and all vendors in a timely manner. As technical staff became familiar with specific hardware, they are able to diagnose and resolve issues more quickly. With each varying hardware model, software varies as well. It isn't practical to maintain software drivers and technical information for any offering on the market. Additionally, large PC manufacturers offer several models within their own products. Some are intended for the home market and others are for the corporate/business market. Business PCs generally consist of more standardized components that will be offered for a longer period of time. These components are tested specifically for use in network environments, and are certified by software developers to work well in those environments.

It is anticipated in FY 2019 that 113 desktop and laptop computer replacements will be purchased. The desktops and laptops to be replaced are currently five years old.

GovConnection, Inc. has been awarded State of Texas DIR Contract DIR-TSO-3763, through the State of Texas Department of Information Resources (DIR). Contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for all Texas governmental entities per Texas Government Code TGC 2157.068 for the Purchase of Technology Commodity items.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate Technology funds in the amount of \$122,300 for the purchase of Dell desktops, laptops, and tablets from GovConnection, Inc. The funds will be appropriated in account 351-1900-519-2221, Computer Equipment.

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

FY **2019****BUDGET ADJUSTMENT FORM**

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

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-1900-519-22-21		Capital < \$5,000 Computer Equipment	\$ 122,300			
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 122,300			
110-0000-351-09-43		Desg Capital Unallocated Tech Funds			122,300	
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	122,300			
		Do Not Post				
TOTAL.....			\$ 366,900		\$ 122,300	

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

Replacement Servers, PC's, Laptops, and Tablet Program for Fiscal Year 2019

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

12/20/2018

WITH AGENDA ITEM?

☒

Yes

☐

No

Alan DeLoera

12/3/2018

Date

☒

Approved

☐

Disapproved

Department Head/Division Director

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2018-9481-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF COMPUTER REPLACEMENT HARDWARE FOR FISCAL YEAR 2019, IN THE ESTIMATED ANNUAL AMOUNT OF \$122,300 FROM GOVCONNECTION, INC. OF MERRIMACK, NEW HAMPSHIRE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology Department currently has a PC, laptop, and server replacement program that is funded through the Information Technology Capital Improvement Plan to replace obsolete computer systems - computers are on a 4 to 5-year replacement cycle based on the type of use (computing power needed) and overall age of the system;

Whereas, the replacement program was started in 2002 to ensure that the City was running applications efficiently and effectively while also ensuring desktop and software applications were being supported under maintenance contracts;

Whereas, the Desktop PC Replacement Program will only cover current in-service PC's - if a new position is added or a program calls for an additional PC, software license, or printer, this must be a newly budgeted item;

Whereas, the City has chosen to standardize all hardware purchases with Dell PCs, laptops, storage and servers, and our relationship with Dell has been very beneficial to the City;

Whereas, Dell equipment has proven to be reliable, supportable, cost competitive and Dell's support offerings and services are unmatched by their competitors – standardization is a key for any efficient support organization;

Whereas, it is anticipated in fiscal year 2019, that 113 desktop and laptop computer replacements will be purchased – the desktops and laptops to be replaced are currently 5 years old;

Whereas, GovConnection, Inc. has been awarded the State of Texas DIR Contract DIR-TSO-3763, and Staff recommends utilizing this contract for these purchases – contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for all Texas governmental entities;

Whereas, funds are available for this purchase, but an amendment to the fiscal year 2019 budget needs to be approved to appropriate the funds to Account No. 351-1900-519-2221; 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 computer replacement hardware in the estimated annual amount of \$122,300 from GovConnection, Inc. of Merrimack, New Hampshire during fiscal year 2019, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

Part 3: The 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 **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Damon B. Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of twelve online turbidity meters for the Membrane Water Treatment Facility from Hach Company of Loveland, Colorado, in the amount of \$97,584.68.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The U.S. EPA Surface Water Treatment Rule requires continuous online turbidity monitoring when treating water to ensure water quality meets or exceeds regulation requirements for the protection of public health. Turbidity is a measurement of light intensity passing through a water column for clarity and is capable of detecting microscopic particles. Meters must be able to demonstrate water quality compliance by recording and downloading measurement readings every 15 minutes while displaying digital readings for visual observation.

The membrane process is required to have one turbidity meter per membrane module treatment rack monitoring effluent water quality (eleven), one turbidity meter monitoring combined effluent quality, and two turbidity meters monitoring backwash recycle water process. Current membrane turbidity meters are obsolete, making replace parts no longer available for purchase. A majority of the existing meters have been in service for over ten years.

Staff is recommending the purchase of 12 turbidity meters to replace the obsolete meters from Hach Company utilizing GSA contract # GS-07F-9314S. Contracts awarded by GSA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for the purchase of twelve online turbidity meters for the Membrane Water Treatment Facility from Hach Company in the amount of \$97,584.68, is available in account 520-5900-535-6211, project #101945, as follows:

Project Budget	\$	100,000
Encumbered/Committed to Date		-
Hach Company - 12 Turbidity Meters		(97,585)
Remaining Project Funds Available	\$	<u>2,415</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9482-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 12 ONLINE TURBIDITY METERS FOR THE MEMBRANE WATER TREATMENT FACILITY IN THE AMOUNT OF \$97,584.68, FROM HACH COMPANY OF LOVELAND, COLORADO; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the United States Environmental Protection Agency Surface Water Treatment Rule requires continuous online turbidity monitoring when treating water to ensure water quality meets or exceeds regulation requirements for the protection of public health;

Whereas, turbidity is a measurement of light intensity passing through a water column for clarity and is capable of detecting microscopic particles - meters must be able to demonstrate water quality compliance by recording and downloading measurement readings every fifteen minutes while displaying digital readings for visual observation;

Whereas, the membrane process is required to have one turbidity meter per membrane module treatment rack monitoring effluent water quality, one turbidity meter monitoring combined effluent quality, and two turbidity meters monitoring backwash recycle water process;

Whereas, current membrane turbidity meters are obsolete, making replacement parts no longer available for purchase – the majority of the existing meters have been in service for over ten years;

Whereas, Staff recommends Council authorize the purchase of twelve turbidity meters to replace the obsolete meters from Hach Company of Loveland, Colorado in the amount of \$97,584.68, utilizing GSA Contract No. GS-07F-9314S - contracts awarded by GSA have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding for the purchase of 12 online turbidity meters is available in Account No. 520-5900-535-6211, Project No. 101945; 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 twelve turbidity meters from Hach Company of Loveland, Colorado in the amount of \$97,584.68, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for this purchase.

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

PASSED AND APPROVED this the **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

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a temporary construction easement necessary for the expansion of Kegley Road in an estimated amount of \$10,308.

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 five rights-of-way, one drainage easement, and three temporary construction easement. The City has reached an agreement with a property owner for a temporary construction easement. Staff is actively negotiating with the remaining property owner and hopes to reach agreement in the coming weeks. At this time, Staff is asking for authorization to purchase the temporary construction easement in an estimated amount of \$10,308.

The address and Bell County Appraisal District ID Number of the property is 4902 Wildflower Lane—Bell CAD ID #128305.

FISCAL IMPACT: Funding is available for the purchase of a temporary construction easement necessary for the expansion of Kegley Road in an estimated amount of \$10,308 in account 365-3400-531-6888, project 101606.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9483-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE EXPANSION OF KEGLEY ROAD IN AN AMOUNT NOT TO EXCEED \$10,308; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the proposed expansion of Kegley Road which 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 five rights-of-way, one drainage easement, and three temporary construction easements and has reached an agreement with a property owner for a temporary construction easement;

Whereas, Staff continues to actively negotiate with the remaining property owner and hopes to reach an agreement in the coming weeks;

Whereas, Staff recommends Council authorize the purchase of a temporary construction easement on property located at 4902 Wildflower Lane (BellCAD ID 128305) in an estimated amount of \$10,308;

Whereas, funding is available for this purchase in Account No. 365-3400-531-6888, Project No. 101606; 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 temporary construction easement on property located at 4902 Wildflower Lane (BellCAD ID 128305) in an estimated amount of \$10,308.

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

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

PASSED AND APPROVED this the **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

12/20/18
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Public Works Director
Kenny Henderson, Transportation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 59 metal refuse containers and 19 metal recycling containers from Wastequip, LLC, Beeville, in the amount of \$80,588.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Replacement containers are needed in the front load, side load and commercial cardboard recycling systems. This purchase provides for one – 4 cyd front load container, forty four – 8 cyd front load containers, four – 3 cyd side load containers, ten – 4 cyd side load containers, one – 4 cyd recycling container, six – 6 cyd recycling containers and twelve – 8 cyd recycling containers.

Wastequip, LLC has been awarded contract #RH08-16 through Houston-Galveston Area Cooperative (H-GAC), which covers the purchase of these containers. Current pricing on the H-GAC bid contract has been confirmed by Purchasing. The city has done business with Wastequip and finds them to be a responsible vendor. Utilizing this contract through the H-GAC satisfies the requirement for competitive bids.

FISCAL IMPACT: Funding has been appropriated in the FY 2019 Operating Budget as follows:

Description	Account #	Budget	Proposed Expenditure
Sideload Metal Containers	110-2360-540-22-11	\$9,800	\$9,720
Frontload Metal Containers	110-2350-540-22-11	50,725	50,557
Recycle Metal Containers	110-2380-540-22-11	20,400	20,311
	TOTAL	\$80,925	\$80,588

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9484-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 59 METAL REFUSE CONTAINERS AND 19 METAL RECYCLING CONTAINERS IN THE AMOUNT OF \$80,588, FROM WASTEQUIP, LLC OF BEEVILLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, replacement containers are needed in the front load, side load and commercial cardboard recycling systems;

Whereas, Wastequip, LLC has been awarded a contract through Houston-Galveston Area Cooperative (H-GAC), which covers the purchase of these containers - contracts awarded through H-GAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff recommends Council authorize the purchase of:

- 1 – 4cyd front load container;
- 44 – 8cyd front load containers;
- 4 – 3cyd side load containers;
- 10 – 4cyd side load containers;
- 1 – 4cyd recycling container;
- 6 – 6cyd recycling containers; and
- 12 – 8cyd recycling containers from Wastequip, LLC of Beeville, Texas in the amount of \$80,588;

Whereas, funding for this purchase is available in the following accounts:

Side load Metal Containers: Account No. 110-2360-540-2211;

Front load Metal Containers: Account No. 110-2350-540-2211;

Recycle Metal Containers: Account No. 110-2380-540-2211; 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 59 metal refuse containers and 19 metal recycling containers, in the amount of \$80,588 from Wastequip, LLC, of Beeville, 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 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 **20th** 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

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DEPT. /DIVISION SUBMISSION & REVIEW:

Chuck Ramm, Parks and Recreation Department, Assistant Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase and installation of three lighting control systems from Musco Sports Lighting, LLC of Oskaloosa, Iowa, in the amount of \$28,275.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff is requesting City Council approval for the purchase and installation of three Musco Lighting Control-Link Control Systems to be installed at the following locations:

Miller Park Multi-Purpose Field
1919 North 1st Street

West Temple Park Soccer Field
121 Montpark Road

Freedom Park Soccer Fields
8456 Tarver Drive

The Control-Link system will allow staff to enter scheduling information, as well as control and monitor athletic field lights from anywhere, via the web or a smart phone. The system will help prevent lights from being left on by accident or staff traveling from field to field to physically turn lights on and off for rentals. The automated scheduling system will also result in a reduction in energy consumption and operating costs.

This system is currently installed at the Mean Joe Green Football Field, the baseball fields in Scott & White Park, and will be in operation at Crossroads Park when it opens.

BuyBoard has awarded Musco Sports Lighting, LLC contract #512-16, which Staff is recommending using for this purchase. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for the purchase and installation of three Musco Lighting Control-Link Control Systems at Miller Park Multi-Purpose Field, West Temple Park Soccer Field, and Freedom Park Soccer Fields in the amount of \$28,275 is available as follows:

	Miller Park	West Temple Park	Freedom Park	Total
	102003	102004	102005	
	362-3500-552-6842	362-3500-552-6540	362-3500-552-6542	
Project Budget	\$ 9,425	\$ 9,425	\$ 9,425	\$ 28,275
Encumbered/Committed to Date	-	-	-	-
Musco Lighting Control System	(9,425)	(9,425)	(9,425)	(28,275)
Remaining Project Funds	\$ -	\$ -	\$ -	\$ -

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9485-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND INSTALLATION OF THREE MUSCO LIGHTING CONTROL-LINK SYSTEMS IN THE AMOUNT OF \$28,275 FROM MUSCO SPORTS LIGHTING, LLC OF OSKALOOSA, IOWA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Control-Link system will allow Staff to enter scheduling information, as well as control and monitor athletic field lighting from anywhere, via the web or a smart phone;

Whereas, this system will help prevent lights from being left on by accident or the need for Staff to travel from field to field to physically turn lights on and off for rentals – the automated scheduling system will also result in a reduction in energy consumption and operating costs;

Whereas, this system is currently installed at the Mean Joe Green Football Field, the baseball fields in Scott & White Park, and will be in operation at Crossroads Park when it opens;

Whereas, Staff recommends Council authorize the purchase and installation of three Control-Link lighting systems utilizing a BuyBoard Local Government Online Purchasing Cooperative contract - purchases made through the BuyBoard meet the City's competitive bid requirements;

Whereas, the lighting systems will be installed at the following locations:

- Miller Park Multi-Purpose Field
1919 North 1st Street
- West Temple Park Soccer Field
121 Montpark Road
- Freedom Park Soccer Fields
8456 Tarver Drive

Whereas, funding for the purchase and installation is available in the following accounts:

- Miller Park – Account No. 362-3500-552-6842, Project No. 102003
- West Temple Park – Account No. 362-3500-552-6540, Project No. 102004;
- Freedom Park – Account No. 362-3500-552-6542, Project No. 102005; and

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

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

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

Part 2: The City Council authorizes the purchase and installation of three Musco Lighting Control Link Systems in the amount of \$28,275 from Musco Lighting, LLC of Oskaloosa, Iowa and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents which may be necessary for this purchase.

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

PASSED AND APPROVED this the 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

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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P. E., Public Works Director
Damon B. Boniface, Utility Director

ITEM DESCRIPTION: Consider authorizing payment of the TCEQ Water System fee to the Texas Commission on Environmental Quality for operations of Temple's water treatment plant in the amount of \$83,349.

STAFF RECOMMENDATION: Recommend payment of TCEQ fees as presented in item discussion.

ITEM SUMMARY: The Texas Commission on Environmental Quality (TCEQ) requires Public Water Systems within the State of Texas to pay a Water System Fee for services provided by the commission to public water systems annually, as outlined in 30 TAC Chapter 290.51. This fee provides for general revenue in support on TCEQ's public water systems activities.

This year, the TCEQ Water System Fee associated with permitted operations of the City's water treatment plant operation is \$83,349. Payment of this fee is due within 30 days of receipt of the invoice, and must be paid promptly.

FISCAL IMPACT: Funding is available in the FY 2019 Operating Budget in the amount of \$83,349 in account 520-5100-535-2616 to pay the TCEQ Water System Fee.

ATTACHMENTS:

[TCEQ Water System Fee Invoice](#)
[Resolution](#)

DETACH BOTTOM PORTION AND RETURN ORIGINAL COUPON WITH PAYMENT

PAGE 1


ACCOUNT NO.				INCLUDES PAYMENTS THROUGH:		COLL COST RECOVERY		LATE FEES		BALANCE DUE	
90140005				NOV01, 18		0.00		0.00		83,349.00	
INVOICE DATE		INVOICE NO.									

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	BALANCE
NOV30, 18	PHS0178153	REG_NUMBER 0140005 FY19 WATER SYSTEM FEE	83,349.00	83,349.00
RECEIVED NOV 15 2018 PURCHASING CITY OF TEMPLE, TX				

This fee is based on data reported from the last inspection. Please call 512-239-4691 for assistance with the calculation of your fee.

83,349.00

See REVERSE SIDE for Explanation of Charges and TCEQ Contact Telephone Numbers.

PLEASE PAY THIS AMOUNT 
INCLUDE ACCOUNT NUMBER ON CHECK

TCEQ VIPP Form AR41A 02-17-2011

NOV01,18

**DETACH THIS PORTION AND RETURN WITH
CHECK OR MONEY ORDER PAYABLE TO:**



**TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

CITY OF TEMPLE

3210 E AVENUE H BLDG C
TEMPLE TX 76501-8402

ACCOUNT NO.	BALANCE DUE
90140005	83,349.00

☐ CHECK HERE IF YOUR ADDRESS HAS CHANGED.
PLEASE INDICATE ADDRESS CHANGE ON BACK

**INVOICES NOT PAID WITHIN
30 DAYS OF INVOICE DATE WILL
ACCRUE PENALTIES**

0090140005 1533367 00083349001231180

RESOLUTION NO. 2018-9486-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF THE TCEQ WATER SYSTEM FEE, IN THE AMOUNT OF \$83,349, TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, FOR OPERATIONS OF TEMPLE'S WATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality (TCEQ) requires public water systems within the State of Texas to pay a water system fee for services provided by the Commission to public water systems annually, as outlined in 30 TAC Chapter 290.51 – this fee provides for general revenue in support of TCEQ's public water system activities;

Whereas, this year, the TCEQ Water System Fee associated with permitted operations of the City's water treatment plant is \$83,349 and is due within 30 days of receipt of the invoice;

Whereas, funds for this payment are available in the fiscal year 2018 operating budget in Account No. 520-5100-535-2616; 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 payment of the TCEQ Water System fee in the amount of \$83,359, to the Texas Commission on Environmental Quality for operations of Temple's water treatment plant.

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 **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

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DEPT. /DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the submission of a matching grant application for the funding from the National Recreational Trails Fund through Texas Parks and Wildlife, in an amount not to exceed \$98,400.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas Parks and Wildlife (TPWD) administers the National Recreational Trails Fund in Texas under the approval of the Federal Highway Administration (FHWA). This federally funded program receives its funding from a portion of federal gas taxes paid on fuel used in non-highway recreational vehicles. These reimbursable grants can be up to 80% of project cost with a maximum of \$200,000 for non-motorized trail grants. Funds can be spent on both motorized and non-motorized recreational trail projects such as the construction of new recreational trails, to improve existing trails, to develop trailheads or trailside facilities, and to acquire trail corridors.

Several examples of projects funded by this grant within the City of Temple are the existing portions of Friar's Creek Nature Trail and The Charley Stout Nature Trail in Lions Park.

This project will extend the current end point of the trail near Marlandwood Road north by .40 miles to near Loop 363. The total project is estimated at \$123,000 with the City contributing \$24,600. The grant will fund \$98,400, which is reimbursed to the City through the grant funding process.

Staff believes the proposed project achieves the following:

- Continues the Trails Master Plan vision for connectivity
- Accomplishes the Strategic Plan areas of focus:
 - Grows the Transportation Infrastructure: Offer a variety of choice in modes of transit – develop new existing pedestrian and bicycle amenities throughout the city
 - Grows community enhancements: Enhanced image and identity for Temple
 - public beautification efforts along Temple's greenways
 - Invest in parks and facilitates that enhance community wellness, quality of place, and community amenities
- Vision for multi-modal transportation (bicycle and pedestrian)

The project scope includes the following:

- Extension of the existing Friar's Creek Trail to cover an additional .4 miles
- Construction of a 8' wide trail
- Benches, trash cans, bike racks, dog waste stations, a water fountain and interpretive signage
- Design associated fees

All private property owns along the trail route have fully committed to providing trail easements and are huge advocates of both the existing portion of the trail and its extension.

FISCAL IMPACT Total estimated project construction cost is not to exceed \$123,000. Program guidelines provide a maximum reimbursement of 80%, with the City providing a minimum match of 20%. If awarded the grant, \$98,400 (80%) will be reimbursed by the program with the city providing the remaining \$24,600 match (20%). Funding is available for the City's match in account 365-3400-531-6315, project 101855.

ATTACHMENTS:

[Map of Friar's Creek Trail proposed extension](#)
[Resolution](#)



**Proposed Trail
Extension**

TEMPLE QUADRANGLE
TEXAS-BELL CO.
7.5-MINUTE SERIES

RESOLUTION NO. 2018-9487-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A MATCHING GRANT FOR FUNDING FROM THE NATIONAL RECREATIONAL TRAILS FUND OF THE TEXAS PARKS AND WILDLIFE, IN AN AMOUNT NOT TO EXCEED \$98,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas Parks and Wildlife Department (“TPWD”) administers the National Recreational Trails Fund in Texas under the approval of the Federal Highway Administration - this federally funded program receives its funding from a portion of federal gas taxes paid on fuel used in non-highway recreational vehicles;

Whereas, these reimbursable grants can be up to 80% of project costs with a maximum of \$200,000 for non-motorized trail grants – grant funds can be spent on both motorized and non-motorized recreational trail projects such as the construction of new recreational trails, improve existing trails, develop trailheads or trailside facilities, and to acquire trail corridors;

Whereas, examples of projects funded by this grant within the City of Temple are the existing portions of Friar’s Creek Nature Trail and the Charley Stout Nature Trail in Lions Park;

Whereas, the proposed project will extend the current end point of the trail near Marlandwood Road north by .40 miles to near Loop 363 – the total project is estimated at \$123,000 with the City contributing \$24,600;

Whereas, this grant will fund \$98,400, which is reimbursed to the City through the grant funding process;

Whereas, Staff believes the proposed project achieves the following:

- continues the Trails Master Plan vision for connectivity;
- accomplishes the Strategic Plan areas of focus:
 - grows the Transportation Infrastructure: offers a variety of choice in modes of transit and develops new existing pedestrian and bicycle amenities throughout the city;
 - grows community enhancements: enhanced image and identity for Temple
 - public beautification efforts along Temple’s greenways;
 - investing in parks and facilitates that enhance community wellness, qualify of place, and community amenities;
- vision for multi-modal transportation (bicycle and pedestrian);

Whereas, the project scope includes the following:

- extension of the existing Friar’s Creek Trail to cover an additional .4 miles;
- construction of an 8-inch wide trail;
- benches, trash cans, bike racks, dog waste stations, a water fountain and interpretive signage; and
- design associated fees;

Whereas, all private property owned along the trail route has fully committed to providing trail easements and advocate for the existing portion of the trail and its extension;

Whereas, Staff recommends Council authorize the submission of a matching grant application for the funding from the National Recreational Trails Fund through Texas Parks and Wildlife under the approval of the Federal Highway Administration in an amount not to exceed \$98,400, with a City match not expected to exceed \$24,600 (20%);

Whereas, the total estimated project construction cost is not to exceed \$123,000 - program guidelines provide a maximum reimbursement of 80%, with the City providing a minimum match of 20%;

Whereas, if awarded the grant, \$98,400 (80%) will be reimbursed by the program with the City providing the remaining \$24,600 match (20%) - funding is available for the City's match in Account No. 365-3400-531-6315, Project No. 101855; 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 submission of a matching grant application for funding from the National Recreational Trails Fund through Texas Parks and Wildlife under the approval of the Federal Highway Administration in an amount not to exceed \$98,400, with a City match not expected to exceed \$24,600 (20%).

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 apply for this grant, and accept any funds that may be received for this grant.

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

PASSED AND APPROVED this the **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

12/20/18
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – FINAL 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

12/20/18
Item #4(W)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTIONS: SECOND READING – FINAL 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.



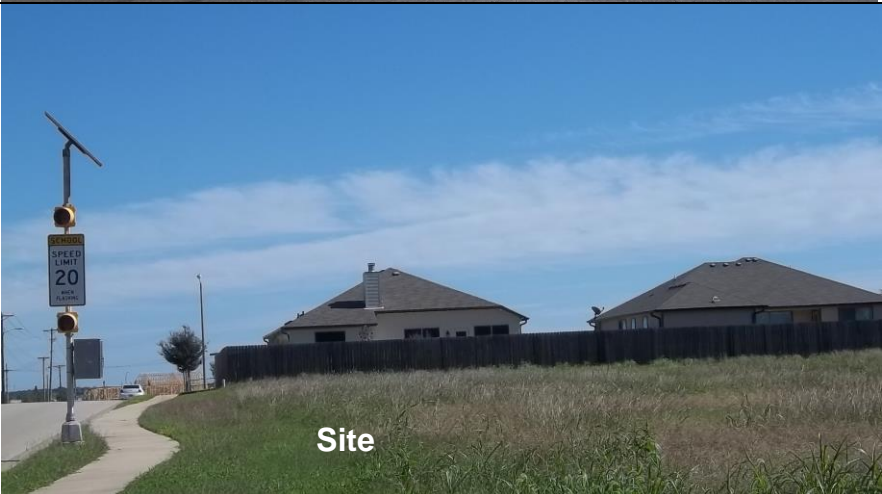
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

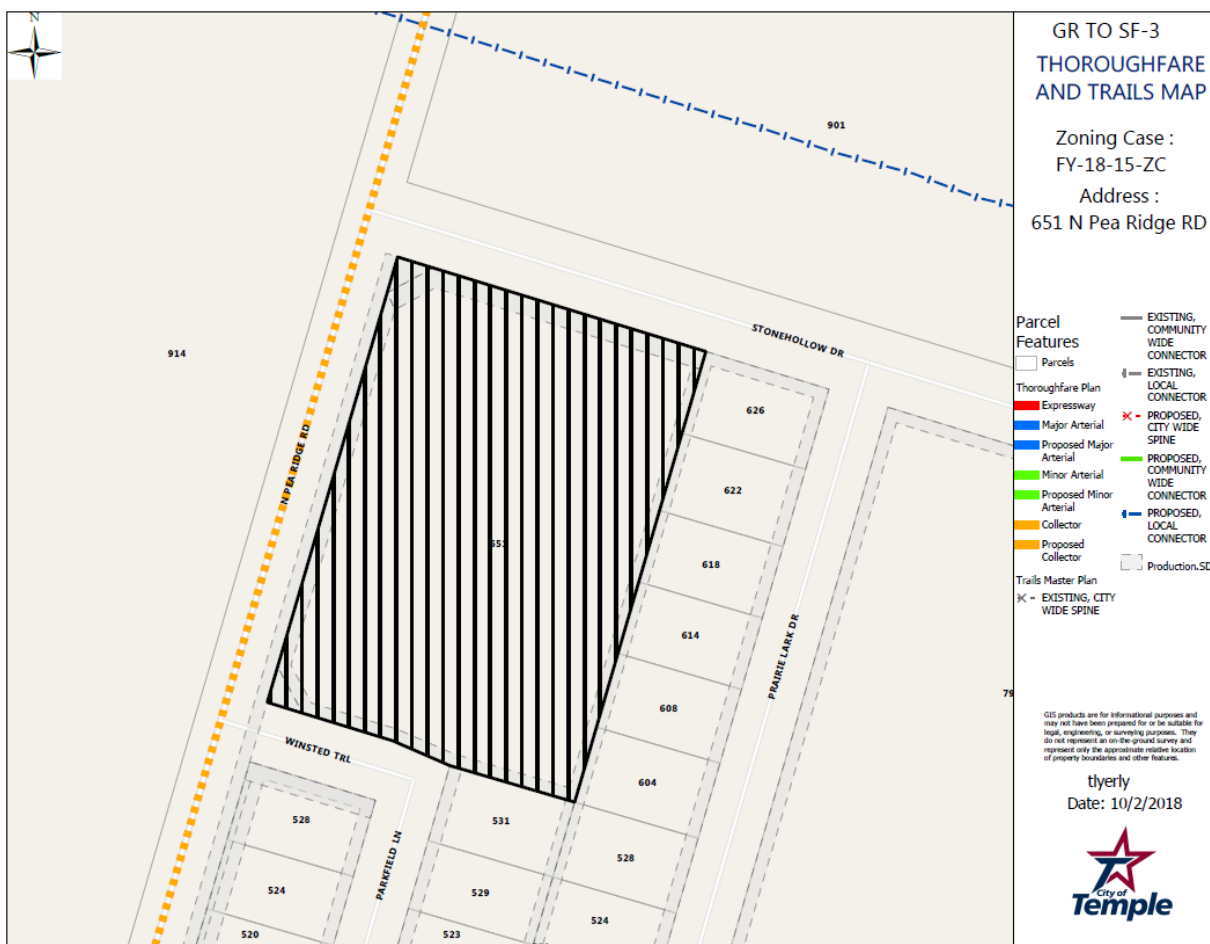
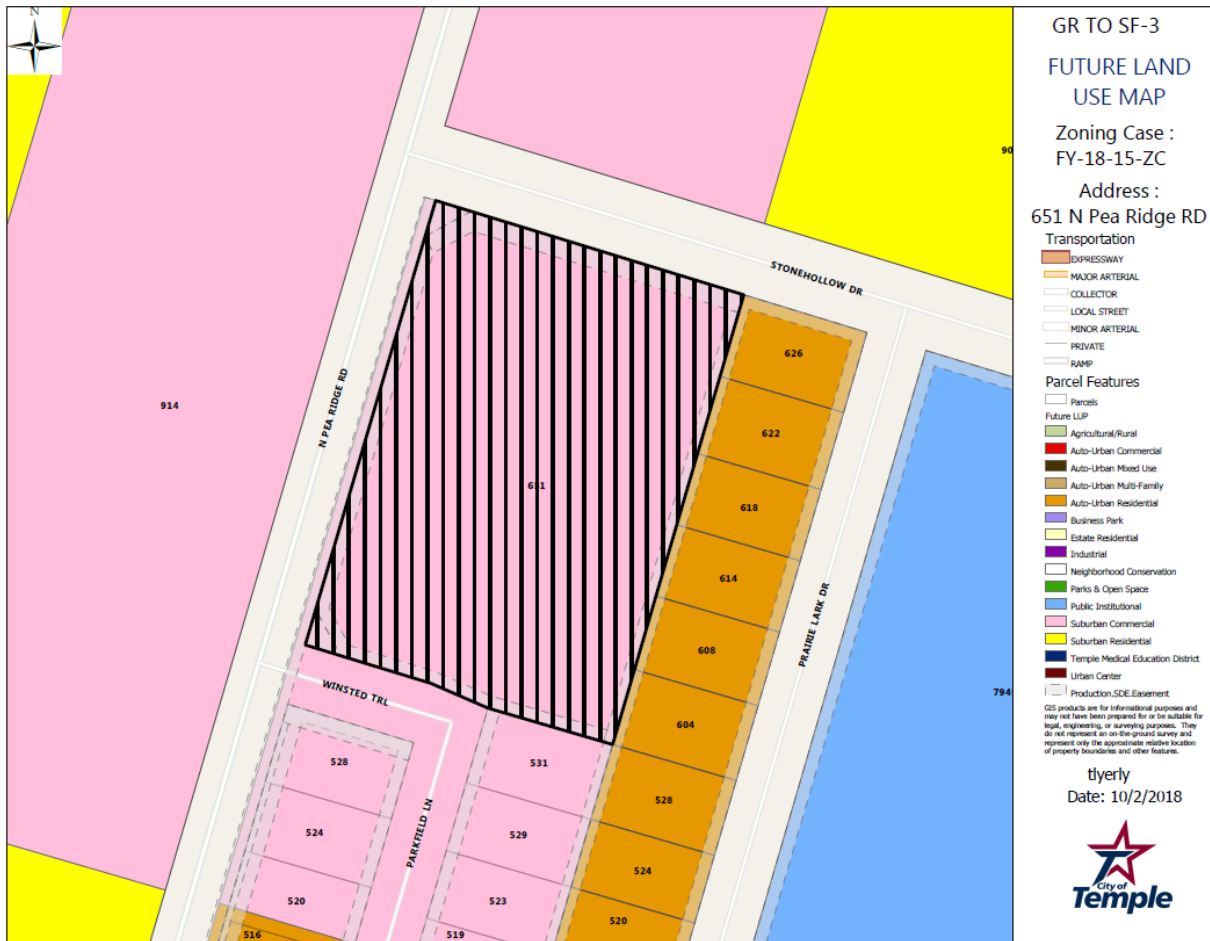
Site and Surrounding Property Photos
Location map with Aerial
Zoning Map
Future Land Use and Character Map
Thoroughfare Map
Utility Map
Notification Map
Development Regulations
Surrounding Property and Uses
Comprehensive Plan Compliance
Property Owners Notification Response Letters
Ordinance

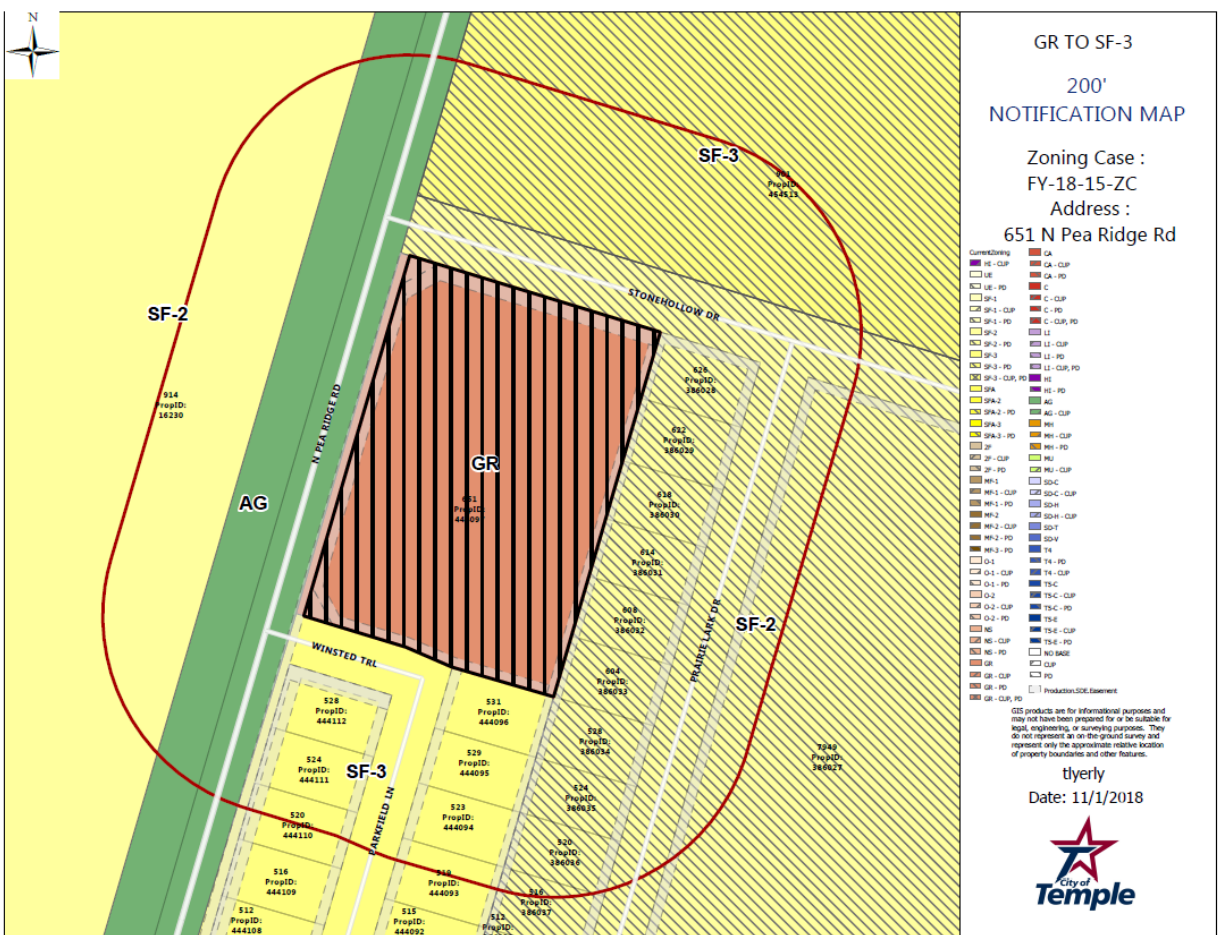
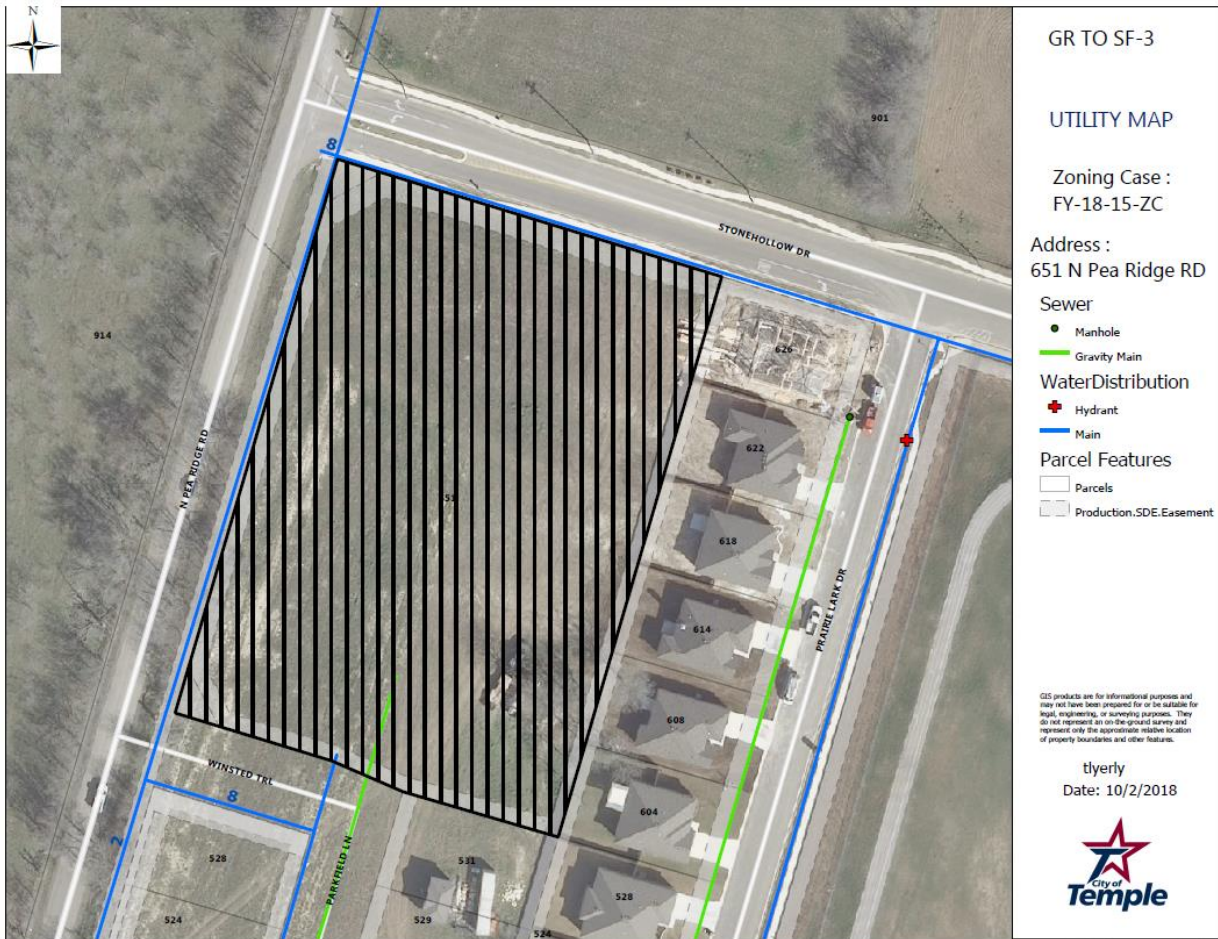
SURROUNDING PROPERTY AND USES:

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	





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:

D Ross
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

12/20/18
Item #4(X)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND READING - FINAL 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

WaterDistribution

- ✚ Hydrant
- Main

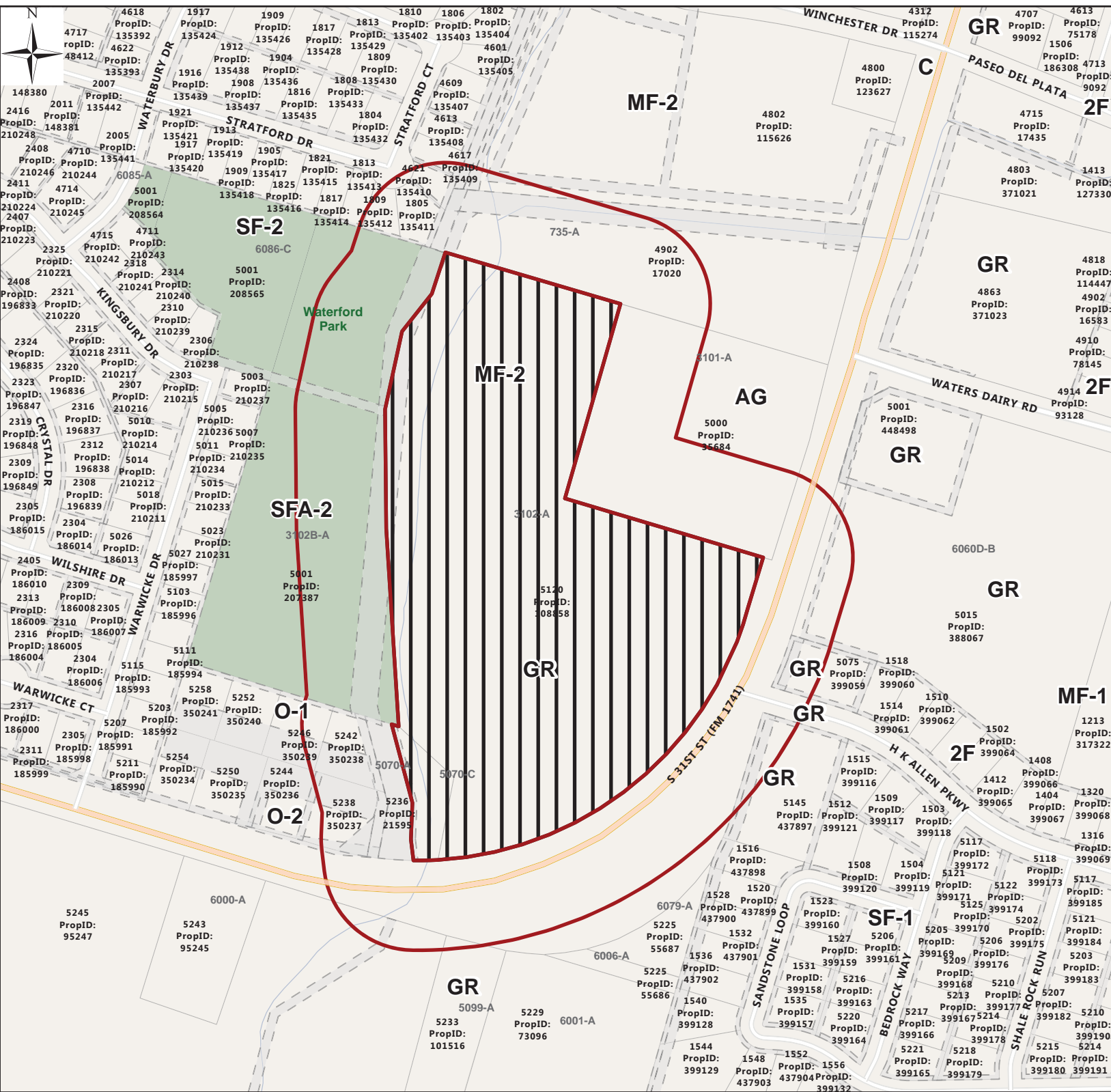
Parcel Features

- 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.

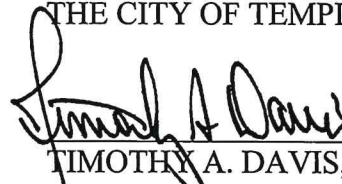
ATTEST:



Lacy Borgeson
City Secretary




THE CITY OF TEMPLE, TEXAS



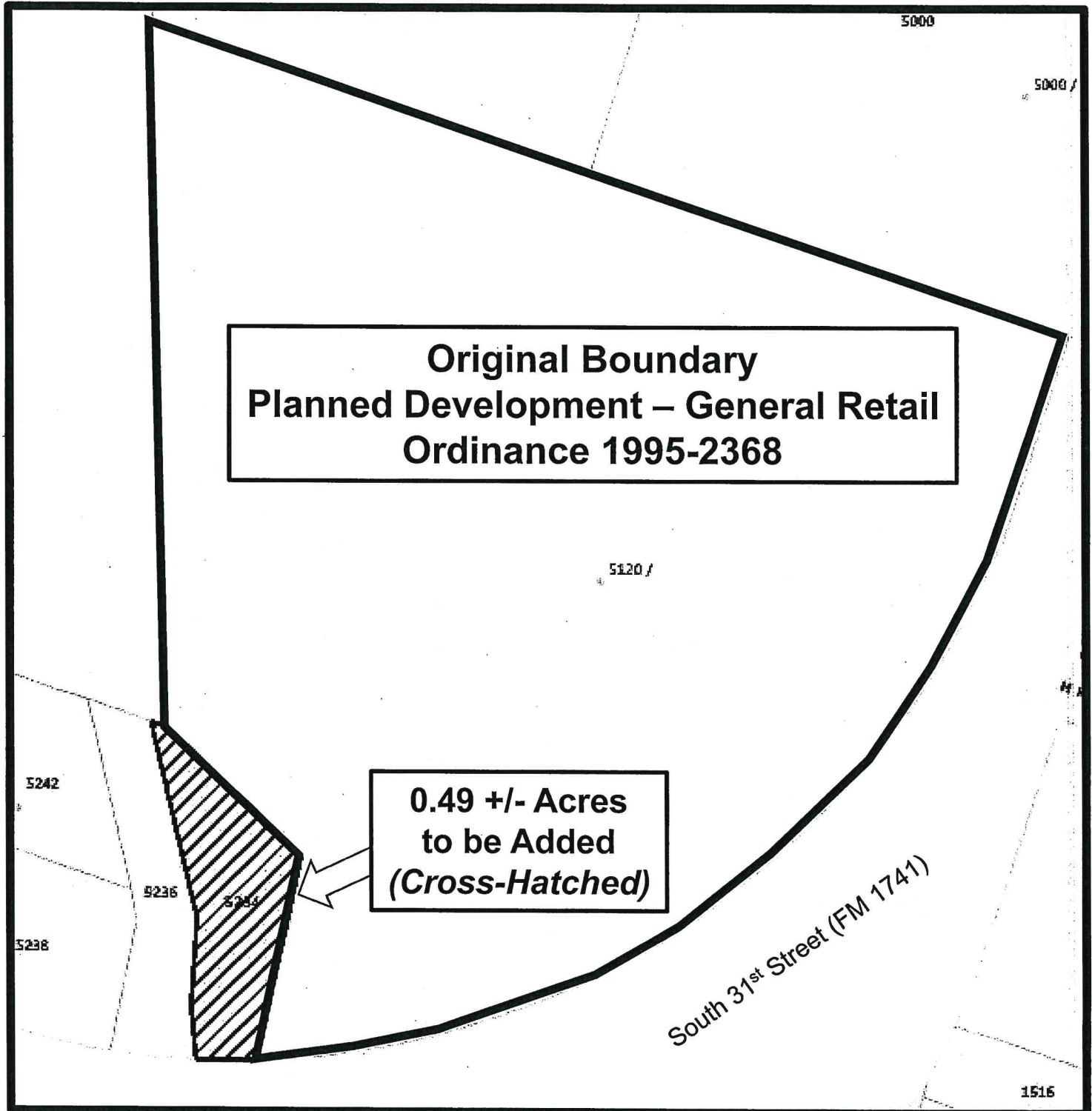
TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:



Kayla Landeros
City Attorney

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

VW, 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

12/20/18
Item #4(Y)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND READING – FINAL 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:

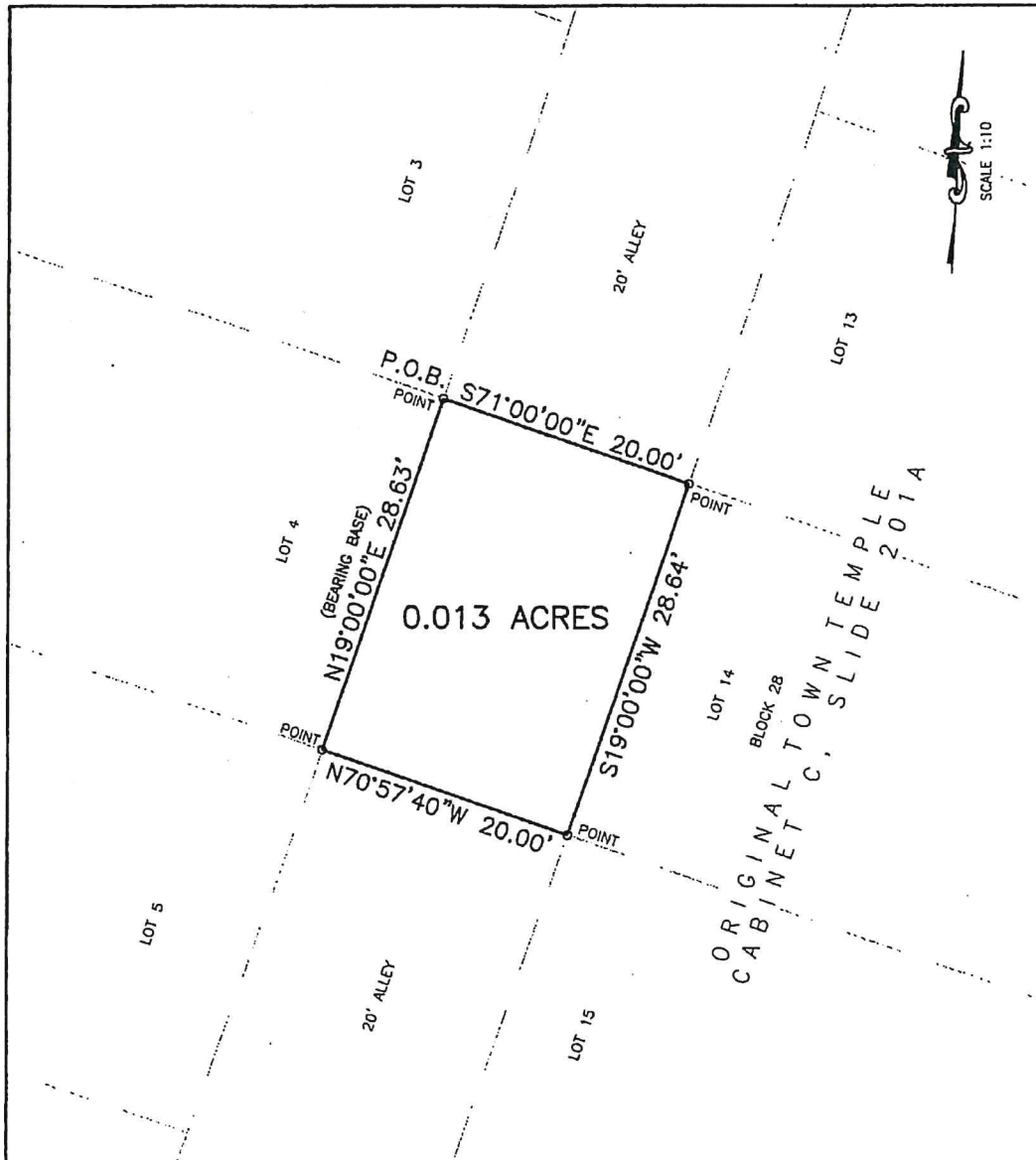
[Surveys of Abandonments & Field Notes \(Exhibit A\)](#)

[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;

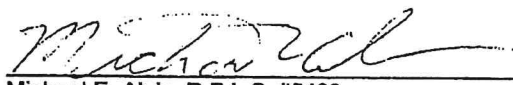
THENCE S. 71° 00' 00" E., 20.00 feet departing the said Lot 4 and the said Lot 3 and the said west boundary line and over and across the said twenty feet wide alley to a point being in the east boundary line of the said twenty feet wide alley and being the evidenced northwest corner of Lot 14, said Block 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;

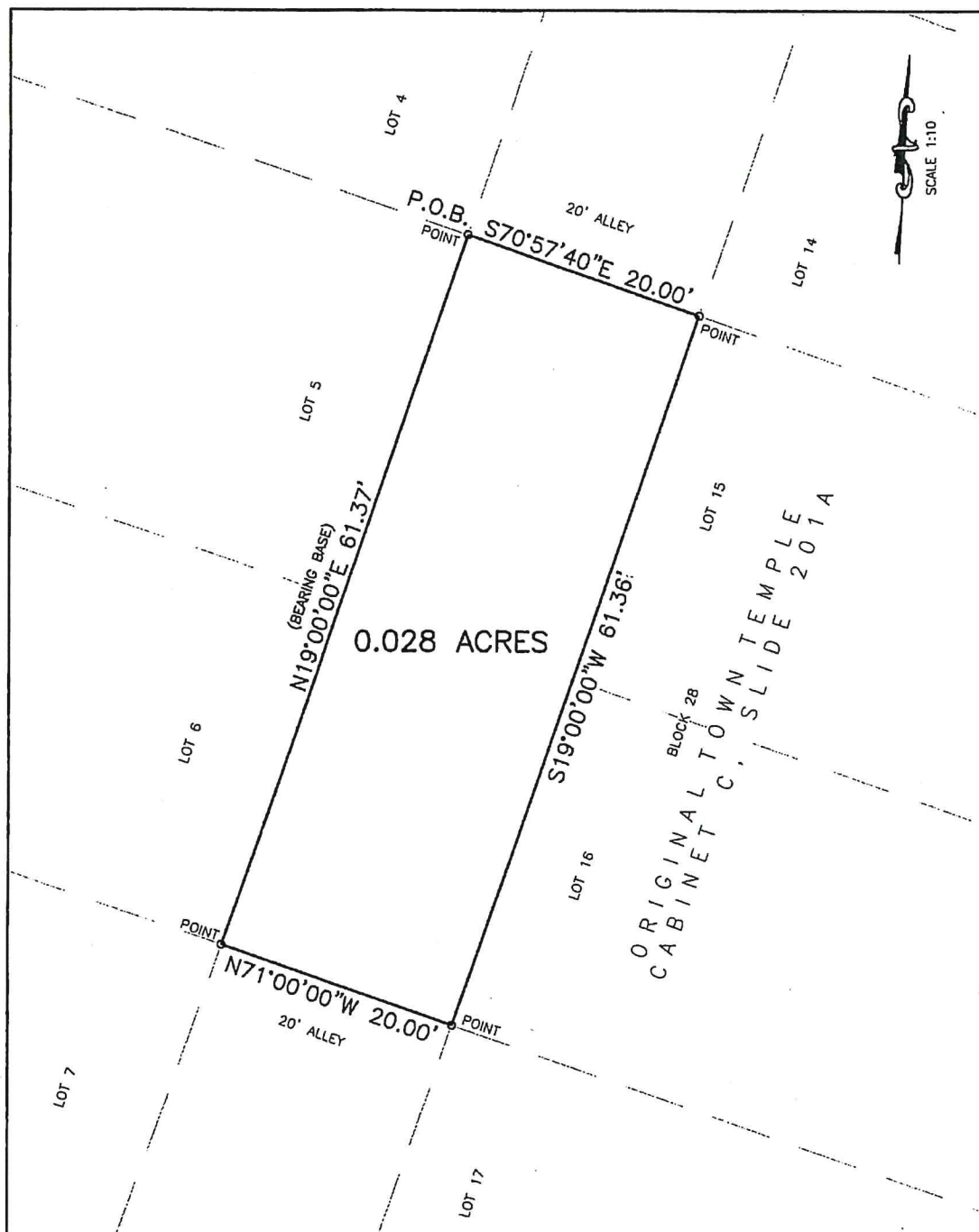
THENCE N. 70° 57' 40" W., 20.00 feet departing the said east boundary line and the said Lot 14, Block 28 and the said Lot 15, Block 28 and over and across the said twenty feet wide alley to a point being in the west boundary line of the said twenty feet wide alley and being the evidenced southeast corner 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. 10058000

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.

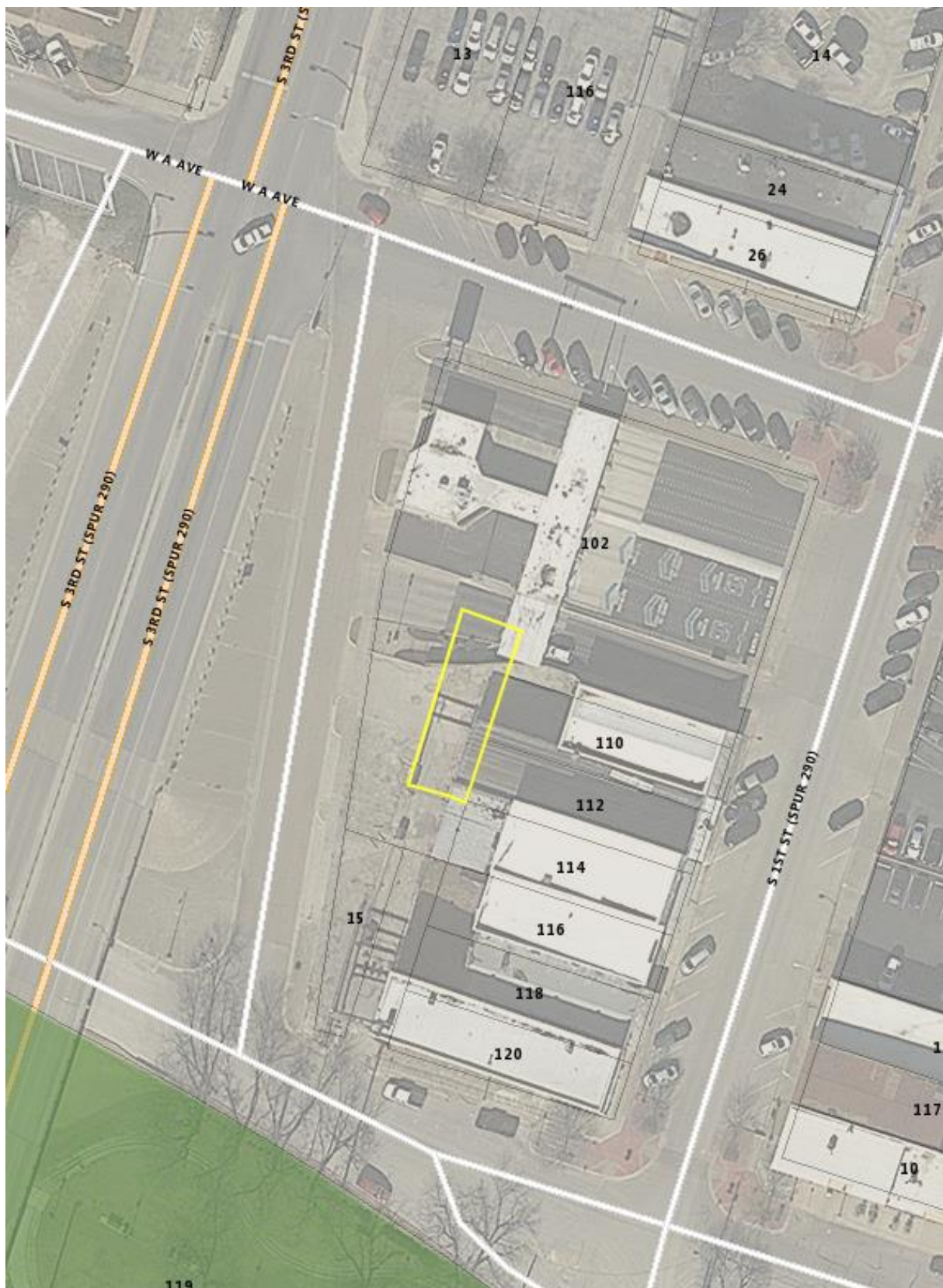
I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

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:



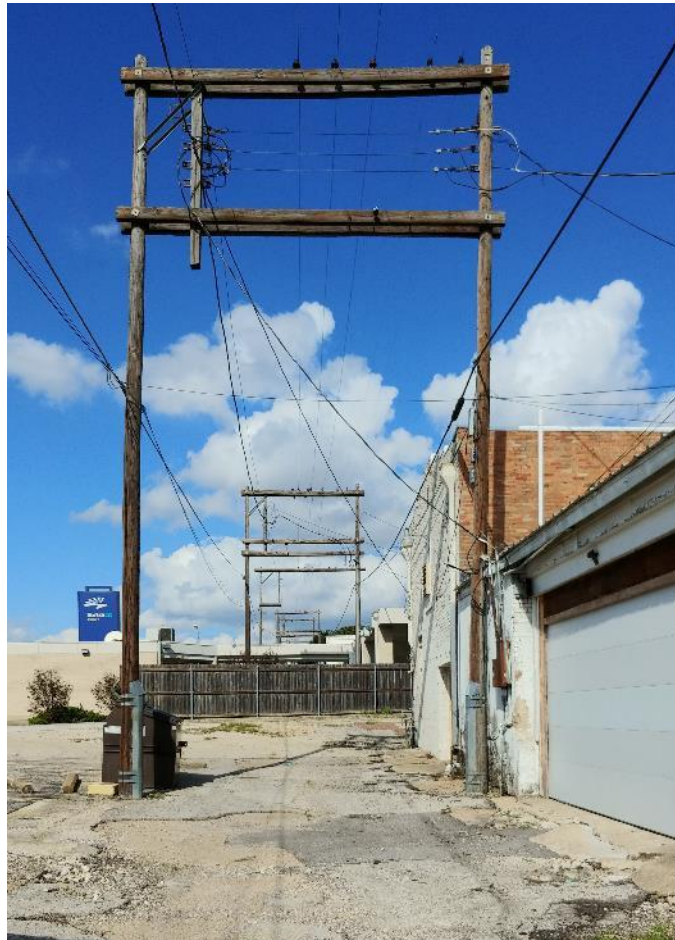
View facing northeast:



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

12/20/18
Item #4(Z)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: SECOND READING – FINAL 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

12/20/18
Item #4(AA)
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 \$130,347.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
December 20, 2018

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-0000-461-0830		Other / Park Developer Fees - Alta Vista III	\$ 21,825	
110-3500-552-6332	101819	Capital Buildings & Grounds / Park Fee Expenditures - South Temple Park Restrooms		\$ 21,825
110-3500-552-6332	101819	Capital Buildings & Grounds / Park Fee Expenditures - South Temple Park Restrooms	\$ 21,825	
110-0000-461-0830		Other / Park Developer Fees - Legacy Ranch II		\$ 21,825
To reappropriate Park Developer Fees between Alta Vista III and Legacy Ranch II for the South Temple Park Restrooms project.				
110-3500-552-6332	101996	Capital Buildings & Grounds / Park Fee Expenditures - Alta Vista Park	\$ 76,950	
110-0000-461-0830		Other Park Developer Fess - Alta Vista II		\$ 55,125
110-0000-461-0830		Other Park Developer Fess - Alta Vista III		\$ 21,825
To appropriate Park Developer Fess from Alta Vista II & Alta Vista III for development of Alta Vista Park within the Alta Vista neighborhood.				
110-4000-555-2128		Supplies / Postage	\$ 3,000	
110-4000-555-2110		Supplies / Office Supplies	\$ 2,220	
110-0000-431-0163		Federal Grants / Federal Grants		\$ 5,220
To appropriate revenue and expenditure related to the grant received from the Texas State Library and Archives Commission through the Inter-Library Loan Program.				
110-2033-521-2516		Other Services / Judgments & Damages	\$ 1,227	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 1,227
To appropriate insurance proceeds from TML for damages to asset 14292 that occurred on 11/02/18.				
110-2011-521-2514		Other Services / Travel & Training	\$ 3,300	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 3,300
To appropriate revenue and expenditure related to donation received from Temple Business League to send an officer to the ILEA School of Police Supervision.				
TOTAL AMENDMENTS			\$ 130,347	\$ 130,347
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 20, 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. 2018-9488-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 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

12/20/18
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing deductive change order #5 with Bell Contractors, Inc. of Belton, for construction of the Jackson Park Wastewater Line Improvements, in the amount of \$49,517.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In January 2016, Council authorized a professional services agreement with Clark & Fuller, PLLC, to develop wastewater improvements near Jackson Park, located north of downtown. The Public Works Utility Services Division identified specific aging and failing wastewater lines on the south side of the park for replacement (See Attached Project Map). In May 2016, contract amendment #1 was approved in the amount of \$3,985. In November 2016, contract amendment #2 was approved in the amount of \$23,141.25 to add the replacement of undersized water lines to the scope of the project.

In April 2017, Council authorized a construction contract with Bell for \$1,195,345.20 for improvements mentioned above. In April 2018, contract amendment #3 was approved in the amount of \$24,615.84 to add additional wastewater improvements to the scope of the project. In the same month, change order #1 was approved in the amount of \$ 8,400. In June 2018, Council authorized change order #2 in the amount of \$194,532.14 for additional wastewater improvements. Change orders #3 and #4 extended the contractual end date due to field explorations and inclement weather.

The attached change order #5 represents final quantities not used for the project. The associated costs, along with previous change orders, will decrease the contract price to \$1,348,760.34, a net 12.8% increase of the original contract amount. Clark & Fuller recommends the change order in their attached letter.

FISCAL IMPACT: The deductive change order #5 with Bell Contractors, Inc in the amount of \$49,517 related to the construction of the Jackson Park Wastewater Line Improvements will be recognized in project 101476 as follows:

	<u>520-5900-535-6361</u>	<u>561-5400-535-6970</u>	
Project Budget	\$ 1,197,296	\$ 498,747	\$ 1,696,043
Encumbered/Committed to Date	(1,197,048)	(498,747)	(1,695,795)
Bell Contractors Change Order #5	46,252	3,265	49,517
Remaining Project Funds	\$ 46,500	\$ 3,265	\$ 49,765

ATTACHMENTS:

Engineer's Recommendation Letter
Project Map
Change Order Form
Resolution



215 North Main Street
Temple, Texas 76501
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

December 4, 2018

City of Temple
Sharon Carlos, P.E.
3210 E. Ave H, Bldg A
Temple, Texas 76501

Re: City of Temple Wastewater Line Improvements Project - Change Order 5

Dear Ms. Carlos,

On December 4th Change Order No. 5 was submitted for City of Temple Wastewater Line Improvements Project. The amount of Change Order No. 5 is in the amount of (\$49,517.00). This will authorize the return of these funds to the City of Temple for the following items not used during construction.

DEDUCT

Item #19 – Line “A” Sta. 7+63.73, the new manhole was removed from the scope of construction due to existing field conditions which negated the need for a manhole at this location. Line “G” Sta. 10+79.58, the new manhole was removed from the scope of construction because the existing line in that location was replaced in a different City of Temple improvements project.

Item #21 – Line “D” Sta. 0+00.00, the existing manhole was deemed to have been installed recently and in good shape.

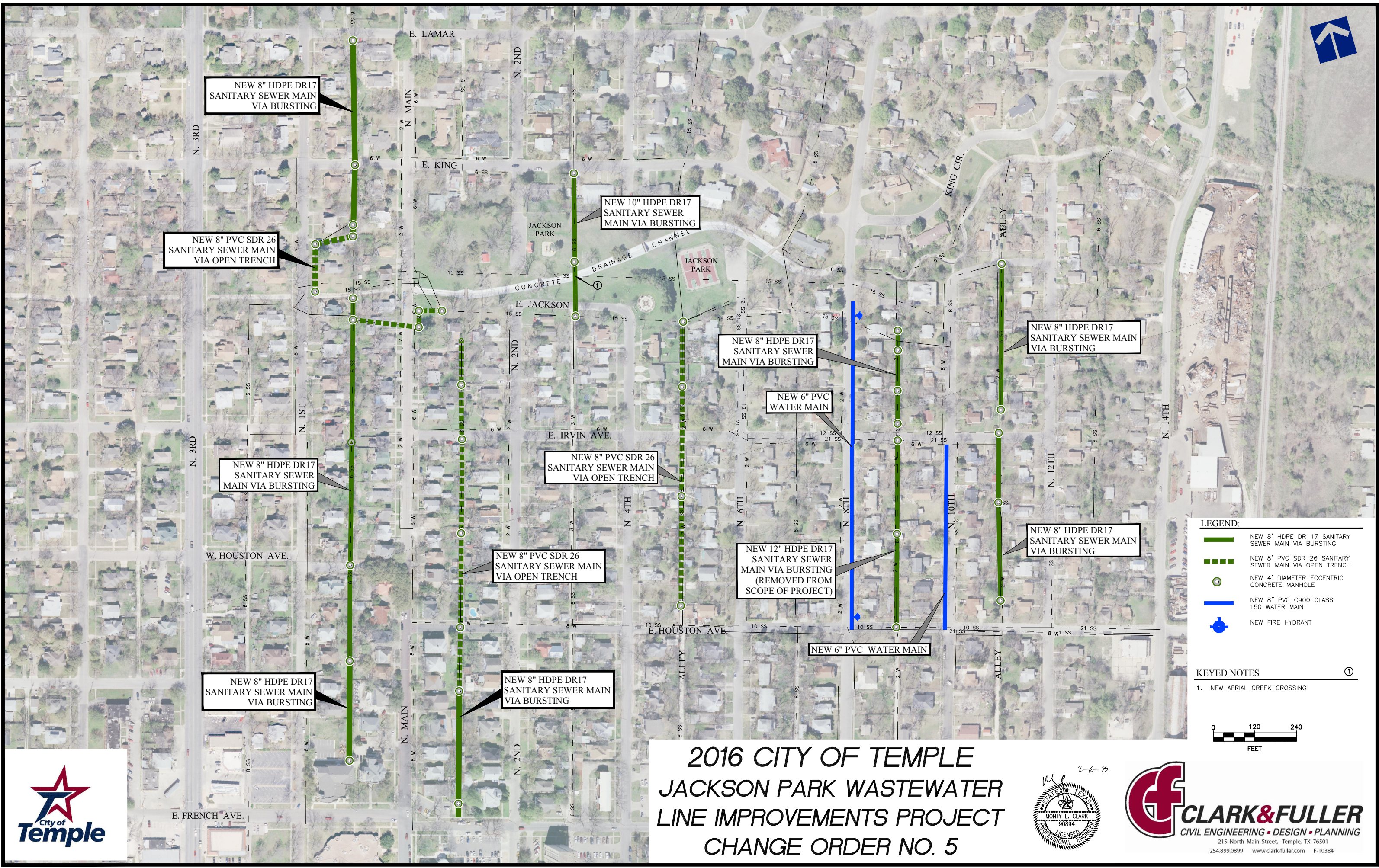
Item #24 – Line “F” Sta. 0+00.00 to Sta. 3+00.48, field investigation discovered the existing sewer main had been previously replaced and it was unnecessary to install new pipe in this location.

It is the engineer’s opinion to authorize this change order. The project has been completed and accepted by the City at this time.

Sincerely,

Monty Clark, P.E., CPESC



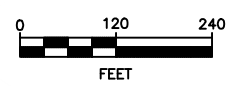


LEGEND:

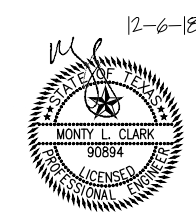
- NEW 8" HDPE DR 17 SANITARY SEWER MAIN VIA BURSTING
- NEW 8" PVC SDR 26 SANITARY SEWER MAIN VIA OPEN TRENCH
- NEW 4" DIAMETER ECCENTRIC CONCRETE MANHOLE
- NEW 8" PVC C900 CLASS 150 WATER MAIN
- NEW FIRE HYDRANT

KEYED NOTES

1. NEW AERIAL CREEK CROSSING



2016 CITY OF TEMPLE JACKSON PARK WASTEWATER LINE IMPROVEMENTS PROJECT CHANGE ORDER NO. 5



CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76501
254.899.0899 www.clark-fuller.com F-10384

CHANGE ORDER

PROJECT: City of Temple Jackson Park Wastewater Line Improvements Project
OWNER: City of Temple
CONTRACTOR: Bell Contractors, Inc.
ENGINEER: Clark & Fuller, PLLC
CHANGE ORDER #: Five (5)

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

ITEM #:


Deduct: Contractor Item

#19	2 EA - 4' Dia. Precast Concrete	(\$ 6,400.00)
#21	1 EA - 5' Dia. Precast Concrete Manhole with Watertight Lid	(\$ 5,200.00)
#24	495 LF - New 12" HDPE DR 17 Sanitary Sewer Main via bursting method	(\$ 37,917.00)
Total Deduct:		(\$ 49,517.00)


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:	\$ 1,195,345.20
Previous Net Change in Contract Amount:	\$ 202,932.14
Net Change in Contract Amount:	\$ (49,517.00)
Revised Contract Amount:	\$ 1,348,760.34
Original Contract Time:	295 Days
Previous Net Change in Contract Time:	214 Days
Net Change in Contract Time:	0 Days
Revised Contract Time:	509 Days
Original Final Completion Date:	4-3-2018
Revised Final Completion Date:	11-03-2018

Recommended by:

 DEC 6, 2018
Project Manager (City Staff) Date

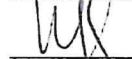
Agreed to:

 12-6-18
Contractor Date

Approved as to form:

City Attorney's Office Date

Recommended by:

 12.4.18
Architect/Engineer Date

Approved by City of Temple:

Brynn Myers, City Manager Date

Approved by Finance Department:

Finance Date

RESOLUTION NO. 2018-9489-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT WITH BELL CONTRACTORS, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$49,517, FOR CONSTRUCTION OF THE JACKSON PARK WASTEWATER LINE IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in January 2016, Council authorized a professional services agreement with Clark & Fuller, PLLC, to develop wastewater improvements near Jackson Park, located north of downtown;

Whereas, the Public Works Utility Services Division identified specific aging and failing wastewater lines on the south side of the park which require replacement - in May 2016, Contract Amendment No. 1 was approved in the amount of \$3,985, and in November 2016, Contract Amendment No. 2 was approved in the amount of \$23,141.25, to add the replacement of undersized water lines to the scope of the project;

Whereas, in April 2017, Council authorized a construction contract with Bell Contractors, Inc. of Belton, Texas in the amount of \$1,195,345.20 for improvements mentioned above - in April 2018, Contract Amendment No. 3 was approved in the amount of \$24,615.84 to add additional wastewater improvements to the scope of the project;

Whereas, that same month, Change Order No. 1 to the construction contract was approved in the amount of \$8,400, and in June 2018, Council authorized Change Order No. 2 in the amount of \$194,532.14 for additional wastewater improvements - Change Orders No. 3 and No. 4 extended the contractual end date due to field explorations and inclement weather;

Whereas, Deductive Change Order No. 5 represents final quantities not used for the project - the associated costs, along with previous change orders, will decrease the contract price to \$1,348,760.34, a net 12.8% increase of the original contract amount;

Whereas, Staff and Clark & Fuller recommend Council authorize Deductive Change Order No. 5 in the amount of \$49,517, for construction of the Jackson Park Wastewater Line Improvements;

Whereas, funding for this Deductive Change Order will be recognized in Account No. 520-5900-535-6361, Account No. 561-5400-535-6970, Project No. 101476;

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 Deductive Change Order No. 5 with Bell Contractors, Inc. of Belton, Texas in the amount of \$49,517, for construction of the Jackson Park Wastewater Line Improvements.

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

PASSED AND APPROVED this the 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

12/20/18
Item #6
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 three 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 \$456,000.

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 properties. Twenty-nine of the thirty-two properties are owned by twenty-five 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 all the properties and 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. The City has acquired four rights-of-way and is coordinating closing on one right-of-way.

With the assistance of Stateside Right of Way Services, Inc. (Stateside), the City has reached an agreement with three property owners. The three properties are whole takings and require the relocation of the owner-occupants and one tenant. Stateside conducted relocation studies to determine relocation benefits due to the occupants.

At this time, Staff is asking for authorization to purchase the three 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 \$456,000.

The addresses and Bell County Appraisal District ID Numbers of the properties are:

8817 Poison Oak Road, #100135

8809 Poison Oak Road, #2056

8803 Poison Oak Road, #98412

FISCAL IMPACT: Funding for the purchase of three 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 \$456,000 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2018-9490-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THREE PROPERTIES NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASES IN A TOTAL ESTIMATED AMOUNT OF \$456,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is 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, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping;

Whereas, the design requires the acquisition of right-of-way from 32 properties of which 29 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 other two remaining properties;

Whereas, appraisals have been conducted on all of the properties and offers have been made to those property owners based on the appraisals – for those properties requiring 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 three property owners – the three properties are whole takings and will require the relocation of the owner-occupants and one tenant;

Whereas, Staff recommends Council authorize the purchase of three properties necessary for the Poison Oak Road Expansion Project, authorize closing costs and relocation benefits associated with the purchase in a total estimated amount of \$456,000 - the three properties are located at the following addresses:

- 8817 Poison Oak Road (BelCAD ID 100135);
- 8809 Poison Oak Road (BelCAD ID 2056); and
- 8803 Poison Oak Road (BelCAD ID 98412);
-

Whereas, funding for the purchase of these properties 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 three properties necessary for the Poison Oak Road Expansion Project, ~~authorizes closing costs and relocation benefits associated with the purchases~~ in a total estimated amount of \$456,000, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of these 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 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

12/20/18
Item #7
Regular Agenda
Page 55 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FY-18-11-PLT: Consider adopting a resolution approving the Master Preliminary Plat of County View Addition, an 81.173 +/- acre, with developer-requested exceptions to Unified Development Code related to the projection of streets, and to parkland dedication, situated in the B. Stracener Survey, Abstract No. 746 and the H.B. Balch Survey, Abstract No. 9786, Bell County, Texas; located north of East Young Avenue, west of NE H.K. Dodgen Loop, and east of Lower Troy Road.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its November 19, 2018, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the Master Preliminary Plat of County View Addition with developer-requested exceptions to Unified Development Code (UDC) Section 8.2.1(D)(4)(b) related to the projection of streets and UDC Section 8.3 related to parkland dedication to allow the creation of 8.128 acres of useable green space with a decomposed granite trail of approximately 2,200 linear feet within tracts owned and maintained by the proposed Home Owners Association (HOA), with the following conditions:

1. Prior to development of the non-residential properties along Loop 363, the water main layout shall be revised to comply with the upcoming 2019 Master Plan.
2. Prior to any final plat or plan approval the drainage analysis must be revised to comply with Drainage Criteria and Design Manual requirements for detention analysis.

And subject to the attached HOA Tract Use Site Plan & Letter of Requested Exception Exhibit A and Letter of Requested Exception Exhibit B, per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the Master Preliminary Plat of County View Addition with developer-requested exceptions to Unified Development Code (UDC) Section 8.2.1(D)(4)(b) related to the projection of streets and UDC Section 8.3 related to parkland dedication to allow the creation of 8.128 acres of useable green space with a decomposed granite trail of approximately 2,200 linear feet within tracts owned and maintained by the proposed Home Owners Association (HOA), with the following conditions:

3. Prior to development of the non-residential properties along Loop 363, the water main layout shall be revised to comply with the upcoming 2019 Master Plan.
4. Prior to any final plat or plan approval the drainage analysis must be revised to comply with Drainage Criteria and Design Manual requirements for detention analysis.

And subject to the attached HOA Tract Use Site Plan & Letter of Requested Exception Exhibit A and Letter of Requested Exception Exhibit B

ITEM SUMMARY: The Development Review Committee reviewed the Master Preliminary Plat of County View Addition on May 25, 2018. It was deemed administratively complete on November 9, 2018.

The Master Preliminary Plat of County View Addition is an 81.173 +/- acre, 222-residential lot, 8-non-residential lot, 8-block, 6-tract subdivision. The proposed plat is a mix of residential and non-residential development. Proposed lots are in agreement with the property's three zoning districts, Single Family Three (SF-3), General Retail (GR), and Office Two (O-2).

The applicants request an exception to Unified Development Code (UDC) Section 8.3: Park Land Dedication to allow the creation of 8.128 acres of useable green space with a decomposed granite trail of approximately 2,200 linear feet within tracts owned and maintained by the proposed Home Owners Association (HOA) **in lieu of the required park fees of \$57,825 and/or public park land dedication of 3 acres, per UDC Section 8.3.** The developer's useable green space plan will be accessible to public right-of-way in four locations. The proposed trail will access public right-of-way in three locations and include 4 ramps with a large limestone block at each of the four ramps to serve as benches. The proposed green space will also involve filling an existing stock pond, approximately 10,000 cubic yards to create useable green space. The developer proposes trail construction to be constructed according to phased platting/construction of the subdivision. The developer's engineers estimate the total green space construction costs to be approximately \$75,000, which exceeds required park fees. **The Parks staff supports the applicant's requested exception, as detailed in the attached Letter of Requested Exception to Parkland Dedication and its HOA Tract USE Site Plan, marked as Exhibit A.**

The applicants also request an exception to UDC Section 8.2.1(D)(4)(b) relating Projection of Streets to adjacent properties. The proposed plat fronts the east right-of-way of Lower Troy Road, a Minor Arterial on the Thoroughfare Plan with two access points. And fronts the west right-of-way of NE HK Dodgen Loop (Loop 363), an Expressway, with four access points. Although the plat provides connectivity throughout the development with the creation on new local streets, as well as street projections to adjacent undeveloped properties to the north and south boundaries, it is unable to project street connections to three of the adjacent properties. **Staff supports this developer-requested exception, per the attached Letter of Requested Exception, marked as Exhibit B.**

Although Lower Troy Road is a designated Minor Arterial on the Thoroughfare Plan, it is not developed to Minor Arterial capacity. The preliminary plat provides Tract F for right-of-way dedication along Lower Troy Road.

Water will be provided to the subdivision through proposed 8-inch and 6-inch water lines. Sewer will be provided to the subdivision through 8-inch and 6-inch sanitary sewer lines. Several tracts have been provided for drainage.

The City's Engineering Department had the following conditions during the Development Review Committee (DRC) process:

1. Prior to development of the non-residential properties along Loop 363, the water main layout shall be revised to comply with the upcoming 2019 Master Plan.
2. Prior to any final plat or plan approval the drainage analysis must be revised to comply with Drainage Criteria and Design Manual requirements for detention analysis.

City Council is the final plat authority since the applicant requests exceptions to the Unified Development Code.

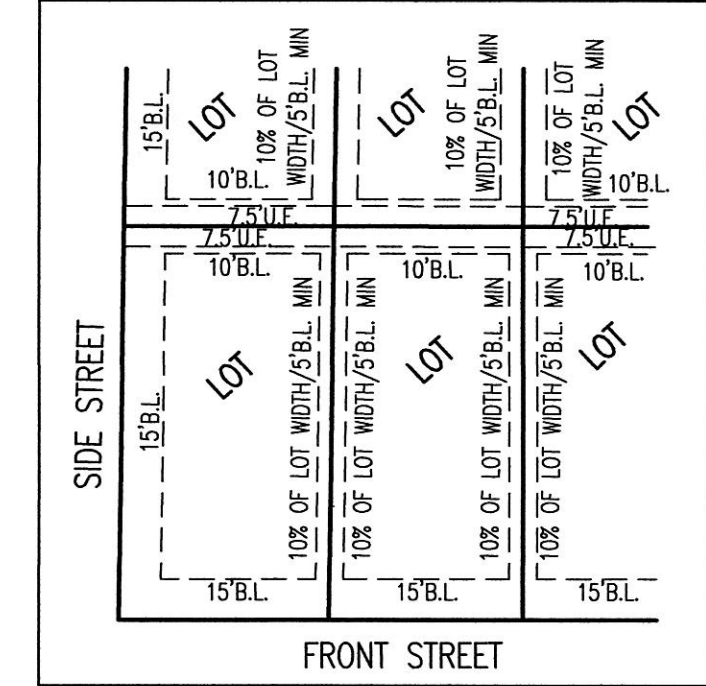
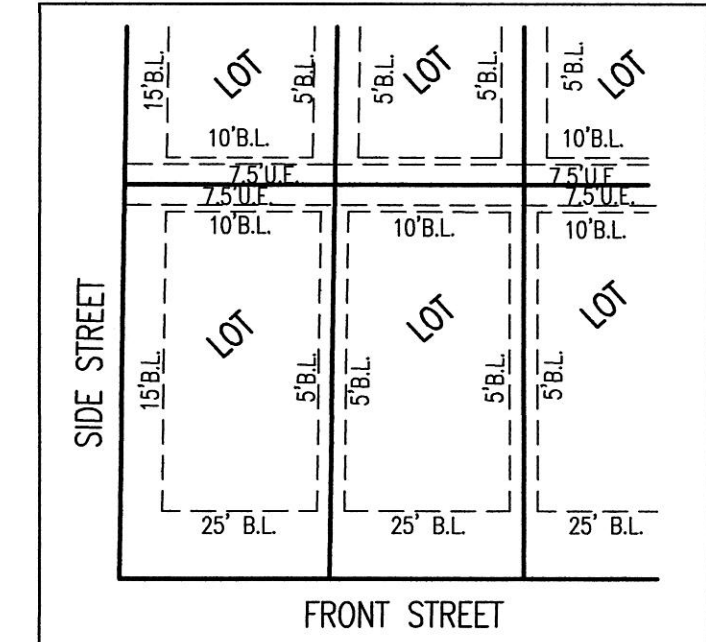
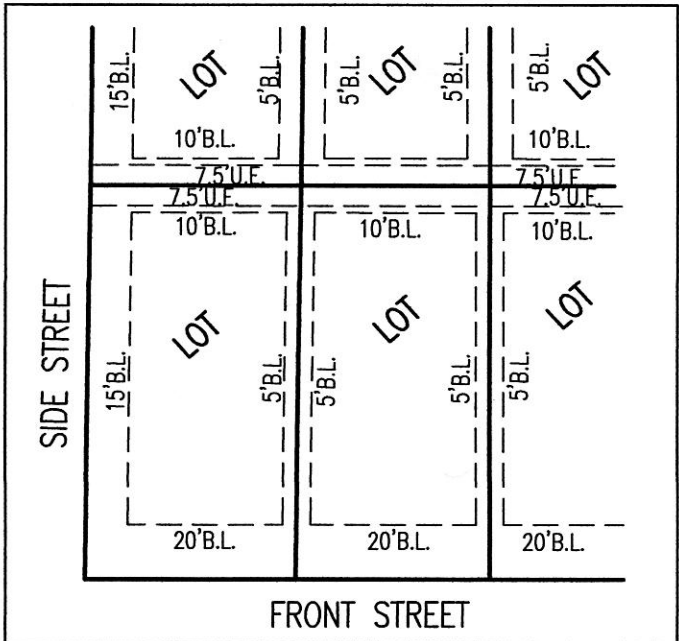
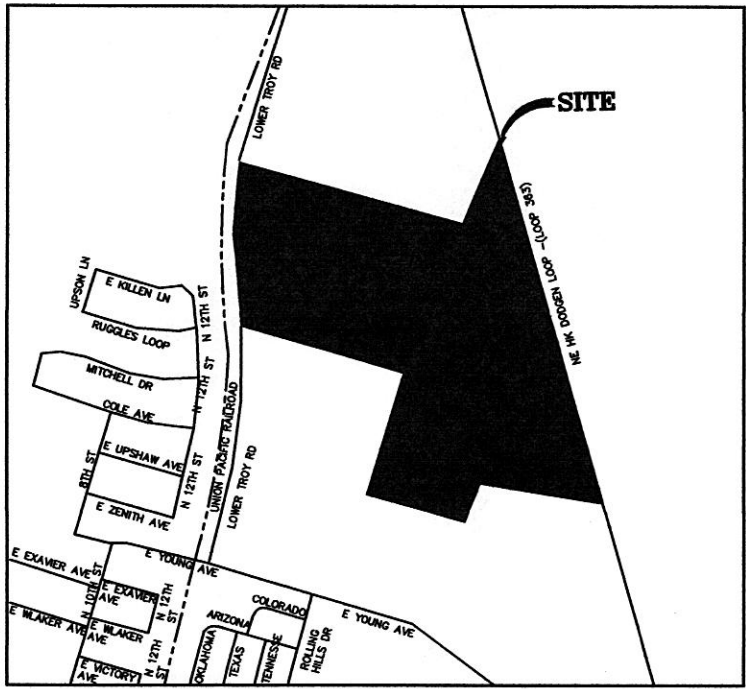
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Plat Exhibits](#)

[Exhibit A: Letter of Requested Exception and Site Plan](#)

[Exhibit B: Letter of Requested Exception
Resolution](#)



Parcel Line Table		
Line #	Length	Direction
L1	36.42	N76°01'46"W

- NOTES:
1. EXISTING ZONING: O-2, SF-3, & GR.
 2. ALL CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET, UNLESS OTHERWISE SPECIFIED.
 3. A 10' PUBLIC UTILITY EASEMENT ON THAT PORTION OF EACH LOT THAT IS CONTIGUOUS TO THE RIGHT-OF-WAY SHALL BE PART OF THIS PLAT.
 4. DRIVEWAY ACCESS IS NOT PERMITTED TO LOWER TROY RD. FROM LOT 1 BLOCK 1, LOTS 1 & 5-9 BLOCK 2, & LOT 1 BLOCK 3.
 5. ALL FUTURE SIDEWALK WILL BE CONSTRUCTED ACCORDING TO THE REQUIREMENTS OF THE CITY OF TEMPLE'S UNIFIED DEVELOPMENT CODE AND THE CITYWIDE HIKE AND BIKE TRAIL MASTER PLAN.

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 53 THE THETA ANGLE AT SAID CITY MONUMENT IS 0133'10" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852 PUBLISHED CITY COORDINATES ARE X=3239795.81 Y=10386167.12 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N175°41'E, 2606.96 FEET.

BEING A SUBDIVISION OUT OF AND A PART OF B. STRACENER SURVEY, ABSTRACT NO. 746 & H.E. BALCH SURVEY, ABSTRACT NO. 976 CITY OF TEMPLE, BELL COUNTY, TEXAS

81.173 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO THE APPLICATION FOR PLAT APPROVAL

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, THAT 3-NEX GEN DEVEL, LLC, A TEXAS LIMITED LIABILITY COMPANY, IS THE SOLE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS MASTER PRELIMINARY OF COUNTY VIEW ADDITION, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

3-NEX GEN DEVELOPMENT LLC,
A TEXAS LIMITED LIABILITY COMPANY

BY: CORY HERRING, MANAGING MEMBER

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

THE _____ DAY OF _____, 2018 BY _____

NOTARY PUBLIC

PRELIMINARY PLAT FOR INSPECTION PURPOSES ONLY

BEING A SUBDIVISION OUT OF AND A PART OF THE STRACENER SURVEY, ABSTRACT NO. 746 & H.E. BALCH SURVEY, ABSTRACT NO. 976 BOTH IN BELL COUNTY, TEXAS.

DATED THIS _____ DAY OF _____, 2018.

APPROVED FOR FINAL PREPARATION OF FINAL PLAT:

CHAIRMAN, PLANNING AND ZONING COMMISSION

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PRELIMINARY PLAT:

STATE OF TEXAS
COUNTY OF BELL

William F. Sisco
WILLIAM F. SISCO, P.E.
NO. 123121



I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

STATE OF TEXAS
COUNTY OF BELL

Michael E. Alvis
MICHAEL E. ALVIS, R.P.L.S.
NO. 5402



THIS PRELIMINARY PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY RECOMMENDED FOR APPROVAL BY SUCH COUNCIL.

DATED THIS _____ DAY OF _____, 2018

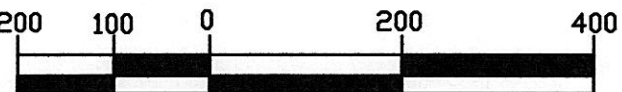
81.173 ACRES MASTER PRELIMINARY OF COUNTY VIEW ADDITION

222 RESIDENTIAL LOTS
8 NON-RESIDENTIAL LOTS

- LOTS 1-44, BLOCK 1
LOTS 1-9, BLOCK 2
LOTS 1-62, BLOCK 3
LOTS 1-17, BLOCK 4
LOTS 1-8, BLOCK 5
LOTS 1-41, BLOCK 6
LOTS 1-29, BLOCK 7
LOTS 1-20, BLOCK 8
- TRACT A - 2.790 acres
TRACT B - 2.360 acres
TRACT C - 3.590 acres
TRACT D - 3.402 acres
TRACT E - 0.132 acres
TRACT F - 0.500 acres

TRACTS A-E WILL BE OWNED & MAINTAINED BY A HOME OWNERS ASSOCIATION.

TRACT F WILL BE DEDICATED TO THE CITY OF TEMPLE FOR RIGHT-OF-WAY.



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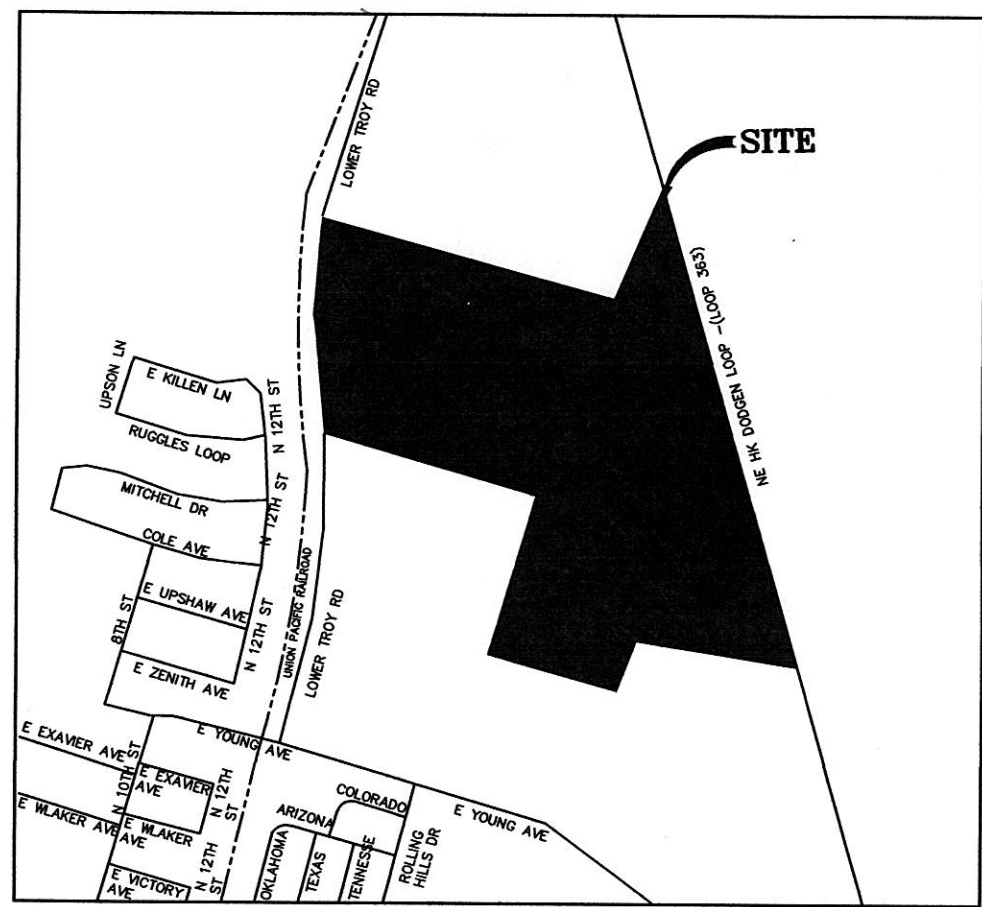
DATE	DESCRIPTION	DFTR.

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
www.turley-inc.com
301 N. 3rd St.
TEMPLE, TEXAS 76501

254.773.2400
fax 254.773.3958

DRAFTSMAN:	MRC
DESIGNER:	MRC
ENGINEER:	
DATE:	

PROJECT	PREPARED FOR: 3-NEX GEN 7348 W. ADAMS AVE TEMPLE TX 76502
FILE NAME:	PRELIMINARY PLAT-4
REF. DWG(s):	15-398
TITLE	MASTER PRELIMINARY PLAT FOR: COUNTY VIEW ADDITION B. STRACENER SURVEY, ABSTRACT NO. 746 & H.E. BALCH SURVEY, ABSTRACT NO. 976 CITY OF TEMPLE, BELL COUNTY, TEXAS
PAGE#	1



VICINITY MAP N.T.S.

BART F. PEKAR AND
WIFE, ELVIRA E. PEKAR
VOLUME 1013, PAGE 348
LOT 1, BLOCK 1
CABINET B, SLIDE 285-A

WILLIAM J. STANLEY
9.92 ACRES
VOLUME 1424, PAGE 823

WILLIAM JOE MACHALEK AND
WIFE, FAYE MACHALEK
VOLUME 3832, PAGE 50

RAMIRO H. OLIVERA AND
WIFE, TERESA OLIVERA
VOLUME 5428, PAGE 600

JAMES E. HIGHTOWER
13.833 ACRES
VOLUME 5102, PAGE 239

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C2	61.84	180.00	19.68	N83°22'53"W	61.54
C3	71.24	45.00	90.70	N61°06'37"E	64.03
C4	70.69	45.00	90.00	S60°45'34"W	63.64
C5	146.20	500.00	16.75	S8°31'43"W	145.68
C6	107.47	200.00	30.79	S89°09'06"E	106.18
C7	271.21	500.00	31.08	N89°46'47"W	267.90
C8	314.16	200.00	90.00	S60°45'34"W	282.84
C9	70.69	45.00	90.00	S29°14'26"E	63.64
C10	63.26	180.00	20.13	S84°18'29"E	62.93
C11	265.40	660.00	23.04	N27°16'47"E	263.62

81.173 ACRES MASTER PRELIMINARY OF COUNTY VIEW ADDITION

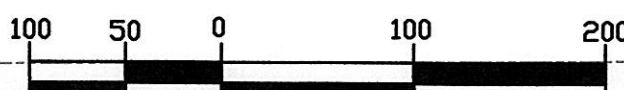
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LOTS 1-62, BLOCK 3
LOTS 1-17, BLOCK 4
LOTS 1-8, BLOCK 5
LOTS 1-41, BLOCK 6
LOTS 1-29, BLOCK 7
LOTS 1-20, BLOCK 8

TRACT A - 2.790 acres
TRACT B - 2.360 acres
TRACT C - 3.590 acres
TRACT D - 3.402 acres
TRACT E - 0.132 acres
TRACT F - 0.500 acres

TRACTS A-E WILL BE OWNED & MAINTAINED BY A
HOME OWNERS ASSOCIATION.

TRACT F WILL BE DEDICATED TO THE CITY OF
TEMPLE FOR RIGHT-OF-WAY.



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REVISIONS	DATE	DESCRIPTION	DFTR.

AUTHORS	



TURLEY ASSOCIATES, INC.

ENGINEERING • PLANNING • SURVEYING

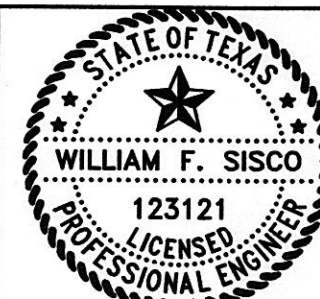
www.turley-inc.com

301 N. 3rd St.
Temple, Texas 76701

SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658

254.773.2400
fax 254.773.3993

DRAFTSMAN:	MRC	DATE:	6/25/18
DESIGNER:	MRC		
ENGINEER:			



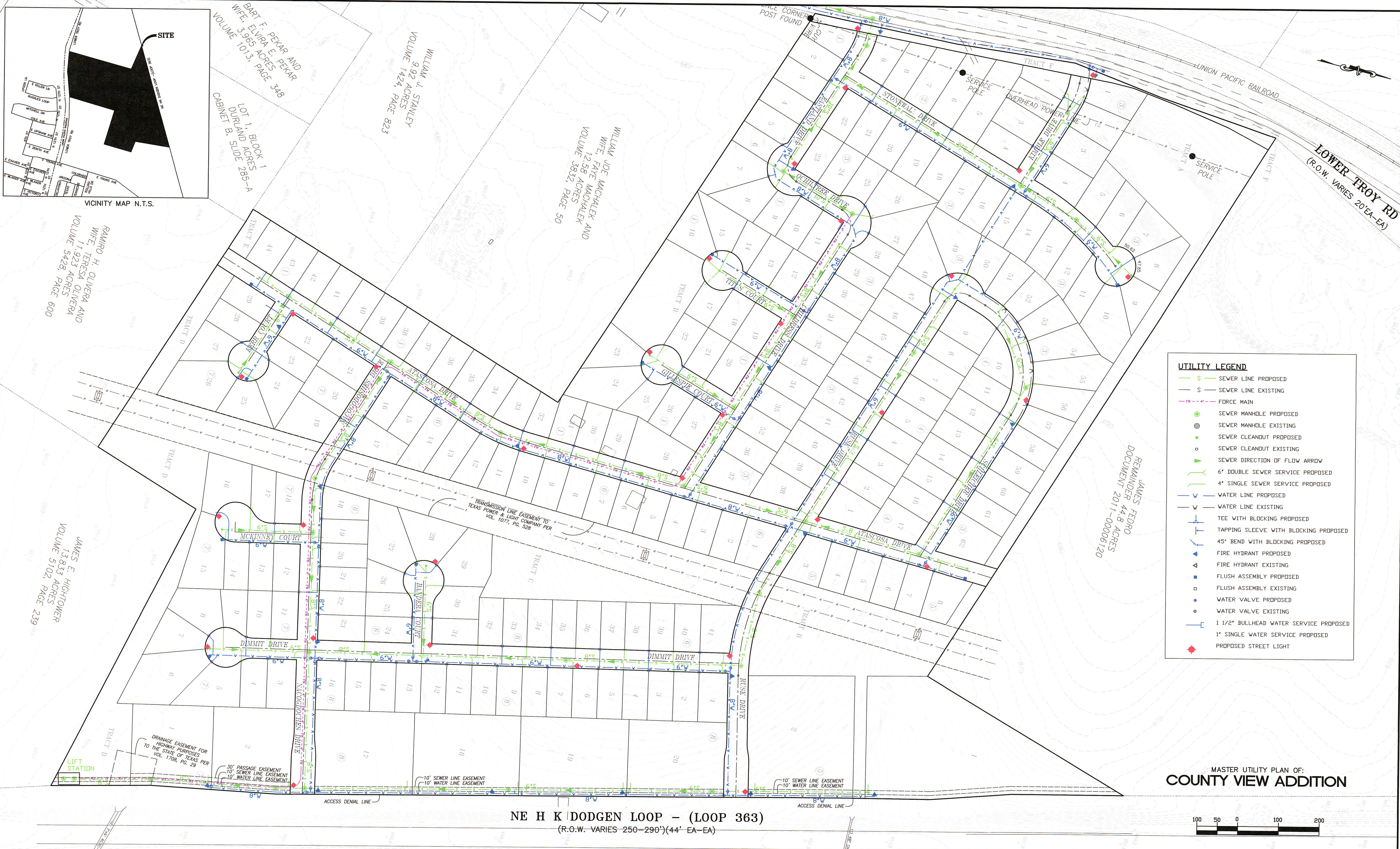
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FILE NAME:	PRELIMINARY PLAT-4
REF. DWG(s):	

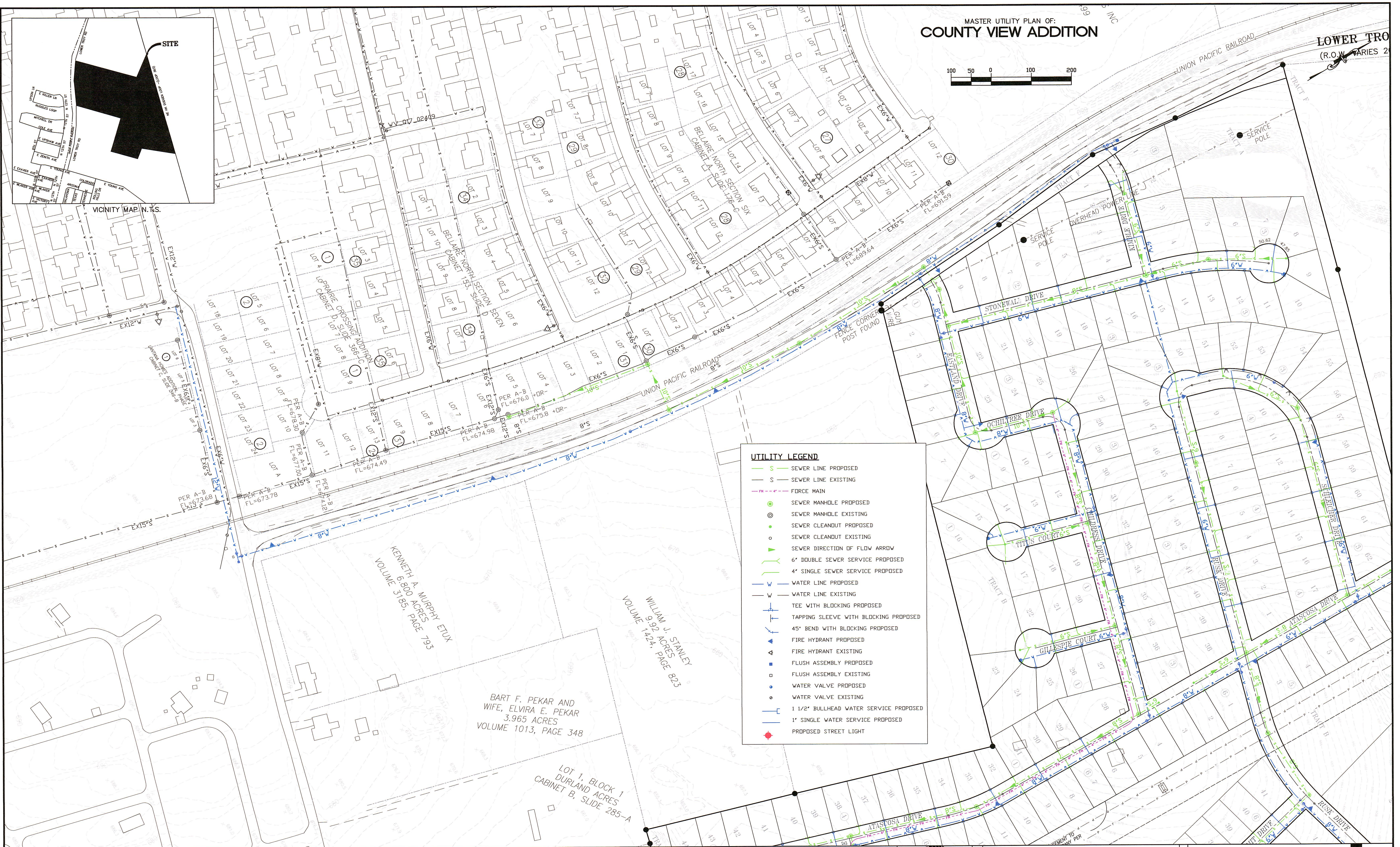
PREPARED FOR:
3-NEX GEN
7348 W. ADAMS AVE
TEMPLE TX 76702

MASTER PRELIMINARY PLAT FOR:
COUNTY VIEW ADDITION
B. STRACENER SURVEY, ABSTRACT NO. 746
& H.E. BALCH SURVEY, ABSTRACT NO. 976
CITY OF TEMPLE, BELL COUNTY, TEXAS

15-398

PAGE#
2





MASTER UTILITY PLAN OF:
COUNTY VIEW ADDITION



- UTILITY LEGEND**
- SEWER LINE PROPOSED
 - SEWER LINE EXISTING
 - FORCE MAIN
 - SEWER MANHOLE PROPOSED
 - SEWER MANHOLE EXISTING
 - SEWER CLEANOUT PROPOSED
 - SEWER CLEANOUT EXISTING
 - SEWER DIRECTION OF FLOW ARROW
 - 6" DOUBLE SEWER SERVICE PROPOSED
 - 4" SINGLE SEWER SERVICE PROPOSED
 - WATER LINE PROPOSED
 - WATER LINE EXISTING
 - TEE WITH BLOCKING PROPOSED
 - TAPPING SLEEVE WITH BLOCKING PROPOSED
 - 45° BEND WITH BLOCKING PROPOSED
 - FIRE HYDRANT PROPOSED
 - FIRE HYDRANT EXISTING
 - FLUSH ASSEMBLY PROPOSED
 - FLUSH ASSEMBLY EXISTING
 - WATER VALVE PROPOSED
 - WATER VALVE EXISTING
 - 1 1/2" BULLHEAD WATER SERVICE PROPOSED
 - 1" SINGLE WATER SERVICE PROPOSED
 - PROPOSED STREET LIGHT



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

November 8, 2018

City of Temple
Attn: Brian Chandler, Director of Planning
2 N Main St., Suite 102
Temple, TX 76501

**RE: County View Addition, Preliminary Plat
Request for Exception – revision 4**

Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests that the City of Temple grant an exception with the approval of the Preliminary Plat of County View Addition to allow the creation of useable green space and a Decomposed Granite Trail within tracts owned and maintained by the proposed Home Owners Association (HOA) in lieu of the \$57,825 in park fees (please note that this is correction from the Post DRC comments to accommodate for the proposed duplex lots) and/or a public land dedication as stated in Section 8.3.1(A) and Section 8.3.2 of the Unified Development Code (UDC). We request this exception per the procedures set forth in Section 3.6.7 of the UDC.

Please consider the following:

- Per the UDC the applicant is required to dedicate 3 acres of parkland. The Preliminary Plat proposes to create 8.128 acres of green space (4.632 acres of which is located within an existing transmission easement) with a meandering Decomposed Granite Trail (approximately 2,200 linear feet).
- The proposed green space is accessible to public ROW in four locations. The trail will access public ROW in three locations and sidewalk ramps will be provided onto the trail at each of those locations (4 total ramps). In addition, a large limestone block will be placed at each ramp location which will serve as a bench (4 total blocks).
- An existing stock pond is currently located in the largest portion of greenspace (near the north-west corner of the subject property). The developer will fill the pond during construction of the adjacent roadways (Kimble and Stonewall Drives). We approximate that 10,000 cubic yards will be required to fill the pond to create usable green space.
- No other improvements are currently proposed within the green spaces; however, the green spaces will be within tracts owned and maintained by the proposed HOA. Possible future improvements within the green spaces would be at the discretion of the proposed HOA.
- The trail will be constructed according the phased platting/construction of the subdivision. As lots are platted, any trail sections which are adjacent to platted lots will be constructed at the time the adjacent lot infrastructure is constructed and prior to city acceptance of said infrastructure. This is considered the minimum requirement, but the developer may construct future trail sections early if they so choose.
- Based on current construction costs, Turley Associate's opinion of probably construction cost for the decomposed granite trail, limestone block benches, ADA ramps, and general fill to reclaim the pond is approximately \$75,000, which exceeds the required park fees.

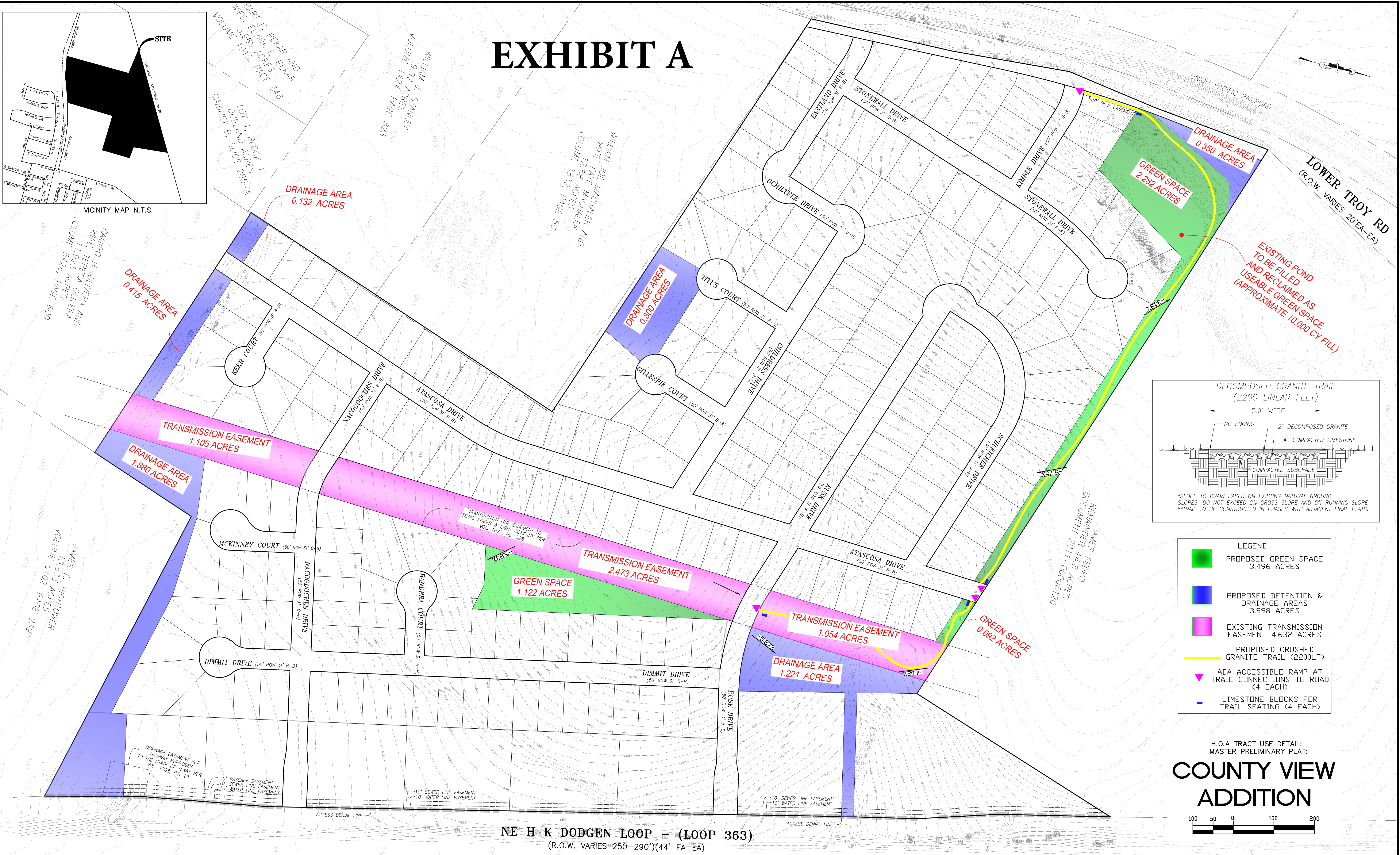
On behalf of our client, Turley Associates, Inc. requests that you consider the criteria stated, and any other criteria that you deem valuable, and issue an exception allowing for the creation of the proposed green space within tracts owned and maintained by the proposed HOA in lieu of the park fees and/or public land dedication. We feel the proposal meets and exceed the intent and requirements of the design code. Please do not hesitate to call or email if you wish to discuss further.

Sincerely,
TURLEY ASSOCIATES, INC.

William F. Sisco, P.E.
Project Engineer

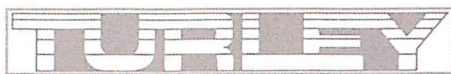
EXHIBIT A

EXHIBIT A



COUNTY VIEW ADDITION





TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

May 31, 2018

City of Temple
Attn: Brian Chandler, Director of Planning
2 N Main St., Suite 102
Temple, TX 76501

**RE: County View Addition, Preliminary Plat
Request for Exception**

Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests that the City of Temple grant an exception with the approval of the Preliminary Plat of County View Addition to the Projection of Streets requirement as stated in Section 8.2.1(D)(4)(b) of the Unified Development Code (UDC). We request this exception per the procedures set forth in Section 3.6.7 of the UDC.

The subject property is located between Lower Troy Road, which is designated as a Minor Arterial on the City of Temple's Thoroughfare Plan, and Loop 363, which is designated as an Expressway on the Thoroughfare Plan. We feel the proposed layout provides appropriate connectivity with the adjacent roadways and with the adjacent undeveloped properties. Please consider the following:

- The proposed layout of County View Addition provides connectivity between Lower Troy Road and Loop 363, by way a Local Street. This connectivity is provided in an area where no prior connectivity existed and where no future connectivity is shown on the Thoroughfare Plan.
- The proposed layout provides two connection points to Lower Troy road by way of Local Streets.
- The proposed layout provides four connection points to Loop 363, two by Local Streets and two by commercial driveways. The Local Street connections will include right and left exit lanes.
- The proposed layout provides for future connection to the adjacent property to the north by way of one Local Street ROW which extends to the property line.
- The proposed layout provides for future connection to one of the adjacent properties to the south by way of one Local Street ROW which extend to the property line. The location of this connection is such that only one undeveloped tract lies between the subject property and E Young Avenue and a future extension through the adjacent tract towards E Young Avenue could be made at or near E Young Avenue's intersection with E Shell Avenue.

On behalf of our client, Turley Associates, Inc. requests that you consider these criteria, and any other criteria that you deem valuable, and issue an exception to the Projection of Streets requirement. We feel the proposed connections meet the intent of the design code. Please do not hesitate to call or email if you wish to discuss further.

Sincerely,
TURLEY ASSOCIATES, INC.

William F. Sisco, P.E.
Project Engineer

EXHIBIT B

RESOLUTION NO. 2018-9491-R
(FY-18-11-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE MASTER PRELIMINARY PLAT OF COUNTY VIEW ADDITION, AN APPROXIMATELY 81.173 ACRE, 222 RESIDENTIAL LOT, 8 NON-RESIDENTIAL LOT, 8 BLOCK, 6 TRACT SUBDIVISION, WITH DEVELOPER REQUESTED EXCEPTIONS TO UNIFIED DEVELOPMENT CODE SECTION 8.2.1(D)(4)(B), RELATED TO THE PROJECTION OF STREETS AND SECTION 8.3, RELATED TO PARKLAND DEDICATION; SITUATED IN THE B. STRACENER SURVEY, ABSTRACT NO. 746 AND THE H.B. BALCH SURVEY, ABSTRACT NO. 9786, BELL COUNTY, TEXAS; LOCATED NORTH OF EAST YOUNG AVENUE, WEST OF NORTHEAST H.K. DODGEN LOOP, AND EAST OF LOWER TROY ROAD, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its November 19, 2018 meeting, the Planning and Zoning Commission recommended approval of the Master Preliminary Plat of County View Addition, an approximately 81.173 acre, 222 residential lot, 8 non-residential lot, 8 block, 6 tract subdivision, situated in the B. Stracener Survey, Abstract No. 746 and the H.B. Balch Survey, Abstract No. 9786, Bell County, Texas, located north of East Young Avenue, west of Northeast H.K. Dodgen Loop, and east of Lower Troy Road, Temple, Texas;

Whereas, the applicants have requested an exception to (UDC) Section 8.3: Park Land Dedication to allow for the creation of 8.128 acres of useable green space with a decomposed granite trail of approximately 2,200 linear feet within tracts owned and maintained by the proposed Home Owners Association (HOA) in lieu of the required park fees of \$57,825 and/or public park land dedication of 3 acres, per UDC Section 8.3;

Whereas, the developer's useable green space plan will be accessible to public right-of-way in four locations - the proposed trail will access public right-of-way in three locations and include 4 ramps with a large limestone block at each of the four ramps to serve as benches;

Whereas, the proposed green space will also involve filling an existing stock pond, approximately 10,000 cubic yards to create useable green space;

Whereas, the developer proposes trail construction to be constructed according to phased platting/construction of the subdivision and the developer's engineers estimate the total green space construction costs to be approximately \$75,000, which exceeds required park fees;

Whereas, Parks Staff supports the applicant's requested exception, as outlined in Exhibit 'A' attached hereto and made a part hereof for all purposes;

Whereas, the applicants have also requested an exception to UDC Section 8.2.1(D)(4)(b) relating to the projection of streets to adjacent properties;

Whereas, the proposed plat fronts the east right-of-way of Lower Troy Road, a minor arterial on the Thoroughfare Plan with two access points – the proposed plat also fronts the west right-of-way of Northeast HK Dodgen Loop (Loop 363), an expressway with four access points;

Whereas, the plat provides connectivity throughout the development with the creation of new local streets as well as street projections to adjacent undeveloped properties to the north and south boundaries, and Staff supports this developer-requested exception, as outlined in Exhibit ‘B’ attached hereto and made a part hereof for all purposes;

Whereas, prior to development of the nonresidential properties along Loop 363, the water main layout shall be revised to comply with the upcoming 2019 Master Plan;

Whereas, prior to any final plat approval, the drainage analysis must be revised to comply with Drainage Criteria and Design Manual requirements for detention analysis;

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Master Preliminary Plat County View Addition, as outlined in Exhibit ‘C’ attached hereto and made a part hereof for all purposes.

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 Master Preliminary Plat of County View Addition, an approximately 81.173 acre, 222 residential lot, 8 non-residential lot, 8 block, 6 tract subdivision, with developer-requested exceptions to Unified Development Code Section 8.2.1(D)(4)(b) related to the projection of streets, and UDC Section 8.3 related to parkland dedication, situated in the B. Stracener Survey, Abstract No. 746 and the H.B. Balch Survey, Abstract No. 9786, Bell County, Texas, located north of East Young Avenue, west of Northeast H.K. Dodgen Loop, and east of Lower Troy Road, Temple, Texas.

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 **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