



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, FEBRUARY 7, 2019  
3:00 P.M.  
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 7, 2019.
2. Discuss possible board appointments.
3. Receive an update regarding Low Income Housing Tax Credit Program and receive presentations from applicants requesting local government support for their tax credit application.
4. Pursuant to Texas Government Code § 551.071, the City Council will meet in executive session to seek the advice of the City Attorney on pending and contemplated litigation.
5. Discuss potential economic development prospects who are interested in locating and/or expanding within the City of Temple.

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

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

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. PROCLAMATIONS AND SPECIAL RECOGNITION**

3. Administer the Oath of Office to the Municipal Court Judge Kathleen Person.
4. Recognize Mark Engelke as the City of Temple Employee of the 1<sup>st</sup> Quarter.

**IV. PUBLIC HEARING – BUDGET**

5. [2019-9515-R](#): PUBLIC HEARING – Conduct a final public hearing and consider a resolution approving the proposed substantial amendment to the adopted Community Development Block Grant, 2015-2019 Consolidated Plan.
6. [2019-9516-R](#): PUBLIC HEARING – Conduct a final public hearing and consider a resolution approving the substantial amendment to the Community Development Block Grant 2018-2019 Annual Action Plan, including the funding recommendations.

**V. CONSENT AGENDA**

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

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

**Minutes**

- (A) [January 17, 2019 Special & Regular Called Meeting](#)

## **Contracts, Leases, & Bids**

- (B) [2019-9517-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to provide final design services for a new Airport Headquarters/Fixed Base Operator building and supporting appurtenances at the Draughton-Miller Central Texas Regional Airport, in an amount not to exceed \$402,000.
- (C) [2019-9518-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for professional services required to update the Property Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone, in the amount of \$38,000.
- (D) [2019-9519-R](#): Consider adopting a resolution authorizing a professional services agreement with Nashville recording artists Maddie & Tae for the 2019 Bloomin Temple Festival in an amount not to exceed \$30,000.
- (E) [2019-9520-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP to develop a conceptual design for the Georgetown Railroad Hike/Bike Trail Project in the amount of \$28,800.
- (F) [2019-9521-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to design the conversion of the 1<sup>st</sup> and 3<sup>rd</sup> Street underground electric and communication utilities in Downtown Temple in an amount not to exceed \$156,100.
- (G) [2019-9522-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to design the 1<sup>st</sup> Street and Avenue A Parking Garage Facility located in Downtown Temple in the amount of \$439,150.
- (H) [2019-9523-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to design the Downtown City Center Project in the amount of \$396,900.
- (I) [2019-9524-R](#): Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., for the remainder of fiscal year 2019, for the provision of legal services associated with various condemnation proceedings, in the estimated amount of \$160,000.
- (J) [2019-9525-R](#): Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn and Associates, Inc., of Austin, for professional services required to design and bid South Pea Ridge Road from Westwood Hills Boulevard to the proposed realignment of Poison Oak Road, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2019 Combination Tax & Revenue Bonds, in the amount of \$331,210.
- (K) [2019-9526-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Haley & Olson, P.C., for the provision of legal services associated with various condemnation proceedings, to increase but not to exceed amount from \$190,000 to \$287,500.

- (L) [2019-9527-R](#): Consider adopting a resolution authorizing a one-year extension of a lease agreement with Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive to be used for the City's recycling operations in the annual amount of \$105,360.
- (M) [2019-9528-R](#): Consider adopting a resolution ratifying the assignment of the Economic Development Agreement and Tax Abatement Agreement with Turner Behringer Development Company to Turner Behringer Temple One, LLC.
- (N) [2019-9529-R](#): Consider adopting a resolution authorizing a Strategic Partner funding agreement with Keep Temple Beautiful, for operation support, in an amount not to exceed \$55,000.
- (O) [2019-9530-R](#): Consider adopting a resolution authorizing a Strategic Partner funding agreement with Hill Country Transit District, for HOP fixed route and paratransit public transportation programs in an amount not to exceed \$140,611.
- (P) [2019-9531-R](#): Consider adopting a resolution authorizing a Tourism & Arts Grant agreement with the Cultural Activities Center, for operational support, in an amount not to exceed \$54,000.
- (Q) [2019-9532-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in an estimated amount of \$1,370.
- (R) [2019-9533-R](#): Consider adopting a resolution ratifying the construction of drainage improvements on Range Road by Wilson Construction Services, LLC, of Belton, in the amount of \$63,660.
- (S) [2019-9534-R](#): Consider adopting a resolution ratifying an emergency repair to a Panda Power reclaim transmission line by All-Tex Utilities, LLC of Hillsboro in the amount of \$31,359.30.
- (T) [2019-9535-R](#): Consider adopting a resolution ratifying an emergency construction contract with All-Tex Utilities, LLC of Hillsboro, for the repair of the 20" transmission main at 909 West Park, in the amount of \$109,834.90.
- (U) [2019-9536-R](#): Consider adopting a resolution authorizing a contract with Kasberg, Patrick and Associates, LP, for professional services required to develop a corporate campus mixed-use master plan, south of Highway 36, east of Loop 363 and Industrial Boulevard and the Future Outer Loop east of Corporate Way, in an amount not to exceed \$243,850.
- (V) [2019-9537-R](#): Consider a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd, for services to construct the Rail Backage Road Project within the industrial rail park in northwest Temple, in the amount of \$1,011,074.

- (W) [2019-9538-R](#): Consider adopting a resolution authorizing the following with regards to the construction of airport hangar taxiway improvements at the Draughon-Miller Central Texas Regional Airport:
- (1) A construction contract with R.T. Schneider Construction Co., Ltd. of Belton in the amount of \$878,806.50, and
  - (2) Change order #1 to the construction contract with R.T. Schneider Construction Co., Ltd. of Belton in the amount of \$109,980.
- (X) [2019-9539-R](#): Consider adopting a resolution authorizing a construction contract with Gary W Purser Construction, Ltd., of Killeen, for services to construct the North Outer Loop 12-Inch Water Line from Corporate Way to Wendland Road, in the amount of \$514,184.83.
- (Y) [2019-9540-R](#): Consider adopting a resolution authorizing deductive change order #6 with Lone Star Grading & Materials, LLC, of Salado, for construction of the Kegley Road/FM 2305 intersection improvements, in the amount of \$31,368.67.
- (Z) [2019-9541-R](#): Consider adopting a resolution authorizing change order #1 with Classic Protective Coatings, Inc., of Menomonie, Wisconsin, for construction activities required for the rehabilitation of the Scott Elevated Storage Tank in the amount of \$98,130.
- (AA) [2019-9542-R](#): Consider adopting a resolution authorizing change order #1 with Santa Clara Construction, Ltd., of Austin, for construction of Phase 5 of the Bird Creek Interceptor Project in the amount of \$16,533.82.
- (BB) [2019-9543-R](#): Consider adopting a resolution authorizing change order #1 with Bruce Flanigan Construction, Inc., of Belton, for construction of the Shallowford 30" Force Main in the amount of \$45,047.30.
- (CC) [2019-9544-R](#): Consider adopting a resolution authorizing change order #2 with SSP Industries, LP, of Killeen, for construction of the Shallowford Lift Station Improvements in the amount of \$48,771.43.
- (DD) [2019-9545-R](#): Consider adopting a resolution ratifying a grant application to the Texas Book Festival for a Collections Enhancement Grant in the amount of \$1,500.
- (EE) [2019-9546-R](#): Consider adopting a resolution to authorize the application for and acceptance of grant funds from the Office of the Governor, Homeland Security Grants Division's Homeland Security Law Enforcement Terrorism Prevention Activities grant program for the replacement of Hazardous materials identification equipment.
- (FF) [2019-9547-R](#): Consider adopting a resolution authorizing the acceptance of grant funds from the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2018 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$26,077.50, with \$13,038.75 of required City matching funds.
- (GG) [2019-9548-R](#): Consider adopting a resolution entering into a Memorandum of Understanding with Bell County Public Health District setting forth the parties' obligations regarding a portable shower trailer.

- (HH) [2019-9549-R](#): Consider adopting a resolution authorizing the purchase of three rights of way and three temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$143,000.
- (II) [2019-9550-R](#): Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon garbage and recycling containers from Toter, LLC, of Statesville, North Carolina, in the amount of \$31,792.32.
- (JJ) [2019-9551-R](#): Consider adopting a resolution authorizing the purchase of a portable interlocking outfield fence system for Crossroads Park from SportaFence Marketing Enterprises, LLC of Sacramento, California in the amount of \$325,080.
- (KK) [2019-9552-R](#): Consider adopting a resolution authorizing an increase of \$109,276 to the estimated spend under the annual contract for construction material testing with Langerman Foster Engineering Company, LLC of Waco, for three significant public infrastructure capital projects.
- (LL) [2019-9553-R](#): Consider adopting a resolution extending the expiration of the Circle C Ranch final plat for an additional year.

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

- (MM) [2019-4950](#): SECOND READING – FINAL HEARING – FY-19-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two on 23.901 +/- acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Bell County, Texas, located at the southwest corner of West Nugent Avenue and John Paul Jones Drive.
- (NN) [2019-4951](#): SECOND READING – FINAL HEARING – FY-19-3-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 3.31 +/- acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located along the east side of State Highway 317, addressed as 6521 State Highway 317.
- (OO) [2019-4952](#): SECOND READING – FINAL HEARING – Consider adopting an ordinance authorizing a five-year franchise with City Ambulance Service to provide non-emergency ambulance transfer services within the City.

## **Misc.**

(PP) [2019-9554-R](#): Consider adopting the following resolution:

- (1) Ordering the General election for Councilmember District 1 and Councilmember District 4, for May 4, 2019; and (Ordenar las elecciones generales para de Miembro del Concejo Distrito 1 y de Miembro del Concejo Distrito 1, para el 4 de Mayo de 2019.)
- (2) Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District; and Temple Independent School District for the May 4, 2019 election. (Autorizar acuerdos de elección conjunta con Temple Health & Bioscience Economic Development District; y Temple Independent School District para las elecciones del 4 de Mayo de 2019.)

(QQ) [2019-9555-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

## **VI. REGULAR AGENDA**

### **SECOND READING – FINAL HEARING**

8. (A) [2018-4944](#): SECOND READING – FINAL HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 40 acres and located at the southeast corner of Wendland Road and Moores Mill Road, within a tract of land identified by the Bell County Appraisal Districts as 410044, as City of Temple Tax Abatement Reinvestment Zone Number 39 for commercial/industrial tax abatement.  
  
(B) [2019-9556-R](#): Consider adopting a resolution approving a Tax Abatement Agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC which will cover increases in the taxable value of real and personal property on an approximately 40.0-acre tract of land designated as Tax Abatement Reinvestment Zone Number 39.  
  
(C) [2019-9557-R](#): Consider adopting a resolution authorizing an Economic Development Agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC for the construction of a new water bottling facility and the construction of certain public improvements.
9. [2019-4953](#): SECOND READING–FINAL HEARING Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002

## **ORDINANCES**

10. [2019-4954](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance amending the Code of Ordinances, Chapter 41, “Credit Access Businesses,” to include a general update of the Chapter and two additional provisions for transparency and protection for consumers.

## **RESOLUTIONS**

11. **2019-9558-R:** FY-18-40-PLT Consider adopting a resolution authorizing approval of the Final Plat for The Bend, a 16.46 +/- acres, 59-lot, 2-block, 2-tract residential subdivision, with a developer-requested exception to the Unified Development Code Section 8.3.1, related to the use of public park fees, located at 5120 South 31st Street, Temple, Texas.
12. **2019-9559-R:** Consider adopting a resolution authorizing amendments to an existing Chapter 380 Development Agreement with Short-Term Lending GP, Inc. to assign the Agreement to H5B3, LLC, to increase the grant amount to \$115,000 per property, and to extend the construction timeline.

## **BOARD APPOINTMENTS**

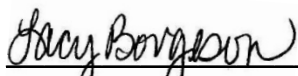
13. **2019-9560-R:** Consider adopting a resolution appointing one councilmember to the Hill Country Transit District Board.
14. **2019-9561-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
  - (A) Building Board of Appeals – four members to fill expiring terms through March 1, 2023;
  - (B) Building and Standards Commission – two members to fill expiring terms through March 1, 2021; and three alternate members to fill expiring terms through March 1, 2021
  - (C) Civil Service Commission – one member to fill an unexpired term through September 1, 2019;
  - (D) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2022;
  - (E) Library Board – one member to fill an unexpired term through September 1, 2021;
  - (F) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2022;
  - (G) Zoning Board of Adjustment – two members to fill expiring terms through March 1, 2021; and two alternate members to fill expiring terms through March 1, 2021.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:30 pm, on Friday, February 1, 2019.



City Secretary, TRMC

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

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



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #5  
Regular Agenda  
Page 1 of 1

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

Erin Smith, Assistant City Manager

**ITEM DESCRIPTION:** PUBLIC HEARING – Conduct a final public hearing and consider a resolution approving the proposed substantial amendment to the adopted Community Development Block Grant, 2015-2019 Consolidated Plan.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt resolution as presented in item description.

### **ITEM SUMMARY:** *2015–2019 Consolidated Plan – Substantial Amendment*

The Consolidated Plan outlines how the City of Temple will meet the National Objectives of the Community Development Block Grant (CDBG) requirements from 2015-2019. The Consolidated Plan provides a five-year framework of the program, detailing objectives and expected outcomes.

The City plans to reallocate the HIP Plan Year funding from 2015-2018j in the amount of \$663,985 to fund roadway and sidewalk improvements of a two block area of South 7<sup>th</sup> Street, between Avenue H and Avenue J

HUD understands that priorities may shift during the five-year period, and communities may need to leverage their dollars in other areas. When activities need to be added or deleted from the Consolidated Plan it is considered to be a substantial amendment, and it is required that the City seek the changes in accordance with the Citizen Participation Plan. At this time, staff desires to amend the 2015-2019 Consolidated Plan with the addition of a new project infrastructure program.

This presentation and public hearing for the proposed amendment to the 2015-2019 Consolidated Plan is in conjunction with the required 30-day public comment period. The public comment period is from January 7, 2019 through February 7, 2019.

**FISCAL IMPACT:** As stated above, the City plans to reallocate the Housing Improvement Program Plan Year funding from 2015-2018 in the amount of \$663,985 to fund roadway and sidewalk improvements of a two block area of South 7<sup>th</sup> Street, between Avenue H and Avenue J.

### **ATTACHMENTS:**

[2015-2019 Consolidated Plan – Executive Summary](#)  
[2015-2019 Consolidated Plan – Strategic Plan](#)  
[Resolution](#)

## Executive Summary

### ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

##### *Substantial Amendment adopted 02.07.2018*

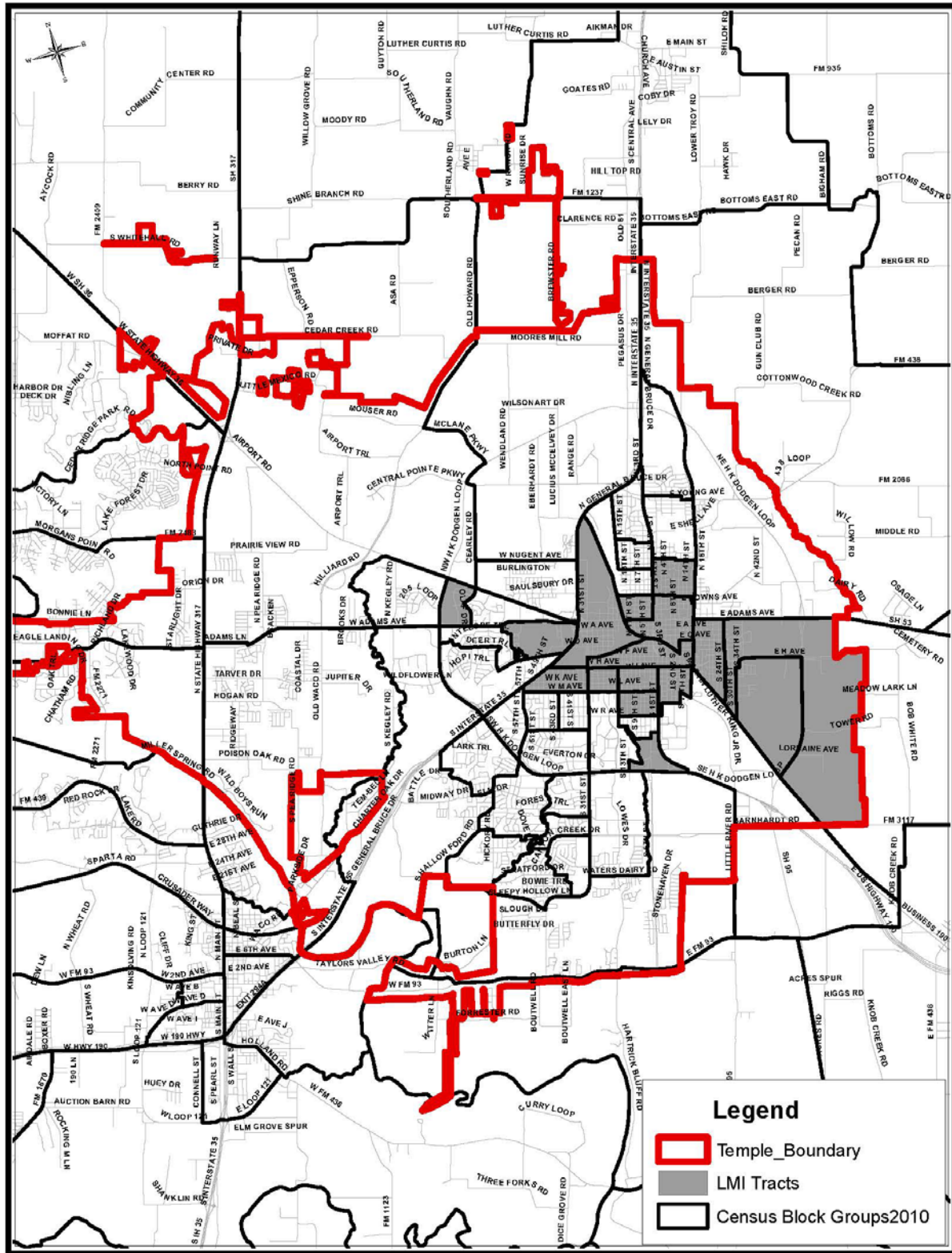
The City has determined that the CDBG program and the low- to moderate-income residents would be better served by restructuring the allocations for Plan Year 2018 by defunding the Housing Improvement Program (HIP) and adding a new street/sidewalk infrastructure program, requiring an amendment to the Consolidated Plan.

As HUD is aware, the City has faces some programming challenges this year that has necessitated the need for the City to produce a timeliness work-out plan. The HIP program was deemed by the City to be inefficient for the needs the Temple and is in the process of being re-evaluated and revised. The HIP program accounts for \$663,984 in unused funding.

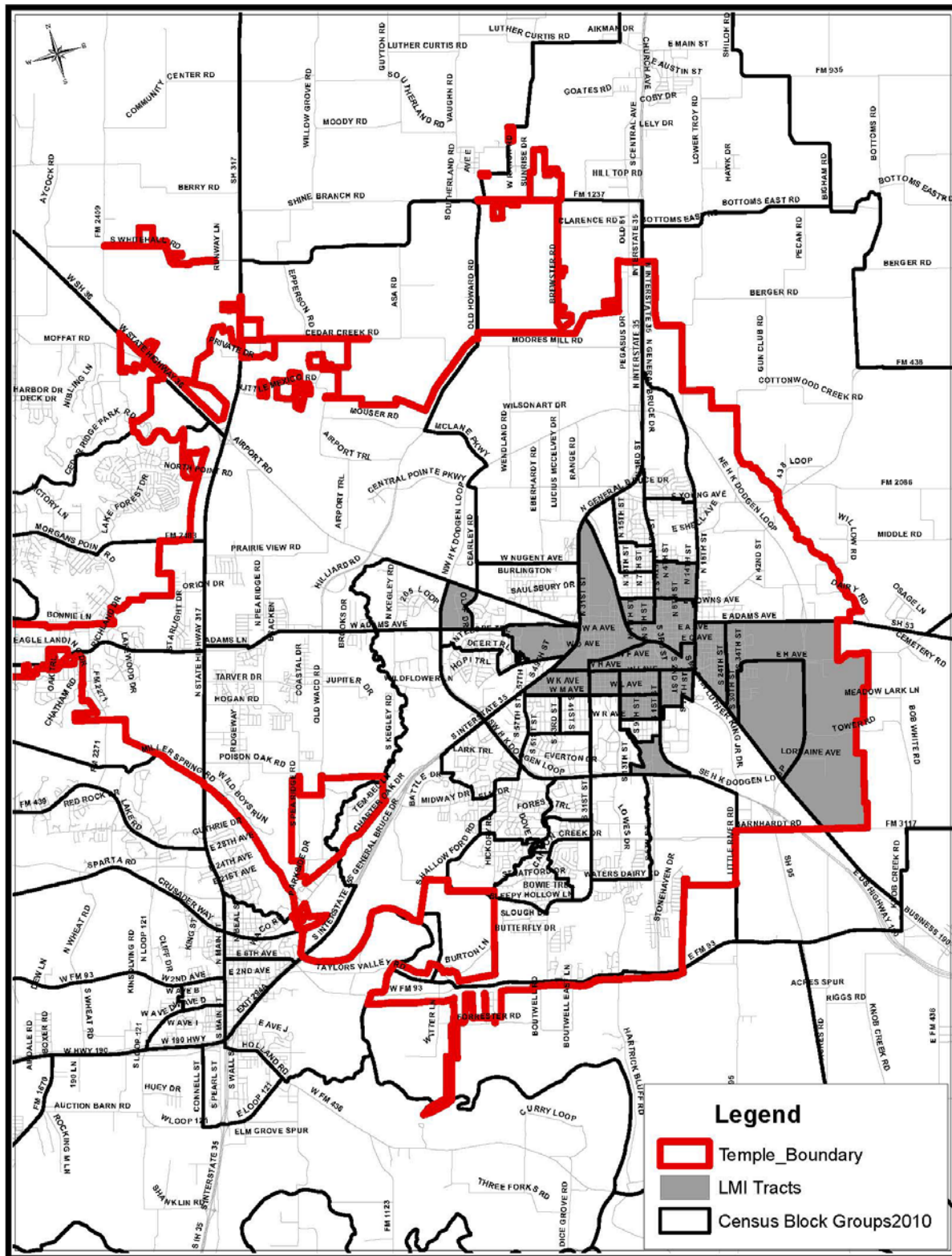
The City had an infrastructure improvement identified for a future plan year. The proposed project is the overlay of two (2) blocks of South 7<sup>th</sup> Street, located between Avenue H and Avenue J. This section of road is an old brick road that ends in a cul-de-sac located next to the entrance of a combined elementary/middle school. There are portions of sidewalk on both sides of the street, however, there portions of existing sidewalk in need of repair and there is not a continuous sidewalk from Ave H to the cul-de-sac where the school can be accessed. The improvement to this area will not only provide safe pedestrian access but will also provide safe

The City of Temple is committed to developing an effective and efficient HIP program and has targeted the completion of the development of the HIP for implementation in Plan Year 2019.

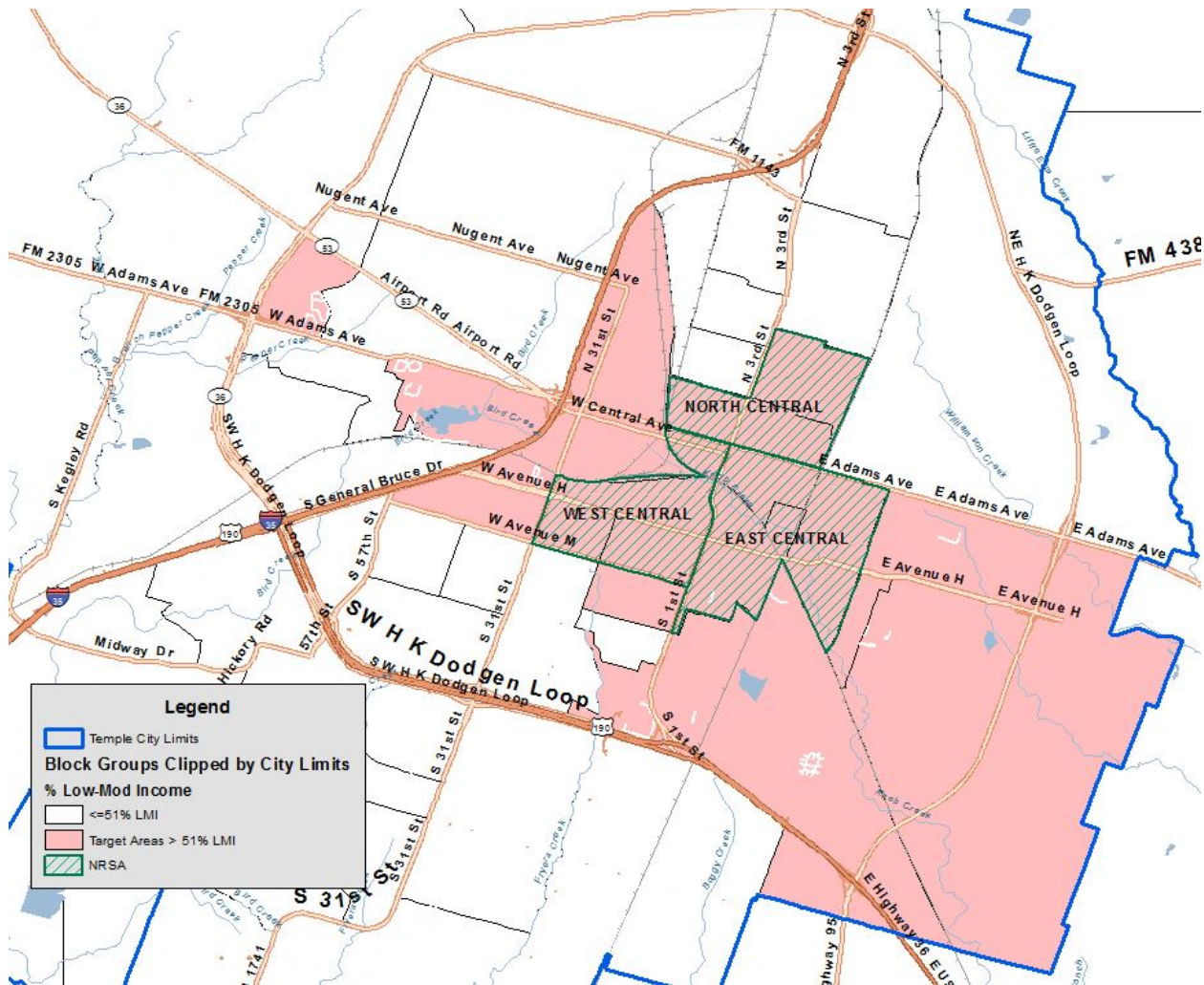
Please note that the AAP section of this Consolidated Plan is the original Plan Year 2015 AAP. The Plan Year 2018 AAP is a stand-alone, separate document.



City of Temple LMI Tracts



LMI Block Group Demographics



**Proposed Neighborhood Revitalization Strategy Area**

## 2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

**Overview** - please see the overview goals below

**Housing:** The most common housing problem in Temple is a housing cost burden of greater than 30% of the household income. This is especially true for renters, particularly low- to moderate-income renters. There are 3,635 low- to moderate-income renter households with a housing cost burden greater than 30%, and 1,565 of those have a cost burden of greater than 50%. Of the 1,815 extremely low-income renter households (incomes  $\leq 30\%$  AMI), 1,215 have a housing cost burden of greater than 30%, and nearly three-fourths have severe housing problems – cost burden greater than 50% and/or overcrowding of more than 1.5 persons per room, with some households in substandard structures. These households are at an eminent risk of homelessness. Couple the lack of sufficient income with other characteristics linked to instability and homelessness is almost inevitable.

While there is some level of disproportion by race/ethnicity for those with housing problems in Temple, the differences are significantly less than 10%. White households comprise 64.3% of the households in Temple, and 60.4% of the low- to moderate-income households with one or more housing problems. African American, comprising 15.8% of the total households, have a slightly higher proportion of low- to moderate-income households with housing problems at 18.1% of total low- to moderate-income households. Hispanics comprise 16.7% of total households and 19% of low- to moderate-income households with problems. There is definitely a higher housing burden on minorities in Temple, but it isn't extreme and doesn't meet HUD's 10% threshold for designating disproportion.

To address the housing needs that have been determined based on data, the results of community input, and the realities of funding limitations, the City will use CDBG and general funds through the Community Enhancement Grant (CEG) Program to focus on owner-occupied rehabilitation, including emergency repair, weatherization, improved accessibility, and first-time homebuyer's assistance and financial literacy/homeownership education. The City will support applications by other entities for state, federal, and private funding for the construction of new affordable housing units.

The Central Texas Housing Consortium is responsible for managing public housing funds. The Central Texas Council of Governments is responsible for managing the HUD Section 8 Program and other programs funded by federal, state, and local entities.

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation/Reconstruction	2015	2019	Affordable Housing		Owner Occupied Housing Improvements	CDBG	Homeowner Housing Rehabilitated: 20 Household Housing Unit
2	Down-payment/Closing Cost Assistance	2015	2019	Affordable Housing		Down payment assistance	CDBG	Direct Financial Assistance to Homebuyers: 5 Households Assisted
3	New Affordable Housing	2015	2019	Affordable Housing		New construction of affordable owner occupied homes	CDBG	Homeowner Housing Added: 2 Household Housing Unit
4	Fair Housing Activities	2015	2019	Fair Housing		Fair Housing Activities	CDBG	
5	Infrastructure Improvements	2015	2019	Non-Housing Community Development		Infrastructure Improvements	CDBG	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2000 Persons Assisted
6	Public Facility Improvements	2015	2019	Non-Housing Community Development		Facility Improvements	CDBG	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
7	Spot Blight Reduction	2015	2019	Non-Housing Community Development		Demolition and Clearance	CDBG	Buildings Demolished: 25 Buildings
8	Homeless Shelter & Transitional Housing	2015	2019	Homeless		Facility Improvements	CDBG	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 0 Persons Assisted
9	Public Services	2015	2019	Non-Housing Community Development		Public Services	CDBG	Public service activities other than Low/Moderate Income Housing Benefit: 1115 Persons Assisted
10	Employment Training/Placement	2015	2019	Non-Housing Community Development		Employment training/placement	CDBG	Public service activities other than Low/Moderate Income Housing Benefit: 25 Persons Assisted
11	Economic Development	2015	2019	Economic Development		Assistance to businesses	CDBG	Businesses assisted: 5 Businesses Assisted
12	CDBG Administration	2015	2019	Administration			CDBG	

## Overview Goals

### Homeless

**Homeless:** There are limited emergency shelters, transitional housing or permanent supportive housing programs within the city limits of Temple, TX and therefore, it is difficult to predict the number of people entering and exiting homelessness each year by population type. Local service providers are active in the Central Texas Homeless Alliance and participated in the Point-in-Time count for Bell-Coryell County conducted on January 23, 2014. The “known location” methodology was used to survey persons found at the sites identified by the community to be where those experiencing homelessness are known to congregate. The total number of survey responses does not represent the total populations experiencing homelessness, so estimates have been formulated by the Texas Homeless Network data team. Overall for Bell and Coryell counties, it is estimated that 495 adults and 65 children experience homelessness annually. The largest population was single adults at 63.9% and families with children being 10.6% of those counted. Individuals meeting the definition of chronically homeless made up 30.4% of the total counted and 35.7% reported they were veterans. On the night of the PIT count, there were six (1.3%) unaccompanied minors.

The City of Temple works with the Central Texas Homeless Alliance and the Texas Homeless Network to identify and plan for the needs of homeless families and individuals in Temple. The City collaborates with the local Alliance, which is a member of the Texas Balance of State CoC. The Texas Homeless Network is the lead agency and provides trainings and technical assistance in developing and managing programs funded by the Continuum of Care and Emergency Solutions Grant programs.

The City of Temple is working with a consultant provided through a Technical Assistance Grant by the Texas Homeless Network to develop a comprehensive action plan to end homelessness in Bell County, including Temple, Belton, Killeen and the rural areas of the county.

### **Non-homeless Special Need**

**Non-homeless Special Needs:** It is difficult to estimate the exact number of special needs individuals in Temple, and more difficult to estimate the number of LMI special needs populations or those needing housing and supportive services. Special needs populations include the elderly, frail elderly, disabled, those with severe mental illness and/or substance use disorder, and people living with HIV/AIDS (PLWH). Though not a specifically identified “special needs population” group, veterans are a high-need population in Temple.

Based on the American Community Survey (ACS), there are approximately 9,500 elderly in Temple, with 47.2% living alone and 42.8%, many of whom are living alone, who are disabled. Approximately 10.7% of Temple’s elderly are living below the national poverty level.

Also based on the ACS, there are approximately 8,800 noninstitutionalized disabled individuals in Temple, and many are living alone. Many of the individuals have multiple disabilities. Approximately half of the disabled are working age, and comprise 11.2% of the total working age population. According to the ACS, only 20.7% of the working age disabled are employed, and earn \$10,000 below the median earnings of total workers in Temple. One-fifth of the disabled persons are living below the poverty level. Nearly one-third of the veterans in Temple are disabled.

Based on the Texas Department of State Health Services, there are currently 563 individuals in Bell County living with HIV/AIDS. It is estimated that 120 of the Bell County PLWH are residents of Temple.

The City of Temple will assist owner households with disabled or PLWH household members to repair and/or improve accessibility into and through their homes. Additionally, based on funding applications by area non-profits, the City may fund education and job training programs that are specific to the disabled. The City will also identify local and regional agencies that would qualify for and be willing to apply for Department of Labor and Veterans Affairs grants to serve the veteran population.

### **Non-housing Community Development**

**Non-housing Community Development:** The City's needs for public improvements are centered around park improvements and infrastructure improvements/expansions. Infrastructure improvement needs include new and improved sidewalks and lighting along the sidewalks and streets, to improve pedestrian mobility; street improvements for vehicular and public transit mobility improvements; and water and wastewater line improvements. The need is greatest in the older areas with the highest concentration of low- to moderate-income residents. Centers for the disabled, low-cost health clinics, and facilities for the homeless and victims of domestic violence also have a high priority need.

While CDBG funds will be used to address the needs, most improvements will be funded through general funds and bond funds. The City has recently passed a \$27.6 million bond fund for park improvements and expansions, which includes a wide variety of projects spanning across the entire city, including in the CDBG Target Area. Projects will include upgrades to select neighborhood parks, three new community parks, upgrades to athletic facilities and recreational centers, a deep water pool constructed at Lions Junction Family Water Park, as well as working towards connecting the trail system. All projects are to be scheduled to be completed within four years.

The City is currently developing a Neighborhood Revitalization Strategy Area Plan and will be presenting the plan to HUD for approval. Once approved, non-housing community development projects using CDBG funds will be concentrated in the NRSA.

### **3. Evaluation of past performance**

The City has been focused on a variety of activities that helps us support the national CDBG objectives and improve our community. By implementing activities that primarily impact lower income residents we remove barriers to increased economic opportunity and create healthier communities.

**Streets:** A section of Avenue H was resurfaced using CDBG funding in an area with a high percentage of residential LMI households. Used primarily by neighborhood residents; via this roadway, motorists and pedestrians can access public parks, City services and public transportation. This section passes through a residential area and links two main transportation corridors within the City: S 1st Street (TX 290) and S 31st Street (FM1741). These ten blocks link LMI neighborhoods to potential employment, shopping, and other services. With pre-2010 conditions tending towards disrepair (potholes, cracks, drainage issues, etc.), the project improved the quality of the living environment for the LMI neighborhood.

The section of 1st Street having sidewalk updates provided by CDBG funding is also in an area with a high percentage of residential LMI households. The section of street is used as a thoroughfare for residents and non-residents alike; with businesses providing much needed services. Pedestrians can access retail, food, car repair, and public transportation along this section of 1st Street. These seven

blocks link LMI neighborhoods to potential employment, shopping and other services. With pre-2010 conditions tending towards the unsightly (older building stock, high rates of disrepair, etc.), the project improved the quality of the living environment for the LMI neighborhood.

Together, these two street/sidewalk projects affirm that municipal investment can help lead a renewal of pride-in-place; and promote additional reinvestment by private parties, businesses, homeowners and renters in the area.

**Parks:** The City of Temple had planned to complete four infrastructure improvement projects in public parks, during this past Consolidated Plan cycle. Currently, one park improvement project is underway (as outlined by the 2013 annual action plan amendment), and one park improvement project was completed. The completed project has subsequently been deemed ineligible by HUD and funds were repaid into the City's CDBG account with non-federal funds. It is clear at this time if the City will be unable to meet the goal of four park projects during the 2010-2014 Consolidated Plan period. This is due to a number of factors outlined throughout this 2014/15 annual action plan; including but not limited to: decreased annual allocations from HUD, work stoppages in 2012 for capacity building within City operations, and undertaking ineligible activities. Moving forward, the City will carefully identify qualified activities, respond in a timely fashion to community needs, and address appropriate activities with CDBG funds.

## **PSA's**

### **Public Service Agencies:**

*Temple HELP Center.* The Temple HELP Center offers basic social services, intervention services, prevention services, and other programs to those in need. The HELP center provides emergency and non-emergency financial assistance to residents who are experiencing unexpected struggles and staff provide referrals that connect and enable individuals to address and resolve the issues they are facing. Life-skills classes are offered at the Temple HELP Center that offer a path to self-sufficiency; these classes are often required for those that receive aid and help reduce recidivism. The Temple HELP Center coordinates resources and collaborates with other agencies to prevent duplication of services across Bell County; working to ensure the most effective and efficient use of available limited funding. Through 2015, Bell County Health & Human Services (Temple HELP Center) has received \$67,200 from the City of Temple CDBG funds, providing services to over 500 LMI clients.

*Hill Country Community Action Association.* Hill Country Community Action Association (Meals on Wheels) provides nutritious, hot meals once per day, five days a week; through congregate and home delivered meal programs to eligible participants in the Temple area. Congregate meals are served each

weekday by volunteers and paid center staff. Home delivered meals are delivered each weekday by paid meal delivery staff and volunteers. The Site Managers and In-Home Services Coordinator coordinate outreach efforts in the community to identify potential clients and assist clients in obtaining increased services when available. HCCAA provides opportunities and resources to improve the lives of Central Texans by providing accessible, quality, and cost effective services to promote the reduction of poverty, the revitalization of low income communities, and the empowerment of low-income families and individuals to become self-sufficient. Through 2015, HCCAA has received \$74,000 from the City of Temple CDBG funds, providing services to over 1,400 LMI clients.

*Families in Crisis.* Families in Crisis supports and empowers individuals affected by family violence and sexual assault by providing safe shelter while providing advocacy, education and resources to create a safe, supportive community. The agency provides information, referral and access to services that assist in safe management of emergency situations, aids in the recovery process for victims of all ages, guides them through the criminal justice system, educates them to prevent re-victimization and provides safe shelter and support services to victims and at-risk populations. Through 2015, FIC has received \$86,400 from the City of Temple CDBG funds, providing services to over 900 LMI clients.

*Family Promise.* Family Promise of East Bell County shelters homeless families and connects them with the needed services to obtain employment and permanent housing. Clients are empowered to become independent, self-sufficient and productive members of society. Family Promise develops and provides comprehensive services that include, but are not limited to, providing food, clothing, shelter, and low-cost housing. The organization provides intensive case management to homeless families to help them avoid future homelessness through the acquisition of planning, parenting, and job interview skills. Through 2015, FP has received \$42,900 from the City of Temple CDBG funds, providing services to over 75 LMI clients.

## **Spot Blight**

### **Spot Blight Demolition:**

Demolition of vacant and dilapidated structures is conducted to address blighted conditions on a spot basis; in locations to be determined based on code violations. By eliminating these specific conditions of blight and physical decay, we improve public safety and health, while creating conditions more favorable to economic turn-around, reinvestment, neighborhood pride-of-place, and community beautification. Through 2015, more than 30 structures have been demolished with CDBG funds, improving health, safety and appearances in multiple neighborhoods.

## **4. Summary of citizen participation process and consultation process**

The City of Temple has made a concerted effort to involve as many residents and stakeholders in the planning process as possible. The Consolidated Planning process was kicked off by a roundtable meeting of housing providers in Temple, including the public housing agency, Section 8 provider, TBRA providers,

and ancillary social service providers. From there, the City conducted a meeting of stakeholders and residents, inviting more than 300 to discuss needs and program ideas. There were over 50 attendees discussing housing, public infrastructure, and social service needs. The evening also launched the public survey in English and Spanish. The survey was provided for on-line completion or in paper copies for manual entry. There were 273 surveys completed. The City held 5 public hearings regarding the Consolidated Plan and the Fair Housing Plan with Assessment of Fair Housing, formerly the Analysis of Impediments.

Many community organizations and stakeholders were involved in the consultation process, including state agencies, the Central Texas Council of Governments, The Temple Housing Authority, Bell County, Temple Chamber of Commerce, Central Texas Homeless Alliance, elected officials, various advocacy groups, many local faith-based institutions, churches, civic organizations and fraternal organizations. A list of those involved in the consultation process can be found in section PR-10: Consultation.

## **5. Summary of public comments**

The overwhelming majority of the responses to open-ended questions was to bring more higher-paying jobs into the city and to educate and train the labor force to fill those jobs. Other comments centered around improving the infrastructure, particularly sidewalks and sidewalk/street lighting in the older areas of the city, and improving the housing stock and housing options. The need for more emergency shelters and permanent housing for the homeless was another recurring theme.

A detailed list of responses can be found in the Attachments to the Consolidated Plan; and the priority ratings as a result of the public input along with a sample of public comments can be found in the Citizen Participation chapter

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted, though some were not included in the priorities as they were out of the scope of both HUD-eligibility and City policies.

## **7. Summary**

The City of Temple has developed this 5-Year Consolidated Plan with a substantial level of community involvement and input. The results of the public participation, analysis of secondary data from the Census Bureau, HUD and other agencies, the knowledge of stakeholders and City staff, and the realization of the lack of funds to address all needs have resulted in a plan that maximizes CDBG funds and the City's Community Enhancement Grant program funds to address the greatest needs in the most cost effective and collaborative method possible. Partnering with public service and housing agencies, the City will maximize services to low- to moderate-income residents throughout the city. Partnering with a number of agencies and City departments, the City will concentrate area-based activities in the proposed NRSA to effect greater comprehensive change in the area of greatest need.

# Strategic Plan

## SP-05 Overview

### Strategic Plan Overview

The Strategic Plan is aimed at addressing as many high priority needs outlined in the Needs Assessment chapters as possible within the available CDBG resources. The high priority needs have been determined through resident and stakeholder input, identified housing, service and facility/infrastructure gaps, input from the Community Development Advisory Committee, funding realities, and availability/capacity of partners.

The plan addresses the housing, infrastructure, public facilities, and public service needs that will be addressed during the next 5 years. Public services will serve low- to moderate-income residents of Temple. Housing and public services are allocated based on the income of the individual household seeking assistance regardless of the neighborhood within the incorporated area in which the individual or family lives. CDBG funds for infrastructure and public facility improvements can only be allocated to projects in CDBG Target Area – areas with more than 51% low- to moderate-income residents. In order to concentrate area-based improvements for greater effectiveness, the City is proposing to HUD a Neighborhood Revitalization Strategy Area (NRSA) within the existing CDBG Target Area. Area-based funding will be focused in this NRSA for the next 5 years. A map of the CDBG Target Area with the NRSA is in the next section SP-10 Geographic Priorities.

The community needs far outweigh the funds available through the CDBG program. In order to meet as many of the priority needs as possible, the City will augment CDBG funds with its own funds and will work in partnership with other entities, including public service and housing programs. The City has developed the Community Enhancement Grant (CEG) Program, allocating general fund dollars and revenues from the hotel/motel tax to better support the work of City departments and community service agencies.

The priority programs to be supported through CDBG and CEG funds include affordable housing, NRSA improvements, shelter for the homeless, and social services for children, youth, disabled, seniors and low- to moderate-income individuals or families.

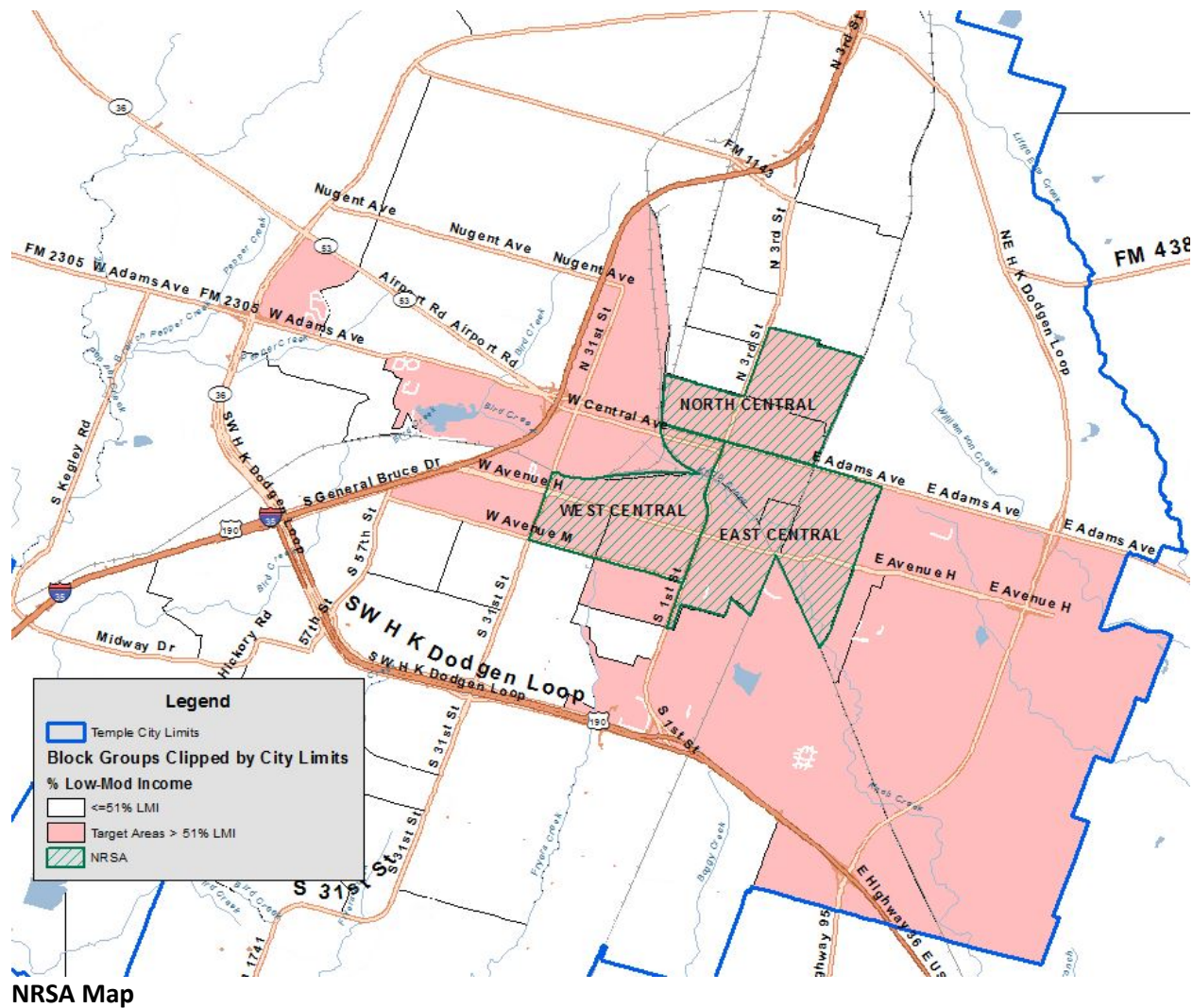
## SP-10 Geographic Priorities – 91.215 (a)(1)

### Geographic Area

Table 1 - Geographic Priority Areas

### General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)



## SP-25 Priority Needs - 91.215(a)(2)

### Priority Needs

Table 2 – Priority Needs Summary

1	<b>Priority Need Name</b>	Owner Occupied Housing Improvements
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Persons with Physical Disabilities
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Minor Home Repair (owner-occupied)
	<b>Description</b>	Provision of housing rehabilitation for low- to moderate-income homeowners in Temple, with an emphasis on elderly and disabled.
	<b>Basis for Relative Priority</b>	The priority is based on the results of resident surveys, public and housing forums, stakeholder interviews, code enforcement results, and City staff knowledge of the housing conditions in Temple.
2	<b>Priority Need Name</b>	New construction of affordable owner occupied homes
	<b>Priority Level</b>	High
	<b>Population</b>	Low Moderate Large Families Families with Children Public Housing Residents
	<b>Geographic Areas Affected</b>	

	<b>Associated Goals</b>	New Affordable Housing
	<b>Description</b>	There is a high priority need for new single family housing that is affordable for purchase by low- to moderate-income renters, including public housing residents.
	<b>Basis for Relative Priority</b>	The priority is based on the results of resident surveys, public and housing forums, stakeholder interviews, code enforcement results, and City staff knowledge of the housing conditions in Temple.
<b>3</b>	<b>Priority Need Name</b>	Energy efficiency improvements in housing
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Minor Home Repair (owner-occupied)
	<b>Description</b>	Older owner occupied housing units are often inefficient and high users of energy costing the owners more than average for utilities and wasting resources. Low- to moderate-income homeowners need energy efficient housing to reduce their housing costs and to provide an adequate year-round temperature without drafts or cooling escaping.
	<b>Basis for Relative Priority</b>	The priority is based on the results of resident surveys, public and housing forums, stakeholder interviews, code enforcement results, and City staff knowledge of the housing conditions in Temple.
<b>4</b>	<b>Priority Need Name</b>	Accessibility improvements in housing
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Elderly Persons with Physical Disabilities

	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Minor Home Repair (owner-occupied)
	<b>Description</b>	Homeowners who are elderly and/or disabled are often in need of exterior and interior improvements to allow for accessibility. Low-income households are unable to afford the cost, especially of safely constructed improvements.
	<b>Basis for Relative Priority</b>	The priority is based on the results of resident surveys, public and housing forums, stakeholder interviews, code enforcement results, and City staff knowledge of the housing conditions in Temple.
5	<b>Priority Need Name</b>	Down payment assistance
	<b>Priority Level</b>	High
	<b>Population</b>	Low Moderate Large Families Families with Children Public Housing Residents
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Down-payment/Closing Cost Assistance
	<b>Description</b>	In order to assist renters to become first time homebuyers without a housing cost burden, down payment and closing cost assistance is often needed for the low- to moderate-income. Associated with the down payment and closing cost assistance is credit counseling and housing counseling as a pre-requisite for assistance.
	<b>Basis for Relative Priority</b>	The priority is based on the results of resident surveys, public and housing forums, stakeholder interviews, code enforcement results, and City staff knowledge of the housing conditions in Temple.
6	<b>Priority Need Name</b>	Tenant-based rental assistance
	<b>Priority Level</b>	High

	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	
	<b>Description</b>	There is a need to provide rental assistance to homeless or those at risk of homelessness due to eviction. With the waiting list for Section 8 HCVs and the urgency of needing to house or keep housed those who are homeless or at risk of homelessness, this activity is a high priority. While the City does not anticipate funding TBRA with CDBG or other funds, it will assist non-profit agencies in applying for federal, state or private funding.
	<b>Basis for Relative Priority</b>	This activity is given a high priority based on the results of the resident surveys and stakeholder interviews and the results of information from the homeless coalition and agencies providing TBRA assistance.
7	<b>Priority Need Name</b>	New construction of affordable rental units
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	New Affordable Housing

	<b>Description</b>	There is a shortage of sound rental units for all family types that will not pose a housing cost burden on the renters. New construction by private for-profit and non-profit developers through the use of Low Income Housing Tax Credits, Housing Trust Fund grants, and other local, state, and federal grants will make more units available to the low- to moderate-income, especially the extremely low- and low-income, including the elderly and disabled.
	<b>Basis for Relative Priority</b>	This priority is based on the results of resident surveys and stakeholder interviews, Census data regarding renters with housing cost burdens, and input from developers.
8	<b>Priority Need Name</b>	Fair Housing Activities
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development

	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Fair Housing Activities
	<b>Description</b>	The housing forums and public meetings have shown that additional fair housing education is required. The City will conduct fair housing public forums, fairs, and meetings as well as support the Section 8 and other TBRA providers in educating landlords about fair housing, particularly regarding accessibility, and encouraging landlords to accept rental vouchers.
	<b>Basis for Relative Priority</b>	This priority is based on the results of resident surveys and stakeholder interviews, responses during housing forums and public meetings, and input from the Section 8 provider.
9	<b>Priority Need Name</b>	Public parks
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Public Facility Improvements
	<b>Description</b>	The voters recently passed a \$27.6 million bond program for the enhancement, expansion, and addition of public parks, especially neighborhood parks, to serve Temple, including low- to moderate-income residents. The parks provide important neighborhood amenities for the under-resourced.
	<b>Basis for Relative Priority</b>	The high priority is based on the City's current Comprehensive Plan, neighborhood master plans, the results of resident surveys and stakeholder interviews, and input from the Parks & Recreation Department.

10	<b>Priority Need Name</b>	Infrastructure Improvements
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Infrastructure Improvements
	<b>Description</b>	Infrastructure enhancements in qualified LMI neighborhoods to enhance transportation, lighting and mobilities to improve placemaking through increased opportunities in low income neighborhoods (sidewalks, drinking fountains, street and sidewalk lighting, bus stop shelters).
	<b>Basis for Relative Priority</b>	The high priority is based on the City's current Comprehensive Plan, neighborhood master plans, the results of resident surveys and stakeholder interviews, and input from the of the City staff members' knowledge of deteriorating sidewalks and those not ADA compliant, and the Parks & Recreation Department.
11	<b>Priority Need Name</b>	Code enforcement
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Middle Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Spot Blight Reduction

	<b>Description</b>	Code enforcement is an integral part of maintaining the desirability and values in residential neighborhoods. Code enforcement officers who conduct windshield surveys to identify violations, receive/investigate complaints, cite violators, and pursue the citation through to completion help to make the neighborhoods safer and more desirable.
	<b>Basis for Relative Priority</b>	The priority is rated as high based on the results of the resident surveys and stakeholder interviews, and input from code enforcement officers and HOAs.
<b>12</b>	<b>Priority Need Name</b>	Demolition and Clearance
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Middle Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Spot Blight Reduction
	<b>Description</b>	Neighborhood revitalization includes eliminating abandoned unsafe structures through demolition and clearance as well as clearance of vacant lots and illegal dumping grounds. The City will support the demolition/clearance of abandoned structures and the clearance of debris in vacant lots and illegal dumping grounds.
	<b>Basis for Relative Priority</b>	The priority is rated as high based on the results of the resident surveys and stakeholder interviews, and input from code enforcement officers and HOAs.
<b>13</b>	<b>Priority Need Name</b>	Facility Improvements
	<b>Priority Level</b>	High

	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Homeless Services Public Facility Improvements
	<b>Description</b>	Facility enhancements, upgrades and modifications to community facilities in LMI areas and limited clientele service agencies community-wide.
	<b>Basis for Relative Priority</b>	The high priority is based on the growing elderly population, increased needs of special needs populations and the results of the resident surveys and stakeholder interviews as well as input from public service agencies, Texas homeless Network, and MHMR.
<b>14</b>	<b>Priority Need Name</b>	Public Services

	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Public Services Crime Prevention Program
	<b>Description</b>	Funding to PSA's for seniors, victims of domestic violence, homeless, youth, children, unaccompanied minors, veterans, special needs populations, and general LMI individuals and families.
	<b>Basis for Relative Priority</b>	High priority is given to these special needs residents based on community surveys, stakeholder interviews, City staff input and state and federal data.
<b>15</b>	<b>Priority Need Name</b>	Employment training/placement

	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Employment Training/Placement
	<b>Description</b>	Employment at a livable wage is required for individuals to be self-sufficient. In order to prepare for adequate employment, many adults require literacy education, GED preparation, job readiness assistance, and job training. Agencies to provide such services are a high priority for Temple.
	<b>Basis for Relative Priority</b>	Based on Census data, the number of adults with limited English proficiency and the number without a high school diploma indicate a high need for services to prepare them for employment. Additionally, specific job readiness and training is a high priority to move many from being working poor into self-sufficiency. Resident surveys indicated that the general population rates adult education as a high priority.
16	<b>Priority Need Name</b>	Assistance to businesses
	<b>Priority Level</b>	High
	<b>Population</b>	Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Economic Development
	<b>Description</b>	Micro-enterprise programs, facade improvements and other assistance to businesses, particularly small businesses and Section 3 businesses can stabilize and enhance mixed use neighborhoods and create jobs.
	<b>Basis for Relative Priority</b>	Temple's Economic Development Corporation, Choose Temple, resident surveys and stakeholder interviews indicate that the community places a high priority on assisting businesses in the area to thrive and grow.

17	<b>Priority Need Name</b>	Crime Prevention Program
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Chronic Homelessness Individuals Families with Children Mentally Ill veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Public Services Crime Prevention Program
	<b>Description</b>	The Crime Prevention Program will provide a dedicated and consistent law enforcement presence to work within the low-to-moderate income area with objectives and benchmarks to engage the community for the purpose of eliminating and reducing crime.
	<b>Basis for Relative Priority</b>	The priority is based on the results of resident surveys, public forums, stakeholder interviews, police statistics, and City staff.

<b>18</b>	<b>Priority Need Name</b>	South 7 <sup>th</sup> Street Overlay and Sidewalk Construction
	<b>Priority Level</b>	High
	<b>Population</b>	Extremely Low Low Moderate Large Families Families with Children Elderly Individuals Unaccompanied Youth Elderly Frail Elderly Persons with Physical Disabilities Persons with Developmental Disabilities Non-housing Community Development
	<b>Geographic Areas Affected</b>	
	<b>Associated Goals</b>	Infrastructure Improvement
	<b>Description</b>	Infrastructure enhancements in qualified LMI neighborhoods to enhance transportation, lighting and mobilities to improve placemaking through increased opportunities in low income neighborhoods (sidewalks, drinking fountains, street and sidewalk lighting, bus stop shelters).
	<b>Basis for Relative Priority</b>	The high priority is based on the City's current Comprehensive Plan, neighborhood master plans, the results of resident surveys and stakeholder interviews, and input from the of the City staff members' knowledge of deteriorating sidewalks and those not ADA compliant, and the Parks & Recreation Department.

## **Narrative (Optional)**

The high priorities identified in the 2015-2019 Consolidated Plan are:

- Affordable Housing
- Public Facilities / Infrastructure / Transportation
- Clearance
- Public Services
- Program Administration

The high priority needs were determined in compliance with the City's Citizen Participation Plan following a series of public meetings, stakeholder meetings, and Public Hearings. Each meeting/hearing included a presentation on the City's funding history, eligible activities, national objectives, and fair housing. Participants and the public were encouraged to complete the City's needs assessment surveys – either paper or online. Paper surveys were provided at each of the workshop and small group meetings, and provided in bulk to local organizations, churches, and community groups. The online surveys were advertised at the public library, public housing computer labs, and other community centers where internet access and computers were available to the community. Survey results were presented to the City Council and interested community groups and organizations (as requested), along with any comments that had been received. Additionally reports and presentations were posted to the City's website.

Since the 2015 process of determining priority needs, the City staff and community stakeholders have determined that the code enforcement, spot blight removal and infrastructure improvements cannot sustain positive improvement to quality of life in the CDBG Target Areas without additional dedicated crime prevention activities.

At this time, crime prevention is being added to the list of high priorities. While funding public service agencies is still a high priority, the City has determined that the community would be better served by the agencies being funded through alternate City dollars, freeing CDBG funds for more area-wide activities.

## SP-30 Influence of Market Conditions – 91.215 (b)

### Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	Due to shortage of CDBG funding and the lack of HOME designation, the City does not anticipate funding TBRA programs but recognizes the need for non-profits seeking other federal, state or private funds to be consistent with the Consolidated Plan. The City will support applications for state HOME and ESG funds for TBRA/Rapid Re-housing.
TBRA for Non-Homeless Special Needs	Due to shortage of CDBG funding and the lack of HOME designation, the City does not anticipate funding TBRA programs but recognizes the need for non-profits seeking other federal, state or private funds to be consistent with the Consolidated Plan. The City will support applications for state HOME and ESG funds for TBRA.
New Unit Production	While there is a documented shortage of affordable housing for sale, due to shortage of CDBG funding and the lack of HOME designation, the City does not anticipate funding new unit production but will support the efforts of non-profits to become state CHDOs or use other funds to develop new affordable housing for homeownership. The Central Texas Housing Consortium, which manages the Temple Housing Authority and develops private housing does anticipates developing affordable single family housing for homeownership.
Rehabilitation	Nearly 2,000 homeowners are low- to moderate-income with a housing cost burden of greater than 30% of their income and are not able to afford routine home maintenance much less major improvements. Most cannot afford their insurance deductible when insured damage occurs. As a result, the housing deteriorates rapidly when there is a small repair issue that cannot be managed. Therefore, the City will expend CDBG funds for owner-occupied rehabilitation, including energy improvements and accessibility installations/improvements.
Acquisition, including preservation	There are more than 1,000 moderate-income renters with a housing cost burden of greater than 30% of their income. With proper financial and credit counseling many would be able to become homeowners with housing costs less than they are currently expending for rent. However, most require initial down payment and closing cost assistance to compensate for a shortage of savings. The City will expend CDBG and Community Enhancement Grant funds for first-time homebuyer's assistance.

**Table 3 – Influence of Market Conditions**

## SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

### Introduction

The City of Temple partners with a number of service providers, public service agencies and homeless shelter/housing providers to maximize CDBG resources and other public and private resources. The costs to address the needs of the under-resourced that reside in Temple, cannot be covered through a single source, but must be supported through a number of layered and pooled funding streams. While there is no match requirement for CDBG, the City supplements community development and provision of services to the under-resourced with over \$500,000 in general funds via the Community Enhancement Grants annually. The City also employs a staff of grant writers to identify and secure external funding to bring much needed financial resources into the community from other philanthropic, local, state and federal sources, thus ensuring we can leverage our investments and maximize the impact of CDBG activities.

### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	357,357	0	60,031	417,388	1,429,428	Remaining 4 years calculated assuming a 9% reduction in HUD allocations each year

Table 4 - Anticipated Resources

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The federal funds and additional resources work together to provide the highest level of product/service possible. The CDBG and other funds from other sources are used in conjunction with CDBG, but are not necessarily used as leverage or match, rather as supplemental and augmentation. Most of the housing programs within Temple are offered through partner organizations. Temple Housing Authority brings other federal grants to the table. Some public service agencies use local federal funds to leverage Texas Department of Housing and Community Affairs funds for City of Temple programs. Temple's City Lot program, and the Jeff Hamilton Park Pilot Project provides incentives and easy (low-cost) access to land for the development of new homes in the inner city. The City uses significant general fund dollars in conjunction with CDBG funds to improve parks, facilities and infrastructure as well as to support code enforcement activities. Other public service programs receive funds from Texas Workforce Commission, other public agencies specific to the type of service, foundation grants, and private donations.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

Not Applicable

**Discussion**

The City of Temple uses Federal, State and local resources to address the needs identified by residents for improved services and infrastructure modernization. The City uses CDBG funding to achieve the goals outlined in the five year consolidated plan. The City will receive \$357,357 in 2015 CDBG funds to be addressed in this annual action plan. This is a 8.5% reduction in funds from last year. Additional local, State and Federal funding is used to make needed improvements to streets, parks, water/sewer infrastructure, and facilities that serve to promote economic attainment as well as social and environmental justice for all the residents of the City of Temple. Of the hundred-plus current Capital Improvement Projects, roughly 46.8% of the projects have direct impact on LMI neighborhoods and residents. Additional General Fund monies are allocated every year for projects that range from funding non-profit agencies to blight demolition. The City of Temple has grant writing staff that work to leverage local, state, federal and private funds in order to maximize the potential impact of programmatic funding on City services. The Office of Sustainability and Grants works within the City Manager's Office, to support programs and projects at the City of Temple and to increase the impact of taxpayer funded work for the community. The staff works with all departments within the City to increase efficiency and alleviate waste, helping to ensure wise-use of public resources and supporting a more resilient City for future generations.

The City will use CDBG funds, along with leveraged and general funds to address the needs outlined in the Needs Assessment chapter. It will require additional assistance from non-funded entities to address all of the needs of the community. The City will strive to work with the Central Texas COG, Temple Economic Development Corporation, Temple Independent School District, Bell County, and other public entities as well as private housing developers and lending institutions, and social service organizations to coordinate programs and services to meet the objectives of the office of Community Development and the CDBG program.

## SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
TEMPLE	Government	Economic Development Homelessness Non-homeless special needs Ownership Planning Rental neighborhood improvements public facilities public services	Other
United Way of Central Texas	Non-profit organizations	Economic Development Non-homeless special needs Ownership Planning neighborhood improvements public services	Region
NEIGHBORWORKS OF WACO, INC	Non-profit organizations	Economic Development Ownership Planning	Region
FAMILIES IN CRISIS, INC	Non-profit organizations	Homelessness	Region
FAMILY PROMISE OF EAST BELL COUNTY	Non-profit organizations	Homelessness	Region
Central Texas Housing Consortium - THA	Non-profit organizations	Ownership Public Housing Rental public services	Region

<b>Responsible Entity</b>	<b>Responsible Entity Type</b>	<b>Role</b>	<b>Geographic Area Served</b>
HILL COUNTRY COMMUNITY ACTION ASSOCIATION, INC	Non-profit organizations	Homelessness Non-homeless special needs Ownership public services	Region
Heart of Central Texas Independent Living	Non-profit organizations	Non-homeless special needs	Region
Texas Homeless Network	Non-profit organizations	Homelessness	Region
Hill Country Transit District (The HOP)	Non-profit organizations	public services	Region
Texas Health Institute	Non-profit organizations	Non-homeless special needs Planning public services	Region
Helping Hands Ministry	Non-profit organizations	Homelessness Non-homeless special needs Ownership Planning Rental neighborhood improvements public services	Region
Heart of Texas Goodwill Industries, Inc.	Non-profit organizations	Homelessness Non-homeless special needs Ownership Planning Rental public services	Region
Workforce Solutions of Central Texas	Government	Economic Development public services	State

**Table 5 - Institutional Delivery Structure**

## **Assess of Strengths and Gaps in the Institutional Delivery System**

The Consolidated Plan is implemented through the structure created by the City of Temple which is the lead agency and a CDBG Entitlement entity. The City's strength is that it has a history of coordination and collaboration with other governmental entities and agencies in the implementation of HUD and non-HUD funded programs and services. The City's Community Development staff is responsible for managing all HUD funds received by the City. The Central Texas Housing Consortium is responsible for managing public housing funds. The Central Texas Council of Governments is responsible for managing the HUD Section 8 Program and other programs funded by federal, state and local entities.

The Central Texas Homeless Alliance works with the Texas Homeless Network to identify and plan for the needs of homeless families and individuals in Bell County. The Alliance is a member of the Texas Balance of State CoC. The Texas Homeless Network is the lead agency that provides trainings and technical assistance in developing and managing programs funded by the Continuum of Care and Emergency Solutions Grant programs.

The City of Temple is working with a consultant provided by the Texas Homeless Network to develop a comprehensive plan to end homelessness in the Central Texas area including Temple, Belton, Killeen and the rural areas of Bell County.

#### **Availability of services targeted to homeless persons and persons with HIV and mainstream services**

<b>Homelessness Prevention Services</b>	<b>Available in the Community</b>	<b>Targeted to Homeless</b>	<b>Targeted to People with HIV</b>
<b>Homelessness Prevention Services</b>			
Counseling/Advocacy	X	X	
Legal Assistance	X	X	
Mortgage Assistance	X	X	
Rental Assistance	X	X	
Utilities Assistance	X	X	
<b>Street Outreach Services</b>			
Law Enforcement			
Mobile Clinics			
Other Street Outreach Services		X	
<b>Supportive Services</b>			
Alcohol & Drug Abuse	X	X	X
Child Care	X		
Education	X		
Employment and Employment Training	X	X	X
Healthcare	X		
HIV/AIDS	X		
Life Skills	X	X	X

Supportive Services			
Mental Health Counseling	X		
Transportation	X		
Other			

Table 6 - Homeless Prevention Services Summary

**Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)**

All services in the system are available to people experiencing homelessness. While very few programs are targeted specifically to the homeless population, efforts are made by housing and service providers to work collaboratively with the agencies providing needed supportive services and affordable housing. The Central Texas VA Health Care System provides targeted outreach, services, housing assistance to veterans and their families. The Central Texas Homeless Alliance holds regular meetings with time set aside for discussion of needs, gaps in services, and available services, allowing for information sharing and collaboration between agencies.

**Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above**

The strength of the service delivery system is that there is already a network of collaboration and cooperation between agencies. Often agencies are the sole source of a service which requires that agencies work together to meet the needs of their clients. The City is interested in working with agencies and the Balance of State CoC in order to address the needs of people experiencing homelessness, specifically focusing on housing needs. Agencies participating in HMIS are able to provide referrals and information through this database, thus reducing the time it takes to apply for and access programs.

The largest gap in the service system is financial. Agencies do not have the financial resources to expand and/or develop programs specifically to meet the needs of special populations including those experiencing homelessness. There are limited emergency shelters, Rapid Re-Housing programs and permanent supportive housing programs in the City of Temple. Affordable housing subsidies are limited to the Section 8 program and public housing units. The Section 8 waiting was February 1, 2015 closed. The public housing waiting list is open with a wait time of three to six months. The Central Texas Housing Consortium has developed a number of properties with rents below the market rate which are affordable to some low-income households. Agencies need funding to hire new staff and train existing staff in order to have the capacity to develop and manage new programs.

**Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs**

The strategies for overcoming gaps and capacity issues in the service delivery system require additional funding. The City of Temple will continue to work with the Central Texas Homeless Alliance and the Texas Homeless Network to identify a strategy for developing new programs, identifying funding and building the capacity of local agencies. Additionally the City will work with agencies located in other cities that are interested in developing satellite programs or would be willing to set-aside vouchers and service slots for Temple residents in their current programs. The City will continue to participate in the Texas Balance of State CoC in conducting PIT counts, needs assessments, gaps analysis, and refining the CoC plan to develop a pro-active approach to changing needs of people experiencing homelessness in the community.

## SP-45 Goals Summary – 91.215(a)(4)

### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Minor Home Repair (owner-occupied)	2015	2019	Affordable Housing		Accessibility improvements in housing Energy efficiency improvements in housing Owner Occupied Housing Improvements	CDBG: \$0	Homeowner Housing Rehabilitated: 15 Household Housing Unit
2	Down-payment/Closing Cost Assistance	2015	2019	Affordable Housing		Down payment assistance		Direct Financial Assistance to Homebuyers: 5 Households Assisted
3	New Affordable Housing	2015	2019	Affordable Housing		New construction of affordable owner occupied homes New construction of affordable rental units		Homeowner Housing Added: 2 Household Housing Unit
4	Fair Housing Activities	2015	2019	Fair Housing		Fair Housing Activities		
5	Infrastructure Improvements	2015	2019	Non-Housing Community Development		Infrastructure Improvements		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Public Facility Improvements	2015	2019	Non-Housing Community Development		Facility Improvements Public parks		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
7	Spot Blight Reduction	2015	2019	Non-Housing Community Development		Code enforcement Demolition and Clearance		Buildings Demolished: 25 Buildings
8	Homeless Services	2015	2019	Homeless		Facility Improvements		Other: 500 Other
9	Public Services	2015	2017	Non-Housing Community Development		Public Services Crime Prevention Program		Public service activities other than Low/Moderate Income Housing Benefit: 1115 Persons Assisted
10	Employment Training/Placement	2015	2019	Non-Housing Community Development		Employment training/placement		Public service activities other than Low/Moderate Income Housing Benefit: 25 Persons Assisted
11	Economic Development	2015	2019	Economic Development		Assistance to businesses		Businesses assisted: 5 Businesses Assisted
12	CDBG Administration	2015	2019	Administration				
13	Crime Prevention Program	2018	2019	Non-Housing Community Development		Public Services Crime Prevention Program		Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted

**Table 7 – Goals Summary**

## Goal Descriptions

1	<b>Goal Name</b>	Minor Home Repair (owner-occupied)
	<b>Goal Description</b>	Owner occupied rehabilitation; energy efficiency improvements; accessibility
2	<b>Goal Name</b>	Down-payment/Closing Cost Assistance
	<b>Goal Description</b>	Provide homeownership opportunities for low-mod income renters
3	<b>Goal Name</b>	New Affordable Housing
	<b>Goal Description</b>	New housing for purchase
4	<b>Goal Name</b>	Fair Housing Activities
	<b>Goal Description</b>	Affirmatively Furthering Fair Housing
5	<b>Goal Name</b>	Infrastructure Improvements
	<b>Goal Description</b>	Improvements to sidewalks, lighting, streets, bus stop shelters.
6	<b>Goal Name</b>	Public Facility Improvements
	<b>Goal Description</b>	Improvements to facilities other than parks
7	<b>Goal Name</b>	Spot Blight Reduction
	<b>Goal Description</b>	Demolition & clearance of abandoned properties

8	<b>Goal Name</b>	Homeless Services
	<b>Goal Description</b>	Services to address issues related to homelessness
9	<b>Goal Name</b>	Public Services
	<b>Goal Description</b>	Assistance to victims of domestic violence and/or sexual assault. Assistance to unsheltered homeless or those within shelters or housing. Assistance to underserved children. Assistance to underserved youth. Assistance to under-resourced elderly. Emergency rent/utility and prescription assistance. Assistance to non-profits distributing food to those in need.
10	<b>Goal Name</b>	Employment Training/Placement
	<b>Goal Description</b>	Assistance to agencies providing ESL/literacy/GED education or job training
11	<b>Goal Name</b>	Economic Development
	<b>Goal Description</b>	Assistance to agencies and businesses increasing employment opportunities
12	<b>Goal Name</b>	CDBG Administration
	<b>Goal Description</b>	N/A
13	<b>Goal Name</b>	Crime Prevention Program
	<b>Goal Description</b>	Community engagement to eliminate and/or reduce crime.
14	<b>Goal Name</b>	South 7 <sup>th</sup> Street Overlay and Sidewalk Construction
	<b>Goal Description</b>	Improvements to sidewalks, lighting, streets, bus stop shelters.

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)**

During the 5 years of this Consolidated Plan (PY 2015 – PY 2019), the City, or its partners with other funding, will provide assistance to 27 households for first-time homebuyer’s assistance, home improvements, and the construction of new housing units.

## **SP-50 Public Housing Accessibility and Involvement – 91.215(c)**

### **Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)**

Currently, 15% of the public housing units are accessible. The Public Housing Authority has sufficient accessible units and meets the requirements of the Section 504 Voluntary Compliance Agreement.

### **Activities to Increase Resident Involvements**

While the City of Temple will have no direct actions to encourage public housing residents to be more involved in management, the Central Texas Housing Consortium is proactive in both resident participation and residents' move to homeownership:

- The HA operates community centers at the properties with service coordinators to facilitate access to social service and to encourage participation in the management of the program;
- Social activities such as pot luck dinners, cook outs, and holiday parties are conducted at all properties to encourage interactions among residents and with the staff and management, opening the door for more involvement by residents;
- Homeownership opportunities are provided through funding from Texas Department of Housing and Community Affairs for first-time homebuyers; and
- Central Texas Housing Consortium is the developer of single family affordable homes for purchase by housing authority residents.

### **Is the public housing agency designated as troubled under 24 CFR part 902?**

No

### **Plan to remove the 'troubled' designation**

Not Applicable

## **SP-55 Barriers to affordable housing – 91.215(h)**

### **Barriers to Affordable Housing**

#### **Strategy to Remove or Ameliorate the Barriers to Affordable Housing**

The City will address the barriers to affordable housing through these activities:

- Homebuyer assistance: In years 2 through 5, Temple intends to support agencies in their provision of first-time homebuyer's assistance.
- Owner-occupied housing improvements: During the 5 years of this Consolidated Plan, the City will fund improvements to homes owned and occupied by low- to moderate-income households. The improvements will include repairs/rehabilitation, energy efficiency improvements that will reduce the homeowners' utility costs, and accessibility improvements for the disabled.
- Owner-conducted or volunteer-conducted housing improvements: The City provides a Tool Trailer Program that provides a neighborhood association or a group of homeowners a trailer filled with tools to maintain yards. The trailer is provided on a first-come/first-served basis and can be reserved in advance. The trailer is made available for specific lengths of time, agreed upon in advance by both the City and the group doing the service work. The trailer may be requested multiple times by one group if needed.
- The City may fund the addition of Carpentry tools to the above referenced Tool Trailer, which will expand the opportunities for service and home maintenance projects to include interior home repair activities.
- The City grants funding to a subrecipient to provide maintenance education to owners and those intending to purchase a home. This education accomplishes two goals: (1) is it trains owners in do-it-yourself and cost-saving maintenance; and (2) it educates prospective buyers in the true cost of homeownership beyond the monthly mortgage and utility payments.
- Rental Non-financial Support: The City will work closely with the Section 8 program and other TBRA programs to identify potential affordable properties and to address fair housing issues.

## **SP-60 Homelessness Strategy – 91.215(d)**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

Currently some agencies provide limited outreach services for the specific population that they serve including the Central Texas Veterans Health Care System. The City will work with local agencies to identify agencies that could provide outreach services especially to the encampments in the area. Information regarding services and housing will be distributed by the local churches that operate soup kitchens and/or food pantries, at nonprofit agencies and governmental entities. In Temple, there are resource centers where people may access information and referral to services on a walk-in or by appointment or the 211 system.

### **Addressing the emergency and transitional housing needs of homeless persons**

There are a limited number of emergency shelters and transitional housing programs in Temple and the only permanent supportive housing program is limited to veterans. The City will continue to work with the Central Texas Homeless Alliance and the Texas Homeless Network to identify agencies that could provide emergency shelter, rapid re-housing, and permanent supportive housing programs within the city limits.

### **Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.**

The City and the Central Texas Homeless Alliance will continue to work the Texas Balance of State Continuum of Care to identify strategies to develop additional affordable and supportive housing in an effort to make homelessness rare, short-lived, and non-reoccurring. Members from the Alliance currently serve on several committees for the Texas BoS CoC which is working on strategies for “closing the front door” to prevent homelessness and “opening the back door” to ensure that time in an emergency shelter is not long-term and people move quickly into more stable housing. The City will continue to work with local agencies and Workforce Solutions to assist people in securing permanent employment with a living wage by expanding methods that are already successful and identifying innovative activities. Staff at service agencies will make referrals for their clients that are eligible for entitlement benefits. Agencies will be encouraged to send staff to the SOAR training offered by the Texas Homeless Network.

### **Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being**

**discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs**

The Texas Homeless Network, the Texas Interagency Council on Homelessness, Mental Health Authorities and the Department of State Health Services are working together to develop a statewide discharge plan so that no person is discharged into homelessness. Similar efforts are being made with the Texas Department of Criminal Justice and the Texas Department of Child and Protective Services. All publically funded institutions will be asked to adopt this plan and work with local governments and providers to ensure that people are housed when they are discharged and that discharge planning begins when the person enters the facility. Local agencies will continue to refer to agencies that provide housing even if they are outside the city limits of Temple, TX.

Organization	Responsible Entity Type	Services Provided	Geographic Area Served
Area Agency on Aging of Central Texas	Government	Senior services: Nutrition, transportation, care coordination, in-home assistance, benefits counseling, information and referral, nursing	Bell, Coryell, Milam, Lampasas, San Saba, Mills and Hamilton Counties
Central Texas Council of Governments	Government	Section 8 program; regional planning; Area Agency on Aging, Workforce Solutions; economic development (CEDs)	Bell, Coryell, Milam, Lampasas, San Saba, Mills and Hamilton Counties
Central Texas Housing Consortium	Government	Public Housing and affordable housing	Temple, TX and Belton, TX
Salvation Army	Non-Profit	Food pantry, utility assistance, clothing, back-to-school supplies and Christmas assistance	Temple, TX
Family Promise of Central Texas	Non-Profit	Emergency shelter, meals, transportation to school and work, and referrals to other service	Temple, TX
Families in Crisis, Inc.	Non-Profit	Services, emergency shelter, transitional housing for victims of domestic violence	Temple, TX and Killeen, TX

**SP-60**

## **SP-65 Lead based paint Hazards – 91.215(i)**

### **Actions to address LBP hazards and increase access to housing without LBP hazards**

During the process of installing housing improvements in owner-occupied units, the City will assess LBP hazards. Housing constructed before 1979 will be assessed for lead-based paint and if present, will be mitigated as per HUD regulations.

For Years 2-5 of the Consolidated Plan, the City will be funding first-time homebuyer's assistance and will require the subrecipient that manages the program to conduct Housing Quality Standards (HQS), including lead-based paint hazards on all prospective units to be purchased.

### **How are the actions listed above related to the extent of lead poisoning and hazards?**

HUD-provided information from the ACS indicates that there are 245 low-mod income renters and 85 low-mod income owners with children present and living in housing built before 1980. The housing programs will address the LBP hazard issues for the owners and buyers. The City does not provide assistance to renters and must rely on the Section 8 and other TBRA providers to conduct HQS inspections on rental properties and not allow program participants to rent units with LBP hazards.

### **How are the actions listed above integrated into housing policies and procedures?**

The City's CDBG policies and procedures include housing sections that discuss not only the eligibility of households, but also the eligibility of the properties to be improved or purchased. In the property eligibility the City outlines the procedures for LBP assessment and remediation for owner-occupied units and the procedures for inspection/LBP assessment by the subrecipient of houses to be purchased with the assistance of CDBG funds.

The Central Texas Council of Governments (COG) manages the Section 8 HCV program and the policies and procedures for the management of the program includes sections on HQS inspections and LBP assessments.

## **SP-70 Anti-Poverty Strategy – 91.215(j)**

### **Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families**

The City of Temple uses CDBG and the in-house Community Enhancement Grant funds to support a number of activities that are aimed at reducing the number of poverty-level families. The programs can be aggregated within a few main goals:

**Adult Basic Education:** Depending on the agencies applying for CDBG or CEG funds, the City funds ESL/literacy education, GED preparation or other Adult Basic Education for both homeless and non-homeless individuals.

**Post-secondary Education and Employment Assistance:** Depending on the agencies applying for CDBG or CEG funds, the City supports post-secondary classes and scholarships through Temple College and job training/mentorships/job readiness programs for those seeking immediate employment. Additionally, if agencies apply for such funds, the City may support the purchase of job uniforms and tools for those enrolled in job training and job placement programs.

**Youth Programs:** One of the City's policies is to ensure that the next generation of workers are well prepared for the labor market. As a result, the City will fund agencies applying to assist in programs for youth such as drop-out prevention, college or trade school preparation, and other programs that will enhance the youth's desire and opportunity for developing a successful career after graduation.

**Economic Development:** One of the City's major policies for reducing poverty is its commitment to hiring Section 3 businesses and individuals. The City is committed to providing, to the extent feasible, contracts and job opportunities to very low-income businesses and individuals in the area. All City bids for Section 3-covered projects include language about preference given for new employment, training and contracting opportunities for low-income individuals and subcontracting companies. Businesses and individuals qualifying as Section 3 entities may apply through the City to become certified and placed on a list to be accessed by contractors and City staff.

### **How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan**

In situations where the City either contracts housing improvements or grants funds to non-profits for housing improvements, preference will be given to Section 3-certified businesses or individuals.

For non-housing related construction contracts that use CDBG funds, or are for activities in the proposed NRSA, the City will also give preference to Section 3-certified businesses or individuals and will monitor Section 3 participation.

## **SP-80 Monitoring – 91.230**

**Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

The City of Temple, completes annual reviews of the Consolidated Plan and Annual Plans to compare progress toward objectives and deliverables. This is accomplished primarily through the development of the Consolidated Annual Performance and Evaluation Review; but also through internal processes as established by City Policy.

The City of Temple employs a program specialist in the Department of General Services (formerly the Office of Sustainability and Grants) to oversee and manage the CDBG program. General Services staff monitor CDBG activities on a day to day basis with additional standardized monthly processes. Several systems are in place in multiple departments to ensure accuracy and efficiency. A monthly meeting is held with the General Services staff, City of Temple Finance Department staff, and all project managers overseeing CDBG funded projects in order to encourage communication, accuracy, and timeliness in all CDBG activities and payments. During these monthly meetings, City staff discuss and resolve any potential issues that could impair the City's ability to meet established deadlines. In addition to self-monitoring, the City's program specialist monitors all public service agencies receiving HUD funds; and reviewing files for documentation of program requirements.

Internally, the City of Temple uses several tools to monitor the CDBG program. Spreadsheets developed to maintain the 2005 Workout Plan are still in use though not required by HUD. These tools along with the annual CAPER assist the City in evaluating the performance and timeliness of the City's CDBG projects.

The City will continue its sub-recipient monitoring policy for all CDBG funded activities. Monitoring will occur in accordance with existing executed contracts between the City and each sub-recipient. The City exercises a high degree of control over the activities of designated sub-recipients (CDBG). Therefore, minimum monitoring procedures consist of regular contact by telephone, email, and in person; maintaining copies of all project documents in City files; obtaining written documentation of expenditures for reimbursement, and submission of quarterly progress reports. The City's monitoring standards and procedures ensure that statutory and regulatory requirements are met and that the information submitted to HUD is correct and complete.

RESOLUTION NO. 2019-9515-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A SUBSTANTIAL AMENDMENT TO THE ADOPTED COMMUNITY DEVELOPMENT BLOCK GRANT, 2015-2019 CONSOLIDATED PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Consolidated Plan outlines how the City of Temple will meet the National Objectives of the Community Development Block Grant (CDBG) requirements from 2015-2019 and provides a five-year framework of the program, detailing objectives and expected outcomes;

**Whereas**, the City plans to reallocate the Housing Improvement Program (HIP) Plan Year funding from 2015-2018 in the amount of \$663,985, to fund roadway and sidewalk improvements of a two-block area of South 7th Street, between Avenue H and Avenue J;

**Whereas**, Housing and Urban Development (HUD) understands that priorities may shift during the five-year period, and communities may need to leverage their dollars in other areas, however, when activities need to be added or deleted from the Consolidated Plan it is considered to be a substantial amendment, and it is required that the City seek the changes in accordance with the Citizen Participation Plan;

**Whereas**, Staff recommends Council approve a substantial amendment to the 2015-2019 Consolidated Plan with the addition of a new project infrastructure program;

**Whereas**, this proposed amendment to the 2015-2019 Consolidated Plan is in conjunction with the required 30-day public comment period which runs from January 7, 2019 through February 7, 2019; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to adopt the substantial amendment to the adopted Community Development Block Grant 2015-2019 Consolidated Plan.

**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 adopts the substantial amendment to the adopted Community Development Block Grant, 2015-2019 Consolidated Plan, attached hereto as “Exhibit A” and incorporated herein 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 on this the 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #6  
Regular Agenda  
Page 1 of 1

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

Erin Smith, Assistant City Manager

**ITEM DESCRIPTION:** PUBLIC HEARING – Conduct a final public hearing and consider a resolution approving the substantial amendment to the Community Development Block Grant 2018-2019 Annual Action Plan, including the funding recommendations.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt resolution as presented in item description.

### **ITEM SUMMARY: 2018–2019 Annual Action Plan – Substantial Amendment**

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. Council adopted the Plan Year 2018-2019 Annual Action Plan on August 2, 2018. Staff desires at this time to defund the Housing Improvement Program (HIP) and reallocate those funds to a new infrastructure program.

The City plans reallocate the HIP Plan Year funding from 2015-2018 in the amount of \$663,985 to fund roadway and sidewalk improvements of a two block area of South 7<sup>th</sup> Street, between Avenue H and Avenue J.

HUD understands that priorities may shift during the plan year, and communities may need to leverage their dollars in other areas. When activities need to be added or deleted from the Annual Action Plan that equal 25% of the annual allocation, it is considered to be a substantial amendment, and it is required that the City seek the changes in accordance with the Citizen Participation Plan. At this time, staff desires to amend the 2018-2019 Annual Action Plan with the addition of a new infrastructure program.

This presentation and public hearing for the proposed amendment to the 2018-2019 Annual Action Plan is in conjunction with the required 30-day public comment period. The public comment period is from January 7, 2019 through February 7, 2019.

**FISCAL IMPACT:** As stated above, the City plans to reallocate the Housing Improvement Program Plan Year funding from 2015-2018 in the amount of \$663,985 to fund roadway and sidewalk improvements of a two block area of South 7<sup>th</sup> Street, between Avenue H and Avenue J.

### **ATTACHMENTS:**

[2018-2019 Annual Action Plan Resolution](#)



**Collaborate . Participate . Engage**



2018-2019

# Annual Action Plan

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## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

The City of Temple is an entitlement community recipient of the Community Development Block Grant (CDBG), defined by Title 1 of the Housing and Community Development Act of 1974. Annually, Temple receives Federal funding that is used to address unmet community needs that primarily benefit low- to moderate-income persons. Grants are allocated by the U.S. Department of Housing and Urban Development (HUD) on a formula basis. The Consolidated Plan is a planning document that CDBG community recipients are required to submit every five years. The Five-Year Consolidated Plan is designed to help communities work to access homeless and non-homeless community development needs; affordable housing and market conditions, set goals and objectives and develop funding priorities for CDBG. The most recent Consolidated Plan covers program years 2015-2019. Each year, CDBG grant recipients must submit an Annual Plan to identify proposed activities and projects that will be carried out during the particular year. This Annual Action Plan covers the program year 2018, beginning October 1, 2018 through September, 30, 2019, which is the fourth year of the current Five-Year Consolidated Plan. At least one of the three national objectives listed below must be met before CDBG funds can be expended.

1. Benefiting low- to moderate-income persons;
2. Preventing, reducing, or eliminating slum and blight; or
3. Meeting an urgent community development need.

Temple's current CDBG allocation for PY 2018-19 is **\$536,232**. During the next few years of this current Consolidated Plan period, the City expects to focus its HUD entitlement funds primarily on the first two national objectives by improving the quality of life for those low- to moderate-income individuals and households throughout the City of Temple, and in neighborhoods with more than 51% of low- to moderate-income residents. Selection of the neighborhood is dependent upon the quality of the housing stock, public facilities/infrastructure and the economic opportunities. Temple is unique in that it augments its CDBG allocation with general funds and hotel/motel tax revenue dollars leveraged to ensure that the public service agencies, housing providers, and homeless shelter/service providers have adequate funds to meet the area needs. Should the actual allocation amount increase or decrease from the anticipated funding level, the City will ensure to adjust funding allocation appropriately in the 2018-2019 Annual Action Plan.

The following is a summary of City objectives and outcomes for the 2018-2019 Annual Action Plan, **1.** Decent Housing: provide housing rehabilitation (Minor Repair) for up to 20 housing units; and homeownership counseling services to 40 families. **2.** Suitable Living Environment: Fund a new program

to engage the community and develop pro-active responses to reduce and eliminate crime in the identified low- moderate income area **3.** Slum and Blight: removal of 12 substandard buildings. **4.** Infrastructure: installation of a sidewalk benefitting 525 households in a neighborhood.

## **2. Summarize the objectives and outcomes identified in the Plan**

*This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.*

During this particular fiscal year, the fourth year of the 2015-2019 Consolidated Plan, all objectives and outcomes are based on data collected through multiple processes throughout the development of the Consolidated Plan, the one-year annual action plan, the Fair Housing Plan and community engagement activities held throughout the year.

**Overview** - The Action Plan incorporates outcome measures identified in the Consolidated Plan. Performance measures objectives/outcomes have been associated with each activity funded:

General Objective Categories - Activities will meet one of the following:

- Decent Housing (DH)
- A Suitable Living Environment (SL)
- Economic Opportunity (EO)

General Outcome Categories - Activities will meet one of the following:

- Availability/Accessibility (1)
- Affordability (2)
- Sustainability (3)

**Housing:** To address the housing needs that have been determined based on data, the results of community input, and the realities of funding limitations, the City will use CDBG funds along with general funds through the Community Enhancement Grant (CEG) Program to focus on owner-occupied rehabilitation. This includes emergency or minor repair, weatherization, improved accessibility, first-time homebuyer's assistance and financial literacy/homeownership education. The City will support applications by other entities for state, federal, and private funding for the future construction of new affordable housing units.

The Central Texas Housing Consortium is responsible for managing public housing funds. The Central Texas Council of Governments is responsible for managing the HUD Section 8 Program and other programs funded by federal, state, and local entities.

**Infrastructure:** The City will complete the installation of sidewalks in the low-mod areas to assist citizens with better accessibility and safety who reside in those areas.

There are common indicators reported on all program activities that will have an impact on performance. These indicators are: 1. Amount of money allocated and/or leveraged from other funding sources per activity; 2. Number of persons, households, businesses, units or beds assisted; 3. Income levels of persons or household by 30, 50, 60, or 80 percent of the area median income; and 4. Race, ethnicity, and disability rate for activities that currently report these data elements.

### **3. Evaluation of past performance**

*This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.*

2017 saw a turnover in staffing of the Community Development and a restructuring of the Department. The Finance Department is now overseeing the CDBG program.

In plan year 2017, the City exceeded its goal of Spot Blight Demolition by demolishing 15 buildings instead of 12. One of the structures included asbestos remediation and clean up and one building was a burned out structure.

It was determined that the proposed sidewalk installation would exceed the \$25,000 funding allocation. This sidewalk will be completed in two phases with the first phase of the engineering of the sidewalk being completed in Plan Year 2017. The second phase, construction of the sidewalk, will be completed in Plan Year 2018.

Plan Year 2017 saw the roll out of the Housing Improvement Program (HIP). The City received 54 applications requesting assistance; 14 of those did not meet the defined criteria for participation. As the inspections of the applicant homes began, it was quickly realized that the original stated goal of \$5,000 per house would not be sufficient to make any meaningful impact. Staff re-evaluated the program needs and the desired outcomes and determined that the CDBG dollars would be better used to rehabilitate a few houses to a livable standard than do very minor work of no discernable benefit on many houses.

The City of Temple will continue to focus on a variety of activities that help to support the National CDBG objectives, and improve the local community. By implementing activities that primarily impact lower-income residents, barriers are removed to increase opportunities as well as create healthier communities. Even though Plan Year 2017 was slow to start, the City is poised and prepared to continue to implement the goals and programs as described.

#### **4. Summary of Citizen Participation Process and consultation process**

*Summary from citizen participation section of plan.*

The public participation process in the development of the City's 2018-2019 Annual Plan was not as beneficial as that of the past. Ultimately, what led to the development and completion of the City's 2018–2019 Annual Plan was prior years valuable input and citizen comments regarding the lack of affordable housing and minor repair needs of the low-income owner occupied homeowners, as well as critical public service needs of the homeless.

A public forum and two public meetings were held during the development phase. The public forum was held on June 14, 2018 at the Historic Post Office; one public meeting was held during the regular City Council Meeting on June 21, 2018; and the second public meeting was held during the regular City Council Meeting on August 2, 2018. It was also advertised that citizens who were unable to attend these meetings could download comment forms from the City's website and send to the Finance Department. Citizens also could obtain access to the draft version of the Annual Plan, which was posted to the City of Temple's website, and a copy accessible in the Public Library in downtown Temple.

#### **5. Summary of public comments**

*This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.*

During the public forum on June 14, 2018 the City received no public or written comments for the PY 2018 Annual Action Plan during the citizen participation period. There were 4 comments/questions during the June 21, 2018 public meeting and no comments/questions were received during the August 2, 2018 public meeting. The comments centered around the demolition program and neighborhood crime. However, during the public comment period for the development of the 2015-2019 Five-Year Consolidated Plan, many citizens' comments stressed the importance and extreme need for housing repair and maintenance services to stabilize and improve the existing housing stock. The concerned focused on the need to sustain overall growth, while not losing sight of issues that come with growth and possibly cost burden for low-income families, such as high housing costs, low wage and other basic needs. The 2018 Annual Action Plan will continue to carry out and address the extreme need for housing minor repairs that were stressed through public input. The City believes that these needs and issues will continue to be addressed in subsequent years through the Housing Improvement Program (HIP) in order to adequately assist its citizens.

#### **6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments are taken into consideration. No written comments were received during the Annual Plan's public comment period.

## **7. Summary**

A draft of the PY 2018-2019 Annual Participation Plan was made available to the general public at the following locations: The Temple Public Library and the City of Temple website, for viewing and perusing electronically. The review period was from June 21, 2018 to July 21, 2018. No written comments were received during this required 30-day period.

## PR-05 Lead & Responsible Agencies – 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

*Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.*

Agency Role	Name	Department/Agency
CDBG Administrator	TEMPLE	Finance

**Table 1 – Responsible Agencies**

### Narrative (optional)

The City of Temple's Finance Department is the lead agency for the preparation of the Annual Action Plan and the administration of the CDBG program. The Annual Plan's 30-day Public Comment Period was held June 21, 2018 through July 21, 2018, and adoption of the 2018-2019 Annual Action Plan was done during the official City Council Meeting on August 2, 2018.

### Consolidated Plan Public Contact Information

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## **AP-10 Consultation – 91.100, 91.200(b), 91.215(I)**

### **1. Introduction**

The Finance Department consults with a number of agencies throughout the year and is expanding its role in area-wide coalitions and collaborations. The City of Temple consults with the Central Texas Housing Consortium, which manages the Temple Housing Authority; the Central Texas Council of Governments, which manages the Section 8 Housing Choice Voucher (HCV) program, Area Agency on Aging, Temple Chamber of Commerce, area business leaders, public health departments, Central Texas Workforce Solutions, regional transportation activities, and other regional programs; Central Texas Homeless Alliance; Texas Homeless Network; and a number of public service agencies and advocacy groups. For the Consolidated Plan, the City hosted 2 housing forums, and a community development meeting, as well as two public hearings. Prior to this, during the development of the Consolidated Plan a public survey was done, the stakeholders were interviewed concerning issues specific to their programs and expertise. Each year, a minimum of two public meetings are held during the public participation period for the development of the Annual Action Plan. Various entities; local, regional, state and federal agencies are consulted as part of the development of the annual action plan.

### **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))**

City Staff not only attend area-wide meetings and forums on housing, fair housing, public services, economic development, and other area issues, but staff hosts a number of meetings, forums, neighborhood engagement and workshops throughout the year. During the past year, the division has worked diligently to identify and involve more stakeholders and to be integral members of area coalitions. Additionally Neighborhood Associations are developed and the Finance Department partners with these associations to establish continual relationships within these participating neighborhoods to better identify these types of service needs within the community.

The City works closely with the Central Texas Housing Consortium and is increasing its coordination with the Section 8 HCV provider. Recently, the City has received Technical Assistance from the Texas Homeless Network who has hosted meetings with shelter and service providers for the homeless.

### **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The Central Texas Homeless Alliance is a group of local and regional non-profit organizations, governmental entities, and faith-based entities serving the Temple-Killeen-Belton and Bell County areas by providing support services, emergency shelter, and housing. The Central Texas Homeless Alliance

joined the Texas Balance of State (BoS) Continuum of Care (CoC) in 2010. The Texas Homeless Network (THN) is a non-profit membership organization that serves as the lead agency for Continuum of Care, planning and management of the Homeless Management Information System for the 213 Texas counties in the Texas Balance of State Continuum of Care. THN assists in developing awareness and formulating strategies concerning statewide issues in the prevention and elimination of homelessness that require a comprehensive approach using a community-based planning structure.

The City of Temple coordinates with the Central Texas Homeless Alliance and Texas Homeless Network, as well as funds Alliance member agencies.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Temple is part of the Central Texas Homeless Alliance, which is part of the Texas Homeless Network's Balance of State. The City consulted with THN and recently requested/received technical assistance for the City and Central Texas Homeless Alliance.

Texas Homeless Network – Balance of State CoC administers HMIS. The City does not receive ESG funds nor do any of the Alliance members receive ESG through CoC or Texas Department of Housing and Community Affairs.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities.**

**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	Central Texas Housing Consortium - THA
	<b>Agency/Group/Organization Type</b>	Housing Regional organization Planning organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homelessness Needs - Veterans Homelessness Strategy Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing communications with the Central Texas Housing Consortium is essential because this organization is charged with supplying housing units and managing the public housing developments in the City. This coordination helps the City know and identify if and where units are available for citizens eligible for public housing.
2	<b>Agency/Group/Organization</b>	United Way of Central Texas
	<b>Agency/Group/Organization Type</b>	Services-Education Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Regular meetings about the array of services offered to citizens, and partnering with the City, particularly with the SOAR program and homebuyer education.
3	<b>Agency/Group/Organization</b>	FAMILIES IN CRISIS
	<b>Agency/Group/Organization Type</b>	Services-Victims of Domestic Violence Services-homeless Services - Victims
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Communications with the Families In Crisis director and consultation with the City, with the anticipated outcome of determining the level of need of homeless families, victims of domestic violence and veteran families, along with the funding received and services provided by the agency. Also information on availability of temporary shelter.
4	<b>Agency/Group/Organization</b>	TEMPLE HOUSING AUTHORITY
	<b>Agency/Group/Organization Type</b>	PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Market Analysis
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City frequently meets and collaborates with the Temple Housing Authority leadership and staff. Particularly in regard to fair housing. The housing authority and public housing programs will continue to partner with several local agencies, faith-based organizations, the City of Temple, and the school district to bring necessary resources to residents.

5	<b>Agency/Group/Organization</b>	Central Texas Council of Government
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-homeless Services-Employment Regional organization Planning organization
	<b>What section of the Plan was addressed by Consultation?</b>	Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Market Analysis Economic Development Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Continual contact with the CTCOG team in regard to the status and availability of Housing Choice Vouchers for Temple.
6	<b>Agency/Group/Organization</b>	Hill Country Transit District (The HOP)
	<b>Agency/Group/Organization Type</b>	Services-Elderly Persons Services-homeless Services-Employment Public Transportation

	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation about transportation issues and needs for the citizens of Temple. Work together on establishing strategic bus stop locations and routes that would be most beneficial for citizens who primarily use the service.
7	<b>Agency/Group/Organization</b>	TEMPLE HELP CENTER
	<b>Agency/Group/Organization Type</b>	Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Education Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Available references and resources for employment related assistance, or help for those seeking employment. Also provides information and referral services to connect families with the appropriate resources to meet immediate and long term crisis, educational classes, short term emergency financial assistance as circumstances warrant, and funds are available, Notary services and assistance in the completion of various public assistance forms.

8	<b>Agency/Group/Organization</b>	Bell County Indigent Health Services
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-homeless Service-Fair Housing Other government - County
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Through the sub-group of participants for the Central Texas Supportive Housing Coalition, the entities in Bell County work together to address Homelessness and seek ways to prevent duplication with the homeless population going from city to city in Bell County seeking services.
9	<b>Agency/Group/Organization</b>	HILL COUNTRY COMMUNITY ACTION ASSOCIATION
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Elderly Persons Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Agency staff are contacted in order to determine the perceived needs for utility/rental assistance, child care/Head Start, weatherization programs, senior services and other public service needs. Their services are important in working with the City staff for partnering and improved coordination.
10	<b>Agency/Group/Organization</b>	Central Texas Veterans Health Care System
	<b>Agency/Group/Organization Type</b>	Other government - Federal

	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy Market Analysis
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	A representative from the agency provides information regarding the services available through the medical center and other related Veteran services. Outcome was to establish a contact as a place where necessary services can be provided to citizens needing specialized assistance.
11	<b>Agency/Group/Organization</b>	CENTRAL COUNTY CENTER FOR MHMR
	<b>Agency/Group/Organization Type</b>	Services-Persons with Disabilities Other government - State
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	An available reference and resource for those persons with disabilities who are seeking assistance. Also references and services for persons with mental illness or intellectual and developmental disabilities needing support on their road to recovery and enhancement of their lives in the community.

### **Identify any Agency Types not consulted and provide rationale for not consulting**

All relevant agency types were consulted during the drafting of this annual action plan, meetings, forums, workshops, and other events were used to connect with agencies and their staff. The City attempted to contact several attendees and those not attending the public meetings or forums. For those who could not be reached, the agencies' websites were accessed to determine available services and programs.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Continuum of Care	Texas Homeless Network	Coordinating homeless services with Continuum of Care priorities.

**Table 3 – Other local / regional / federal planning efforts**

**Narrative (optional)**

## **AP-12 Participation – 91.105, 91.200(c)**

- 1. Summary of citizen participation process/Efforts made to broaden citizen participation**  
**Summarize citizen participation process and how it impacted goal-setting**

### **Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p> <p>Low-Mod distressed areas</p>	<p>Notice of public hearings and public meetings was published in the daily newspaper of general circulation on June 14, 2018, in advance of each hearing/meeting. Two public hearings were held in conjunction with City Council Meeting. One on June 21, 2018, to announce the opening of the Public Comment Period and the availability of the draft versions of the Annual Action Plan with request for comments and one on August 2, 2018, to allow for additional comments about the Annual Action Plan. The adoption of the final Annual Plan was made by City Council on August 2, 2018.</p>	<p>4 comments/questions received: Councilmember Long asked if the demolition work would be performed by the City. City Manager Myers responded yes and the demolition program was a long standing program. Citizen Grisham asked if all of the costs were provided in the plan and if program details were in the plan. City Manager Myers responded in the affirmative. Citizen Zeptner asked what the target area for demolitions was noting several vacant houses on the East side of Temple that needed to be demolished but thought the properties were of the Bell County Tax Appraisal District. In addition he inquired if the City completes the demolitions or they are contracted out. Mayor Davis responded that the City has a process that is followed for both burned out structures and vacant structures. Citizen Garns commented on crime and gang activity in a couple of areas.</p>	<p>All comments are accepted</p>	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	News-paper Ad	Non-targeted/broad community	Notice of the public hearing and public meeting was published in the local daily newspaper of general circulation on June 7, 2018 in advance of each hearing and meeting.		All comments are accepted	
3	Internet Outreach	Non-targeted/broad community	Information about the meetings, the draft of the Annual Plan, and public comment forms were made available on the City of Temple's website. This information was posted throughout the thirty-day period.		All comments are accepted	<a href="http://www.templetx.gov/DocumentCenter/View/24881">http://www.templetx.gov/DocumentCenter/View/24881</a>

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Local Television Access	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p> <p>public service support groups</p>	<p>Information about the meetings, where to access the draft of the Annual Plan, public comment period, and public comment forms were made available on the public access television station throughout the public comment period.</p>		<p>All comments are accepted.</p>	

**Table 4 – Citizen Participation Outreach**

## **Expected Resources**

### **AP-15 Expected Resources – 91.220(c)(1,2)**

#### **Introduction**

The City of Temple partners with a number of service providers, public service agencies and homeless shelter/housing providers to maximize CDBG resources and other public and private resources. The costs to address the needs of the under-resourced that reside in Temple cannot be covered through a single source, but must be supported through a number of layered and pooled funding streams. While there is no match requirement for CDBG, the City annually supplements community development and provision of services to the under-resourced with over \$500,000 in general funds via the Community Enhancement Grants. The City also employs a staff of grant writers to identify and secure external funding to bring much needed financial resources into the community from other philanthropic, local, state and federal sources, thus ensuring we can leverage our investments and maximize the impact of CDBG activities.

The City anticipates receiving \$536,232 in CDBG funds for PY 2018, and anticipates carryover funds not committed from previous year(s) to be used toward housing rehabilitation, neighborhood revitalization, code enforcement, public services, demolition, infrastructure improvements, and other community development activities. These activities will be addressed and completed only if sufficient CDBG funds are allocated. Due to the uncertainty of the Federal Budget, the City's assumption for preparation of this financial section that funding in this Consolidated Plan will remain at the current level. If there is an increase or decrease in funding allocations from HUD, then the financials will be adjusted accordingly. Administrative expenses are estimated at 20 percent.

## Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	536,232	0	85,825	622,057	550,000	CDBG funds will be used for administration and planning, housing rehabilitation, crime prevention, code enforcement, spot blight reduction, and public facilities improvements.

**Table 5 - Expected Resources – Priority Table**

### **Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The federal funds and additional resources work together to provide the highest level of product/service possible. The CDBG and additional funds from other sources are used in conjunction with CDBG, but are not necessarily used as a match, rather as leverage to supplement and augment projects. Most of the housing programs within Temple are offered through partner organizations. Temple Housing Authority brings other federal grants to the table. Some public service agencies use local federal funds to leverage Texas Department of Housing and Community Affairs funds for City of Temple programs. Temple's City Lot program, the Empowerment Zones and Strategic Investment Zones provide incentives for low-cost access to land, and waiving of fees for the development of new homes in substandard or non-developing areas. The City uses significant general fund dollars in conjunction with CDBG funds to improve parks, facilities, and infrastructure, as well as to support code enforcement and code compliance activities. Other public service programs receive funds from local funds, foundation grants, and private donations.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City offers building incentives in Empowerment Zones and Strategic Investment Zones to encourage redevelopment. The City is committed to establishing long-term economic vitality in designated Empowerment Zones, encouraging redevelopment, diversification, rehabilitation and improved housing stock. Through implementation of these incentive programs, developers who meet certain eligibility criteria may facilitate new housing construction for single family and/or rental investments in order to meet the following goals:

- Enhance the neighborhood and improve the quality of life through community partnerships;
- Empower neighborhoods by engaging citizens in the neighborhood improvement process;
- Encourage enhancements that support long-term viability and prevent/address deferred maintenance and property deterioration; and
- Preserve the character of the neighborhood.

The City of Temple has proposed to implement a coordinated program for vacant lots whereby working with the Bell County Appraisal District to identify and utilize abandoned and/or tax foreclosed properties (specifically vacant lots) to address affordable housing and neighborhood revitalization efforts with participating area contractors.

## **Discussion**

The City of Temple uses Federal, State and local resources to address the needs identified by residents for improved services and infrastructure modernization. The City uses CDBG funding to achieve the goals outlined in the five-year Consolidated Plan. The City is expected to receive \$536,232 in FY 2018-19 CDBG funds to address those needs during this annual action plan cycle. Goals and objectives have been adjusted based on the substantial amendment that was made this past year to address the needs and desires expressed verbally by citizens. Additional local, State and Federal funding will be used to make needed improvements to streets, parks, infrastructure, and facilities that serve to promote economic attainment as well as social and environmental justice for all residents of the City of Temple. These Capital Improvement Projects have a direct and positive impact on LMA neighborhoods and residents. Additional General Fund monies are allocated every year for projects that range from funding non-profit agencies to blight demolition. The City of Temple has grant writing staff that work to leverage local, state, federal and private funds in order to maximize the potential impact of programmatic funding for City services. The Finance Department works with the City Manager's Office, to support programs and projects at the City of Temple and to increase the impact of taxpayer funded work for the community. The staff works cooperatively with all departments within the City to increase efficiency and alleviate waste, helping to ensure wise-use of public resources and supporting a more resilient City for future generations.

The City will use CDBG funds, along with leveraged and general funds to address the needs outlined in

the Needs Assessment chapter. It will require additional assistance from non-funded entities to address all of the needs of the community. The City will strive to work with the Central Texas COG, Temple Economic Development Corporation, Temple Independent School District, Bell County, and other public entities as well as private housing developers, lending institutions, and social service organizations to coordinate programs and services to meet the goals and objectives of the CDBG programs.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2017	2018	Affordable Housing		Accessibility Improvements in Housing Owner-Occupied Housing Improvements	CDBG: <del>\$284,377</del>	Homeowner Housing Rehabilitated: 5 Household Housing Unit
2	Public Facility and Infrastructure Improvements	2017	2018	Non-Housing Community Development		Sidewalk Improvements	CDBG: \$50,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 525 Persons Assisted
3	Spot Blight Demolition	2017	2018	Demolition and Clearance		Demolition and Clearance Neighborhood Revitalization	CDBG: \$100,000	Buildings Demolished: 12 Buildings
4	CDBG Program Administration	2017	2018	Administration			CDBG: \$67,025	

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Crime Prevention Program	2018	2019	Non-Housing Community Development		Crime Prevention Program	CDBG: \$80,434	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
6	Public Facility and Infrastructure Improvements	2018	2019	Non-Housing Community Development		Sidewalk Improvements	CDBG: \$650,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 5000 Persons Assisted

**Table 6 – Goals Summary**

## Goal Descriptions

1	<b>Goal Name</b>	Housing Rehabilitation
	<b>Goal Description</b>	Provide minor repairs to owner-occupied homes to address necessary repairs, prevent deferred maintenance and property deterioration. Minor rehab/repair will provide housing improvements, energy efficiency, improved accessibility, and enhance the neighborhoods.
2	<b>Goal Name</b>	Public Facility and Infrastructure Improvements
	<b>Goal Description</b>	Installation of sidewalk in neighborhood along Adams Avenue between Woodbridge Blvd. and Olaf Drive to improve pedestrian mobility and safety, particularly among children and the disabled, as well as those without vehicles.
3	<b>Goal Name</b>	Spot Blight Demolition
	<b>Goal Description</b>	Clearance and demolition of 12 structures to address spot blight conditions.
4	<b>Goal Name</b>	CDBG Program Administration
	<b>Goal Description</b>	General Administration to carry out all CDBG activities.
5	<b>Goal Name</b>	Crime Prevention Program
	<b>Goal Description</b>	Community engagement to eliminate and/or reduce crime.

6	<b>Goal Name</b>	Public Facility and Infrastructure Improvements
	<b>Goal Description</b>	Installation of sidewalk and overlay of street in the two (2) blocks of South 7 <sup>th</sup> Street, between Avenue H and Avenue J. to improve pedestrian mobility and safety, particularly among children and the disabled, as well as those without vehicles.

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

The City of Temple will use the 2018/19 CDBG allocation of \$536,232, plus \$85,825, in reprogrammed funds from prior years, for a total of \$622,057 in activity funding. These activities will include:

Housing Improvement Program (HIP): This program provides minor repairs for eligible owner-occupied homeowners who essentially cannot afford to repair or fix-up their homes due to the high cost of living. They do not have expendable income to take care of this need. Therefore the HIP provides this service for eligible homeowners.

Spot Blight Demolition: Identify (in conjunction with community-based Building and Standards Commission and the City of Temple Code Enforcement Department) 12 structures for demolition in order to improve public health and safety while also creating a more appealing space in low income neighborhoods to encourage redevelopment and reinvestment;

Public Facilities Infrastructure Improvements: Installation and repair of sidewalks in qualified low income neighborhoods to enhance mobility of pedestrian traffic, and to link neighborhoods for economic, wellness and social opportunities that enhance neighborhood quality. Scheduled sidewalk installation will be constructed along Adams Avenue between Woodbridge Blvd. and Olaf Drive connection.

Crime Prevention Program: This new program will provide a dedicated and consistent law enforcement presence to work within the low-to-moderate income area with objectives and benchmarks to engage the community for the purpose of eliminating and reducing crime.

#### Projects

#	Project Name
1	Housing Rehab - Minor Repair
2	Spot Blight Demolition
3	Infrastructure Improvements
4	CDBG Administration
5	Crime Prevention

**Table 7 - Project Information**

**Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

The priorities were determined based on:

- Meeting a HUD National Objective;
- Addressing one or more high priority needs set in the Consolidated Plan through resident surveys, stakeholder interviews, City of Temple staff input, observable data, and secondary data;
- Available funding; and
- Subrecipient and City Staff capacity and staff availability.

Allocation priorities are also based upon the Needs Assessment undertaken as part of the development of the Five-Year Consolidated Plan.

The primary obstacle to addressing the underserved needs in Temple is lack of adequate funding. Without adequate financial resources, the City and its partners are not able to address all of the identified needs. Although the CDBG funds are leveraged at a rate exceeding 1:1; the funds are still insufficient to meet the needs of the underserved in the community. Additionally, there is a shortage of high capacity subrecipients and public service agencies. The City encourages CDBG applicants to seek additional resources from other public and private entities in an effort to leverage the limited amount of available CDBG funds.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	Housing Rehab - Minor Repair
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$284,377
	<b>Description</b>	Provide minor repairs to owner-occupied homes to address and prevent deferred maintenance and property deterioration. Minor rehab/repair will provide housing improvements, energy efficiency, improved accessibility, and enhance the neighborhoods.
	<b>Target Date</b>	9/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	
	<b>Location Description</b>	
	<b>Planned Activities</b>	
2	<b>Project Name</b>	Spot Blight Demolition
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$100,000
	<b>Description</b>	Demolition and Clearance of 12 substandard structures.
	<b>Target Date</b>	9/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	
	<b>Location Description</b>	
	<b>Planned Activities</b>	
	<b>Project Name</b>	Infrastructure Improvements

<b>3</b>	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$50,000
	<b>Description</b>	Installation of sidewalks in neighborhood
	<b>Target Date</b>	9/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	
	<b>Location Description</b>	
	<b>Planned Activities</b>	
<b>4</b>	<b>Project Name</b>	CDBG Administration
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$107,246
	<b>Description</b>	General Administration to carry out the CDBG activities
	<b>Target Date</b>	9/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	
	<b>Location Description</b>	
	<b>Planned Activities</b>	
<b>5</b>	<b>Project Name</b>	Crime Prevention
	<b>Target Area</b>	
	<b>Goals Supported</b>	Crime Prevention Program
	<b>Needs Addressed</b>	Crime Prevention Program
	<b>Funding</b>	CDBG: \$80,434

	<b>Description</b>	Provide a dedicated and consistent law enforcement presence to work within the low-to-moderate income area with objectives and benchmarks to engage the community for the purpose of eliminating and reducing crime.
	<b>Target Date</b>	9/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	500 persons
	<b>Location Description</b>	low-moderate area
	<b>Planned Activities</b>	Increase citizen engagement in the target area and establish Neighborhood watches to reduce crime
6	<b>Project Name</b>	South 7 <sup>th</sup> Street Overlay and Sidewalk Construction
	<b>Target Area</b>	
	<b>Goals Supported</b>	Infrastructure Improvement
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$650,000
	<b>Description</b>	Infrastructure enhancements in qualified LMI neighborhoods to enhance transportation, lighting and mobilities to improve placemaking through increased opportunities in low income neighborhoods (sidewalks, drinking fountains, street and sidewalk lighting, bus stop shelters).
	<b>Target Date</b>	9/30/2019
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	5000 persons
	<b>Location Description</b>	Low-moderate area
	<b>Planned Activities</b>	Street overlay and sidewalk construction

## AP-50 Geographic Distribution – 91.220(f)

### Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

CDBG funds will be used citywide, with emphasis in the lowest income census tract areas. All CDBG funded projects will primarily meet the HUD national objective of benefitting low to moderate income persons.

In the City of Temple, there are 60 block groups, 17 of which are more than 51% LMI. Representing roughly 12,160 low and moderate income residents means that of the estimated 70,765 residents, more than 17% are LMI. Of the 17 LMI block groups, 13 are more than 60% LMI (so well above the 51% threshold). HUD defines an LMI income as one that is at or below 80% of the area median income. The AMI for our Metropolitan Statistical Area (MSA) is \$59,000.

- Extremely Low Income (for a family of four): \$24,600
- Very Low Income Limit (for a family of four): \$29,500
- Low Income Limit for a (for a family of four): \$47,200

**The City defines a LMI Concentration Area** as an area made up of 51% or more low- and moderate-income residents (typically a Census Tract area boundary).

**The City defines a Racial/Ethnic Concentration Area** as an area made up of 51% or more racial/ethnic minority residents (typically a Census Tract area boundary).

**Combined Concentration is defined as** census tracts that have a family poverty rates exceeding 40% that also have more than 50% minority population.

The City of Temple will primarily offer CDBG programs City-wide; the entire City has LMI residents spread throughout most of the Census tracts. Area-benefit projects will focus resources in the qualified LMI Census tracts with the highest percentage of low- to moderate-income and the greatest concentration of minority population, and decaying infrastructure.

### Geographic Distribution

Target Area	Percentage of Funds
EAST TEMPLE REVITALIZATION STRATEGY	

Table 8 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

The City of Temple estimates that 80% of the funds will be dedicated to projects in the target areas and

that these funds assist a large number of low to moderate income residents.

Target Area: Low- to Moderate-Income (LMI) Areas

### **Discussion**

The City of Temple strives to improve LMI residential neighborhoods, especially those with high concentrations of minorities and protected classes. The City supports public service agencies that work to help end poverty and the resulting impacts felt by families and individuals. The City also funds infrastructure enhancement projects to help make public transportation and multi-modal transportation more accessible and impactful for those who need it most. Public improvements enhanced with CDBG funding help LMI neighborhoods rise up and build pride-in-place to encourage reinvestment and revitalization tract by tract. The continual development of Neighborhood Associations will help in these efforts.

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

During the 2018-2019 plan year, the City of Temple proposes to provide rehabilitation service, minor home repairs to 5 LMI homeowner/occupants through the City's Housing Improvement Program (HIP). This program is designed to serve LMI residents city-wide who have clear title and proven ownership to their homes, and who desperately need repairs to their home that will improve the health and safety of their living environment. Also, this helps to improve the housing stock of substandard structures in the city.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	5
Special-Needs	0
Total	5

**Table 9 - One Year Goals for Affordable Housing by Support Requirement**

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	5
Acquisition of Existing Units	0
Total	5

**Table 10 - One Year Goals for Affordable Housing by Support Type**

#### Discussion

Because of citizen response and requests for assistance for home repair during the Consolidated Plan process, the City will continue to rehab the owner-occupied homes with minor repairs of eligible low- to moderate-income residents now and in the upcoming years on a first-come, first-served basis.

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Central Texas Housing Consortium (Members: Temple Housing Authority (THA) and Belton Housing Authority (BHA)) own and manage 482 public housing units, 160 Project-based Section 8 units and multiple other types of affordable housing units. The Central Texas Council of Governments is responsible for managing the HUD Section 8 Voucher Program. The City works closely with both organizations to provide whatever assistance may be necessary to enhance public and affordable housing options and Section 8 HCV programs.

### **Actions planned during the next year to address the needs to public housing**

The public housing units are not scheduled for replacement and there are no plans by the Department of Housing and Urban Affairs to expand public housing units in the foreseeable future. All public housing units are maintained in good condition through vigilant attention to preventative maintenance and capital upgrades. Capital improvements planned for public housing units include: kitchen renovation in 98 units and ADA site improvements. There is a severe shortage of Section 8 Housing Choice Vouchers and the Central Texas COG will continue to work with HUD to increase the funding for vouchers. Additionally, the COG and the City will work to educate landlords on the benefits of HCVs and to encourage more landlords to accept voucher holders as tenants.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

While the City of Temple will have no direct action to encourage public housing residents to be more involved in management and participation in homeownership, the Central Texas Housing Consortium is proactive in both resident participation and homeownership:

- The THA operates two community centers at the properties with on-site service coordinators to facilitate access to social services and to encourage participation in the management of programs;
- Residents are encouraged to participate in the development/planning process for the PHA Annual and 5-Year Plans and Capital Fund Plan via newspaper notices, individual resident notices, public hearings and Resident Advisory Board meetings;
- Social activities such as pot luck dinners, cook outs and holiday parties are conducted at all properties to encourage interactions among residents and with the staff and management, opening the door for more involvement by residents;
- Homeownership opportunities are provided through funding from Texas Department of Housing and Community Affairs for first-time homebuyers and the SOAR Grant in partnership with United Way; and
- THA offers scholarships for higher education, provides childcare, completes resident needs

assessments, and provides educational youth activities and many other social service programs to enhance quality of life and self-sufficiency for residents.

**If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

The Temple Housing Authority is not a troubled agency. It is classified as a High Performing agency and has maintained this classification since 1999.

**Discussion**

The federally subsidized housing programs in Temple are split between the Central Texas Housing Consortium, a political subdivision of the State charged with supplying public housing units and managing the public housing developments and residents; multiple other owners of subsidized housing, i.e. tax credit properties, and the Central Texas COG, a Council of Governments responsible for managing the Section 8 HCV program. Though the owners and organizations work independently, they do collaborate and coordinate with each other and with the City of Temple. During PY 2018-19, no significant modifications are expected to the public housing program. The COG will work with the City and other entities to educate landlords on voucher programs and the benefits; such as the payments of rent by the 5th of every month through the COG not the tenant; and helping tenants through education and training on how to avoid eviction, understand that their behaviors not only can result in eviction but loss of vouchers. These two are the most commonly discussed misconceptions/areas of concern.

The Housing Authority will continue to partner with numerous local agencies, faith-based organizations, the City and the school district to bring necessary resources to residents.

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

The City used CDBG funds for outreach, crisis intervention, and shelter for victims of domestic violence through public service grants to Families in Crisis and AWARE of Central Texas. The City's Community Enhancement Grant Program will use general funds to provide assistance for emergency shelters.

City Staff collaborates with multiple agencies that work to support the needs of the homeless and special needs populations. Including public health, indigent health, mental health agencies (MHMR), the local homeless coalition, the Balance of State Continuum of Care, the Texas Homeless Network, the Central Texas Supportive Housing Coalition, Texas Health Institute, law enforcement, criminal justice, indigent defense, legal aid, shelters, public service agencies, the United Way and many more.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

In PY 2018/19 the City will participate and support the Point in Time Count as performed by the local homeless coalition. The City will identify and work with agencies providing emergency shelter and other housing options in Bell County to determine the number of individuals and families who are in need of receiving assistance. Additionally, the City will build awareness around information in the CDBG Consolidated Plan, data from HUD, and the American Community Survey to determine numbers and types of households and individuals (veterans, elderly, disabled, youth) who may be at risk of homelessness due to being extremely low income, having housing problems, lack of employment, poor transportation options, and/or lack of benefits. This information will be used in conjunction with the Central Texas Housing Coalition to help identify those agencies who can provide assistance and resources to intervene and help their needs to prevent homelessness.

Historically, the City of Temple also provides funding to Families in Crisis for outreach and crisis intervention for around 80 victims of domestic violence annually, including unsheltered persons, and those fleeing domestic violence situations.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

As part of City funded activities, Families in Crisis and AWARE will also provide emergency shelter to those to whom they have provided outreach and crisis intervention and are in desperate need of shelter. The City will work with other area agencies providing emergency shelter and other housing

options in Bell County.

Using other funds, the Families in Crisis agency provides TBRA to those exiting the emergency shelter, for transitional housing.

The City of Temple does not have an official emergency shelter center, nor does the City directly fund transitional housing. The Salvation Army has recently completed construction of a shelter center in Temple. It specifically provides emergency shelter for women only. A separate shelter for men is desperately needed and the City is working with the local Salvation Army in this cause. Particularly encouraging the new Salvation Army administration to apply for the ESG grant that would provide assistance for emergency shelter operations, which will help them provide this essential service for the area.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The City will continue to provide funding for programs, services, and options for housing homeless individuals as funds are available; through the use of public service agencies who are prepared and trained to specifically address the needs of the homeless. Preventing individuals and families, previously homeless, from returning to homelessness requires a full and comprehensive assessment and program which may include tasks and processes that many individuals perform on a daily basis and without serious thought. Simple tasks as planning and cooking a meal, budgeting expenses between pay periods, paying for obligations first opposed to recreation. These tasks coupled with any form of alcohol or drug abuse, mental illness, or physical or developmental disabilities increases the potential for the return to the homeless state, therefore continued support services with extended or longer term case management would likely be required to achieve successful integration and self sufficiency.

The City will continue to support entities working to end homelessness in the community.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

Within the City of Temple, multiple non-profit agencies, and public offices (Temple Community Clinic,

Workforce, United Way, MHMR, etc.) provide services to help prevent homelessness. City staff will collaborate closely with and regularly with these groups to leverage outcomes for those most at risk of homelessness.

## **Discussion**

Though the City of Temple has a small visible homeless population, officials are aware that the loss of jobs, increase in rent, evictions, behavioral issues, or domestic violence can easily lead to homelessness for many low-income individuals and families. The City staff and others will continue to work closely with those agencies specializing in priority activities that are concentrated on homeless prevention and non-homeless special needs.

With the limited CDBG funding, the City's CDBG program is only able to minimally fund the available domestic violence program and other homeless-related programs. City staff will provide technical assistance to area non-profits and work to generally increase community capacity to better serve the homeless, chronically homeless, homeless families, unaccompanied youth, and those with special needs.

## **AP-75 Barriers to affordable housing – 91.220(j)**

### **Introduction:**

During the 2018-2019 Annual Action Plan period, the City will continue to implement and support the following actions to overcome the impediments identified in the Fair Housing Plan:

- The City and multiple area non-profits will leverage local funding to provide down-payment assistance to an average of 5 families per year – this works to address the income disparity and the rising costs of homeownership.
- \* The City will hold Housing Ownership Workshops, which are community wide public events coordinated by staff to engage citizens to meet with lenders, builders, non-profits, realtors, bankers and other businesses that are involved in the homebuyer process. This an opportunity for all these agencies to come together in one session and allow citizens to become educated about the processes of purchasing a home as well as establishing contact directly with specific agencies that can help them along the way.
- The City's transit system will continue to ensure that routes and times serve the needs of LMI residents using public transportation to get to and from work, shopping and social services – this works to address the income disparity in that public transportation allows exurban and suburban homeowners to access employment centers after moving from more centrally located apartments.
- The City will continue to work with the Temple Housing Authority, Central Texas Housing Consortium, and the newly established partnership with NeighborWorks HomeOwnership Center to offer assistance to those seeking affordable housing in the area – these services work to address the rising homeownership costs.
- The City Council annually appoints the month of April as Fair Housing Month. This City of Temple's proclamation serves to highlight available resources within the City that support fair and affordable housing access.
- The City provides financial support to area non-profits that provide job-training skills, workforce development, training, and educational attainment services to low- and moderate-income residents – this effort supports an increase in educational attainment and a decrease in the community income disparity.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the**

## return on residential investment

In the development of the Fair Housing Plan, it was identified that the City's zoning regulations and other land use policies did appear to create some barriers to minorities or the underprivileged moving to opportunities of choice due to shortage of areas zoned for multi-family and the fact that most duplex and multi-family zones are inside the Loop, particularly south of IH-35, where a majority of minorities and lower-income residents live. Those multi-family parcels west of the Loop are higher priced and adjacent to single-family zones, while the areas within the Loop, for the most part, are adjacent to commercial and light industrial land uses and older development. To ameliorate this, during the next five years, the City will assess its current zoning ordinance to determine remedies to the shortage of multi-family zones in areas where the land is affordable for redevelopment.

Through the Empowerment Zone program the City of Temple has taken measures to encourage the development of affordable housing by committing to establishing long-term economic vitality in designated fee waivers, fee reductions, policy changes to encourage redevelopment, diversification and improved housing stock. Through the implementation of this incentive program, developers who meet certain eligibility criteria may facilitate new housing construction for affordable single family structures and/or rental investments in order to meet the following goals:

- Enhance the neighborhood and improve the quality of life through community partnerships;
- Empower neighborhoods by engaging citizens in the neighborhood improvement process;
- Encourage enhancements that support long-term viability and prevent/address deferred maintenance and property deterioration;
- While preserving the character of the neighborhood.

## Discussion:

During PY 2018, the City plans to continually address the barriers that are impediments to affordable housing through owner-occupied housing improvements. The City will fund improvements to homes owned and occupied by low- to moderate-income households. The improvements will include repairs/rehabilitation, energy efficiency improvements that will reduce the homeowners' utility costs, and accessibility improvements for the disabled. These efforts are available through the **Housing Improvement Program (HIP)** and **Neighborhood Association** programs as well as through a partnership with the local agency funded to administer the **Weatherization Program** in Bell County.

Through non-CDBG City funds, the City provides a **Tool Trailer Program** and a Tool Lending Program that provides a neighborhood association, a group of homeowners or individuals, a trailer filled with tools to maintain yards or to access select tools. The trailer and tools are provided on a first-come, first-served basis and can be reserved in advance. The trailer is made available for specific lengths of time, agreed upon in advance by both the City and the group doing the service work. The trailer may be requested multiple times by one group if needed. Additionally, an individual tool can be checked out through the **Temple Tool Library**. This program provides residents with the necessary tool(s) for home repairs or

modification enabling them to do it themselves. This is a concept similar to that of checking out a book in the library, but instead of books, the resident can check-out a tool(s). By providing accessibility to quality and costly tools, the Tool Library gives ALL Temple residents the opportunity to repair, enhance, and beautify their homes, allowing them to maintain a sense of independence and dignity.

**Transform Temple** is a program dedicated to revitalization efforts in targeted areas, performing clean-up and improvement projects, while working with property owners to improve the appearance and safety of the City.

The City grants funding to a subrecipient to provide maintenance education to owners and those intending to purchase a home. This education accomplishes two goals: (1) it trains owners in do-it-yourself and cost-saving maintenance; and (2) it educates prospective buyers in the true cost of homeownership beyond the monthly mortgage and utility payments.

## **AP-85 Other Actions – 91.220(k)**

### **Introduction:**

The underserved face a number of obstacles to meeting their needs. One of the obstacles that is out of their control is the limited capacity of agencies that can provide assistance in breaking down the barriers and lifting up those in need. Lack of financial resources, shortage of staff and overwhelming needs of program participants limit the effectiveness of the service providers. CDBG allocations and Community Enhancement Grants (CEG) will be used to help break down the barriers the under-resourced providers face in order that they may, in turn, address the obstacles their clientele face in getting their service needs met, securing affordable safe housing, and rising out of poverty. Building agency capacity through greater resources, more staff and greater staff support and training will enhance all of the service and housing providers, as well as the City's staff, in meeting the needs of those they serve.

Despite ongoing efforts, there still remains a number of significant obstacles to meeting underserved needs. The following obstacles to meeting these needs in Temple include:

- Population growth
- Cut backs in state and federal funding for basic needs and services
- High cost of housing
- Unemployment
- Need for transportation to existing services and available childcare services

### **Actions planned to address obstacles to meeting underserved needs**

The City will continue to build collaborations in order to better identify and address the needs in the community. Informational forums regarding housing and fair housing will continue to be conducted to expand the number of landlords accepting voucher holders and discussing ways to enhance funding for public services.

The Community Enhancement Grants, funded through general funds and hotel/motel taxes, will assist a number of non-profits serving the low-income population. During PY 2018, the City will use its CEGs to fund The HOP (public transit), Hill Country Community Action Association, Families in Crisis, Temple College Foundation, Temple Housing Authority, Bell County Human Services (Temple HELP Center), MHMR, NeighborWorks, and Habitat for Humanity, all of which address the housing, employment,

education, or social service needs of the most underserved residents in the community.

### **Actions planned to foster and maintain affordable housing**

CDBG funds will be used to maintain affordable housing through owner-occupied housing improvements for the low- to moderate-income households. The Tool Trailer program, whereby the City loans a trailer filled with landscaping and home repair tools to an agency or group of residents for do-it-yourself repairs and improvements, or for volunteers to assist in improving the homes of those who are unable to do the work themselves. The Tool Library program for residents who cannot afford a tool, can check-out the tool or tools, much like checking out a book in the library, and return the tool when completed at no cost to the resident. The City also implemented a reinvestment zone program, whereby developers and/or homeowners can receive cost waivers for building or repairing safe, decent and affordable housing in designated zones within the city.

### **Actions planned to reduce lead-based paint hazards**

Federal regulations, effective September 2000 and updated in April 2010, put in place lead-based paint requirements for all housing activities undertaken by recipients of HUD funds. These regulations require multiple approaches to evaluate, control, and/or abate lead-based paint. Since inception of the CDBG program, all homes older than 1978 scheduled for rehabilitation and/or demolition activities receive lead-based paint testing to determine the extent of lead hazards.

A considerable portion of the housing stock in Temple has the potential of containing lead-based paint hazards, therefore, Temple takes the following actions.

- Hire certified professionals to conduct lead-based paint testing prior to remedial action
- Provide public information and education regarding lead-based paint
- Encourage local contractors to become certified as lead paint inspectors
- Continue to develop technical capacity within the City to manage lead-based paint impacted projects
- Integrate lead hazard evaluation and reduction activities into housing activities when applicable
- Ensure that staff receive proper training to understand how to handle lead-based paint projects

### **Actions planned to reduce the number of poverty-level families**

CDBG and CEG funds will be used to provide educational and job training opportunities that will help to lift individuals out of poverty (United Way). CEG funds will support a number of educational and job training/readiness programs; provide nutritious meals to low income seniors and disabled residents (Meals on Wheels), and to provide homeownership and financial literacy programs that build

sustainable pathways out of poverty for families and individuals in Temple (NeighborWorks).

### **Actions planned to develop institutional structure**

The City of Temple will continue the collaborations and technical assistance that was developed during the Consolidated Planning process. Meetings with community partners to address various programmatic areas, shared knowledge, and integrated programs will continue in PY 2018 and on through the 5-Year Consolidated Planning period. City staff will continue to attend HUD-sponsored trainings, NCTA and NeighborWorks trainings. Inter-departmental collaborations will continue and expand, particularly related to the multi-faceted improvements, in CDBG qualified census tract areas and programs for LMI residents.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will continue to host, facilitate, and attend collaborative meetings with community stakeholders, residents, and public service agencies. Including, but not limited to: Temple Housing Authority, Heart of Central Texas Center for Independent Living, Families in Crisis, Family Promise, Temple Independent School District, Central Texas Council of Governments, Workforce Development, Goodwill Training Center, Helping Hands, Central Texas Housing Coalition, and the United Way of Central Texas.

### **Discussion:**

CDBG allocations and Community Enhancement Grants will be used to help break down many of the barriers the underserved face in getting their service needs met, securing affordable safe housing, and rising out of poverty. Money alone cannot successfully address these obstacles and the City staff is committed to enhancing existing collaborations and building new partnerships as well as enhancing the institutional structure of the City and its partnering agencies. One method in which the City staff is building institutional structure is through participation in the Central Texas Supportive Housing Coalition and Central Texas CDBG Community Network meetings to discuss programmatic ideas and action plans with peers.

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

#### Introduction:

The City of Temple does not have program income, Section 108 loan guarantees or urban renewal settlements. No grant funds were returned to the City's line of credit and there are no float-funded activities.

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed

2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.

3. The amount of surplus funds from urban renewal settlements

4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.

5. The amount of income from float-funded activities

Total Program Income:

Other CDBG Requirements

1. The amount of urgent need activities

2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income

90

(##.##)

Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.

### **Discussion:**

None of the above funding streams are applicable for the City of Temple.

RESOLUTION NO. 2019-9516-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 2018-2019 ANNUAL ACTION PLAN AND FUNDING RECOMMENDATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Community Development Block Grant (CDBG) Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program;

**Whereas**, Council adopted the Plan Year 2018-2019 Annual Action Plan on August 2, 2018, and Staff recommends Council defund the Housing Improvement Program (HIP) Plan Year and reallocate the funds to a new infrastructure program;

**Whereas**, the City plans to reallocate the HIP Plan Year funding from 2015-2018 in the amount of \$663,985 to fund roadway and sidewalk improvements of a two-block area of South 7th Street, between Avenue H and Avenue J;

**Whereas**, Housing and Urban Development (HUD) understands that priorities may shift during the five-year period, and communities may need to leverage their dollars in other areas, however, when activities need to be added or deleted from the Consolidated Plan it is considered to be a substantial amendment, and it is required that the City seek the changes in accordance with the Citizen Participation Plan;

**Whereas**, Staff recommends Council approve the substantial amendment to the 2018-2019 Annual Action Plan with the addition of a new project infrastructure program;

**Whereas**, this proposed amendment to the 2018-2019 Annual Action Plan is in conjunction with the required 30-day public comment period which runs from January 7, 2019 through February 7, 2019;

**Whereas**, the City Council has considered this matter and deems it in the public interest to adopt the Substantial Amendment to the Community Development Block Grant 2018-2019 Annual Action Plan, including funding recommendations.

**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 adopts the Substantial Amendment to the Community Development Block Grant 2018-2019 Annual Action Plan, including funding recommendations.

**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 on this the 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) January 17, 2019 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:**

[January 17, 2019 Special & Regular Meeting Minutes / Video](#)

## TEMPLE CITY COUNCIL

**JANUARY 17, 2019**

The City Council of the City of Temple, Texas conducted a workshop on Thursday, January 17, 2019 at 3:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

### **PRESENT:**

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

1. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 17, 2019.**

Ms. Landeros requested that Item 6(N) on consent agenda as it relates to the purchase of five properties for the expansion of Old Waco Road, and Outer Loop Phase 6 be table this item at this item.

Ms. Borgeson requested additional time for Item 16(B) on regular agenda as it relates to filling a vacancy on the Civil Service Commission.

2. **Discuss the appointments to the Comprehensive Plan Advisory Committee.**

Ms. Myers stated have a presentation for this item, but reminded Council that they were to each choose three names, and that the Mayor had nine names, of people that would be willing to serve on the Comprehensive Plan Advisory Committee. This Committee will steer and guide the Plan through multiple workshops with lots of citizen input.

Brian Chandler, Director of Planning noted the meetings will begin the week of February 11th, and the consultant is to provide weekly updates.

Councilmember Walker suggested the following be appointed:

Charley Ayres  
Jean Coley  
Kevin Koch

Mayor Pro Tem Morales suggested the following be appointed:

Carrie Guillen  
Zoe Grant  
Paulino Castillo

Councilmember Long suggested the following be appointed:

Dr. Sandra Creech  
Thomas Baird  
Bill DiGaetano

Mayor Davis offered the following names:

Larry Neal  
Tony Hale  
Perry Cloud  
Chuck Lucko  
David Patrick  
John Kiella  
John Howe  
Claude ross  
Susan Luck

**3. Discuss various upcoming board appointments.**

Ms. Borgeson offered a brief presentation of potential board appointments for February, which included the following boards: Building Board of Appeals; Building and Standards Commission; Development Standards Advisory Board; Parks and Recreation Services Advisory Board; and Zoning Board of Adjustment; Also discussed was the vacancy on the Civil Service Commission and the request to table that appointment to allow for more applications.

**4. Receive a presentation on the recodification of the City's Code of Ordinances.**

Ms. Landeros provided a brief presentation. She began by explaining what our Code is and how it's used. She noted it is the City's local laws. An ordinance is more formally described as "a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality." An ordinance is the equivalent of a municipal statute, passed by the Council, governing matters not already covered by federal or state law.

As a home rule city, Temple has the full power of local self-government. The Charter provisions and ordinances may not be inconsistent with state or federal law. Home rule cities derive their power from the Texas Constitution, and look to the legislature only as a limit on the authority granted in the Constitution. We may do anything not specifically prohibited by state law.

The City currently operates under 41 Chapters, with Chapter 9 being reserved. The issue is that several sections and chapters of the code are outdated, in terms of current processes and the law. In late 2016, we contracted with Municode to do a full review of the Code. They offer legal

review of city codes and hosts codes online. We received Municode's comments at the end of 2017.

Ms. Landeros noted that for a majority of 2018, City Staff has been performing a comprehensive review and rewrite of several code chapters. We are looking at and reviewing our current processes vs. Code processes; Legislative changes; and outdated language, titles, etc. Ms. Landeros provided Chapter 19-Junk Dealers as an example. This chapter has outdated languages and processes that don't even exist.

Over this calendar year (2019), we will be bringing forward each chapter for Council's consideration. Many chapters will require discussion in a workshop before action is taken; and Staff will need guidance on policy decisions. However, for some chapters we are only proposing relatively simple amendments that may not require a separate workshop discussion.

At approximately 3:38 pm, Mayor Davis announced that the Temple City Council would enter into executive session to discuss items 5, 6, and 7.

- 5. Receive an update on right-of-way acquisitions for the Outer Loop Phase 6 project.**
- 6. Discuss the vacancy in the District 4 Councilmember seat, and possible appointment to fill the vacancy.**
- 7. Texas Government Code Section 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of City Council Appointees. No final action will be taken.**

At approximately 4:55, Mayor Davis adjourned the executive session of the Council.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 17, 2019 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

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

**I. CALL TO ORDER**

**1. Invocation**

Thomas Pechal, TF&R voiced the Invocation.

## **2. Pledge of Allegiance**

Boy Scouts Troop 153 led the Pledge of Allegiance.

## **II. PUBLIC APPEARANCE**

### **3. Receive comments from Ms. Kathleen Hammack regarding public transportation.**

Ms. Hammack expressed her concerns for the lack of public transportation to move throughout Temple. She explained that it was recently brought to her attention that Yellow Cab was no longer servicing this area. Ms. Hammack was also concerned for the company that has cards at the Amtrack advertising taxi services. The company is Central Texas Taxi; and they don't answer their phone. There are so many great things to see and we need to address and need for more public transportation.

## **III. PUBLIC COMMENTS**

Mr. Milton Hensley, 301 Mitchell Drive thanked the City Council for taking over the maintenance of the Hill Crest Cemetery. This will be a win-win for the City and the citizens of Temple. Mr. Hensley also requested that the Council consider taking over the Hodge Cemetery. The area is less than one acre; and volunteers have been maintaining it the best they can. He noted that it was started prior to 1870; but no exact date has been documented. Mr. Hensley noted there are several soldiers buried there from as early as the Civil War, and it would be great if the City could erect headstones as well.

CJ Grisham, 4365 Airport Trail thanked the men and women of the Temple Police Department. He noted that Temple has seen several high profile cases over the past several months, and they have done an excellent job in pursuing these cases and keeping Temple safe. Mr. Grisham then noted that as a former scout leader, and someone that is protective of tax payer money, that we look into an adopt-a-plot program where the City can provide the tools and therefore we aren't using tax payer money to do this.

JD Zeptner, 402 South 26th Street asked Council how they intended to address the vacancy in District 4; and who will be representing this area until it's filled. Mr. Zeptner also requested that Starr Cemetery be maintained by the City.

Mayor Davis noted that during the interim of a having a District 4 Councilmember, that he as the Mayor would represent District 4.

## **IV. PUBLIC HEARING – BUDGET**

### **4.**

**PUBLIC HEARING – Presentation of the proposed amendment to the adopted Community Development Block Grant, 2018-2019 Annual Action Plan and Budget and notice of 30-day public comment period from January 7 – February 5, 2019.**

**5. PUBLIC HEARING – Presentation of the proposed amendment to the adopted Community Development Block Grant, 2015-2019 Consolidated Plan and Budget and notice of 30-day public comment period that began January 7, 2019.**

Erin Smith provided a presentation. Ms. Smith noted the City annual receives CDBG Funds from the U.S. Department of Housing and Urban Development. The primary focus is to develop viable communities through the decent housing, suitable living environments and expanding economic opportunities for low and moderate income persons. As a recipient of these funds, the City is required to produce a Consolidated Plan to outline the goals and activities for a period of 5-years, to include Citizen Participation Plan and Fair Housing Plan. Each year the City is also required to develop an Annual Action Plan that defines the programs to be implemented and support the 5-year Consolidated Plan.

Ms. Smith continued with an explanation of the Citizens Participation Plan. The Consolidated Plan that was adopted on August 6, 2015, reflects the City's community development goals to be:

**5-Year Goals & Priorities:**

Owner occupied housing rehabilitation/reconstruction;  
Improving community accessibility through sidewalk and other transportation enhancements;  
Expanded support for Social Services to address needs of LMI children, youth, elderly and disabled;  
Removal of barriers to education, job training and Section 3 compliance; and  
Affirmatively furthering fair housing and reducing barriers to afford housing.

**Proposed changes are:**

Defund the Housing Improvement Program (HIP);  
Include roadway and sidewalk improvements to two blocks of South 7th Street, located between Avenue H and Avenue J, as a new goal and priority.

Next Ms. Smith reviewed the 2018-2019 Annual Action Plan. She noted the total allocations for the Housing Improvement Plan since 2015 through 2018 to be \$663,984.69; and the South 7th Street improvements cost estimate is \$635,710. The City anticipates that the engineering cost will be eligible for reimbursement using CDBG

funds, however, if ineligible, TCIP funds will be used. The city will request that the project engineer be awarded go to Kasberg, Patrick and Associates LP in the amount of \$85,710; with a start date of April 2019 and completion date of June 2019. The construction estimate was done in house and is estimated to be \$550,000.

Ms. Myers, City Manager noted that the City is still working on the HIP, and not looking to abandon that effort. She reminded Council that they approved the Master Plan for the Ferguson Park Neighborhood District, and staff believes as we work through the Plan and come up with strategies, we can bring forward a project that be successful. Meantime, in order for the City to spend the funds and meet time limit requirement, staff will shift its focus. We believe that the South 7th Street improvement project is a needed project for East Temple area.

Mayor Pro Tem Morales, stated this will benefit that area.

Mayor Davis declared the public hearing open for items 4 & 5, and asked if anyone wished to address either item.

CJ Grisham, question half a million dollars for two blocks of sidewalk.

Ms. Myers replied, this is for sidewalk and total street construction.

Mayor Davis stated based on what it cost to build a mile of road, this was a pretty good deal.

JD Zeptner, 402 South 26th, thanked the City for looking at 7th Street, but please consider the sidewalks from South 5th street down to Avenue H.

Alan Lydell, 504 Paseo Del Plata, the City is forced to do this project, because they couldn't come identify a project and come up with a plan. The 7th Street project sounds nice, but the cost sounds a bit excessive, and no one except those that live, or go to school in that area will benefit from these proposed improvements. The brick streets have been there for a long time and are still working fine. The City needs to be spending money how they say will and on what they say they will, which is for low income housing assistance, not sidewalk and street improvements.

Mayor Davis thanked Mr. Lydell and reminded those present of the requirements within the Plan; one of which is that no more than \$5,000 can be spent per home. Some of the homes that would qualify for this plan would, the \$5,000 would begin to touch some of the issues. In my opinion the fiduciary responsibilities of the City and the way the money is being spent is acceptable.

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

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

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

**(A) December 20, 2018 Special & Regular Called Meeting  
Contracts, Leases, & Bids**

**(B) 2019-9492-R: Consider adopting a resolution authorizing a FY 2019 services agreement with Control Panels USA of Austin for telemetry and supervisory control and data acquisition services in the estimated annual amount of \$25,000.**

**(C) 2019-9493-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to perform the Downtown Utility Assessment in an amount not to exceed \$267,814.**

**(D) 2019-9494-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, to design, bid, and administer construction of roadway and sidewalk improvements on 7th Street from Avenue H south to the dead-end, in an amount of \$85,710.**

**(E) 2019-9495-R: Consider adopting a resolution authorizing an interlocal agreement with Temple Independent School District for public improvements along North 31st Street and adjacent to TISD's High School Campus.**

**(F) 2019-9496-R: Consider adopting a resolution authorizing a 35-month lease agreement with Yamaha Motor Finance Corporation, U.S.A., of Cypress, California, for a global positioning system for the golf cars at Sammons Golf Links in the amount of \$88,634 over the 35-month term.**

**(G) 2019-9497-R: Consider adopting resolutions authorizing 10-year extensions to the following wastewater management agreements:**

**(1) "Operation, Maintenance, and Management Agreement" between the City of Temple, City of Belton and Brazos River Authority for operation and maintenance of the Temple-Belton Wastewater Treatment Plant and Belton Main Lift Station;**

**(2) "Operation, Maintenance, and Management Agreement" between the City of Temple and Brazos River Authority for operation and maintenance of the Doshier Farm Wastewater Treatment Plant and the City's lift stations; and**

**(3) "Management and Administration Agreement" between the City of Temple, City of Belton, and Brazos River Authority for the management and administration of the Cities' Industrial Pretreatment Programs.**

**(H) 2019-9498-R: Consider adopting a resolution authorizing the acquisition of two permanent easements and three temporary construction easements necessary for the construction of the Bird Creek Interceptor Phase 4 project and authorizing closing costs associated with the purchase in an estimated amount of \$90,000.**

**(I) 2019-9499-R: Consider adopting a resolution ratifying the acquisition of two easements and two temporary construction easements necessary for the construction of the Charter Oak Waterline in an amount not to exceed \$5,300.**

**(J) 2019-9500-R: Consider adopting a resolution authorizing the acceptance of a donation of a 3.667-acre tract of land from HEB, LP, a Texas limited partnership, for the benefit of the public.**

**(K) 2019-9501-R: Consider adopting a resolution authorizing the City Manager to submit an application and accept funding through the Texas School Safety Center at Texas State University for the purpose of enforcing Subchapter 161 Texas Health and Safety Code, in the amount of \$8,900.**

**(L) 2019-9502-R: Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2019 through Synovia Solutions, of Indianapolis, Indiana, in the annual amount of \$43,200.**

**(M) 2019-9503-R: Consider adopting a resolution authorizing the purchase of properties situated at 814 and 818 East Avenue B and authorizing closing costs associated with the purchase in an estimated amount of \$25,000.**

**(N) 2019-9504-R: Consider adopting a resolution authorizing the purchase of five properties necessary for the expansion of Old Waco Road, Outer Loop Phase 6, and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$1,308,000.**

**(O) 2019-9505-R: Consider adopting a resolution authorizing the City of Temple's legislative priorities for 2019.**

**(P) 2019-9506-R: Consider adopting a resolution authorizing the cancellation of the July 4, 2019, City Council meeting.**

**(Q) 2019-9507-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.**

Motion by Mayor Pro Tem Judy Morales approve Consent Agenda as presented with the exception of item 6(N) seconded by Councilmember Jessica Walker.

Motion passed unanimously.

**(N) 2019-9504-R: Consider adopting a resolution authorizing the purchase of five properties necessary for the expansion of Old Waco Road, Outer Loop Phase 6, and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$1,308,000.**

Mayor Davis noted it is more appropriate to table this item.

Motion by Councilmember Susan Long , be Table, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

- 7. 2019-4950: FIRST READING – PUBLIC HEARING – FY-19-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two on 23.901 +/- acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Bell County, Texas, located at the southwest corner of West Nugent Avenue and John Paul Jones Drive.**

Tammy Lyerly, City Planner provided a presentation to the Council. She began noting request is for property located at 3201 West Nugent Avenue and the applicant is Rodney Dunn Company for Arms of Hope. Mr. Dunn is requesting a rezoning from Agricultural to Single-Family Two, to allow single family residential development on 23.901 acres. Ms. Lyerly noted this is new development east of Kennedy-Powell Elementary School which is TISD. The proposed district would allow Single Family residential homes, but not manufactured homes; and is compatible with the surrounding zoning and uses.

The Future Land Use Map identifies this property as Auto-Urban Residential; and the Single Family Two District does comply with this classification.

The Thoroughfare Map identifies West Nugent Avenue as a Minor Arterial Street, and John Paul Jones as a Collector. Minor Arterial are appropriate for some subdivisions as long as the are used as entry ways into the residential area. Staff will make sure that during the platting process that there are no homes fronting the arterial so that no one is backing into a high traffic road. The applicant's request is compliant with the Thoroughfare Map.

Ms. Lyerly noted the request is compliance with the Trails Master Plan as well. The applicant proposes a trail system internally and has been working with the TISD to potentially connect with an internal trails system to Kennedy-Powell as a "Safe Route to School".

There is an existing 8-inch water line within street rights-of-way; and an existing 6-inch line near the southeast corner of the property. Sewer is provided via an existing 8-inch line along the west end of the rear property line, and within John Paul Jones right-of-way.

Thirty-six notices were mailed in accordance with State Law and Local Ordinance. Five were returned in favor and one in disagreement.

At its December 17, 2018 meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of the requested rezoning from Agricultural to Single-Family Two per Staff's recommendation.

Staff is recommending approval of this request.

Mayor Davis declared the public hearing open with regards to item 7, and asked if anyone wished to address this item.

Mr. Jeffrey Ware, 2600 Moores Mill Road, asked if the applicant already owned the property?

Mr. Rodney Dunn, 1400 South 31st Street, addressed Mr. Ware's questions. He noted he represented the Arms of Hope, which is a non-profit entity and they currently own the subject property. They listed the property for almost two years. It is now under contract with a developer that wishes to build an attractive family-friendly neighborhood in that area of town. Numerous conversations have been had with the City of Temple and Temple Independent School District so that we can have a cohesive neighborhood with the existing neighbors and school.

Mr. Ware asked for details on the one response returned in disagreement.

Councilmember Walker noted the resident did not want development behind him, and wanted to keep the open lot and view.

Mr. Dunn added a few comments on City Staff, noting this has been a very pleasant experience.

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

Councilmember Long thanked Mr. Dunn for working with TISD to make it safe for the kids to walk to school.

Motion by Councilmember Jessica Walker adopt on first reading as presented, with the second and final reading set for February 7, 2019. seconded by Councilmember Susan Long.

8. **2019-4951: FIRST READING – PUBLIC HEARING – FY-19-3-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 3.31 +/- acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located along the east side of State Highway 317, addressed as 6521 State Highway 317.**

Mark Baker, Senior Planner, presented this case to the Council. He began by stating this property is 6521 State Hwy 317, and is just north of the Stripes Convenient Store on Highway 317. The applicant is New American Dream Ltd. The applicant is requesting a rezoning of 3.3 +/- acres from Agricultural to General Retail. A user for the property has not been identified by the developer. Mr. Baker noted that any future development will require a subdivision plat.

The applicant is requesting General Retail, and the property is bordered by other existing General Retail zoned property. Therefore the applicant's request is compatible and is supported by Single-Family Two to the east of the property. The Future Land Use Map identifies the subject property as Suburban Commercial which is appropriate for retail and office uses, and supports General Retail zoning at certain locations on a case-by-case basis.

Both water and sewer are available. Water is provided with a 2-inch line on SH 317; and sewer by a 6-in line on Silver Springs which is Sage Meadows subdivision. Mr. Baker stated that any extension requirements would be addressed at the platting stage.

In the Thoroughfare and Trails Plan, State Highway 317 is identified as a Major Arterial. TxDOT improvements are completed and include a 10-foot sidewalk on the east side of SH 317; and a median break and signal at Tarver Drive. The existing local connector trail was addressed by the upsized sidewalk.

Mr. Baker reviewed the comparison between Agricultural and General Retail zoning districts, noting the main take away to be that most retail service uses and offices would be permitted within the General Retail zoning. Adjacent to the residential, the buffering and screening standards would apply and in the form of (1) planted landscape materials with a height of 6-feet on 36-in centers; (2) a 6-foot to 8-foot high fence or solid wall with approved materials on the subject property.

There were 18 notices mailed to property owners within 200-feet; and one notices was returned in favor, which was from the applicant, and one notice was returned in disagreement from a property owner east of the Sage Meadows Park.

It is Staff's recommendation to approve the request for rezoning from Agricultural to General Retail District.

At their December 17, 2018 meeting, the Planning and Zoning Commission voted 8/0 to recommend approval per Staff's recommendation.

Mayor Davis declared the public hearing open with regards to agenda item 8, and asked if anyone wished to address this item.

Mr. Jeffrey Ware 2600 Moores Mill Road, address the council on

this item. He asked about the structures on the property and if they were occupied or not.

Mr. Baker noted both structures are unoccupied at this time.

Mr. Ware reminded those present that he was involved with a future eminent domain case.

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

Motion by Mayor Pro Tem Judy Morales adopt on first reading as presented, with the second and final reading set for February 7, 2019. seconded by Councilmember Jessica Walker.

Motion passed unanimously.

**9. 2019-4952: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing a five-year franchise with City Ambulance Service to provide non-emergency ambulance transfer services within the City.**

Kayla Landeros, City Attorney presented this item to the Council. She noted the City was in receipt of a request from City Ambulance for a franchise to provide non-emergency ambulance transfer services within the City. City Ambulance has operated in Texas since 2007, with current operations in Houston, Dallas, San Antonio, College Station, Round Rock, and Corpus Christi, but has no history of service in Temple.

Chapter 5 of the City Code governs the issuance of franchises for non-emergency ambulance transfer services. "Non-emergency ambulance transfer services" is defined as the transport of patients for non-emergency, previously scheduled, medical treatment from a point originating and terminating within the City limits. To operate this service in the City, a franchise agreement with the City is required, and the agreements are typically for a 5-year term.

Ms. Landeros noted the Council can issue a franchise when it determines that the franchise serves the public interest. In making the determination, Council must consider the following:

- (1) the distance from the applicant's permanent address to hospitals and other medical facilities (permanent address must be in the City limits);
- (2) the number of ambulances which will be utilized and the hours during the day and days during the week when service will be provided; and

(3) evidence of applicant's previous performance.

City Ambulance provided the following information to the City:

- (1) City Ambulance's station will be located at 1850 Scott Boulevard;
- (2) City Ambulance proposes to operate two ambulances, 24-hours a day, 7-days a week; and
- (3) City Ambulance has not operated in Temple, but does have operations in several other cities.

Ms. Landeros noted that City Ambulance must and has provided the following:

- (1) Evidence that no official of the company has been convicted of a felony or a misdemeanor involving moral turpitude in the last 10 years;
- (2) Proof of Insurance;
- (3) A description of the number, year, make and model of each ambulance to be operated; as
- (4) the names of all person with a financial interest in the company.

By ordinance, non-emergency ambulance transfer services franchisees pay the City 3½ % of the total amount billed per year. The City currently has three non-emergency transfer franchise agreements.

Councilmember Walker asked how many providers other cities are size had.

Ms. Landeros stated she would have to ask Chief Randles, and have that before second reading.

Councilmember Long asked what was currently at the address provided?

Ms. Landeros noted she too had not driven by but can find that out prior to second reading.

Mayor Pro Tem Morales asked if an assessment had been done to determine the need. We don't want anyone to think we're setting them up to fail.

Mayor Davis stated he didn't know that answer to that but that a few years ago, not this council, but a different council he sat on, took it upon their self to decide that we had enough and did not grant a franchise. Mayor Davis noted he disagreed with that decision on that to disallow another company to provide those services. He noted it's his opinion that the provider should perform due diligence to do business within the City; and if they make it, they make it. This is called that 'dirty word' capitalism.

Ms. Landeros noted that while speaking with Chief Randles, that was his thought process as well. That it is for the companies to come in and build the business.

Mayor Davis stated at one point with those services it was like the wild wild west. They weren't abiding by the rules and fee schedules. Additional competition will cause them to sharpen their pencils. This is a good thing.

Ms. Myers reminded the Council that this is for non-emergency transport services. The City has an exclusive contract for emergency transports. Ms. Myers also reminded Council of comments regarding the market getting too saturated then they all will fail; but we don't typically insert ourselves into that.

Councilmember Long stated, we want them to succeed.

Ms. Landeros stated the purpose of requiring the franchise is for services utilizing public streets and infrastructure to the extent of how the ambulances are.

Ms. Myers noted that in her opinion adding a fourth would not impact the public infrastructure any more than the current three.

Mayor Davis stated there is a fee schedule adopted; and therefore the success of the business is based on good customer service.

Mayor Davis declared the public hearing open with regards to item 9 and asked if anyone wished to address this item.

Randy Ram, Director of Operations for San Antonio are was present for questions.

Mayor Davis asked Mr. Ram is an assessment had been performed in determining the need.

Mr. Ram noted they are expanding there services to better get patients where they need to be in a timely manner. This will help to expedite the transfers. We like to pride ourselves on the professionalism we offer.

Alan Lydel, 504 Paseo Del Plata, noted that he was concerned that the franchise would not be able to provide services outside of Temple.

Ms. Landeros noted they would be allowed to transport outside of the City limits. The franchise requirement is if you are going

to be transporting patients from point to point within the City.

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

Motion by Councilmember Susan Long adopt on first reading as presented, with the second and final reading set for February 7, 2019. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

**10. 2019-4953: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002.**

Kayla Landeros, City Attorney presented this item to Council. She noted that in 1994, the City Council established curfew requirement for minor under the age of 17. The reason was an increase in juvenile violence, juvenile gang activity, and crime by and against persons under the age of 17. The Local Government Code Section 370.002 requires that the City review this ordinance every three years and find the following:

- (1) review the ordinance's effects on the community and on problems the ordinance was intended to remedy;
- (2) conduct a public hearing on the need to continue the ordinance; and
- (3) abolish, continue or modify the ordinance.

This ordinance has been continuously renewed by Council every three years since 1994. The current ordinance was passed in February 2016 and will expire next month (February).

Ms. Landeros noted the ordinance provides for the protection of minors both from each other and from other people during certain hours of the day. It was also intended to promote parental oversight and responsibility for children, and to reduce incidents of juvenile crime.

Staff is asking that Council approve the renewal of curfew hours for minors; with no changes. The hours will remain the same: 11:00 pm on and Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 am of the following day; and 12:01 am until 6:00 am on any Saturday or Sunday.

Mayor Davis declared the public hearing open with regards to item 10, and asked if anyone wished to address this item.

CJ Grisham, 4365 Airport Trail stated that he was opposed to all curfews. Government should not be raising our children. It sounds good, but governments role is to prosecute crimes and not dictate what is perfectly legal to do. If I trust my daughter to walk the dog at 3:00 am, the government should not be able to tell me no. I have to as a parent to be able to recognize whether my child is responsible enough. Mr. Grisham stated he understands the intent, but a criminal is not going to care whether or not a curfew ordinance is in place. Mr. Grisham requested that the Council allow the curfew ordinance expire. He also noted that he would have liked to have seen the impact statement as stated in the law. Has juvenile crime decreased and are our streets safer?

Alan Lydel, 504 Paseo Del Plata, express his concern for those that need to be at the bus stop at 5:30 am. We may need to lower that time in the ordinance.

JD Zeptner 402 South 26th Street; stated he was in support of renewing the curfew ordinance. Some parents don't care and this ordinance needs to remain in place.

Mayor Davis asked if there was some language that allows officer's discretion.

Ms. Landeros noted that yes, officers do have that discretion. There are warnings issued prior to any citations; similar to a three-strike rule.

Motion by Councilmember Susan Long adopt Motion did not require second.

Motion passed unanimously.

## **RESOLUTIONS**

### **11. Consider adopting a resolution authorizing:**

**(A) 2019-9508-R: Consider adopting a resolution authorizing a construction contract with R. T. Schneider Construction Company, Ltd. for services to construct Hogan Road from South Highway 317 to South Pea Ridge Road, in the amount of \$3,222,041.73.**

**(B) 2019-9509-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with BSP Engineers, Inc., for construction-phase**

**services to widen Hogan Road from State Highway 317 to South Pea Ridge Road, in an amount not to exceed \$107,200.**

Nicole

Motion by Councilmember Jessica Walker adopt seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

- 12. 2019-9510-R: FY-19-1-APL Consider adopting a resolution authorizing an appeal of standards to Section 6.75(I) of the Unified Development Code to permanently allow a roof sign within the I-35 Corridor Overlay at 2418 General Bruce Drive, formerly addressed as 2410 Wilson Place.**

Lynn Barrett

Motion by Councilmember Susan Long adopt Motion did not require second.

Motion passed unanimously.

- 13. 2019-9511-R: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that one property situated in the Baldwin Robertson Survey, Abstract #17, Bell County, Texas, is necessary for the proposed expansion of Poison Oak Road and authorizing the use of eminent domain to condemn the property.**

Kayla

Motion by Councilmember Susan Long special language Motion did not require second.

Motion passed unanimously.

- 14. 2019-9512-R: Consider adopting a resolution authorizing the purchase of a property necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$160,000.**

Christina

Motion by Councilmember Susan Long special language Motion did not require second.

Motion passed unanimously.

## **BOARD APPOINTMENTS**

**15. 2019-9513-R: Consider adopting a resolution appointing members to the Comprehensive Plan Advisory Committee**

**(A) Designating the Chair of the Tax Increment Financing Reinvestment Zone No. 1 Board of Directors to fill a term through December 31, 2019; and**

**(B) Appointing one member to the Civil Service Commission to fill an unexpired term through September 1, 2019.**

\_\_\_\_\_  
Timothy A. Davis, Mayor

ATTEST:

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



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(B)  
Consent Agenda  
Page 1 of 2

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

Erin Smith, Assistant City Manager  
Joseph Medici, A.A.E., Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to provide final design services for a new Airport Headquarters/Fixed Base Operator building and supporting appurtenances at the Draughon-Miller Central Texas Regional Airport, in an amount not to exceed \$402,000.

**STAFF RECOMMENDATION:** Recommends professional services agreement for approval as presented.

**ITEM SUMMARY:** Work to be performed under this contract consists of providing architectural, landscape architectural, civil engineering, structural engineering, electrical engineering, geotechnical engineering, and environmental services for final design of the Airport Headquarters/FBO amenities and appurtenances, specifications, and estimates.

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

Design Services	\$ 7,900.00
Architectural Design	\$ 202,000.00
Civil Engineering	\$ 43,800.00
Landscape Architecture Design	\$ 21,400.00
Structural Engineering Design	\$ 39,800.00
Electrical Engineering Design	\$ 15,700.00
Geotechnical Investigations	\$ 23,100.00
Environmental Investigations	\$ 11,900.00
Project Management	\$ 36,400.00

**TOTAL** **\$ 402,000.00**

Time required for design phase is 10 months, from the Notice to Proceed.

On January 23rd, 2019, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by Council.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 512, Account 795-9600-531-6573, project 101801, to design a new Airport Headquarters/Fixed Base Operator (FBO) building and supporting appurtenances at the Draughon-Miller Central Texas Regional Airport, in an amount not to exceed \$402,000.

Project Budget	\$ 559,000
Encumbered/Committed to Date	(118,860)
KPA Professional Services Agreement	(402,000)
Remaining Project Funds	<u>\$ 38,140</u>

**ATTACHMENTS:**

[Proposal](#)  
[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

January 11, 2019

Ms. Erin Smith, AICP  
Assistant City Manager  
City of Temple  
2 North Main Street  
Temple, Texas 76501

Re: City of Temple  
Draughon-Miller Regional Airport Headquarters / FBO

Dear Ms. Smith:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop Final Design for a new Airport Headquarters/Fixed Base Operator (FBO) building and supporting appurtenances at the Draughon-Miller Regional Airport. The final product will be full Final Design Plans, Specifications and Estimates for the project.

The work to be performed by KPA under this contract consists of providing architectural, landscape architectural, civil engineering, structural engineering, electrical engineering, geotechnical engineering and environmental services for design of the project described above to include final design for the Airport Headquarter/FBO amenities and appurtenances, specifications and estimates. The project includes planning and design for public spaces to include:

- Public Spaces –
  - lobby area
  - restrooms
  - conference room
- Administration Spaces –
  - work spaces
  - conference room
  - airport manager office
  - line room
- Pilot / Passenger Spaces
  - pilot lounge and kitchen
  - pilot quiet rooms
  - pilot shower and restroom
  - passenger lounge with kitchen

- Exterior Spaces
  - new parking facility for support the Headquarters / FBO
  - ramp shade canopy
  - utilities to support the facility
  - connection to existing infrastructure to support the facility.

The timeframe for design of the project is ten (10) months from the Notice to Proceed.

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

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

The following services will be performed:

1. FIELD SURVEYING FOR FBO (All County Surveying)

- a. Topographic Surveys for Architectural, Engineering and Landscape Design will be developed for design of the project.
- b. Data collection shall consist of surveying all elements of the project to complete the design requirements developed from the Conceptual Design.

2. ARCHITECTURAL SERVICES (Neal Architects)

- a. Full Development of architectural floor plans and FFE plans.
- b. Development of MEP backgrounds.
- c. Development of exterior elevations, ceiling plans, and roof plan.
- d. Outline Specifications.
- e. General Power, Lighting, Data/Communications, Plumbing and HVAC Systems Plans.
- f. Final Architectural, Mechanical, Electrical, and Plumbing documents suitable for permitting, agency review, and construction.
- g. Final Specifications.
- h. Envelope, Mechanical, and Lighting Commercial Com Checks (required for permitting).
- i. TDLR Registration and submission for review (TAS/ADA).

3. CIVIL ENGINEERING SERVICES (KPA)

- a. Develop storm water hydrology 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 10%, 4% and 1% annual chance storm (10-year, 25-year, and 100-year) events. Modeling shall develop storm water flows to all conveyances.
- b. Develop designs for all drainage conveyances within the project limits.

- c. Develop designs for the storm water system for the parking facility and access systems. Storm systems shall be analyzed and designed utilizing City of Temple criteria.
- d. Design storm water conveyance to existing storm systems. Design shall include conveyance for positive drainage.
- e. Determine potential utility conflicts for the project area.
- f. Design revised access for the Airport roadway system to coincide with the FBO design.
- g. Design the new parking facility for the new FBO. This shall include designing paving sections to support traffic loading and geometric design to meet TDLR requirements and develop drainage to convey to existing systems.
- h. Design water utilities to serve the new FBO.
- i. Design wastewater utilities to serve the new FBO.
- j. Design conduit and / or duct banks for communication service to the new FBO.
- k. Design layout for plane receiving and covered ramp.

4. LANDSCAPE ARCHITECTURAL SERVICES (KPA – Covey Landscape Architects)

- a. Based on the conceptual design develop preliminary design for landscaping for the project.
- b. Incorporate preliminary design amenities into the final design.
- c. Prepare plan sheets illustrating landscape design.
- d. Coordinate elements for the facility from the preliminary design into the final design.
- e. Prepare preliminary materials list. Coordinate with the Architect and Structural Engineer for the material list from the conceptual design.
- f. Develop preliminary opinions of probable cost for landscaping and irrigation for the Facility.

5. STRUCTURAL ENGINEERING SERVICES (Winton Engineering)

- a. Based on the layout from the conceptual design, develop preliminary structural design for the ramp covered area.
- b. Prepare final design for the foundation of the covered ramp area.
- c. Prepare final design for the structural columns for the covered ramp area.
- d. Prepare final design for the roof of the covered ramp area.
- e. Develop all materials with connection details for the covered ramp area.
- f. Prepare final structural drawing for the covered ramp area.

6. ELECTRICAL ENGINEERING SERVICES (McCreary & Associates)

- a. Coordinate with Oncor for service drops and connections to serve the facility.
- b. Design electrical service to the facilities. This shall include electrical design for the parking facility.
- c. Develop full electrical design plan sheets to support the project.
- d. Prepare final electrical design with specifications and details.
- e. Develop final Opinion of Probable Cost for the electrical items.

7. GEOTECHNICAL SERVICES (Terracon)

- a. Collect geotechnical data for construction of the access, parking facility, Headquarters / FBO facility and covered ramp facility with bores.
- b. Process geotechnical lab data from soils collected through the bore operations.
- c. Design paving sections for the access and parking facilities based on the geotechnical data collected.
- d. Design foundation sections for the headquarters / FBO facility facilities based on the geotechnical data collected.
- e. Design foundation sections for the covered ramp facility based on the geotechnical data collected.

8. ENVIRONMENTAL SERVICES (Terracon)

- a. Perform Asbestos Survey and develop report.
- b. Prepare cultural resources investigations and submit report to the Texas Historical Commission (THC).

9. PROJECT MANAGEMENT (KPA)

- a. Attend all Project Meetings.
- b. Prepare, attend and document Progress Meetings at the City Office.
- c. Prepare, attend and document Utility Coordination Meetings.
- d. General Contract Administration.
- e. Develop monthly invoices and progress reports.
- f. Sub-consultant coordination.
- g. Design coordination with the City.

The following scope of work for the Draughon-Miller Regional Airport Headquarters / FBO Final Design can be completed for the lump sum price of \$402,000. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Design Surveys	\$	7,900.00
Architectural Design	\$	202,000.00
Civil Engineering Design	\$	43,800.00
Landscape Architecture Design	\$	21,400.00
Structural Engineering Design	\$	39,800.00
Electrical Engineering Design	\$	15,700.00
Geotechnical Investigations	\$	23,100.00
Environmental Investigations	\$	11,900.00
Project Management	\$	36,400.00
<b>TOTAL</b>	<b>\$</b>	<b>402,000.00</b>

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. David Patrick', with a stylized flourish at the end.

R. David Patrick, P.E., CFM

**ATTACHMENT "C"**

**Charges for Additional Services**

**City of Temple  
Draughon-Miller Regional Airport Headquarters / FBO Facility  
Final Design**

<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/Landscape Architect	2.4	50.00 – 60.00/hour
Engineer-in-Training/Designer	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

RESOLUTION NO. 2019-9517-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 \$402,000, TO PROVIDE FINAL DESIGN SERVICES FOR A NEW AIRPORT HEADQUARTERS/FIXED BASE OPERATOR BUILDING AND SUPPORTING APPURTENANCES AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Kasberg, Patrick and Associates, LP will provide architectural, landscape architectural, civil engineering, structural engineering, electrical engineering, geotechnical engineering, and environmental services for the final design of the Airport Headquarters/Fixed Base Operator amenities and appurtenances, specifications, and estimates;

**Whereas,** Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in an amount not to exceed \$402,000, to provide final design services for a new Airport Headquarters/Fixed Base Operator building at the Draughon-Miller Central Texas Regional Airport;

**Whereas,** on January 23, 2019, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by City Council;

**Whereas,** funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, Line 512, Account No. 795-9600-531-6573, Project No. 101801; 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 \$402,000, to provide final design services for a new Airport Headquarters/Fixed Base Operator building and supporting appurtenances 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(C)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for professional services required to update the Property Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone, in the amount of \$38,000.

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

**ITEM SUMMARY:** In 2013, the City engaged KPA to complete Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone. The initial work included site review and development, Phase 1 environmental reports, an environmental natural resources review, and a brokers' opinion of value for the properties. Due to the passage of time and changing circumstances, Staff believes it is necessary to update the information that was gathered in the 2013 process.

KPA has submitted a proposal to update the 2013 Property Site Certifications and Maps. KPA would complete the following tasks, in addition to those listed in the attached proposal:

- Review all properties which are identified as owned by the Temple Economic Development Corporation and the City of Temple, which are located within the Reinvestment Zone;
- Identify tracts that have been platted, combined, acquired, or sold since 2013;
- Update all inventory assessments and mapping for the Airport Park, Corporate Campus Park, Industrial Park, the Temple Medical Education District, and Synergy Park; and
- Update all Site Certification Dashboards, site maps, utility maps, and environmental reports, as required.

KPA proposes to complete the work within six months of receiving a notice to proceed at a total cost of \$38,000.

On January 23, 2019, the Reinvestment Zone No. 1 Board voted to recommend the professional services agreement as presented.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 50, Account 795-9500-531-2616, to update the Property Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone, in an amount not to exceed \$38,000.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9518-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN THE AMOUNT OF \$38,000, TO UPDATE THE PROPERTY SITE CERTIFICATIONS AND MAPS FOR CITY OF TEMPLE PROPERTIES LOCATED WITHIN THE REINVESTMENT ZONE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in 2013, the City engaged Kasberg, Patrick & Associates, LP, (“KPA”) to complete Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone which included site review and development, Phase 1 environmental reports, an environmental natural resources review, and a broker’s opinion of value for the properties;

**Whereas**, due to the passage of time and changing circumstances, Staff believes it is necessary to update the information that was gathered in the 2013 process;

**Whereas**, KPA has submitted a proposal to update the 2013 Property Site Certifications and Maps and they would complete the following tasks:

- Review all properties which are identified as owned by the Temple Economic Development Corporation and the City of Temple, which are located within the Reinvestment Zone;
- Identify tracts that have been platted, combined, acquired, or sold since 2013;
- Update all inventory assessments and mapping for the Airport Park, Corporate Campus Park, Industrial Park, the Temple Medical Education District, and Synergy Park; and
- Update all Site Certification Dashboards, site maps, utility maps, and environmental reports, as required;

**Whereas**, on January 23, 2019, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by Council;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in the amount of \$38,000, to update the Property Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone;

**Whereas**, funding for this agreement is available in the Reinvestment Zone No. 1 Financing and Project Plan, Line 50, Account No. 795-9500-531-2616; 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 Kasberg, Patrick and Associates, LP of Temple, Texas, in the amount of \$38,000, to update the Property Site Certifications and Maps for City of Temple properties located within the Reinvestment Zone.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(D)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, CPRP, Director of Parks and Recreation

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Nashville recording artists Maddie & Tae for the 2019 Bloomin Temple Festival in an amount not to exceed \$30,000.

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

**ITEM SUMMARY:** The Bloomin Temple Festival continues to be a great event that offers the community a wide array of singers and performers. This year, staff was able to negotiate an agreement with music sensation, Maddie and Tae.

Platinum blondes Maddie & Tae struck an immediate chord with their high-octane brand of roots country with “Girl In A Country Song.” The platinum certified single earned 32,000,000+ VEVO video views and the 2014 Nashville Scene’s annual Country Critics Poll Single of the Year. They were only the third female duo in the history of Billboard’s Country Singles Chart to have their debut single hit #1 which garnered attention from The New Yorker, Rolling Stone, Atlantic Monthly, The Washington Post, Spin and NPR.

Taking their music to the road, they anchored Dierks Bentley’s Sounds of Summer Tour 2015, then headlined their own sold-out Start Here Tour through the fall. With “Shut Up & Fish” just hitting the top 20 on radio, Maddie & Tae are not slowing down.

**FISCAL IMPACT:** Funding for the purchase of entertainment for Bloomin’ Temple Festival is available in account 110-3281-551-26-23.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9519-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NASHVILLE RECORDING ARTISTS MADDIE & TAE IN AN AMOUNT NOT TO EXCEED \$30,000, FOR THE 2019 BLOOMIN TEMPLE FESTIVAL; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Bloomin Temple Festival continues to be a great event that offers the community a wide array of singers and performers and this year, Staff was able to negotiate an agreement with music sensations, Maddie & Tae;

**Whereas**, Staff recommends Council authorize a professional services agreement with Maddie & Tae in an amount not to exceed \$30,000, for their musical performance at the 2019 Bloomin Temple Festival;

**Whereas**, funding for this agreement is available in Account No. 110-3281-551-2623; 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 City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Maddie & Tae, in an amount not to exceed \$30,000, for their musical performance at the 2019 Bloomin Temple Festival.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(E)  
Consent Agenda  
Page 1 of 1

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

Jason Deckman, Planner

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP to develop a conceptual design for the Georgetown Railroad Hike/Bike Trail Project in the amount of \$28,800.

**STAFF RECOMMENDATION:** Adopt the resolution as described.

**ITEM SUMMARY:** The Georgetown Railroad Trail project will create a 10' wide shared-use path along the right-of-way of the former Georgetown Railroad. This rails-to-trails project is categorized as a Priority Trail in the City of Temple Trails Master Plan for its potential to connect key destinations across the city and with neighboring communities. The trail will connect Raye Allen Elementary School, South Temple Community Park, various neighborhoods, and ultimately reach the historic MK&T Bridge over the Leon River. The trail will be easily accessible to residents living in Stonegate, Echo Village, Wyndham Hill, Sarah's Glenn, Alta Vista, Deerfield, Bentwood, and Legacy Ranch.

KPA will develop a concept plan and designs for converting the existing railroad right-of-way to a trail system for pedestrian and bicycle traffic. The design will include amenities such as wayfinding signs, shade structures, water fountains, benches, trash receptacles, public art, and/or bike racks. The final concept design will include four project renderings produce by Covey Landscape Architects as a subcontractor to KPA. This concept will be submitted as part of an application for funding through the TxDOT Transportation Alternatives Program.

**FISCAL IMPACT:** Funding for the \$28,800 professional services agreement with Kasberg, Patrick & Associates, LP to develop a conceptual design for the Georgetown Railroad Hike/Bike Trail Project in the amount of \$28,800 is available in account 365-3400-531-6315, project 102010, as follows:

Project Budget	\$	28,800
Encumbered/Committed to Date		-
Professional Service Agreement - KPA		(28,800)
Remaining Project Funds Available	\$	-

### **ATTACHMENTS:**

[KPA proposal](#)  
[Project Map](#)  
[Resolution](#)



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

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

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

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

January 15, 2019

Mr. Brian L. Chandler, AICP  
City of Temple  
2 North Main Street, Suite 102  
Temple, Texas 76501

Re: City of Temple  
Georgetown Railroad Hike/Bike Trail  
Concept Design

Dear Mr. Chandler:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will develop Concept Designs for the Georgetown Railroad Hike/Bike Trail project.

The work to be performed by KPA and Covey Landscape Architects under this contract consists of providing conceptual design of the project described above to include Concept Design and illustrations for the Georgetown Railroad Hike/Bike Trail. This project will pursue utilizing the Georgetown Railroad area for conversion into a trail system for pedestrian traffic with amenities. The timeframe for design of the project is two (2) months from the Notice to Proceed.

The purpose of the scope of work as described in this proposal is to develop a conceptual design with illustrations for the Georgetown Railroad Hike/Bike Trail Project. The Concept Design will explore options for development to revise the Georgetown Railroad corridor into a pedestrian and bicycle facility with amenities. The concept will include a ten (10) foot wide trail and will explore opportunities to incorporate the railroad heritage into the Concept Design. Amenities such as wayfinding, signage, shade structures, water fountains, benches, trash receptacles, public art, bike racks will be incorporated into the Concept Design. We will review options for exercise stations, children stations, connection amenities, etc. Also included in the scope of work will be a review of the historic MKT Bridge that crosses the Leon River. This bridge will be reviewed for restoration. The final product for the project will be Concept Design including project renderings for submittal to TxDOT. A total of four (4) renderings will be completed.

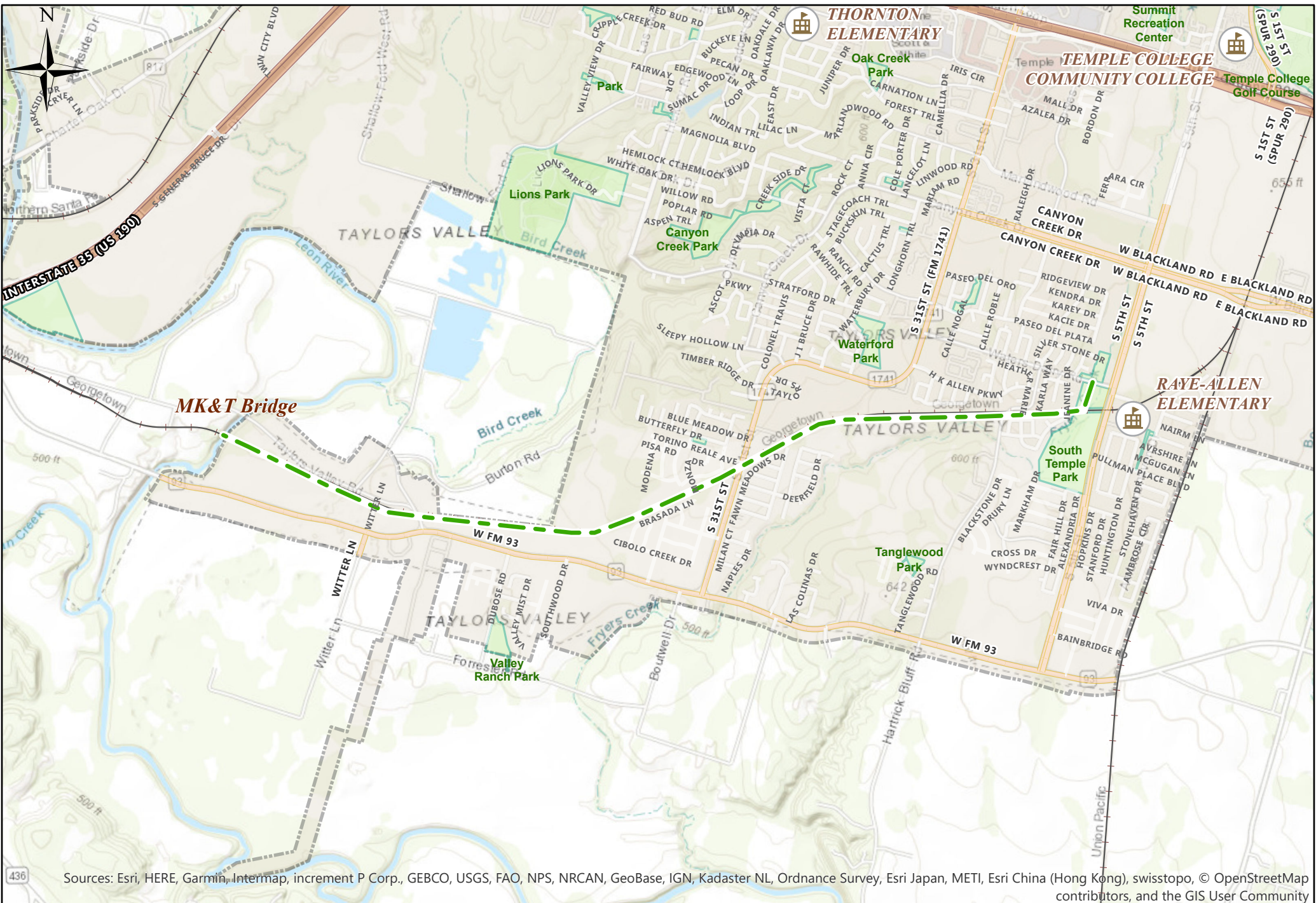
The scope of work described for the Georgetown Railroad Hike/Bike Trail Concept Design can be completed for the lump sum price of \$28,800. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

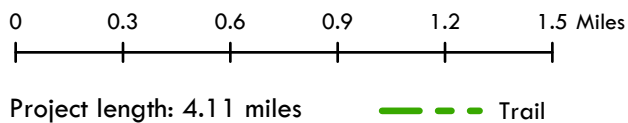
A handwritten signature in blue ink, appearing to read "R. David Patrick", is written in a cursive style.

R. David Patrick, P.E., CFM

xc: File



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



## Georgetown Railroad Trail

Construct 10 foot wide hike/bike trail along former railroad right-of-way to historic truss bridge from S. 5th Street to Leon River (Belton City Limits)

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.

RESOLUTION NO. 2019-9520-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN THE AMOUNT OF \$28,800, TO DEVELOP A CONCEPTUAL DESIGN FOR THE GEORGETOWN RAILROAD HIKE/BIKE TRAIL PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Georgetown Railroad Trail project will create a 10-foot wide shared-use path along the right-of-way of the former Georgetown Railroad;

**Whereas,** the Rails-to-Trails project is categorized as a Priority Trail in the City of Temple's Trails Master Plan for its potential to connect key destinations across the City and with neighboring communities;

**Whereas,** this trail will connect Raye Allen Elementary School, South Temple Community Park, various neighborhoods, and ultimately reach the historic MK&T bridge over the Leon River - the trail will be easily accessible to residents living in the Stonegate, Echo Village, Wyndham Hill, Sarah's Glenn, Alta Vista, Deerfield, Bentwood, and Legacy Ranch subdivisions;

**Whereas,** Kasberg, Patrick & Associates, LP will develop a concept plan and designs for converting the existing railroad right-of-way to a trail system for pedestrian and bicycle traffic - the design will include amenities such as wayfinding signs, shade structures, water fountains, benches, trash receptacles, public art, and/or bike racks;

**Whereas,** the final concept design will include four project renderings produced by Covey Landscape Architects which will be submitted as part of an application for funding through the Texas Department of Transportation Alternatives Program;

**Whereas,** Staff recommends Council authorize a professional services agreement with KPA in the amount of \$28,800 to develop a conceptual design for the Georgetown Railroad Hike/Bike Trail project;

**Whereas,** funding is available for this professional services agreement in Account No. 365-3400-531-6315, Project No. 102010; 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 the amount of \$28,800, to develop a conceptual design for the Georgetown Railroad Hike/Bike Trail 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 7<sup>th</sup> day of **February**, 2019.

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

---

02/07/19  
Item #7(F)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., CFM, City Engineer  
James Billeck, P.E., Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to design the conversion of the 1<sup>st</sup> and 3<sup>rd</sup> Street underground electric and communication utilities in Downtown Temple in an amount not to exceed \$156,100.

**STAFF RECOMMENDATION:** Approve professional services agreement as presented in Item Summary.

**ITEM SUMMARY:** The proposed services (attached) are to design plans and specifications to relocate franchise utilities in the alleys between 3<sup>rd</sup> Street and Main Street, from Central Avenue to Avenue B. The alleys are depicted in relation to the future 1<sup>st</sup> Street parking garage on the attached map. Work to be performed under this contract includes coordinating with Oncor and other overhead dry utilities to finalize design of locations, underground assignments, phasing, termination points, transformer locations and switching, and customer connections.

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

Civil & Electrical Design	\$ 136,500.00
Design Surveys	\$ 12,100.00
Environmental Clearances	\$ <u>7,500.00</u>
<b>TOTAL</b>	<b>\$ <u>156,100.00</u></b>

Time required for design is 180 calendar days, subject to availability of Oncor's design and review teams. On January 23<sup>rd</sup>, the Reinvestment Zone #1 Board voted to recommend the professional services agreement as presented.

**FISCAL IMPACT:** Funds are available in the Reinvestment Zone No. 1 Financing Plan, Line 413, Account 795-9500-531-6891, Project 101840, for this professional services agreement in the amount of \$156,100 as shown below.

Project Budget	\$	1,450,000
TIRZ Taxable Revenue Bonds	\$	5,000,000
Encumbered/Committed to Date		-
KPA Agreement - Garage Design		(439,150)
KPA Agreement - Underground Electric Design		(156,100)
Remaining Project Funds	\$	<u>5,854,750</u>

Funding in the amount of \$5,000,000 is in the Reinvestment Zone No. 1 Financing Plan, Line 413. The construction will be funded with Taxable TIRZ Revenue Bonds and will be sold when the funds are needed for construction.

**ATTACHMENTS:**

[Proposal](#)  
[Map](#)  
[Resolution](#)



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

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

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**R. DAVID PATRICK, P.E., CFM**  
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**JOHN A. SIMCIK, P.E., CFM**

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

January 14, 2019

Mrs. Erin Smith, AICP  
Assistant City Manager  
City of Temple  
2 North Main Street  
Temple, Texas 76501

Re: City of Temple  
1<sup>st</sup> & 3<sup>rd</sup> Underground Electrical Conversion – Civil Design

Dear Mrs. Smith:

At the request of the City of Temple and the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop plans and specifications for the placement of the overhead electric and communication lines in an underground common trench that are located in the alleyways that are generally bounded by 3rd Street to the west, Main Street to the east, Central to the North, and Avenue B to the South.

The work to be performed by KPA under this contract consists of providing professional engineering services for the design of a common dry utility trench, coordination with Oncor for switch gear and transformer pad locations, as well as, coordination with the other communication lines that are currently attached to the overhead poles that are proposed to be removed. The design will also include electrical design for transfer existing customer's connections. The timeframe for design of the project is six (6) months from the Notice to Proceed. This time frame will depend on the availability of Oncor and other impacted dry utility personnel to review and provide direction during the design process.

The purpose of the scope of work as described in this proposal is to place the existing overhead utilities along the identified alleyway to prepare for the future construction of the proposed parking garage located near the intersection of Avenue A and 1<sup>st</sup> Street.

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

## **BASIC SCOPE OF SERVICES**

### **SCHEMATIC DESIGN**

#### **A. Description of Services**

##### **1. 1<sup>st</sup> & 3<sup>rd</sup> Underground Electrical Conversion**

- a. Preliminary utility trench design
- b. Preliminary switch gear/transformer pad locations
- c. Preliminary existing customer conversion layout
- d. Preliminary coordination with Dry Utilities.

##### **2. Utility Coordination**

- a. Establish all existing utilities and prepare a working exhibit for illustration
- b. Hold a utility coordination meeting to discuss project goals and potential utility relocates
- c. Prepare a Preliminary exhibit illustrating existing utilities and proposed relocations for coordination

#### **B. Deliverables**

1. The KPA Team will develop drawings, plans, sections and illustrations and other information to describe the nature, quality and scope of the project. This will include a color rendered illustrative master plan, sections, elevations and perspectives.
2. The KPA Team will furnish one (1) set of schematic design drawings at the completion of schematic design.
3. The KPA Team will update an order of magnitude cost estimate at the completion of schematic design.

Based upon your approval of the schematic design documents and associated budget, The KPA Team will prepare construction drawings and specifications to properly describe the nature and scope of the project. These documents will be suitable for review, bidding and construction purposes. Completed construction documents will include the following:

### **FINAL DESIGN**

#### **A. Description of Services**

##### **1. 1<sup>st</sup> & 3<sup>rd</sup> Underground Electrical Conversion**

- a. Final design of utility common trench
- b. Final switch gear/transformer pad locations
- c. Final design of existing customer conversion
- d. Final cost estimate with detailed quantities.

##### **2. Utility Coordination**

- a. Hold a final utility coordination meeting to discuss relocation timelines and costs

- b. Prepare a final exhibit illustrating existing final locations for all utilities

B. Deliverables

1. The KPA Team will provide the Client with a final opinion of probable cost based on all elements of the project and current bid prices.
2. The KPA Team will provide a complete set of original, reproducible construction documents, specifications in electronic format and in a form suitable for competitive bids.

The following scope of work for the 1<sup>st</sup> and 3<sup>rd</sup> Underground Electric Conversion can be completed for the lump sum price of \$156,100. Below is a breakdown of project costs. This fee does not include easement field notes and sketches for the switch gear and transformer pad locations. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Schematic Civil & Electrical Design	\$	40,950
Final Civil & Electrical Design	\$	95,550
Design Surveys	\$	12,100
<u>Environmental Clearances</u>	<u>\$</u>	<u>7,500</u>
Lump Sum Fee Amount	\$	156,100

Sincerely,



R. David Patrick, P.E., CFM

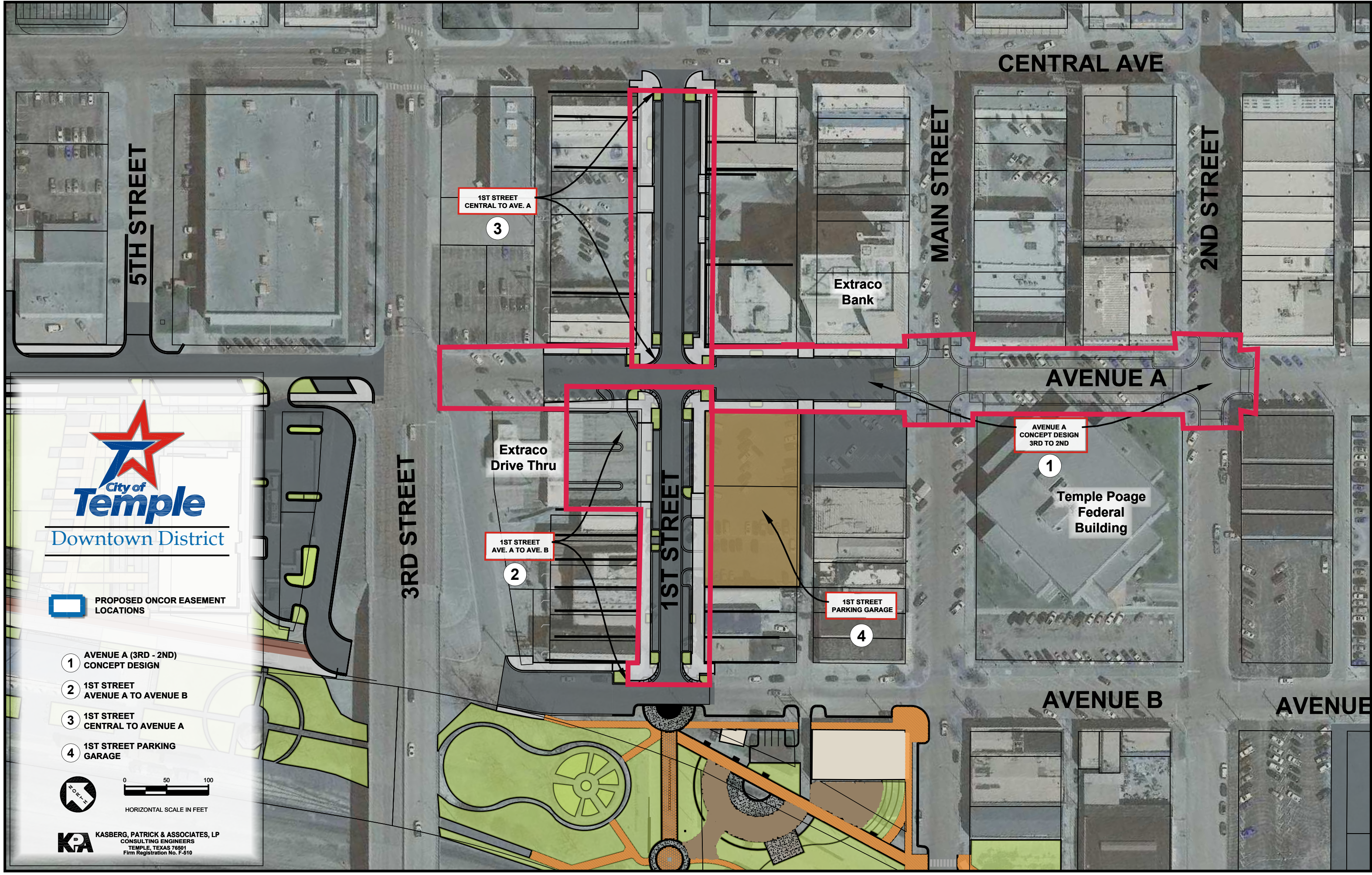
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**ATTACHMENT "C"**

**Charges for Additional Services**

**City of Temple  
1<sup>st</sup> & 3<sup>rd</sup> Underground Electric Conversion Design**

<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



RESOLUTION NO. 2019-9521-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 \$156,100, TO DESIGN THE CONVERSION OF THE 1ST AND 3RD STREET UNDERGROUND ELECTRIC AND COMMUNICATION UTILITIES IN DOWNTOWN TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the services which are part of this agreement are to design plans and specifications to relocate franchise utilities in the alleys between 3rd Street and Main Street, from Central Avenue to Avenue B;

**Whereas**, additional work to be performed under this agreement will consist of coordination with Oncor Electric and other overhead dry utilities to finalize the design of locations, underground assignments, phasing, termination points, transformer locations, switching, and customer connections;

**Whereas**, on January 23, 2019, the Reinvestment Zone No. 1 Board voted to recommend the professional services agreement for approval by City Council;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in an amount not to exceed \$156,100, to design the conversion of the 1st and 3rd Street underground electric and communication utilities in Downtown Temple;

**Whereas**, funding for this professional services agreement is available in the Reinvestment Zone No. 1 Financing Plan, Line 413, Account No. 795-9500-531-6891, Project No. 101840; 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 \$156,100, to design the conversion of the 1st and 3rd Street underground electric and communication utilities in Downtown Temple.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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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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02/07/19  
Item #7(G)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer  
James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to design the 1<sup>st</sup> Street and Avenue A Parking Garage Facility located in Downtown Temple in the amount of \$439,150.

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

**ITEM SUMMARY:** This project will develop final plans and specifications for a new three story parking garage facility located on the southeast corner of 1<sup>st</sup> Street and Avenue A (See Attached Project Map). Per the attached Engineer's Proposal, the work to be performed under this contract includes providing architectural, landscape architectural, civil engineering, structural engineering, electrical engineering, geotechnical engineering and environmental services to design the parking garage. The final product will be for full final design plans, specifications and estimates for public bidding purposes.

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

Design Surveys	\$ 4,200
Architectural Design	\$ 185,900
Civil Engineering Design	\$ 58,750
Landscape Architecture Design	\$ 30,800
Structural Engineering Design	\$ 93,500
Offsite Electrical Engineering Design	\$ 13,700
Geotechnical Investigations	\$ 10,200
Environmental Investigations	\$ 7,200
Project Management	\$ 34,900
<b>TOTAL</b>	<b><u>\$ 439,150</u></b>

Time required for design is ten months from the Notice to Proceed.

On January 23rd, 2019, 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 Plan, Line 413, Account 795-9500-531-6891, Project 101840, for this professional services agreement in the amount of \$439,150 as shown below.

Project Budget	\$	1,450,000
TIRZ Taxable Revenue Bonds	\$	5,000,000
Encumbered/Committed to Date		-
KPA Agreement - Garage Design		(439,150)
KPA Agreement - Underground Electric Design		(156,100)
<b>Remaining Project Funds</b>	<b>\$</b>	<b><u>5,854,750</u></b>

Funding in the amount of \$5,000,000 is in the Reinvestment Zone No. 1 Financing Plan, Line 413. The construction will be funded with Taxable TIRZ Revenue Bonds and will be sold when the funds are needed for construction.

**ATTACHMENTS:**

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



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

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

**RICK N. KASBERG, P.E.**  
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**JOHN A. SIMCIK, P.E., CFM**

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

January 14, 2019

Ms. Erin Smith, AICP  
Assistant City Manager  
City of Temple  
2 North Main Street  
Temple, Texas 76501

Re: City of Temple  
1<sup>st</sup> Street & Avenue A Parking Garage

Dear Ms. Smith:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop Final Design for a new three (3) story parking garage facility located on the southeast corner of 1<sup>st</sup> Street and Avenue A. The final product will be full Final Design Plans, Specifications and Estimates for the project.

The work to be performed by KPA under this contract consists of providing architectural, landscape architectural, civil engineering, structural engineering, electrical engineering, geotechnical engineering and environmental services for design of the Parking Garage Facility, appurtenances, specifications, and estimates. The timeframe for design of the project is ten (10) months from the Notice to Proceed.

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

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

The following services will be performed:

1. FIELD SURVEYING (All County Surveying)

- a. Topographic Surveys for Architectural, Engineering and Landscape Design will be developed for design of the project.
- b. Data collection shall consist of surveying all elements of the project to complete the design requirements developed from the Conceptual Design.

2. ARCHITECTURAL SERVICES (Neal Architects)

- a. Full Development of architectural floor plans and FFE plans.
- b. Development of MEP backgrounds.
- c. Development of exterior elevations, ceiling plans, and roof plan.
- d. Outline Specifications.
- e. General Power, Lighting, Data/Communications, Plumbing, Elevator, and HVAC Systems Plans.
- f. Final Architectural, Mechanical, Electrical, and Plumbing documents suitable for permitting, agency review, and construction.
- g. Final Specifications.
- h. Envelope, Mechanical, and Lighting Commercial Com Checks (required for permitting).
- i. TDLR Registration and submission for review (TAS/ADA).

3. CIVIL ENGINEERING SERVICES (KPA)

- a. Develop storm water hydrology 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 10%, 4% and 1% annual chance storm (10-year, 25-year, and 100-year) events. Modeling shall develop storm water flows to all conveyances.
- b. Develop designs for all drainage conveyances within the project limits.
- c. Develop designs for the storm water system for the parking facility and access systems. Storm systems shall be analyzed and designed utilizing City of Temple criteria.
- d. Design storm water conveyance to existing storm systems. Design shall include conveyance for positive drainage.
- e. Determine potential utility conflicts for the project area.
- f. Design the access points to parking facility, including roadway and pedestrian. This shall include designing paving sections to support traffic loading and geometric design to meet TDLR requirements and develop drainage to convey to existing systems.
- g. Design water utilities to serve the new parking garage.
- h. Design wastewater utilities to serve the new parking garage.
- i. Design conduit and / or duct banks for communication service to the new parking garage.

4. LANDSCAPE ARCHITECTURAL SERVICES (KPA -Covey Landscape Architects)

- a. Based on the conceptual design develop preliminary design for landscaping for the project.
- b. Incorporate preliminary design amenities into the final design.
- c. Prepare plan sheets illustrating landscape design.
- d. Coordinate elements for the facility from the preliminary design into the final design.
- e. Prepare preliminary materials list. Coordinate with the Architect and Structural Engineer for the material list from the conceptual design.
- f. Develop preliminary opinions of probable cost for landscaping and irrigation for the Facility.

5. STRUCTURAL ENGINEERING SERVICES (Walker Consultants)

- a. Based on the layout from the conceptual design and meeting with prefabricated parking garage manufactures, develop preliminary structural design for the parking garage facility.
- b. Prepare final design for the foundation of the parking garage.
- c. Prepare final design for the structural slabs for the parking garage.
- d. Prepare final design for the structural connections for the prefabricated components of the parking garage.
- e. Develop all materials with connection details for the parking garage.
- f. Prepare final structural drawing for the parking garage.

6. OFFSITE ELECTRICAL ENGINEERING SERVICES (McCreary & Associates)

- a. Coordinate with Oncor for service drops and connections to serve the facility.
- b. Design electrical service to the facilities.
- c. Develop full offsite electrical design plan sheets to support the project.
- d. Prepare final offsite electrical design with specifications and details.
- e. Develop final Opinion of Probable Cost for the offsite electrical items.

7. GEOTECHNICAL SERVICES (Terracon)

- a. Collect geotechnical data for construction of the parking garage facility with bores.
- b. Process geotechnical lab data from soils collected through the bore operations.
- c. Design foundation section for the parking garage facility on the geotechnical data collected.

8. ENVIRONMENTAL SERVICES (Terracon)

- a. Perform ESA Phase I Services.
- b. Prepare cultural resources investigations and submit report to the Texas Historical Commission (THC).

9. PROJECT MANAGEMENT (KPA)

- a. Attend all Project Meetings.
- b. Prepare, attend and document Progress Meetings at the City Office.
- c. Prepare, attend and document Utility Coordination Meetings.
- d. General Contract Administration.
- e. Develop monthly invoices and progress reports.
- f. Sub-consultant coordination.
- g. Design coordination with the City.

The following scope of work for the 1<sup>st</sup> Street & Avenue A Parking Garage Final Design can be completed for the lump sum price of \$439,150. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Design Surveys	\$	4,200.00
Architectural Design	\$	185,900.00
Civil Engineering Design	\$	58,750.00
Landscape Architecture Design	\$	30,800.00
Structural Engineering Design	\$	93,500.00
Offsite Electrical Engineering Design	\$	13,700.00
Geotechnical Investigations	\$	10,200.00
Environmental Investigations	\$	7,200.00
Project Management	\$	34,900.00
<b>TOTAL</b>	<b>\$</b>	<b>439,150.00</b>

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick".

R. David Patrick, P.E., CFM

**ATTACHMENT “C”**

**Charges for Additional Services**

**City of Temple  
1<sup>st</sup> Street & Avenue A Parking Garage  
Final Design**

<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/Landscape Architect	2.4	50.00 – 60.00/hour
Engineer-in-Training/Designer	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



3RD STREET

AVENUE A

1ST STREET

MAIN STREET

2ND STREET

AVENUE B

PROPOSED PRECAST  
PARKING GARAGE  
STRUCTURE  
LOCATION



Not To Scale



RESOLUTION NO. 2019-9522-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN THE AMOUNT OF \$439,150, TO DESIGN THE 1ST STREET & AVENUE A PARKING GARAGE FACILITY LOCATED IN DOWNTOWN TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, this project will develop final plans and specifications for a new three-story parking garage facility located on the southeast corner of 1st Street and Avenue A;

**Whereas**, work to be performed under this agreement includes providing architectural, landscape architectural, civil engineering, structural engineering, electrical engineering, geotechnical engineering and environmental services to design the parking garage. - the final product will be for full final design plans, specifications and estimates for public bidding purposes;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in the amount of \$439,150, to design the 1st Street and Avenue A Parking Garage Facility located in Downtown Temple;

**Whereas**, funds are available in the Reinvestment Zone No. 1 Financing Plan, Line 413, Account 795-9500-531-6891, Project No. 101840; 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 the amount of \$439,150, to design the 1st Street and Avenue A Parking Garage Facility located in Downtown Temple.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(H)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer  
James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, to design the Downtown City Center Project in the amount of \$396,900.

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

**ITEM SUMMARY:** This project will develop final bidding plans, specifications, and estimates for the Downtown City Center that encompasses the area on Central Avenue from 2<sup>nd</sup> Street to 6<sup>th</sup> Street and 4<sup>th</sup> Street from the Central Avenue intersection to the Adams Avenue intersection (See Attached Project Map).

Per the attached Engineer's Proposal, the final design will be based off the Downtown City Center Conceptual Designs which explored options for development of the revised corridor street section in conjunction with the Downtown Master Plan as well as future redevelopment of building infrastructure in this area. Work to be performed under this contract includes pedestrian, bike and vehicular mobility improvements and beautification elements such as intersection, landscaping, signage, and monument enhancements.

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

Design Surveys	\$ 3,900
Roadway, Pedestrian, & Utility Design	\$ 137,100
Drainage Design	\$ 34,800
Landscape Design	\$ 94,200
Structural Design	\$ 36,100
Electrical Design	\$ 43,600
Geotechnical Investigations	\$ 18,500
Project Management	\$ 28,700

**TOTAL** **\$ 396,900**

Time required for design is seven months from the Notice to Proceed.

On January 23rd, 2019, 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 Plan, Line 406, Account 795-9600-531-6565, Project 101029, for this professional services agreement in the amount of \$396,900 as shown below.

Project Budget	\$	2,200,000
Encumbered/Committed to Date		(150,000)
KPA Professional Services Agreement		(396,900)
Remaining Project Funds	\$	<u>1,653,100</u>

**ATTACHMENTS:**

[Recommendation Letter](#)

[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

January 11, 2019

Ms. Erin Smith, AICP  
Assistant City Manager  
City of Temple  
2 North Main Street  
Temple, Texas 76501

Re: City of Temple  
Downtown City Center  
Final Design

Dear Ms. Smith:

At the request of the City of Temple and the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop Final Design for the Downtown City Center.

The work to be performed by KPA under this contract consists of providing planning and engineering services for design of the project described above to include Final Design for the Downtown City Center. This project will encompass the area on Central Avenue from 2<sup>nd</sup> Street to 6<sup>th</sup> Street and connections from Central Avenue to Adams Avenue on 4<sup>th</sup> Street. The project shall follow the developments of the Downtown City Center Conceptual Designs. The timeframe for design of the project is seven (7) months from the Notice to Proceed.

The purpose of the scope of work as described in this proposal is to develop the final design for the Downtown City Center. The Final Design will be based off of the Concept Design which explored options for development of the revised corridor street section in conjunction with the Downtown Master Plan as well as future redevelopment and repurposing of building infrastructure in this area. Elements for pedestrian, bike and vehicular mobility as well as beautification elements such as intersection enhancements, landscaping, signage, monuments, etc were developed in the Conceptual Design. The final product will be plans, specifications and estimates for the full extents of project.

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

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

The following services will be performed:

1. FIELD SURVEYING FOR 1ST STREET

- a. Topographic Surveys for Engineering and Landscape Design will fill in all gaps from the Conceptual Design Phase.
- b. Data collection shall consist of surveying all elements of the project to complete the design requirements developed from the Conceptual Design.

2. PRELIMINARY ROADWAY, PEDESTRIAN AND UTILITY DESIGN FOR DOWNTOWN CITY CENTER

- a. Geometric Design - Preliminary horizontal geometry will be designed illustrating locations for curb and gutter, intersections, driveway connections, water utilities in the roadway section, wastewater utilities in the roadway section, sidewalks, landscaping, connections to existing topography, etc. Final vertical geometry will be designed illustrating a preliminary plan & profile for the roadway improvements. Sidewalk geometry will be designed to ensure connection and layout with in the rights-of-way and easements for the project.
- b. Typical Sections - Develop preliminary roadway typical sections for the project. Geotechnical data will be gathered with road sections designed.
- c. Alignment Data Sheets - Prepare preliminary horizontal and vertical alignment data sheets.
- d. Plan & Profile Drawings - Prepare preliminary plan & profile sheets for the project. The sheets shall include the following:
  - i. Control and benchmark data.
  - ii. Preliminary roadway improvements including horizontal and vertical roadway geometry and drainage.
- e. Preliminary pedestrian improvements including horizontal and vertical geometry to meet the Texas Department of Licensing and Regulation requirements.
- f. Roadway Cross-Sections - Prepare preliminary design cross-sections for the project.

3. PRELIMINARY DRAINAGE DESIGN FOR DOWNTOWN CITY CENTER

- a. Develop storm water hydrology for the preliminary 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 10%, 4% and 1% annual chance storm (10-year, 25-year, and 100-year) events. Modeling shall develop storm water flows to all conveyances.
- b. Develop preliminary designs for all drainage conveyances within the project limits.

- c. Develop preliminary designs for the storm water collection system for the roadway system. Storm systems shall be analyzed and designed utilizing City of Temple criteria.
- d. Design storm water conveyance to existing storm sewer systems, streams and channel ways. Design shall include conveyance for positive drainage.
- e. Determine potential utility conflicts based on Preliminary Design Phase for the project area.

#### 4. PRELIMINARY LANDSCAPE DESIGN FOR DOWNTOWN CITY CENTER

- a. Based on the Conceptual Design develop preliminary design for landscaping for the project.
- b. Incorporate Conceptual Design amenities into the preliminary design.
- c. Prepare exhibits illustrating landscape design.
- d. Prepare exhibits illustrating the Conceptual Design amenities in conjunction with proposed landscaping improvements.
- e. Prepare preliminary materials list.
- f. Develop preliminary opinions of probable cost for landscaping and irrigation for 1st Street.

#### 5. PRELIMINARY ELECTRICAL DESIGN FOR DOWNTOWN CITY CENTER

- a. Based on the layout from the preliminary roadway, pedestrian facilities and landscape amenities, prepare lighting layout for the project.
- b. Based on the Conceptual Plan and preliminary landscape design, develop preliminary electrical design for lighted bollards, signs, archways and other landscape amenities.
- c. Coordinate with Oncor for location for service drops and connections.
- d. Develop preliminary alignment for conduit runs and electrical rack locations.

#### 6. FINAL ROADWAY, PEDESTRIAN AND UTILITY DESIGN FOR DOWNTOWN CITY CENTER

- a. Geometric Design - Final horizontal geometry will be designed illustrating locations for curb and gutter, intersections, driveway connections, water utilities in the roadway section, wastewater utilities in the roadway section, sidewalks, landscaping, connections to existing topography, streetscape amenities, etc. Final vertical geometry will be designed illustrating a plan profile for the roadway improvements. Sidewalk geometry will be designed to ensure connection and layout with in the rights-of-way and easements for the project.
- b. Typical Sections - Develop final roadway typical sections for the project. Sections will be based on previous data gathered in the Preliminary Design Phase.
- c. Alignment Data Sheets - Prepare final horizontal and vertical alignment data sheets.

- d. Plan & Profile Drawings - Prepare final plan & profile sheets for the project. The sheets shall include the following:
  - i. Control and benchmark data.
  - ii. Final roadway improvements including horizontal and vertical roadway geometry, water utilities within the roadway section, wastewater utilities within the roadway section and drainage.
- e. Roadway Cross-Sections - Prepare final design cross-sections for the project.
- f. Design final pedestrian improvements including horizontal and vertical geometry to meet the Texas Department of Licensing and Regulation requirements. This includes registration and review for pedestrian access and facilities.
- g. Develop final Opinion of Probable Cost for the roadway and utility items.

#### 7. FINAL DRAINAGE DESIGN FOR DOWNTOWN CITY CENTER

- a. Develop storm water hydrology for the final 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 10%, 4% and 1% annual chance storm (10-year, 25-year, and 100-year) events. Modeling shall develop storm water flows to all conveyances. After the models have been finalized, additional conveyance improvements or infrastructure to receiving storm water main drainage infrastructure may be required.
- b. Develop final designs for all drainage within the project limits.
- c. Develop final designs for the storm water collection system for the roadway system. Storm systems shall be analyzed and designed utilizing City of Temple criteria. All drainage infrastructures shall be presented in the plans in plan and profile.
- d. Design storm water conveyance to existing storm systems, streams and channel ways. Design shall include conveyance for positive drainage. Additional conveyance improvements or infrastructure to receiving storm water main drainage infrastructure may be required.
- e. Determine potential utility conflicts based on Preliminary Design Phase for the project area.
- f. Develop final Opinion of Probable Cost for the drainage items.

#### 8. FINAL LANDSCAPE DESIGN FOR DOWNTOWN CITY CENTER

- a. Develop final design for landscaping for the project.
- b. Incorporate preliminary design amenities into the final design.
- c. Prepare exhibits illustrating landscape design.
- d. Prepare exhibits illustrating Downtown Master Plan amenities in conjunction with proposed landscaping improvements.
- e. Develop final opinions of probable cost for landscaping and irrigation.

9. FINAL ELECTRICAL DESIGN FOR DOWNTOWN CITY CENTER

- a. Based on the layout from the preliminary electrical design, prepare final lighting layout for the project.
- b. Based on the preliminary electrical design, develop final electrical design for lighted bollards, signs, archways and other landscape amenities.
- c. Finalize coordination with Oncor for location for service drops and connections.
- d. Develop final alignment for conduit runs and electrical rack locations.
- e. Develop final quantities and Opinion of Probable Cost for the electrical design items.

10. PROJECT MANAGEMENT

- a. Attend all Project Meetings.
- b. Prepare, attend and document Progress Meetings at the City Office.
- c. Prepare, attend and document Utility Coordination Meetings.
- d. General Contract Administration.
- e. Develop monthly invoices and progress reports.
- f. Sub-consultant coordination.
- g. Design coordination with the City.

The following scope of work for the Downtown City Center Final Design can be completed for the lump sum price of \$396,900. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Design Surveys	\$	3,900.00		
Downtown City Center Roadway, Pedestrian & Utility Design	\$	137,100.00		
Downtown City Center Drainage Design	\$	34,800.00		
Downtown City Center Landscape Design	\$	94,200.00		
Downtown City Center Structural Design	\$	36,100.00		
Downtown City Center Electrical Design	\$	43,600.00		
Geotechnical Investigations	\$	18,500.00		
Project Management	\$	28,700.00		
	<b>TOTAL</b>	<b>\$ 396,900.00</b>		

Sincerely,



R. David Patrick, P.E., CFM

xc: File

**ATTACHMENT "C"**

**Charges for Additional Services**

**City of Temple  
Downtown City Center  
Final Design**

<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



**LEGEND**

--- Project Boundary

RESOLUTION NO. 2019-9523-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP OF TEMPLE, TEXAS IN THE AMOUNT OF \$396,900, TO DESIGN THE DOWNTOWN CITY CENTER PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, this project will develop final bidding plans, specifications, and estimates for the Downtown City Center that encompasses the area on Central Avenue from 2nd Street to 6th Street, and 4th Street from the Central Avenue intersection to the Adams Avenue intersection;

**Whereas**, the final design will be based off of the Downtown City Center Conceptual Designs which explored options for development of the revised corridor street section in conjunction with the Downtown Master Plan, as well as future redevelopment of building infrastructure in this area;

**Whereas**, work to be performed under this contract consists of pedestrian, bike and vehicular mobility improvements and beautification elements such as intersection, landscaping, signage, and monument enhancements;

**Whereas**, on January 23, 2019, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by City Council;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in the amount of \$396,900, to design the Downtown City Center Project;

**Whereas**, funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, Line 406, Account No. 795-9600-531-6565, Project No. 101029; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas, in the amount of \$396,900, to design the Downtown City Center 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(I)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., for the remainder of fiscal year 2019, for the provision of legal services associated with various condemnation proceedings, in the estimated amount of \$160,000.

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

**ITEM SUMMARY:** In September 2016, Council authorized a professional services agreement with Haley & Olson, P.C., for the provision of legal services for condemnation proceedings. Four amendments to the agreement have been necessary.

In FY 2018, condemnation proceeding expenditures reached \$158,000. Due to the number of properties requiring condemnation proceedings, as well as the continued implementation of needed infrastructure projects, staff anticipates more properties will require condemnation proceedings. Due to the nature of these proceedings, legal assistance from Haley & Olson, will continue to be needed on an ongoing basis. However, despite the need for condemnation proceedings, Staff will continue to negotiate with property owners in the hopes of coming to an agreed settlement.

**FISCAL IMPACT:** Funding is available in the capital projects and account numbers in the estimated amounts shown:

Project Description	Account #	Project #	Estimated Legal Services
Outer Loop – IH35 to Wendland	795-9800-531-6863	101000	\$ 15,000
Santa Fe Plaza	795-9500-531-6870	101008	11,000
Outer Loop, Phase IIIB	365-3400-531-6813	101121	3,000
Bird Creek Interceptor Phase IV	520-5900-535-6110	101213	7,000
Prairie View Road, Phase II	365-3400-531-6862	101257	6,000
Charter Oak Water Line	561-5200-535-6939	100608	7,000
Poison Oak	365-3400-531-6888	101715	86,000
Outer Loop, Phase VI	795-9600-531-6557	101585	25,000
<b>Haley &amp; Olson, P.C.</b>			<b>\$ 160,000</b>

This expenditure may vary between projects and will only be utilized on properties that have been approved by Council for eminent domain condemnation proceedings.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9524-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HALEY & OLSON, P.C. OF WACO, TEXAS, IN THE ESTIMATED AMOUNT OF \$160,000, FOR THE PROVISION OF LEGAL SERVICES ASSOCIATED WITH VARIOUS CONDEMNATION PROCEEDINGS FOR THE REMAINDER OF FISCAL YEAR 2019; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in September 2016, Council authorized a professional services agreement with Haley & Olson, P.C. to provide legal services associated with condemnation proceedings - four amendments to the agreement have been necessary;

**Whereas**, due to the number of properties requiring condemnation proceedings, as well as the continuous implementation of needed infrastructure projects, Staff anticipates more properties will require condemnation proceedings – in fiscal year 2018, condemnation proceeding expenditures reached \$158,000;

**Whereas**, due to the nature of these proceedings, legal assistance from Haley & Olson, will continue to be needed on an ongoing basis however, Staff will continue to negotiate with property owners in the hopes of coming to agreed settlements;

**Whereas**, Staff recommends Council authorize a professional services agreement with Haley & Olson, P.C., in the estimated amount of \$160,000;

**Whereas**, funding is available in the capital projects and account numbers in the estimated amounts shown:

Project Description	Account #	Project #	Estimated Legal Services
Outer Loop – IH35 to Wendland	795-9800-531-6863	101000	\$ 15,000
Santa Fe Plaza	795-9500-531-6870	101008	11,000
Outer Loop, Phase IIIB	365-3400-531-6813	101121	3,000
Bird Creek Interceptor Phase IV	520-5900-535-6110	101213	7,000
Prairie View Road, Phase II	365-3400-531-6862	101257	6,000
Charter Oak Water Line	561-5200-535-6939	100608	7,000
Poison Oak	365-3400-531-6888	101715	86,000
Outer Loop, Phase VI	795-9600-531-6557	101585	25,000
Haley & Olson, P.C.			\$ 160,000

**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 authorize the professional services agreement with Haley & Olson, P.C., in the estimated amount of \$160,000 for the provision of legal services associated with various condemnation proceedings for the remainder of fiscal year 2019.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(J)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer  
James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn and Associates, Inc., of Austin, for professional services required to design and bid South Pea Ridge Road from Westwood Hills Boulevard to the proposed realignment of Poison Oak Road, as well as, declare an official intent to reimburse the expenditures with the issuance of the 2019 Combination Tax & Revenue Bonds, in the amount of \$331,210.

**STAFF RECOMMENDATION:** Adopt resolution as presented in Item Summary.

**ITEM SUMMARY:** This project consists of roadway improvements to South Pea Ridge Road from Westwood Hills Boulevard to the proposed realignment of Poison Oak Road. Improvements include expanded pavement sections, pedestrian facilities, and drainage conveyance. See attached Engineer's Proposal and Project Map for more details and project limits.

Consultant services recommended under this professional services agreement include:

Project Management	\$ 20,500
Surveying and ROW	\$ 57,500
Environmental	\$ 11,000
Route and Design Studies	\$ 36,000
Geotechnical	\$ 7,750
Roadway Design	\$ 110,340
Drainage Design	\$ 69,480
Traffic Engineering	\$ 10,440
Bidding Services	\$ 8,200
<b>Total</b>	<b><u>\$ 331,210</u></b>

Time required for design is 300 calendar days after the notice to proceed and rights-of-entry have been obtained. The engineer's preliminary opinion of probable cost for construction is \$3,700,000.

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

Once the budget adjustment is approved, funding will be available in account 365-3400-531-6860, project 101874, for the professional services agreement with Kimley-Horn and Associates, Inc in the amount of \$331,210 for professional services required to design and bid South Pea Ridge Road as shown below:

Project Budget	\$	1,375,000
Encumbered/Committed to Date		-
Professional Service Agreement - Kimley-Horn		(331,210)
<b>Remaining Project Funds Available</b>	<b>\$</b>	<b><u>1,043,790</u></b>

**ATTACHMENTS:**

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



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

**Re: City of Temple**  
**South Pea Ridge Road**  
**Design Services**

**Dear Ms. Carlos:**

At the request of the City of Temple Kimley-Horn is submitting this proposal for the above referenced project. This project will develop final plans, specifications and estimates (PS&E) and bidding phase services for the South Pea Ridge Road Project. The beginning of the proposed improvements will connect to the proposed realignment of Poison Oak Road and extend to Westwood Hills Boulevard. The project will also connect to the realignment of South Pea Ridge Road as shown in the Reserve at Pea Ridge development plans. The final PS&E will include final plans, Opinion of Probable Construction Cost (OPCC), geotechnical investigations, environmental investigations and metes and bounds for acquisition of rights-of-way. Based on the current bidding landscape for projects of this nature, we believe the order of magnitude of preliminary opinion of probable construction cost is \$3,700,000. We have included an exhibit with this proposal for reference purposes.

The work to be performed by Kimley-Horn under this contract consists of providing engineering services for design of the project as described above to include design and preparation of plans and OPCCs. The project includes the design of approximately 1.0 mile of South Pea Ridge Road reconstruction and widening, culvert design, pedestrian improvements, intersection improvements, storm drain design, driveway modifications, striping and signage. The timeframe for design of the project is ten (10) months from the notice to proceed and receipt of all necessary rights-of-entry. Metes and bounds for rights-of-way and easements will be delivered to the designated City of Temple Project Manager. Acquisition processes shall be the responsibility of the City.

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

Kimley-Horn 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).

Kimley-Horn's Services consist of the services specifically described in Sections 1.1 through 9.4 including the specific engineering services to be performed through the following consulting disciplines as subcontractors to Kimley-Horn:

- (1) CP&Y – Survey, ROW
- (2) Intertek-PSI – Geotechnical

## **TASK 1 – PROJECT MANAGEMENT**

Kimley-Horn will:

1.1 Meet with the project team at a kickoff meeting to set the production schedule and parameters for all subsequent work, to verify the components within which all project participants must perform, and to identify all parties and significant deadlines involved in the comprehensive schedule strategy. Based on this information, Kimley-Horn will prepare a detailed schedule of its work for the project addressing each component of the work to be done, indicating the points of involvement of all project participants. Kimley-Horn will maintain the schedule throughout project development.

1.2 Perform general administrative duties associated with the project, to include monitoring/reporting, scheduling, general correspondence, office administration, subconsultant coordination and invoicing.

1.3 Maintain an “issues list” identifying the date the Project related issues become known, the person(s) responsible for solution(s), date solution(s) will be provided, and final resolution of the issue.

1.4 Participate in meetings with the City to update the City on the progress of work for up to:

- a) 1 initial kickoff meeting;
- b) 5 progress meetings;

1.5 Attend up to three (3) design coordination meetings with the City, and attend Design Review meetings for the 30%, 60%, and 95% PS&E design submittals. Prepare meeting minutes and distribute to project attendees.

1.6 Prepare comment responses as applicable for comments received during design review submittals.

1.7 Perform Quality Control of deliverables prior to submission to the City.

1.8 Prepare and submit monthly progress reports and invoices to the City for review and approval.

## **TASK 2 – SURVEY AND RIGHT-OF-WAY DATA**

CP&Y will:

2.1 Utilize the current ownership to conduct the right-of-way survey and will recover existing right-of-way corners. CP&Y will analyze the available recorded documents and will provide an existing right-of-way line in the AutoCAD file.

2.2 Provide the professional and technical staff necessary to perform a detailed topographic survey of the area 40 foot on either side of the edge of asphalt of South Pea Ridge Road, in Temple, Texas, from 500 feet south of Poison Oak Road to 500 feet west of Westwood Hills Blvd. The 40 foot on either side of the asphalt will be limited to the rear property fence lines in the area of the residential subdivisions. This will also include the 100 feet down the side streets of South Pea Ridge Road. The topographic survey will be based on an on-the-ground survey and will include elevations adequate across the site to develop one-foot contours. The survey will show above-ground and visible utilities, above-ground existing improvements. The survey will also include hardwood trees 6” or greater.

2.4 Coordinate with Texas811 and Utility Locators to request underground utilities and will field locate the paint marks and pin flags of the utility companies for segments adjacent to public rights-of-way.

2.5 Obtain right-of-entries for all the tracts that are within the project limits

2.6 Prepare metes and bounds description and sketch for up to twenty (20) parcels for right-of-way acquisition.

Exhibit cost with monuments - \$1,300 Each – 1 total

Exhibit cost without monuments - \$900 Each – 19 total

## **TASK 3 – PHASE 1 ENVIRONMENTAL SITE ASSESSMENT**

Kimley-Horn will:

3.1 Prepared an environmental database search encompassing the minimum search distances listed in ASTM E1527-13, 8.2.1. This report will be reviewed for known and suspect contaminated sites. Kimley-Horn will review readily available databases on institutional and engineering (IC/EC) controls and Activity Use Limitations (AULs) as well as available historical aerial photographs of the site and surrounding vicinity. Kimley-Horn will obtain and review readily available historical city directories, fire insurance maps, and historical topographic maps.

3.2 Conduct a site reconnaissance consistent with ASTM E 1527-13, 9. This reconnaissance will be non-invasive and will not consist of any sample collection or

analyzing. Should, an additional site reconnaissance be required due to access limitations, the additional site reconnaissance shall be considered additional services.

3.3 Consistent with ASTM E 1527-13, 10.5.2.3 and 10.5.4, Kimley-Horn will make a reasonable attempt to conduct the interviews with current and past owners, operators, and occupants of the property. In the case of abandoned properties as defined in ASTM E 1527-13, 3.2.1, where there is evidence of uncontrolled access or unauthorized uses, Kimley-Horn will attempt to interview current neighboring or nearby property owners (ASTM E 1527-13, 10.5.5).

3.4 Upon completion of the Tasks 3.1 through 3.3, Kimley-Horn will prepare a summary report of the results of the Phase I ESA. The report will be formatted consistent with Appendix X4 of ASTM E 1527-13.

3.5 Perform an Aquatic Resources Delineation in general accordance with the USACE 1987 Wetlands Delineation Manual and appropriate USACE Regional Supplement as detailed below.

3.6 Locate readily available resource documents which may include aerial photographs, historic topographic maps, soil surveys, U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), soil survey maps, and other related data for a desktop review of site conditions. Potential wetlands and waterbodies will be identified to guide the site visit.

3.7 Perform a site visit to evaluate the existence and approximate locations of aquatic resources on the site generally following the USACE 1987 Wetlands Delineation Manual and the applicable USACE Regional Supplement. If applicable, the site visit will include completion of USACE wetland determination data forms. Following the site visit, Kimley-Horn will prepare exhibits showing the boundaries (polygons) and acreage and/or linear footage (if applicable) of aquatic resources identified onsite during the site visit. Flagging of aquatic resources in the field will not be performed as part of this scope.

3.8 Prepare a report for the project documenting the results of the Aquatic Resources Delineation performed onsite. The report will address the applicable regulatory framework, describe the assessment methodology, limitations and findings, and provide site-specific conclusions and recommendations pertaining to compliance with Section 404 of the Clean Water Act. This will include an evaluation as to if potential impacts to possible jurisdictional areas would require a Nationwide Permit (NWP) or an Individual Permit (IP). If formal USACE notification and authorization does not appear to be required upon review of final plans and specifications, but a NWP still appears applicable, Kimley-Horn will also document this information specific to the project and how to use the perceived applicable NWP. If applicable, this section of the report will include regulatory language for the applicable NWP with discussion of selected noteworthy General Conditions. If it appears that proposed construction activities will not result in

impacts to potentially jurisdictional features, recommendations will be provided to not consult with the USACE (unless consultation is warranted by the Client).

It is important for the City to understand that the EPA and the USACE occasionally issue guidance concerning what they intend to assert jurisdiction over. Changes that impact our strategy or scope will cause additional work and will be addressed as an additional service. Observations will be made under the applicable regulatory guidance at the time of the observations.

Official authority to make a determination defining applicable jurisdictional limits rests with the Environmental Protection Agency (EPA); however, authority has been delegated to the USACE. Jurisdictional Determinations (JD) are made by the USACE, upon specific written request, on a case-by-case basis and may make use of certain information at its disposal (such as other permits in the local area) that may not be readily available to the public. The Aquatic Resources Delineation should not be considered authoritative, and it may not wholly eliminate uncertainty regarding the USACE's jurisdictional limits.

3.9 Review readily available resources including, but not limited to, federally and state listed threatened and endangered species on a county-wide basis, current and historical topographic maps, aerial photographs, Texas Parks and Wildlife Department's (TPWD) ecoregion maps and Natural Diversity Database (NDD), and available existing information regarding topography and geology of the site in an attempt to identify potentially suitable threatened and endangered species habitat.

3.10 Perform as site visit to evaluate the presence of federally and/or state-listed threatened and endangered species and the presence of suitable habitat for federally-listed threatened and/or endangered species. It is assumed that this site visit will be performed in conjunction with the Aquatic Resources Delineation (Task 1, above). If this task is authorized at a separate time requiring a second mobilization for the site visit, additional fees will apply. Kimley-Horn will prepare a report documenting the threatened and endangered species assessment. The report will address the applicable framework, describe the assessment methodology, limitations and findings, and provide site-specific conclusions and recommendations.

3.11 Prepare appropriate project location and description information and will upload a request to the Texas Historical Commission (THC) to review the scope of the proposed project to determine if a cultural resources survey will be required. It is our understanding that the THC may take up to 30 days to review the request and respond. This scope does not include any desktop review for cultural resources or a cultural resources survey. If required, Kimley-Horn will retain a subconsultant to perform additional work if requested by the THC.

## **TASK 4 – ROUTE AND DESIGN STUDIES**

Kimley-Horn will:

- 4.1 Obtain and review any existing data from the City and other entities that may have record documents and can release the information.
- 4.2 Perform a site visit to evaluate site and traffic characteristics, topography, utilities, and potential environmental issues.
- 4.3 Design preliminary horizontal and vertical roadway geometrics utilizing Microstation and Geopak roadway design software. All designs shall be in accordance with AASHTO and City of Temple design guidelines and criteria.
  - a) Kimley-Horn will provide preliminary Plan-Profile Sheets for South Pea Ridge Road at a scale of 1"=40' horizontal and 1"=10' vertical for review and approval from the City prior to moving onto 30% plans.
- 4.4 Coordinate with utility companies to determine if relocations and adjustments are required to accommodate the proposed project development.
  - a) Field surveys shall locate horizontally: crossings of all utilities identified by markings obtained from performing a one call utility locate service.
  - b) 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.). This scope of services includes (1) kickoff meeting and (1) one coordination meeting with the utility owners.
  - c) 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.
  - d) Upon determination of required relocation and/or adjustments, coordination with impacted utility owners shall be initiated. Kimley-Horn will not be responsible for design or plans production of any utility relocations necessary to accommodate the proposed improvements unless authorized by the City for additional services.

**TASK 5 – GEOTECHNICAL INVESTIGATIONS**

Intertek-PSI will:

5.1 Explore subsurface conditions by soil borings following the provided Intertek-PSI drilling program. The table below summarizes the exploratory boring program.

TABLE 1: SUMMARY OF BORINGS

Design Element	Number of Borings	Boring Depth(s) (feet)	Drilling Footage (feet)
Roadway	10	15	150
<b>TOTAL</b>	<b>10</b>	<b>---</b>	<b>150</b>

- a) borings locations will be identified in the field using available natural landmarks or GPS coordinates. Surveying of the boring locations to obtain surface coordinates and elevations is beyond the scope of work and should be surveyed by others prior to construction. References to elevations of various subsurface strata will be based on depths below existing grade at the time of drilling.
- b) During the field activities, the subsurface conditions will be observed, logged, and visually classified. Field notes will be maintained to summarize soil types and descriptions, water levels, changes in subsurface conditions, and drilling conditions.
- c) Final depths of the borings may be extended or reduced depending on the subsurface materials identified during field activities.
- d) Intertek-PSI will contact Texas One Call/Dig Tess, etc. or other public utility clearance companies prior to the start of drilling activities. It is our experience that these companies do not mark the locations of privately owned utilities. This proposal is based on private utility lines and other subsurface appurtenances are located in the field by others prior to field activities.
- e) Intertek-PSI will exercise reasonable caution to avoid damages to underground utilities by contacting local utility companies prior to the field activities. However, private utility locations are often unknown by public utility companies and by the utility owners. Therefore, Intertek-PSI will not be responsible for damage to the site or any buried utilities that are not made known to us.
- f) Some damage to the ground surface may result from the drilling operations near the work areas and along ingress/egress pathways. The field crew will attempt to limit such damage, but no restoration other than backfilling the borings is included in this proposal. Excess auger cuttings and drilling spoils would be spread out on site.

5.2 Obtain representative soil samples during the field exploration program and transport to the Intertek-PSI laboratory for testing. The nature and extent of this laboratory testing program will be dependent upon the subsurface conditions identified during the field exploration program. The laboratory testing program on selected samples may include

moisture content tests, Atterberg limits tests, unconfined compressive strength tests, swell tests and other tests as required to identify the engineering characteristics of the subsurface materials. Portions of any samples that are not altered or consumed by laboratory testing will be retained for 30 days after the issuance of the geotechnical report and will then be discarded.

TABLE 2: ANTICIPATED FIELD EXPLORATION DESCRIPTION

Drilling Equipment	Truck Mounted Drilling Equipment
Drilling Method	Continuous Flight Auguring, Hollow-Stem Augers, Wet Rotary, Air Rotary
Drilling Procedure	Applicable ASTM and Intertek- PSI Safety Manual
Field Testing	Hand Penetrometer Split Spoon Testing (ASTM D1586)
Sampling Procedure	ASTM D1587/1586
Sampling Frequency	Continuously to a Depth of 10 Feet
Frequency of Groundwater Level Measurements	During and After Drilling
Boring Backfill Procedures	Soil Cuttings, Bentonite Pellets
Sample Preservation and Transportation Procedure	General Accordance with ASTM D4220

5.3 Obtain results of the field exploration and laboratory testing and use in the engineering analysis and in the formulation of the recommendations. The results of the subsurface exploration, including the recommendations and the data on which they are based, will be presented in a written geotechnical report. The geotechnical report may include the following items:

- a) General site development and subgrade preparation,
- b) Estimated potential soil movements associated with shrinking and swelling soils and methods to reduce these movements to acceptable levels;
- c) Recommendations for site excavation, fill compaction, use of on-site and imported fill material under pavements;
- d) Recommendations for the design of flexible asphaltic and rigid concrete roadways per City of Temple pavement requirements.

A pdf version of the geotechnical report will be prepared and submitted by email to the Client and design team. If requested by the Client, additional hard copies can be provided. The geotechnical report will be reviewed, signed, and sealed by a registered Professional Engineer.

## TASK 6 – ROADWAY DESIGN

Kimley-Horn will:

- 6.1 Prepare existing and proposed typical section sheets.
- 6.2 Prepare a Title Sheet, Index of Sheets, and a Project Layout which references survey control benchmarks.
- 6.3 Develop Removal Plans identifying and quantifying removals.
- 6.4 Prepare final Plan-Profile Sheets for South Pea Ridge Road at a scale of 1"=40' horizontal and 1"=10' vertical.
- 6.5 Prepare intersection grading and details sheet detailing intersection modifications at Westwood Hills Boulevard and Poison Oak Road associated with the reconstruction of South Pea Ridge Road.
- 6.6 Develop driveway/intersection modification details for approximately 16 locations.
- 6.7 Prepare proposed grading cross sections at a spacing no less than 50 feet and at driveways, cross drainage structures, utility crossings, and intersections.
- 6.8 Prepare Temporary Traffic Control Plans
  - a) Develop a Sequence of Work and General Traffic Control Notes for construction
  - b) Prepare traffic control plans for a multiple-phase traffic control sequence identifying lane geometry channelizing devices, construction zones, and buffers.
  - c) Design traffic control to maintain one lanes in each direction where possible incorporating the use of temporary pavement where applicable.
  - d) Prepare traffic control typical sections for each construction phase.
- 6.9 Calculate quantities and prepare Item Summaries Sheets tabulating project quantities.
- 6.10 Incorporate City standard details as applicable.
- 6.11 Prepare General Notes and a Construction Timeline Estimate.
- 6.12 Prepare an opinion of probable construction costs (OPCC) at each milestone deliverable.
- 6.13 Prepare project specifications.

- 6.14 Kimley-Horn will prepare the following deliverables during Final Design:
- a) Five (5) bond copies and one (1) electronic copy of 30% plans and OPCC in 11x17 format
  - b) Five (5) bond copies and one (1) electronic copy of 60% plans and OPCC in 11x17 format
  - c) Five (5) bond copies and one (1) electronic copy of 95% plans in 11x17 format, preliminary general notes, construction timeline, specifications, and OPCC
  - d) Five (5) bond copies and one (1) electronic copy of Final plans in 11x17 format, general notes, construction timeline, specifications, and OPCC

## **TASK 7 – DRAINAGE DESIGN**

- 7.1 Prepare final culvert hydrology & hydraulics
- a) Delineate offsite watershed contributing flow to the road alignment.
  - b) Calculate offsite peak flow in the 25-year (4% annual chance event) and 100-year (1% annual chance event) events.
  - c) Determine outfall locations for internal drainage system.
  - d) Design outfall channels to convey offsite and internal drainage to identified outfall locations. This scope of services assumes that existing outfall channels will be utilized. Design of a new outfall channel will be considered additional services.
  - e) Deliverables: Offsite drainage area map, hydrologic/hydraulic computations, culvert layout sheet (plan/profile), construction notes, quantities, and special specifications
- 7.2 Storm Drain Design
- a) Produce interior drainage area maps at 1"=40' scale
  - b) Calculate run-off to each inlet and produce inlet hydraulic information using "GEOPAK Drainage" software and City of Temple Drainage Criteria and Design Manual.
  - c) Produce storm drain calculations per the City of Temple Drainage Criteria and Design Manual using GEOPAK Drainage software.
  - d) Provide runoff, inlet and storm drain calculation sheets.
  - e) Produce plan and profile sheets at 1"=40' scale for the storm sewer system and include limits of trench protection and hydraulic grade line.
  - f) Produce lateral profile sheets for the storm sewer system at 1"=40' scale.
  - g) Provide non-structural drainage detail sheet.
- 7.3 Storm Water Pollution Prevention Plan (SW3P)
- a) Produce Erosion Control Sheets double banked at 1"=40' scale showing controls per Traffic Control Phase

## **TASK 8 – TRAFFIC ENGINEERING**

- 8.1 Prepare Signing and Pavement Marking sheets at a scale of 1"=40'. Design signing and pavement markings in accordance with the *Texas Manual for Uniform Traffic Control Devices*.
- 8.2 Develop details for non-standard traffic signs.

## **TASK 9 – BIDDING**

Kimley-Horn will:

- 9.1 Assist the City in advertising for bids on the Project including the preparation and issuance of addenda (if any) following the City's prior approval. Kimley-Horn will respond to bidder clarification questions during the bidding process. Kimley-Horn will attend a pre-bid conference.
- 9.2 Assist the City in tabulating bids and preparing bid tabulation forms, including a comparison to estimated costs. Kimley-Horn will NOT attend a bid opening.
- 9.3 Assist the City in reviewing all bids, the Statement of Bidder's Qualifications, financial statements of bidders, lists of bidders' proposed subcontractors, and all other documents required to be submitted with the bids for responsiveness and for bid amount. Kimley-Horn will verify through reasonable investigation the financial and performance history documentation submitted by the low bidder and second low bidder, and their references. The City will provide copies of all of the bid documents to Kimley-Horn within one day from the date of receipt of bids and Kimley-Horn will prepare a report of its review and evaluation of within ten calendar days of receipt of the bid documents of the contract for construction, or other action as may be appropriate. The City will make the final decision on the award of the construction contract and the acceptance or rejection of bids. Kimley-Horn will provide technical (but not legal) advice in bid protest situations.
- 9.4 Have no authority to issue a Notice to Proceed to any Contractor.

## LUMP SUM FEE SCHEDULE

<b>TASK 1 – PROJECT MANAGEMENT</b>	<b>\$20,500</b>
<b>TASK 2 – SURVEY AND RIGHT-OF-WAY DATA</b>	<b>\$57,500</b>
<b>TASK 3 – PHASE 1 ENVIRONMENTAL SITE ASSESSMENT</b>	<b>\$11,000</b>
<b>TASK 4 – ROUTE AND DESIGN STUDIES</b>	<b>\$36,000</b>
<b>TASK 5 – GEOTECHNICAL INVESTIGATIONS</b>	<b>\$7,750</b>
<b>TASK 6 – ROADWAY DESIGN</b>	<b>\$110,340</b>
<b>TASK 7 – DRAINAGE DESIGN</b>	<b>\$69,480</b>
<b>TASK 8 – TRAFFIC ENGINEERING</b>	<b>\$10,440</b>
<b>TASK 9 – BIDDING</b>	<b>\$8,200</b>
<b>TOTAL LUMP SUM FEE</b>	<b>\$331,210</b>

## ADDITIONAL SERVICES

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Phase II ESA
- Preparation of a Soil Management Plan
- Preparation of a Health and Safety Plan
- Geophysical investigations to identify subsurface anomalies
- Additional site visits beyond what is presented herein
- USACE consultation, coordination, and permitting
- Mitigation assistance/study
- Threatened and Endangered Species presence/absence surveys
- Cultural Resources Desktop Review
- Cultural Resources Survey
- Traffic Studies
- Signal Warrant
- Water Utility Design
- Sanitary Sewer Utility Design
- Landscape Design
- Illumination Design
- Metes and Bounds description and sketch for easements

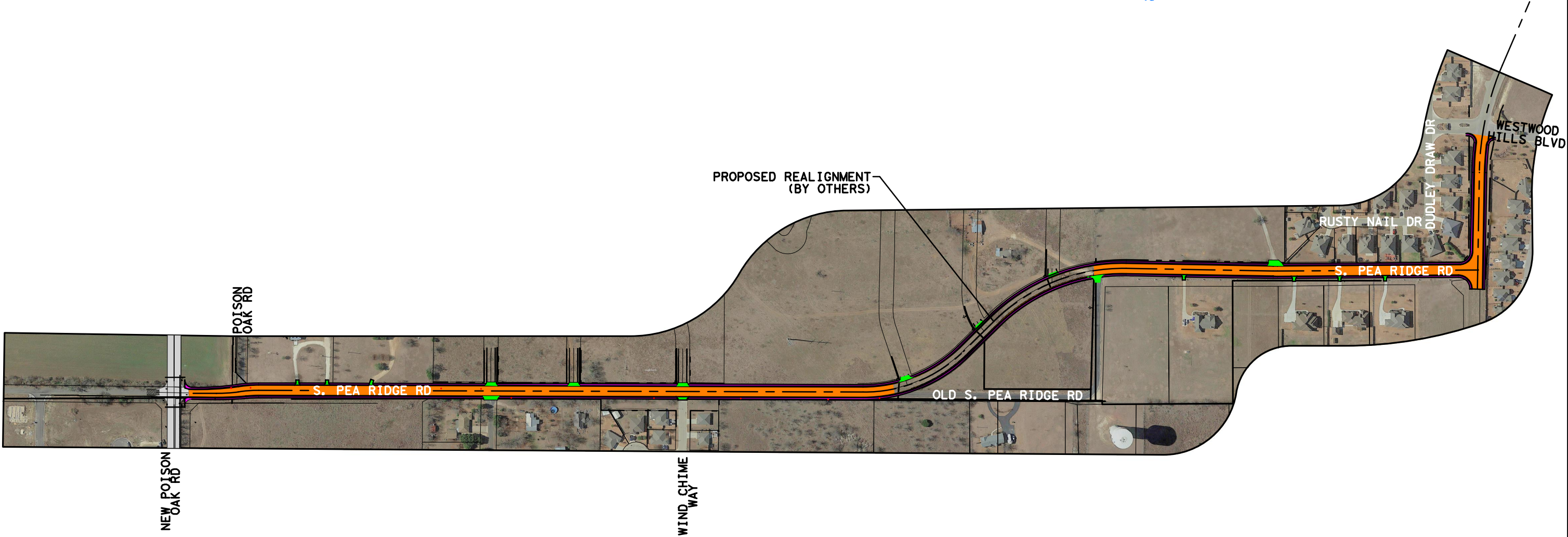
### Kimley-Horn Standard Rate Schedule for Additional Services (Hourly Rate)

Senior Professional I	\$240 - \$265
Senior Professional II	\$180 - \$250
Professional	\$160 - \$210
Senior Technical Support	\$115 - \$190
Technical Support	\$70 - \$100
Analyst	\$105 - \$175
Support Staff	\$75 - \$115

### CP&Y Standard Rate Schedule for Additional Services (Hourly Rate)

Survey Crew	\$135
Survey Crew w/GPS	\$165
Sr. Survey Tech	\$100
RPLS/PM	\$140
Administrative	\$75

CP&Y Construction Easement description	\$750 Each
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LEGEND

- PROPOSED HMAC

- PROPOSED SIDEWALK

- PROPOSED DRIVEWAY

- EXIST/INTERIM REALIGNMENT

- PROPOSED PAVEMENT REMOVAL

RESOLUTION NO. 2019-9525-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., OF AUSTIN, TEXAS IN THE AMOUNT OF \$331,210, FOR PROFESSIONAL SERVICES REQUIRED TO DESIGN AND BID SOUTH PEA RIDGE ROAD FROM WESTWOOD HILLS BOULEVARD TO THE PROPOSED REALIGNMENT OF POISON OAK ROAD; AS WELL AS, DECLARE AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF THE 2019 COMBINATION TAX AND REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, this project consists of roadway improvements to South Pea Ridge Road from Westwood Hills Boulevard to the proposed realignment of Poison Oak Road - improvements include expanded pavement sections, pedestrian facilities, and drainage conveyance;

**Whereas**, Staff recommends Council authorize a professional services agreement with Kimley-Horn and Associates, Inc., of Austin, Texas in the amount of \$331,210, for professional services required to design and bid South Pea Ridge Road from Westwood Hills Boulevard to the proposed realignment of Poison Oak Road;

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

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

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

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

**Whereas**, this professional services agreement is being funded with the issuance of 2019 Combination Tax and Revenue Bonds, and the City is declaring an official intent to reimburse for this purchase - a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds;

**Whereas**, once the budget adjustment is approved, funding will be available in Account No. 365-3400-531-6860, Project No. 101874; 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 Kimley-Horn and Associates, Inc. of Austin, Texas in the amount of \$331,210, for professional services required to design and bid South Pea Ridge Road from Westwood Hills Boulevard to the proposed realignment of Poison Oak Road.

**Part 3:** This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(K)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an amendment to the professional services agreement with Haley & Olson, P.C., for the provision of legal services associated with various condemnation proceedings, to increase but not to exceed amount from \$190,000 to \$287,500.

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

**ITEM SUMMARY:** Over the last several months, the City Council has authorized the use of eminent domain on certain properties which are necessary for many City infrastructure improvement projects.

Due to the number of properties initially needed, Council authorized a professional services agreement with Haley & Olson, P.C of Waco to provide legal services associated with the condemnation proceedings. On September 15, 2016, Council authorized the initial professional services agreement with a do not to exceed amount of \$30,000. On June 15, 2017, Council authorized an amendment increasing but do not exceed amount to \$60,000. On September 21, 2017, Council authorized an amendment increasing the do not exceed amount to \$190,000.

The City was able to ultimately reach agreements with some of the property owners and avoid condemnation. However, as negotiations have progressed on these infrastructure projects, ongoing and anticipated properties require the need for additional condemnation legal services.

Below is a table outlining the dollar amount spent in attorney fees per project to acquire the required right of way and easements.

Project	To Date Total
Research Parkway	\$108,123
Santa Fe Plaza	\$27,049
Santa Fe Market Trail/MLK Fields	\$30,144
Outer Loop 3B	\$27,583
Leon River Wastewater Line	\$12,099
Birdcreek Interceptor Ph. 4	\$10,822
Birdcreek Wastewater Line Ph.5/Shallow Ford Lift Station	\$1,222
Prairie View Road Expansion Ph. 2	\$32,246
Charter Oak Water Line	\$30,179
Hogan Road	\$7,606
Kegley Road	\$325
<b>Total</b>	<b>\$287,400</b>

At this time, Staff is seeking authorization for an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$190,000 to \$287,500. Haley & Olson will bill for services on an hourly basis. Staff will continue to negotiate with property owners in the hopes of coming to agreed settlements.

**FISCAL IMPACT:** Funding for the amendment to the professional services agreement with Haley & Olson, P.C. for legal services associated with various eminent domain proceedings is available as shown below:

Project Description	Account #	Project #
Research Parkway	795-9800-531-6863 795-9800-531-6864	101000 101001
Santa Fe Plaza	795-9500-531-6870	101008
Santa Fe Market Trail/MLK Festival Grounds	795-9500-531-6566	101262
Outer Loop, Phase 3B	365-3400-531-6813	101121
Leon River Trunk Sewer	561-5400-535-6941	100851
Birdcreek Interceptor Phase 4	520-5900-535-6110	101213
Shallow Ford Lift Station	561-5400-565-6905	101512
Prairie View Road Phase II	365-3400-531-6862	101257
Charter Oak Waterline	520-5900-535-6110	100608
Hogan Road	365-3400-531-6857	100952
Kegley Road	365-3400-531-6888	101607

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

RESOLUTION NO. 2019-9526-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HALEY & OLSON, P.C. OF WACO, TEXAS, TO INCREASE THE NOT TO EXCEED AMOUNT FROM \$190,000 TO \$287,500, FOR THE PROVISION OF LEGAL SERVICES ASSOCIATED WITH VARIOUS CONDEMNATION PROCEEDINGS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, over the last several months, Council has authorized the use of eminent domain on certain properties which are necessary for many City infrastructure improvement projects;

**Whereas**, due to the number of properties initially needed, Council authorized a professional services agreement with Haley & Olson, P.C. to provide legal services associated with the condemnation proceedings;

**Whereas**, on September 15, 2016, Council authorized the initial agreement in an amount not to exceed \$30,000, and then on June 15, 2017, Council authorized an amendment increasing the not to exceed amount to \$60,000;

**Whereas**, on September 21, 2017, Council authorized an amendment increasing the not to exceed amount to \$190,000;

**Whereas**, the City was ultimately able to reach agreements with some of the property owners and avoid condemnation, however, as negotiations have progressed on these infrastructure projects, ongoing and additional properties now require the need for condemnation legal services;

**Whereas**, Staff recommends Council authorize an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$190,000 to \$287,500;

**Whereas**, Haley & Olson will bill for services on an hourly basis and Staff will continue to negotiate with property owners in the hopes of coming to agreed settlements;

**Whereas**, funding is available for this amendment to the professional services agreement in the following accounts:

Project Description	Account #	Project #
Research Parkway	795-9800-531-6863	101000
	795-9800-531-6864	101001
Santa Fe Plaza	795-9500-531-6870	101008
Santa Fe Market Trail/MLK Festival Grounds	795-9500-531-6566	101262
Outer Loop, Phase 3B	365-3400-531-6813	101121
Leon River Trunk Sewer	561-5400-535-6941	100851
Birdcreek Interceptor Phase 4	520-5900-535-6110	101213

Shallow Ford Lift Station	561-5400-565-6905	101512
Prairie View Road Phase II	365-3400-531-6862	101257
Charter Oak Waterline	520-5900-535-6110	100608
Hogan Road	365-3400-531-6857	100952
Kegley Road	365-3400-531-6888	101607

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to the professional services agreement with Haley & Olson, P.C., to increase the not to exceed amount from \$190,000 to \$287,500, for the provision of legal services associated with various condemnation proceedings.

**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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(L)  
Consent Agenda  
Page 1 of 1

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

Belinda Mattke, Director of Purchasing & Facility Services  
Kenny Henderson, Transportation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a one-year extension of a lease agreement with Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive to be used for the City's recycling operations in the annual amount of \$105,360.

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

**ITEM SUMMARY:** On March 16, 2017, Council authorized a lease agreement with Crossroads Holdings, Inc. for the use of facilities located at 1739 South Martin Luther King Jr. Drive. The facilities, which are used for the City's recycling operations, include the following:

1. A warehouse building comprised of approximately 28,000 square feet,
2. A concrete slab adjoining the warehouse totaling approximately 25,000 square feet, and
3. An office space on the ground floor of an adjacent 2-story office building.

The current lease has an initial expiration date of March 31, 2019, with a clause that specifies that the lease will automatically renew in one-year terms unless either party provides a 90-day notice of termination. Staff has not identified any alternative facilities that will fulfill the needs of the recycling operations, and accordingly, Staff is recommending the renewal of this lease through March 31, 2020.

**FISCAL IMPACT:** Funding for the lease agreement with Crossroads Holdings, Inc. in the amount of \$52,680 (\$8,780 per month for the remaining six months of FY 2019) is available in account 110-2385-540-2535. The remaining six months of the lease agreement will be addressed in the FY 2020 proposed budget.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9527-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE LEASE AGREEMENT WITH CROSSROADS HOLDINGS, INC. FOR THE LEASE OF PROPERTY LOCATED AT 1739 SOUTH MARTIN LUTHER KING, JR. DRIVE, TEMPLE, TEXAS, TO BE USED FOR THE CITY'S RECYCLING OPERATIONS IN THE ANNUAL AMOUNT OF \$105,360; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on March 16, 2017, Council authorized a lease agreement with Crossroads Holdings, Inc. for the use of facilities located at 1739 South Martin Luther King Jr. Drive - the facilities, which are used for the City's recycling operations, include the following:

1. A warehouse building comprised of approximately 28,000 square feet;
2. A concrete slab adjoining the warehouse totaling approximately 25,000 square feet; and
3. An office space on the ground floor of an adjacent 2-story office building;

**Whereas**, the current lease has an initial expiration date of March 31, 2019, with a clause that specifies that the lease will automatically renew in one-year terms unless either party provides a 90-day notice of termination - Staff has not identified any alternative facility that would fulfill the needs of the recycling operations;

**Whereas**, Staff recommends Council authorize a one-year extension of the lease agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas in the annual amount of \$105,360, through March 31, 2020;

**Whereas**, funding is available in Account No. 110-2385-540-2535 – the remaining six months of the lease agreement will be addressed in the fiscal year 2020 proposed 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 a one-year extension to the lease agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas, to be used for the City's recycling operations, in the annual amount of \$105,360, through March 31, 2020.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(M)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the assignment of the Economic Development Agreement and Tax Abatement Agreement with Turner Behringer Development Company to Turner Behringer Temple One, LLC.

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

**ITEM SUMMARY:** On December 6, 2018, the City Council authorized an Economic Development Agreement and a Tax Abatement Agreement with Turner Behringer Development Company for the redevelopment of the Hawn Hotel, Arcadia Theater, and Public Services ("Sears") Building. Turner Behringer has requested an assignment of both agreements to a partner company, Turner Behringer Temple One, LLC. The new entity is owned and operated by the same individuals who own and operate Turner Behringer Development Company.

The assignment must be authorized by the City Council. Staff is supportive of the request and recommends approval.

**FISCAL IMPACT:** There are no proposed financial changes to the tax abatement agreement or the economic development agreement due to the assignment of each. The tax abatement agreement with would have the potential of abating approximately \$337,212 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value. This amount is based on an estimate of the appraised value of real property improvements of \$6,000,000 for 10 years at a declining rate of 100% in years 1-5, 90% in year 6, 80% in year 7, 70% in year 8, 60% in year 9 and 50% in year 10.

Per the economic development agreement, the City will provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building. A budget adjustment is being presented to Council appropriating funding from the General Fund's Unallocated Fund Balance in the amount of \$300,000 to fund the reimbursement. Funding will be appropriated in account 351-1100-513-2623.

The City will provide reimbursement funding, in an amount not to exceed \$250,000, for costs incurred for façade improvements, signage, demolition, and design work. Funding for these improvements will be from the City's SIZ funding. Funding will be appropriated in account 110-1500-515-2695 and will be funded over a multi-year period.

The City will design and construct certain public improvements, such as, but not limited to, intersection enhancements, landscaping, signage, monuments, and dry utility relocations around the properties and such cost will not exceed \$1,600,000. Funding for the public improvements is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 406, Downtown City Center, account 795-9600-531-6565, project 101029.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9528-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE ASSIGNMENT OF THE ECONOMIC DEVELOPMENT AGREEMENT AND TAX ABATEMENT AGREEMENT WITH TURNER BEHRINGER DEVELOPMENT COMPANY TO TURNER BEHRINGER TEMPLE ONE, LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 6, 2018, the City Council authorized an Economic Development Agreement and a Tax Abatement Agreement with Turner Behringer Development Company for the redevelopment of the Hawn Hotel, Arcadia Theater, and Public Services (“Sears”) Building;

**Whereas**, Turner Behringer has requested an assignment of both agreements to a partner company, Turner Behringer Temple One, LLC, which is owned and operated by the same individuals who own and operate Turner Behringer Development Company;

**Whereas**, the tax abatement agreement with Turner Behringer Temple One, LLC would have the potential of abating approximately \$337,212 in property taxes over the life of the agreement using the City’s current tax rate of \$0.6612 per \$100 value - this amount is based on an estimate of the appraised value of real property improvements of \$6,000,000 for 10 years at a declining rate of:

Years 1-5: 100%  
Year 6: 90%  
Year 7: 80%  
Year 8: 70%  
Year 9: 60%  
Year 10: 50%

**Whereas**, per the economic development agreement, the City will provide reimbursement funding in an estimated amount of \$300,000 for eligible expenses related to the abatement of all asbestos and lead in the Hawn Hotel, Arcadia Theater, and the Public Services Building;

**Whereas**, a budget adjustment needs to be approved by Council to appropriate funding from the General Fund’s Unallocated Fund Balance in the amount of \$300,000 to fund the reimbursement - funding will be appropriated in Account No. 351-1100-513-2623;

**Whereas**, the City will also provide reimbursement funding, in an amount not to exceed \$250,000, for costs incurred for façade improvements, signage, demolition, and design work - funding for these improvements will be from the City’s Strategic Investment Zone funding, will be appropriated in Account No. 110-1500-515-2695, and will be funded over a multi-year period; 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 the assignment of the Economic Development Agreement and Tax Abatement Agreement with Turner Behringer Development Company to Turner Behringer Temple One, LLC.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

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

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02/07/19  
Item #7(N)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, City Manager  
Erin Smith, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Strategic Partner funding agreement with Keep Temple Beautiful, for operation support, in an amount not to exceed \$55,000.

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

**ITEM SUMMARY:** The City supports the efforts of many public service agencies throughout the community through our Outside Service Agency Funding – Strategic Partner program.

It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

**FISCAL IMPACT:** The FY 2019 Adopted Budget includes an allocation of \$55,000 in account 110-3795-524-26-90 for Strategic Partner funding with Keep Temple Beautiful.

**ATTACHMENT:**

[Outside Agency Funding Policy  
Resolution](#)

# CITY OF TEMPLE

## OUTSIDE SERVICE AGENCY FUNDING POLICY



- A. **Policy Statement:** It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

The City Council may fund a number of outside agencies and organizations that are committed to providing programs and/or services for the citizens of Temple that fulfill a public purpose. The amount of funding received by each agency depends upon Council direction and the availability of funds.

- B. **Eligible Agencies:** An eligible agency must provide programs and/or services within the City of Temple and be a not-for-profit (public or private), governmental, or quasi-governmental entity organized and existing under Texas law. The agency must be recognized by and provide proof of tax-exempt status under Section 501 (c) of the Internal Revenue Code of the United States, unless the agency is a governmental or quasi-governmental entity.
- C. **Public Purpose Test:** The Texas Constitution, State statutes, and Federal regulations establish clear standards for the use of public funds. The standards require cities to spend taxpayer money for public purposes and prohibit the use of public money for private purposes. The application of this mandate, for the purposes of this policy, will be accomplished on the basis that the City will fund those agencies and programs that fully meet the requirements of this policy. Every agency must serve a public purpose by delivering service that the City government could provide itself but chooses to deliver the services through a non-profit entity.

D. **Funding Categories:**

1. **Strategic Partner** – This category includes funding awarded to organizations that work collaboratively with the City of Temple to provide programs or services that directly support City departmental activities.

Examples of agencies eligible for funding through this category include:

- a. Bell County HELP Center
  - b. Keep Temple Beautiful
  - c. Hill Country Community Action Association (congregant meals)
  - d. Hill Country Transit District
  - e. Hillcrest (Temple) Cemetery
  - f. Ralph Wilson Youth Clubs
2. **Tourism & Arts Grant (Hotel-Motel Tax Fund)** – This category includes grants awarded to organizations that work collaboratively with the City of Temple Convention and Visitors Bureau to provide programs or services that promote tourism. Agencies that received funding in this category must meet all requirements of State law regarding the proper use of Hotel Occupancy Tax funds.
3. **Community Enhancement Grant (General Fund)** – This category includes competitive grants awarded to organizations for the administration of programs and activities that achieve specific outcomes that are in alignment with the City of Temple's Strategic Plan and/or Community Development Consolidated Plan.

## E. Funding Procedures:

1. **Strategic Partner** – Strategic Partner agencies will use the following procedures for annual funding requests:
  - a. Submit budget requests to the City Manager, or his designee, by the deadline and in the format established by the City Manager.
  - b. Agency funding requests will be reviewed during the departmental budget review process.
  - c. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - d. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.
2. **Tourism & Arts Grant (Hotel-Motel Tax Fund)** – Agencies seeking a Tourism & Arts grant will use the following procedures for funding requests:
  - a. Submit budget requests to the City Manager, or his designee, by the deadline and in the format established by the City Manager.
  - b. Agency funding requests will be reviewed during the departmental budget review process.
  - c. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - d. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.
3. **Community Enhancement Grant (General Fund)** – Agencies seeking a Community Enhancement grant will use the following procedures for funding requests:
  - a. All applications for Community Enhancement grants must be in writing using the prescribed format and schedule established by the City Manager. Grant applications will contain the following elements:
    - i. Must demonstrate how the program or activity achieves specific outcomes that are in alignment with the City of Temple's Strategic Plan and/or the Community Development Consolidated Plan.
    - ii. Must demonstrate the program meets the public purpose test for expenditure of public funds.
  - b. All applications for Community Enhancement grants will be reviewed by a committee established by the City Manager. The Committee will use the following criteria to evaluate applications:
    - i. **Public Purpose:** Each program funded by the City of Temple must meet the public purpose test established in this policy.
    - ii. **Community Impact:** Each program funded must have a substantive impact on the Temple community consistent with the goals and objectives established in the City of Temple's Strategic Plan and/or the Community Development Consolidated Plan.
    - iii. **Policy Compliance.** The Committee will consider the completeness of the application in adherence to the requirements of this policy.
  - c. The Committee will present to the City Manager recommendations for programs to be funded,
  - d. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - e. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.

- F. **Funding Agreements:** Agencies that are awarded funds through this policy will be required to enter into a funding agreement with the City.
- G. **Reports and Monitoring:** Agencies that are awarded funds through this policy will be required to provide a written annual report of the expenditure of City funds and a written annual report on the effectiveness of services or projects for which the agency received funding.

Agencies may be required to provide a presentation of their annual report to the City Council at a scheduled City Council meeting.

City funding may only be used for the purpose and service(s) duly authorized and in accordance with the approved funding agreement. Any deviation from the approved funding agreement may be made only with the City's prior written approval. If not, funds must be returned immediately to the City.

RESOLUTION NO. 2019-9529-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A STRATEGIC PARTNER FUNDING AGREEMENT WITH KEEP TEMPLE BEAUTIFUL IN AN AMOUNT NOT TO EXCEED \$55,000, FOR OPERATION SUPPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City supports the efforts of many public service agencies throughout the community through our Outside Service Agency Funding – Strategic Partner program;

**Whereas,** it is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services;

**Whereas,** Staff recommends Council authorize a Strategic Partner Funding Agreement with Keep Temple Beautiful in an amount not to exceed \$55,000, for operational support;

**Whereas,** the fiscal year 2019 Adopted Budget includes an allocation for this agreement in Account No. 110-3795-524-2690; 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 Strategic Partner Funding Agreement with Keep Temple Beautiful in an amount not to exceed \$55,000, for operational support.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(O)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, City Manager  
Erin Smith, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Strategic Partner funding agreement with Hill Country Transit District, for HOP fixed route and paratransit public transportation programs in an amount not to exceed \$140,611.

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

**ITEM SUMMARY:** The City supports the efforts of many public service agencies throughout the community through our Outside Service Agency Funding – Strategic Partner program.

It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

**FISCAL IMPACT:** The FY 2019 Budget includes an allocation of \$140,611 in account 110-1500-515-26-86 for Strategic Partner funding with Hill Country Transit District.

**ATTACHMENTS:**

[Outside Agency Funding Policy](#)  
[Resolution](#)

# CITY OF TEMPLE

## OUTSIDE SERVICE AGENCY FUNDING POLICY



- A. **Policy Statement:** It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

The City Council may fund a number of outside agencies and organizations that are committed to providing programs and/or services for the citizens of Temple that fulfill a public purpose. The amount of funding received by each agency depends upon Council direction and the availability of funds.

- B. **Eligible Agencies:** An eligible agency must provide programs and/or services within the City of Temple and be a not-for-profit (public or private), governmental, or quasi-governmental entity organized and existing under Texas law. The agency must be recognized by and provide proof of tax-exempt status under Section 501 (c) of the Internal Revenue Code of the United States, unless the agency is a governmental or quasi-governmental entity.
- C. **Public Purpose Test:** The Texas Constitution, State statutes, and Federal regulations establish clear standards for the use of public funds. The standards require cities to spend taxpayer money for public purposes and prohibit the use of public money for private purposes. The application of this mandate, for the purposes of this policy, will be accomplished on the basis that the City will fund those agencies and programs that fully meet the requirements of this policy. Every agency must serve a public purpose by delivering service that the City government could provide itself but chooses to deliver the services through a non-profit entity.

D. **Funding Categories:**

1. **Strategic Partner** – This category includes funding awarded to organizations that work collaboratively with the City of Temple to provide programs or services that directly support City departmental activities.

Examples of agencies eligible for funding through this category include:

- a. Bell County HELP Center
  - b. Keep Temple Beautiful
  - c. Hill Country Community Action Association (congregant meals)
  - d. Hill Country Transit District
  - e. Hillcrest (Temple) Cemetery
  - f. Ralph Wilson Youth Clubs
2. **Tourism & Arts Grant (Hotel-Motel Tax Fund)** – This category includes grants awarded to organizations that work collaboratively with the City of Temple Convention and Visitors Bureau to provide programs or services that promote tourism. Agencies that received funding in this category must meet all requirements of State law regarding the proper use of Hotel Occupancy Tax funds.
3. **Community Enhancement Grant (General Fund)** – This category includes competitive grants awarded to organizations for the administration of programs and activities that achieve specific outcomes that are in alignment with the City of Temple's Strategic Plan and/or Community Development Consolidated Plan.

## E. Funding Procedures:

1. **Strategic Partner** – Strategic Partner agencies will use the following procedures for annual funding requests:
  - a. Submit budget requests to the City Manager, or his designee, by the deadline and in the format established by the City Manager.
  - b. Agency funding requests will be reviewed during the departmental budget review process.
  - c. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - d. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.
2. **Tourism & Arts Grant (Hotel-Motel Tax Fund)** – Agencies seeking a Tourism & Arts grant will use the following procedures for funding requests:
  - a. Submit budget requests to the City Manager, or his designee, by the deadline and in the format established by the City Manager.
  - b. Agency funding requests will be reviewed during the departmental budget review process.
  - c. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - d. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.
3. **Community Enhancement Grant (General Fund)** – Agencies seeking a Community Enhancement grant will use the following procedures for funding requests:
  - a. All applications for Community Enhancement grants must be in writing using the prescribed format and schedule established by the City Manager. Grant applications will contain the following elements:
    - i. Must demonstrate how the program or activity achieves specific outcomes that are in alignment with the City of Temple's Strategic Plan and/or the Community Development Consolidated Plan.
    - ii. Must demonstrate the program meets the public purpose test for expenditure of public funds.
  - b. All applications for Community Enhancement grants will be reviewed by a committee established by the City Manager. The Committee will use the following criteria to evaluate applications:
    - i. **Public Purpose:** Each program funded by the City of Temple must meet the public purpose test established in this policy.
    - ii. **Community Impact:** Each program funded must have a substantive impact on the Temple community consistent with the goals and objectives established in the City of Temple's Strategic Plan and/or the Community Development Consolidated Plan.
    - iii. **Policy Compliance.** The Committee will consider the completeness of the application in adherence to the requirements of this policy.
  - c. The Committee will present to the City Manager recommendations for programs to be funded,
  - d. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - e. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.

- F. **Funding Agreements:** Agencies that are awarded funds through this policy will be required to enter into a funding agreement with the City.
- G. **Reports and Monitoring:** Agencies that are awarded funds through this policy will be required to provide a written annual report of the expenditure of City funds and a written annual report on the effectiveness of services or projects for which the agency received funding.

Agencies may be required to provide a presentation of their annual report to the City Council at a scheduled City Council meeting.

City funding may only be used for the purpose and service(s) duly authorized and in accordance with the approved funding agreement. Any deviation from the approved funding agreement may be made only with the City's prior written approval. If not, funds must be returned immediately to the City.

RESOLUTION NO. 2019-9530-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A STRATEGIC PARTNER FUNDING AGREEMENT WITH HILL COUNTRY TRANSIT DIRECT, IN AN AMOUNT NOT TO EXCEED \$140,611, FOR HOP FIXED ROUTE AND PARATRANSIT PUBLIC TRANSPORTATION PROGRAMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City supports the efforts of many public service agencies throughout the community through our Outside Service Agency Funding – Strategic Partner program;

**Whereas**, it is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services;

**Whereas**, Staff recommends Council authorize a Strategic Partner Funding Agreement with Hill Country Transit Direct, in an amount not to exceed \$140,611, for HOP fixed route and paratransit public transportation programs;

**Whereas**, funding for this agreement is allocated in the fiscal year 2019 adopted budget in Account No. 110-1500-515-26-86; 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 Strategic Partner Funding Agreement with Hill Country Transit Direct, in an amount not to exceed \$140,611, for HOP fixed route and paratransit public transportation programs.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(P)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, City Manager  
Erin Smith, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Tourism & Arts Grant agreement with the Cultural Activities Center, for operational support, in an amount not to exceed \$54,000.

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

**ITEM SUMMARY:** The City supports the efforts of many public service agencies throughout the community through our Outside Service Agency Funding – Tourism & Arts Grants program.

It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

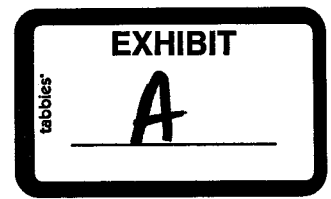
**FISCAL IMPACT:** The FY 2019 Budget includes an allocation of \$54,000 in account 240-4600-551-26-81 for a Tourism & Arts Grant with the Cultural Activities Center.

**ATTACHMENTS:**

[Outside Agency Funding Policy  
Resolution](#)

# CITY OF TEMPLE

## OUTSIDE SERVICE AGENCY FUNDING POLICY



- A. **Policy Statement:** It is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services.

The City Council may fund a number of outside agencies and organizations that are committed to providing programs and/or services for the citizens of Temple that fulfill a public purpose. The amount of funding received by each agency depends upon Council direction and the availability of funds.

- B. **Eligible Agencies:** An eligible agency must provide programs and/or services within the City of Temple and be a not-for-profit (public or private), governmental, or quasi-governmental entity organized and existing under Texas law. The agency must be recognized by and provide proof of tax-exempt status under Section 501 (c) of the Internal Revenue Code of the United States, unless the agency is a governmental or quasi-governmental entity.
- C. **Public Purpose Test:** The Texas Constitution, State statutes, and Federal regulations establish clear standards for the use of public funds. The standards require cities to spend taxpayer money for public purposes and prohibit the use of public money for private purposes. The application of this mandate, for the purposes of this policy, will be accomplished on the basis that the City will fund those agencies and programs that fully meet the requirements of this policy. Every agency must serve a public purpose by delivering service that the City government could provide itself but chooses to deliver the services through a non-profit entity.

D. **Funding Categories:**

1. **Strategic Partner** – This category includes funding awarded to organizations that work collaboratively with the City of Temple to provide programs or services that directly support City departmental activities.

Examples of agencies eligible for funding through this category include:

- a. Bell County HELP Center
  - b. Keep Temple Beautiful
  - c. Hill Country Community Action Association (congregant meals)
  - d. Hill Country Transit District
  - e. Hillcrest (Temple) Cemetery
  - f. Ralph Wilson Youth Clubs
2. **Tourism & Arts Grant (Hotel-Motel Tax Fund)** – This category includes grants awarded to organizations that work collaboratively with the City of Temple Convention and Visitors Bureau to provide programs or services that promote tourism. Agencies that received funding in this category must meet all requirements of State law regarding the proper use of Hotel Occupancy Tax funds.
3. **Community Enhancement Grant (General Fund)** – This category includes competitive grants awarded to organizations for the administration of programs and activities that achieve specific outcomes that are in alignment with the City of Temple's Strategic Plan and/or Community Development Consolidated Plan.

## E. Funding Procedures:

1. **Strategic Partner** – Strategic Partner agencies will use the following procedures for annual funding requests:
  - a. Submit budget requests to the City Manager, or his designee, by the deadline and in the format established by the City Manager.
  - b. Agency funding requests will be reviewed during the departmental budget review process.
  - c. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - d. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.
2. **Tourism & Arts Grant (Hotel-Motel Tax Fund)** – Agencies seeking a Tourism & Arts grant will use the following procedures for funding requests:
  - a. Submit budget requests to the City Manager, or his designee, by the deadline and in the format established by the City Manager.
  - b. Agency funding requests will be reviewed during the departmental budget review process.
  - c. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - d. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.
3. **Community Enhancement Grant (General Fund)** – Agencies seeking a Community Enhancement grant will use the following procedures for funding requests:
  - a. All applications for Community Enhancement grants must be in writing using the prescribed format and schedule established by the City Manager. Grant applications will contain the following elements:
    - i. Must demonstrate how the program or activity achieves specific outcomes that are in alignment with the City of Temple's Strategic Plan and/or the Community Development Consolidated Plan.
    - ii. Must demonstrate the program meets the public purpose test for expenditure of public funds.
  - b. All applications for Community Enhancement grants will be reviewed by a committee established by the City Manager. The Committee will use the following criteria to evaluate applications:
    - i. **Public Purpose:** Each program funded by the City of Temple must meet the public purpose test established in this policy.
    - ii. **Community Impact:** Each program funded must have a substantive impact on the Temple community consistent with the goals and objectives established in the City of Temple's Strategic Plan and/or the Community Development Consolidated Plan.
    - iii. **Policy Compliance.** The Committee will consider the completeness of the application in adherence to the requirements of this policy.
  - c. The Committee will present to the City Manager recommendations for programs to be funded,
  - d. The City Manager will provide to the City Council, via submission within the Preliminary Budget, funding recommendations for each agency.
  - e. The City Council will approve, via adoption of the Annual Budget, funding levels for each agency.

- F. **Funding Agreements:** Agencies that are awarded funds through this policy will be required to enter into a funding agreement with the City.
- G. **Reports and Monitoring:** Agencies that are awarded funds through this policy will be required to provide a written annual report of the expenditure of City funds and a written annual report on the effectiveness of services or projects for which the agency received funding.

Agencies may be required to provide a presentation of their annual report to the City Council at a scheduled City Council meeting.

City funding may only be used for the purpose and service(s) duly authorized and in accordance with the approved funding agreement. Any deviation from the approved funding agreement may be made only with the City's prior written approval. If not, funds must be returned immediately to the City.

RESOLUTION NO. 2019-9531-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TOURISM & ARTS GRANT AGREEMENT WITH THE CULTURAL ACTIVITIES CENTER, IN AN AMOUNT NOT TO EXCEED \$54,000, FOR OPERATIONAL SUPPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City supports the efforts of many public service agencies throughout the community through our Outside Service Agency Funding – Strategic Partner program;

**Whereas,** it is the policy of the City of Temple to consider funding requests from outside agencies or organizations that help the City leverage service delivery and funding levels in areas such as transportation, social services, recreation, tourism, and cultural services;

**Whereas,** Staff recommends Council authorize a Tourism & Arts Grant Agreement with the Cultural Activities Center in an amount not to exceed \$54,000, for operational support;

**Whereas,** the fiscal year 2019 budget includes an allocation for this agreement in Account No. 240-4600-551-2681; 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 Tourism & Arts Grant Agreement with the Cultural Activities Center in an amount not to exceed \$54,000, for operational support.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(Q)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in an estimated amount of \$1,370.

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

**ITEM SUMMARY:** In 2002, an agreement was entered into with Bell County for the City to use the County's early voting system. This system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data throughout the year. In 2013 Bell County purchased new software VOTEK for voter registration database. The City's cost will be increase by \$170 for the addition technical support required from Bell County, which is calculated at \$85 per hour/ 2 hours annually; and \$100 per hour for programing.

This system will be used in all City elections and is the same system used in all elections conducted by Bell County. The County continues to provide staff training and modifications to the programs and reports to meet our needs for each election. Utilization of this automated system saves time for both employees and voters by streamlining the early voting process. It also allows us to maintain an electronic database of voters for each election.

We recommend approval of this interlocal agreement with Bell County for a period of one year, at a cost of \$1,370.

**FISCAL IMPACT:** Funds are available in 110-1400-511-2517 for this contract in the amount of \$1,800.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9532-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY IN THE ESTIMATED AMOUNT OF \$1,370, FOR USE OF THE COUNTY'S SOFTWARE AND FIBER OPTIC NETWORK TO PROCESS AND MAINTAIN RECORDS REGARDING EARLY VOTING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2002, the City entered into an interlocal agreement with Bell County for the City to use the County's early voting system;

**Whereas**, the system includes computer software developed by the County to process and maintain records regarding early voting, as well as the County's fiber optic network to access the computer programs and voter registration data - in 2013, Bell County purchased new software, VOTEK, for the voter registration database;

**Whereas**, the City's cost will be increased by \$170 for additional technical support required from Bell County and calculated at \$85 per hour/2 hours annually, and \$100 per hour for programming;

**Whereas**, this system will be used in all City elections and is the same system used in all elections conducted by Bell County – utilization of this automated system saves time for both employees and voters by streamlining the early voting process;

**Whereas**, the Staff recommends Council authorize an interlocal agreement with Bell County in the estimated amount of \$1,370, for the use of the County's software and fiber optic network to process and maintain early voting records;

**Whereas**, funding is available for this interlocal agreement in Account No.110-1400-511-2517; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an interlocal agreement with Bell County in an estimated amount of \$1,370, for use of the County's software and fiber optic network to process and maintain records regarding early voting.

**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 on the 7<sup>th</sup> day of **February, 2019**.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(R)  
Consent Agenda  
Page 1 of 2

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

Kenny Henderson, Transportation Director  
Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying the construction of drainage improvements on Range Road by Wilson Construction Services, LLC, of Belton, in the amount of \$63,660.

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

**ITEM SUMMARY:** On September 6, 2018, Council authorized a renewal to a construction contract for concrete repair and construction services with Wilson Construction Services, LLC in the estimated annual amount of \$200,000. This \$200,000 did not include an allowance for significant projects with an estimated cost of greater than \$25,000.

A commercial resident located at 3115 Range Road has been experiencing issues as a result of the deterioration of the drainage system in the area. Based on the repair nature of the work, Staff felt it would be most effective to use the annual contract for concrete repair and construction for this work, which entails the replacement of approximately 38,458 square feet of driveway approach, 24,402 linear feet of curb and gutter, and the construction of eight new drainage flumes.

Transportation Department Staff directed Wilson Construction to commence the work in early January. The work is being completed under the terms of the City's annual contract for Concrete Repair and Construction Services with Wilson Construction Services, LLC. In accordance with the terms of the annual contract, the work will be invoiced based on the completed work at the rates established per Wilson's bid on August 30, 2016.

**FISCAL IMPACT:** Funding for the construction of the drainage improvements on Range Road by Wilson Construction Services, LLC in the amount of \$63,660 is available as follows:

	102011		
	292-2900-534-2317	292-2900-534-6312	Total
Project Budget	\$ 223,966	\$ 25,202	\$ 249,168
Encumbered/Committed to Date	(24,491)	-	(24,491)
<b>Wilson Construction Services</b>	<b>(38,458)</b>	<b>(25,202)</b>	<b>(63,660)</b>
<b>Remaining Project Funds</b>	<b>\$ 161,017</b>	<b>\$ -</b>	<b>\$ 161,017</b>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9533-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$63,660, FOR DRAINAGE IMPROVEMENTS ON RANGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 6, 2018, Council authorized a renewal to a construction contract for concrete repair and construction with Wilson Construction Services, LLC (Wilson) in the amount of \$200,000, but did not include allowance for significant projects with an estimated cost of greater than \$25,000;

**Whereas**, a commercial resident located at 3115 Range Road has been experiencing issues as a result of the deterioration of the drainage system in the area and based on the repair nature of the work, Staff determined it would be cost effective to use the annual contract for concrete repair and construction for this work, which entails the replacement of approximately 38,458 square feet of driveway approach, 24,402 linear feet of curb & gutter, and the construction of 8 new drainage flumes;

**Whereas**, the City's Transportation Department Staff directed Wilson Construction to commence the work in early January which is being completed under the terms of the City's annual contract for Concrete Repair & Construction Services with Wilson Construction Services, LLC and will be invoiced based on the completed work at the rates established per Wilson's bid on August 30, 2016;

**Whereas**, Staff recommends Council ratify the construction contract with Wilson Construction Services, LLC of Belton, Texas in the amount of \$63,660, for drainage improvements on Range Road;

**Whereas**, funding for this construction contract is available in Account No. 292-2900-534-2317 and Account No. 292-2900-534-6312, Project No. 102011; 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 the construction contract with Wilson Construction Services, LLC of Belton, Texas in the amount of \$63,660, for drainage improvements on Range Road.

**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 7<sup>th</sup> day of **February**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(S)  
Consent Agenda  
Page 1 of 2

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

Don Bond P.E., City Engineer  
Damon B. Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an emergency repair to a Panda Power reclaim transmission line by All-Tex Utilities, LLC of Hillsboro in the amount of \$31,359.30.

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

The City provides reclaim water to Panda Power via a 24" line conveyed from the Temple-Belton Wastewater Treatment Plant. City staff recently identified failures to the 24" reclaim water line located south of the intersection of FM 93 and Misty Lane. The investigation of the failure revealed a deficiency with the connection of the HDPE line. The deficiency resulted in a failure between a valve and the HDPE pipe causing a major reclaim water leak. The reclaim line feeding Panda Power had to be shut down to repair the issue. Due to this line being the primary supply line to Panda Power, an emergency repair was requested. The repair included fusing a 24" flange to the existing HDPE line and a flange adapter to the connection to the valve to prevent the pipes from dislodging. In addition, upon investigation of the adjacent side of the valve connection, a deficiency was found that needed to be repaired to prevent a similar failure. Repair of the adjacent side required the removal of the valve and reinstallation with a mechanical joint restraint. City staff is not currently equipped to address large projects such as this, and consequently requested and received a quote from All-Tex Utilities, LLC (All-Tex) in an amount not to exceed \$35,000 for the repairs.

The Utility had several leaks on this date and reached out to three contractors to help with addressing the emergency leaks. All-Tex was the only contractor that responded to the request and was assigned to address the leak on FM 93. Upon investigation of the leak, it was discovered to be the Panda reclaim line. Due to the time sensitivity of getting the line back in service, and All-Tex already on the job, a quote for repair was requested and staff believed the quote received from All-Tex to be reasonable. This agenda item ratifies work which was completed on January 23, 2019, at a confirmed cost of \$31,359.30.

Section 6.7 of the agreement with Panda states: Reimbursement by Panda for Expenditures Relating to the Temple Component. Pursuant to Section 6.5 above, Panda shall reimburse the City for all direct and indirect costs associated with designing, bidding, financing, constructing and maintaining the Temple Component provided, that repairs or maintenance that result solely from negligence on the part of Temple shall not be reimbursable.

**FISCAL IMPACT:** A budget adjustment is being presented to Council for approval to appropriate funding for the emergency repair by All-Tex Utilities, LLC. Funding in the amount of \$31,359.30 for the repair of the Panda Power reclaim transmission line will be available in account 520-5200-535-6357, project 101649, as follows:

Project Budget	\$	13,251
Budget Adjustment		18,108
Encumbered/Committed to Date		-
Emergency Repair - All-Tex Utilities, LLC		(31,359)
Remaining Project Funds Available	\$	-

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY 2019

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5200-535-63-57	101649	Capital Buildings & Grounds/WL Improvement	\$ 18,108			
520-5400-535-63-61	101704	Capital Buildings & Grounds/SL Improvement			18,108	
TOTAL.....			\$ 18,108		\$ 18,108	

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

To appropriate funding for the emergency contract with All-Tex, in an amount not to exceed \$31,359.30, for the emergency repair of a break in the Panda reclaim line (in the area of the Friar Creek Lift Station), project 101649.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**x** Yes

☐ No

DATE OF COUNCIL MEETING

02/07/19

WITH AGENDA ITEM?

**x** Yes

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

	Disapproved
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## Finance

Date \_\_\_\_\_

☐ Approved

	Disapproved
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City Manager

Date \_\_\_\_\_

☐ Approved☐ Disapproved

RESOLUTION NO. 2019-9534-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY REPAIR TO A PANDA POWER RECLAIM TRANSMISSION LINE WITH ALL-TEX UTILITIES, LLC OF HILLSBORO, TEXAS IN THE AMOUNT OF \$31,359.30; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City provides reclaim water to Panda Power via a 24-inch line conveyed from the Temple-Belton Wastewater Treatment Plant - City Staff recently identified failures to the 24-inch reclaim water line located south of the intersection of FM 93 and Misty Lane;

**Whereas**, the investigation of the failure revealed a deficiency with the connection of the HDPE line which resulted in a failure between a valve and the HDPE pipe causing a major reclaim water leak and the reclaim line feeding Panda Power had to be shut down to be repaired;

**Whereas**, due to this line being the primary supply line to Panda Power, an emergency repair was requested which included fusing a 24-inch flange to the existing HDPE line and a flange adapter to the connection to the valve to prevent the pipes from dislodging;

**Whereas**, upon further investigation of the adjacent side of the valve connection, a deficiency was found that needed to be repaired to prevent a similar failure;

**Whereas**, repair of the adjacent side required the removal of the valve and reinstallation with a mechanical joint restraint - City Staff is not currently equipped to address large projects such as this, and consequently requested and received a quote from All-Tex Utilities, LLC ("All-Tex") in the amount of \$31,359.30 for the repairs;

**Whereas**, the Utility Department had several leaks on this date and reached out to three contractors to help with addressing the emergency leaks - All-Tex was the only contractor that responded to the request and was assigned to address the leak at the intersection of FM 93 and Misty Lane;

**Whereas**, Staff believes the quote received from All-Tex to be reasonable - the work was completed on January 23, 2019;

**Whereas**, Staff recommends Council ratify an emergency construction contract with All-Tex Utilities, LLC in the amount of \$31,359.30 for the repair of a Panda Power Reclaim Transmission Line;

**Whereas**, funding is available but a budget adjustment is being presented to Council for approval to appropriate funds in Account No. 520-5200-535-6357, Project 101649; 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 repair to a Panda Power Reclaim Transmission Line with All-Tex Utilities, LLC of Hillsboro, Texas in the amount of \$31,359.30, 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(T)  
Consent Agenda  
Page 1 of 2

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

Don Bond, PE, City Engineer  
Damon B. Boniface, Utility Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying an emergency construction contract with All-Tex Utilities, LLC of Hillsboro, for the repair of the 20" transmission main at 909 West Park, in the amount of \$109,834.90.

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

**ITEM SUMMARY:** City staff recently identified a leak on the 20" transmission main that feeds the West Park elevated water tower. The investigation revealed a slow leak on the T Junction that is saturating the area around the end of the road and the nearby railway. Due to this line being the primary supply line to West Park elevated water tower, an emergency repair was requested. The repair included replacing the T Junction and three large diameter valves. City staff is not currently equipped to address large projects such as this, and consequently requested and received two quotes ranging from \$109,834.90 to \$111,256.14.

Due to the time sensitivity, staff proceeded with a contract with 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 will be completed on March 1, 2019.

**FISCAL IMPACT:** Funding for the emergency construction contract with All-Tex Utilities, LLC in the estimated amount of \$109,834.90 for the repair of the 20" transmission main at 909 West Park is available in account 520-5900-535-6357, project 102009, as follows:

Project Budget	\$	109,835
Encumbered/Committed to Date		-
Emergency Construction Contract - All-Tex Utilities		(109,835)
Remaining Project Funds Available	\$	-

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

RESOLUTION NO. 2019-9535-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 \$109,834.90 FOR THE REPAIR OF THE 20-INCH TRANSMISSION MAIN AT 909 WEST PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Staff recently identified a leak on the 20-inch transmission main that feeds the West Park elevated water tower and the investigation revealed a slow leak on the T Junction that is saturating the area around the end of the road and the nearby railway;

**Whereas**, due to this line being the primary supply line to West Park elevated water tower, an emergency repair was requested which included replacing the T Junction and three large diameter valves;

**Whereas**, Staff is not equipped to address large projects such as this, and consequently requested and received two quotes ranging from \$109,834.90 to \$111,256.14;

**Whereas**, due to the time sensitivity, Staff proceeded with a contract with All-Tex Utilities prior to receiving Council's approval using the bidding exemption provided 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" – the work will be completed on March 1, 2019;

**Whereas**, Staff recommends Council ratify an emergency construction contract with All-Tex Utilities, LLC in the amount of \$109,834.90 for the repair of the 20-inch transmission main at 909 West Park;

**Whereas**, funding for this emergency construction contract is available in Account No. 520-5900-535-6357, Project No. 102009; 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 \$109,834.90, for the repair of the of the 20-inch transmission main at 909 West Park, 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(U)  
Consent Agenda  
Page 1 of 2

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

Erin Smith, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Kasberg, Patrick and Associates, LP, for professional services required to develop a corporate campus mixed-use master plan, south of Highway 36, east of Loop 363 and Industrial Boulevard and the Future Outer Loop east of Corporate Way, in an amount not to exceed \$243,850.

**STAFF RECOMMENDATION:** Staff recommends approval of the professional services agreement as presented.

**ITEM SUMMARY:** Work to be performed under this contract consists of background studies/inventory analysis, a stakeholder workshop series, and development of a corporate campus mixed-use master plan, south of Highway 36 near Draughon-Miller Central Texas Regional Airport, the Baylor Scott & White Insurance Facility, east of Loop 363 and Industrial Boulevard and the Future Outer Loop east of Corporate Way. The stakeholder workshop series will consist of a total of six workshops. The intent is to identify the highest and best use options for these areas and a cohesive mixed-use design to promote and develop the area.

The following deliverables will be created:

- Overall Vision statement and summary
- Overall Area Master Plan
- Mixed-Use Design Vision
- Area Street Hierarchy and Road Network
- Area Open Space and Trail Network
- Education Opportunities
- Development Options and Opportunities
- Major Open Space design
- Utility Connectivity and Operation
- Master Plans
- Master plan for each sub-area

- Mixed-Use general design standards
- Identify potential projects, timeframe and cost within each sub-area
- One perspective of each sub-area and/or mixed-use critical design feature

On January 23rd, 2019, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by Council.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 157, Account 795-9500-531-2616, to develop a corporate campus mixed-use master plan, south of Highway 36, east of Loop 363 and Industrial Boulevard and the Future Outer Loop east of Corporate Way, in an amount not to exceed \$243,850 as shown below.

Project Budget	\$	250,000
Encumbered/Committed to Date		-
KPA Professional Services Agreement		(243,850)
Remaining Project Funds	\$	<u>6,150</u>

**ATTACHMENTS:**

[Proposal](#)  
[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

January 11, 2019

Ms. Erin Smith, AICP  
Assistant City Manager  
City of Temple  
2 North Main Street  
Temple, Texas 76501

Re: City of Temple  
Corporate Campus Mixed-Use Master Plan

Dear Ms. Smith:

At the request of the City of Temple Reinvestment Zone #1 (TRZ) and the City of Temple, we are submitting this proposal for the above referenced project. The following proposal for Professional Services will be based on the Client's direction and will provide the following services:

Background Studies / Inventory Analysis  
Stakeholder Workshop Series  
Corporate Campus Mixed-Use Master Plan

## PROJECT

For the Corporate Campus Master Plan, KPA and Covey Landscape Architects will hold a Workshop Series to provide a framework Master Plan to help guide city leaders, property owners and future developers in the creation of an overall unified plan for the Corporate Campus area within the Temple Reinvestment Zone. The area that will be involved in the master planning is generally bounded south of Highway 36 near the Draughton-Miller Regional Airport, the Baylor, Scott & White Insurance Facility, east of Loop 363 and Industrial Boulevard and the Future Outer Loop east of Corporate Way. Please refer to Exhibit A (scope area) to show a delineation of all areas. The intent is to identify the highest and best use options for these areas and a cohesive mixed-use design to promote and develop the area. The overall intent is the creation of a working plan that will give the city direction in future capital involvement projects, potential developer and redevelopment areas, and a timeline and budget for possible improvements.

## SCOPE OF SERVICES

Basic Services are as follows:

### TASK ONE: BACKGROUND STUDIES

KPA and Covey Landscape Architects will, as a means of becoming familiar with the property and the opportunities, provide the following services:

- Visit the project site and become familiar with overall characteristics and relationship to the surrounding region
- Meet with the Client and Stakeholders to discuss the general range of development opportunities and expectations
- Review available existing pertinent data in the form of base maps, aerial photographs, drone video, engineering information and controls, planning reports and projections
- Creation of base maps for the workshop series showing existing development, land uses, natural features, stakeholder property information and overall opportunities and constraints.
- Develop mapping with topography, floodplain, utilities. Etc.
- Create existing land use map

### TASK TWO: STAKEHOLDER WORKSHOP SERIES

As part of this task, KPA and Covey Landscape Architects will lead and participate in a series of workshops with Client and stakeholders. We propose a workshop series to allow for maximum participation from both the client and the stakeholders. The workshop series is intended to have a series of workshops on a designated schedule that fits the needs of both the client and stakeholders. The workshops are anticipated to last ~2 hours. This will allow KPA and Covey Landscape Architects to lead the workshop, gather information, needs, input and other valuable data and information and then implement that information into the plan and vision to present that information at the following workshop as well as develop the Master Plan in series. The specific intent is to create an overall master plan and vision for the defined area based on current and future demands while included a mixed-use area that will better serve the community and future development of the Corporate Campus area. This proposal includes six (6) workshops. The proposed focus of the workshops is:

- Master Plan Kick-off/Client and Stakeholder expectations and data gathering
- Initial Findings / Concept Development
- Mixed-Use Design Criteria / Locations
  - Retail / Restaurant
  - Corporate / Office
  - Residential
  - Education
  - Public Spaces / Trail Systems
  - Public Infrastructure
- Review and Input of Initial Master Plan Concepts
- Final Master Plan Review and Input
- Final Presentations

- . At the end of the workshop series, the following items will be created:
- Corporate Campus Mixed Use Master Plan
  - Individual Area Master Plans
  - Framework Plan – outlining potential land uses and development opportunities
  - Mixed Use Design Vision
  - Area Street Hierarchy and road network
  - Area Open Space and Trail network
  - Education Opportunities
  - Development Options and Opportunities
  - Residential Options and Opportunities
  - Major Open Space design
  - Utility Connectivity and Operation
  - Perspectives of critical design concepts for the district
  - Outline potential city and developer lead projects and timeframes
  - Cost Estimates for Public Improvements

### TASK THREE: MASTER PLAN DOCUMENT

As part of this task, KPA and Covey Landscape Architects will document all material into an overall working plan document that will give the City and the Reinvestment Zone a vision and roadmap to create the potential development of the defined areas. Within this document, the following deliverables will be created:

- Overall Vision statement and summary
- Overall Area Master Plan
- Mixed Use Design Vision
- Area Street Hierarchy and road network
- Area Open Space and Trail network
- Education Opportunities
- Development Options and Opportunities
- Major Open Space design
- Utility Connectivity and Operation
- Master Plans
- Master plan for each sub-area
- Mixed Use general design standards
- Identify potential projects, timeframe and cost within each sub-area
- One perspective of each sub-area and/or mix use critical design feature.

## COMPENSATION

The following scope of work for the Corporate Campus Mixed-Use Master Plan can be completed for the lump sum price of \$243,850. If the scope of work within the project has increased, KPA will alert the Client and request an extension of that task limit prior to proceeding beyond these amounts. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

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

R. David Patrick, P.E., CFM

xc: File

**ATTACHMENT "C"**

**Charges for Additional Services**


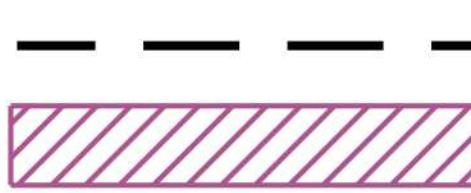
**City of Temple  
Corporate Campus Mixed-Use Master Plan  
Final Design**

<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/Landscape Architect	2.4	50.00 – 60.00/hour
Engineer-in-Training/Designer	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

  
**City of  
Temple**  
**Corporate Campus**  
**TEMPLE REINVESTMENT  
ZONEPROJECTS**

1	LAND PURCHASES 250.9 AC APPROX.	\$600,000
2	MIXED USE MASTER PLAN PARK EXPANSION	\$250,000

**LEGEND**

	CITY LIMITS
	TEMPLE REINVESTMENT ZONE
	PARKS BOUNDARY
	FLIGHT PATH
	PROJECTED FLIGHT PATH
	100 YR FLOOD PLAIN

CORPORATE CAMPUS AREA  
APPROX. REPRESENTED AREA  
3,467 AC.



RESOLUTION NO. 2019-9536-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 \$243,850, TO DEVELOP A CORPORATE CAMPUS MIXED-USE MASTER PLAN, SOUTH OF HIGHWAY 36, EAST OF LOOP 363 AND INDUSTRIAL BOULEVARD, AND THE FUTURE OUTER LOOP EAST OF CORPORATE WAY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** work to be performed under this agreement will consist of background studies/inventory analysis, a stakeholder workshop series, and development of a corporate campus mixed-use master plan, south of Highway 36 near Draughon-Miller Central Texas Regional Airport, the Baylor Scott & White Health Plan Facility, east of Loop 363 and Industrial Boulevard, and the future Outer Loop east of Corporate Way;

**Whereas,** the stakeholder workshop series will consist of a total of six workshops with the intent of identifying the highest and best use options for these areas and a cohesive mixed-use design to promote and develop the area;

**Whereas,** on January 23, 2019, the Reinvestment Zone No. 1 Board approved recommending the professional services agreement for authorization by Council;

**Whereas,** Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in an amount not to exceed \$243,850, to develop a corporate campus mixed-use master plan;

**Whereas,** funding for this agreement is available in the Reinvestment Zone No. 1 Financing and Project Plan, Line 157, Account No. 795-9500-531-2616; 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 Kasberg, Patrick and Associates, LP of Temple, Texas, in an amount not to exceed \$243,850, to develop a corporate campus mixed-use master plan, south of Highway 36, east of Loop 363 and Industrial Boulevard, and the Future Outer Loop east of Corporate Way.

**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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(V)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer  
James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider a resolution authorizing a construction contract with R.T. Schneider Construction Co., Ltd, for services to construct the Rail Backage Road Project within the industrial rail park in northwest Temple, in the amount of \$1,011,074.

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

**ITEM SUMMARY:** Road access and water services are required for properties within the industrial rail park in northwest Temple on the east side of Wendland Road (See attached Project Map). On December 6, 2018, the City Council authorized Kasberg, Patrick & Associates, LP (Engineer) to design, bid, and administer construction of these improvements.

On January 15, 2019, six bids were received that ranged from \$1,011,074 to \$1,208,802.50 (see Bid Tabulation). Per the attached Recommendation Letter, R.T. Schneider submitted the low bid in the amount of \$1,011,074. The Engineer's opinion of probable construction cost was \$1.6 million.

City Staff and the Engineer agree that R.T. Schneider is qualified to complete this project and recommend award of a construction contract for the low bid of \$1,011,074. The proposed timeline for construction completion for the water infrastructure is June 30, 2019 and overall project completion by September 1, 2019.

On January 23rd, 2019, the Reinvestment Zone No. 1 Board approved recommending the construction contract for authorization by Council.

**FISCAL IMPACT:** Funds are available in the Reinvestment Zone No. 1 Financing Plan, Line 102, Account 795-9500-531-6527, Project 101844, for this construction contract in the amount of \$1,011,074 as shown below.

Project Budget	\$ 2,500,000
Encumbered/Committed to Date	(362,299)
RT Schneider Construction Co. Ltd- Construction Contract	(1,011,074)
Langerman Foster Engineering-Materials Testing	(30,954)
Remaining Project Funds	<u><u>\$ 1,095,673</u></u>

**ATTACHMENTS:**

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



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

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

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

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

January 16, 2019

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

Re: City of Temple, Texas  
Rail Backage Road: Roadway, Waterline  
& Sewer East of Wendland Road

Dear Mr. Billeck:

On January 15, 2019, the City of Temple received competitive bids from six (6) contractors for the Rail Backage Road: Roadway, Waterline & Sewer East of Wendland Road project. The attached Bid Tabulation shows RT Schneider Construction Co., Inc. of Belton, as the low bidder at \$835,614 for the Roadway & Drainage, and \$175,460 for the Water portion, for a total bid of \$1,011,074.00. The bids ranged from this low bid to \$1,208,802.50. Our opinion of probable construction cost for this project was \$1,600,000.

RT Schneider Construction Co., Inc. has successfully completed numerous projects for the City of Temple. Therefore, we recommend that a contract be awarded to RT Schneider Construction Co., Inc. for the amount of \$1,011,074.00.

Sincerely,

R. David Patrick, P.E., CFM

xc: Ms. Belinda Mattke, City of Temple  
2018-161-40

BID TABULATION  
RAIL BACKAGE ROAD: ROADWAY, WATERLINE & SEWER EAST OF WENDLAND ROAD  
January 15 2019; 2:00 PM  
3210 E Ave H, Bldg C; Temple TX 76501

BIDDER INFORMATION											
RT Schneider Construction Co. Ltd PO Box 876 Belton TX 76513		Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542		Holy Contractors, LLC 712 E Panther Way Hewitt TX 76643		Kasparian Contractors LLC dba H & B Contractors 27443 W Hwy 84 McGregor TX 76657		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542	
Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
\$ 46,370.00	\$ 46,370.00	\$ 20,350.00	\$ 20,350.00	\$ 42,920.18	\$ 42,920.18	\$ 46,620.00	\$ 46,620.00	\$ 8,100.00	\$ 8,100.00	\$ 60,367.00	\$ 60,367.00
2,525.00	53,025.00	2,723.81	57,200.01	1,500.00	31,500.00	3,200.00	67,200.00	1,000.00	21,000.00	2,983.00	62,643.00
905.00	905.00	750.00	750.00	1,000.00	1,000.00	350.00	350.00	960.00	960.00	926.00	926.00
2.05	2,255.00	0.50	550.00	2.50	2,750.00	0.50	550.00	2.10	2,310.00	2.00	2,200.00
1.15	1,253.50	0.50	545.00	2.00	2,180.00	0.50	545.00	0.85	926.50	1.00	1,090.00
2,590.00	2,590.00	750.00	750.00	900.00	900.00	1,000.00	1,000.00	900.00	900.00	864.00	864.00
1,000.00	1,000.00	2,500.00	2,500.00	2,500.00	2,500.00	2,460.00	2,460.00	2,000.00	2,000.00	6,172.00	6,172.00
710.00	710.00	750.00	750.00	500.00	500.00	2,150.00	2,150.00	1,395.00	1,395.00	945.00	945.00
250.00	250.00	500.00	500.00	500.00	500.00	455.00	455.00	550.00	550.00	810.00	810.00
3.85	34,650.00	3.80	34,200.00	3.50	31,500.00	5.45	49,050.00	6.00	54,000.00	3.20	28,800.00
1.80	16,200.00	2.20	19,800.00	3.50	31,500.00	6.09	54,810.00	3.50	31,500.00	8.20	73,800.00
0.80	7,320.00	1.54	14,091.00	6.56	60,024.00	0.36	3,294.00	2.45	22,417.50	0.80	7,320.00
10.35	94,702.50	13.20	120,780.00	12.46	114,009.00	12.60	115,290.00	16.20	148,230.00	13.10	119,865.00
17.10	112,860.00	15.65	103,290.00	15.45	101,970.00	18.16	119,856.00	19.75	130,350.00	16.70	110,220.00
9.70	64,020.00	8.65	57,090.00	8.51	56,166.00	9.89	65,274.00	11.00	72,600.00	9.50	62,700.00
5.00	2,250.00	12.00	5,400.00	11.87	5,341.50	9.75	4,387.50	15.20	6,840.00	4.90	2,205.00
12.70	45,720.00	11.00	39,600.00	15.00	54,000.00	16.21	58,356.00	14.50	52,200.00	14.00	50,400.00
55.00	46,750.00	54.00	45,900.00	54.00	45,900.00	51.89	44,106.50	80.00	68,000.00	61.30	52,105.00
105.00	2,100.00	54.00	1,080.00	54.00	1,080.00	60.42	1,208.40	150.00	3,000.00	60.00	1,200.00
55.00	8,800.00	54.00	8,640.00	54.00	8,640.00	60.29	9,646.40	91.00	14,560.00	70.80	11,328.00
315.00	315.00	447.00	447.00	150.00	150.00	669.00	669.00	510.00	510.00	405.00	405.00
315.00	630.00	435.18	870.36	150.00	300.00	669.00	1,338.00	510.00	1,020.00	405.00	810.00
750.00	1,500.00	750.00	1,500.00	1,000.00	2,000.00	813.00	1,626.00	1,280.00	2,560.00	1,620.00	3,240.00
7.20	3,600.00	11.93	5,965.00	9.30	4,650.00	7.51	3,755.00	8.30	4,150.00	2.70	1,350.00
28.00	448.00	30.43	486.88	112.50	1,800.00	18.50	296.00	32.00	512.00	16.00	256.00
9,950.00	9,950.00	7,326.63	7,326.63	9,000.00	9,000.00	10,100.00	10,100.00	12,100.00	12,100.00	10,077.00	10,077.00
3,875.00	19,375.00	5,706.63	28,533.15	4,000.00	20,000.00	4,330.00	21,650.00	4,400.00	22,000.00	3,530.00	17,650.00
230.00	8,280.00	168.06	6,050.16	221.00	7,956.00	194.70	7,009.20	240.00	8,640.00	222.50	8,010.00
165.00	99,165.00	148.87	89,470.87	164.00	98,564.00	169.40	101,809.40	226.00	135,826.00	200.50	120,500.50
53.00	58,300.00	62.65	68,915.00	50.00	55,000.00	45.65	50,215.00	54.00	59,400.00	61.60	67,760.00
3,150.00	3,150.00	1,856.65	1,856.65	7,434.00	7,434.00	6,123.00	6,123.00	5,580.00	5,580.00	5,484.00	5,484.00
575.00	575.00	978.80	978.80	1,000.00	1,000.00	386.00	386.00	545.00	545.00	1,303.00	1,303.00
1,315.00	1,315.00	1,200.00	1,200.00	600.00	600.00	900.00	900.00	2,680.00	2,680.00	1,296.00	1,296.00
2.45	5,880.00	3.20	7,680.00	2.25	5,400.00	3.25	7,800.00	3.90	9,360.00	2.20	5,280.00
2.00	400.00	33.50	6,700.00	50.00	10,000.00	33.45	6,690.00	35.00	7,000.00	36.70	7,340.00
50.00	5,000.00	54.00	5,400.00	50.00	5,000.00	47.07	4,707.00	66.00	6,600.00	50.00	5,000.00
140.00	14,000.00	350.00	35,000.00	350.00	35,000.00	499.50	49,950.00	365.00	36,500.00	220.00	22,000.00
25.00	5,000.00	45.00	9,000.00	67.00	13,400.00	55.58	11,116.00	85.00	17,000.00	70.00	14,000.00
2.20	55,000.00	2.36	59,000.00	1.61	40,250.00	2.61	65,250.00	2.00	50,000.00	2.30	57,500.00
	\$ 835,614.00		\$ 870,146.51		\$ 912,384.68		\$ 997,998.40		\$ 1,023,822.00		\$ 1,005,221.50

BID TABULATION  
RAIL BACKAGE ROAD: ROADWAY, WATERLINE & SEWER EAST OF WENDLAND ROAD  
January 15 2019; 2:00 PM  
3210 E Ave H, Bldg C; Temple TX 76501

				BIDDER INFORMATION											
				RT Schneider Construction Co. Ltd PO Box 876 Belton TX 76513		Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542		Holy Contractors, LLC 712 E Panther Way Hewitt TX 76643		Kasparian Contractors LLC dba H & B Contractors 27443 W Hwy 84 McGregor TX 76657		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART B: WATER															
1	2,100	LF	Implement & Follow Trench Safety Plan (Pipe)	\$ 1.15	\$ 2,415.00	\$ 0.50	\$ 1,050.00	\$ 2.50	\$ 5,250.00	\$ 0.50	\$ 1,050.00	\$ 1.25	\$ 2,625.00	\$ 2.00	\$ 4,200.00
2	960	SF	Implement & Follow Trench Safety Plan (Structures)	1.20	1,152.00	1.50	1,440.00	2.50	2,400.00	1.00	960.00	1.65	1,584.00	0.50	480.00
3	1	EA	Connect to Existing 12" Waterline with Tapping Sleeve & Valve	6,175.00	6,175.00	6,542.01	6,542.01	5,500.00	5,500.00	7,460.00	7,460.00	6,635.00	6,635.00	7,998.00	7,998.00
4	2,100	LF	Furnish & Install 12" PVC Waterline	38.65	81,165.00	34.90	73,290.00	40.00	84,000.00	36.81	77,301.00	37.00	77,700.00	42.40	89,040.00
5	50	LF	Furnish & Install 24" Steel Encasement By Open Cut	113.50	5,675.00	99.26	4,963.00	150.00	7,500.00	158.77	7,938.50	138.00	6,900.00	112.30	5,615.00
6	100	LF	Furnish & Install 24" Steel Encasement By Bore	307.50	30,750.00	290.65	29,065.00	290.00	29,000.00	380.14	38,014.00	275.00	27,500.00	410.20	41,020.00
7	2	EA	Furnish & Install 12" Tee	846.50	1,693.00	1,056.23	2,112.46	1,000.00	2,000.00	1,515.00	3,030.00	1,275.00	2,550.00	929.00	1,858.00
8	6	EA	Furnish & Install 12" Gate Valve	2,185.00	13,110.00	2,212.23	13,273.38	1,500.00	9,000.00	2,215.00	13,290.00	2,470.00	14,820.00	2,288.00	13,728.00
9	6	EA	Furnish & Install 12" 45-Degree Bend	780.00	4,680.00	853.00	5,118.00	1,000.00	6,000.00	1,361.00	8,166.00	745.00	4,470.00	863.00	5,178.00
10	4	EA	Furnish & Install 12" 11.25-Degree Bend	745.00	2,980.00	827.00	3,308.00	1,000.00	4,000.00	823.00	3,292.00	710.00	2,840.00	828.00	3,312.00
11	3	EA	Furnish & Install 12" Plug	555.00	1,665.00	474.36	1,423.08	500.00	1,500.00	900.00	2,700.00	395.00	1,185.00	449.00	1,347.00
12	6	EA	Furnish & Install Fire Hydrant Assembly	3,500.00	21,000.00	4,673.94	28,043.64	4,000.00	24,000.00	5,300.00	31,800.00	4,700.00	28,200.00	3,802.00	22,812.00
13	100%	LS	Furnish All Materials, Tools & Labor to Test Water Line According to Specifications	3,000.00	3,000.00	3,834.00	3,834.00	5,000.00	5,000.00	7,234.00	7,234.00	4,400.00	4,400.00	6,993.00	6,993.00
TOTAL PART B - WATER BID AMOUNT (ITEMS 1 - 13)					\$ 175,460.00		\$ 173,462.57		\$ 185,150.00		\$ 202,235.50		\$ 181,409.00		\$ 203,581.00

BIDDER INFORMATION						
RT Schneider Construction Co. Ltd PO Box 876 Belton TX 76513		Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542		Holy Contractors, LLC 712 E Panther Way Hewitt TX 76643		Kasparian Contractors LLC dba H & B Contractors 27443 W Hwy 84 McGregor TX 76657
TTG Utilities, LP PO Box 299 Gatesville, TX 76528		McLean Construction Inc 4101 Trimmier Rd Killeen TX 76542				
PART A: ROADWAY & DRAINAGE		\$ 835,614.00		\$ 870,146.51		\$ 912,384.68
PART B: WATER		\$ 175,460.00		\$ 173,462.57		\$ 185,150.00
		\$ 1,011,074.00		\$ 1,043,609.08		\$ 1,097,534.68
						\$ 1,200,233.90
						\$ 1,205,231.00
						\$ 1,208,802.50

Did Bidder Acknowledge Addenda No. 1 through No. 5?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Bond?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Requirement Affidavit?	YES	YES	YES	YES	YES	YES
Did Bidder provide Credit Check Authorization?	YES	YES	YES	YES	YES	YES
Did Bidder provide Child Support Statement?	YES	NO	YES	YES	YES	YES

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



R. David Patrick, PE, CFM  
Kasberg, Patrick & Associates, LP

1/16/19

Date





PROPOSED  
36' WIDE ROAD

PROPOSED  
12" WATERLINE

Wetlands  
Area

PROPOSED  
10" WASTEWATER  
(By Others)

25' PUE

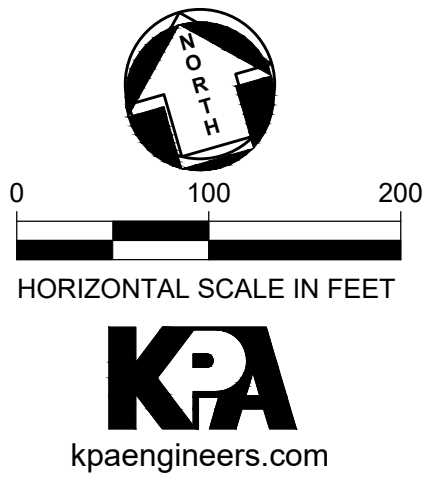
70' R.O.W.

36'

25' PUE

Central Pointe  
Temple Industrial  
Park

PROPOSED EAST-WEST  
BACKAGE ROAD  
IMPROVEMENTS



RESOLUTION NO. 2019-9537-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION, LTD. OF BELTON, TEXAS IN THE AMOUNT OF \$1,011,074, TO CONSTRUCT THE RAIL BACKAGE ROAD PROJECT WITHIN THE INDUSTRIAL RAIL PARK IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, road access and water services are required for properties within the industrial rail park in northwest Temple on the east side of Wendland Road - on December 6, 2018, Council authorized Kasberg, Patrick & Associates, LP (“KPA”) to design, bid, and administer construction of these improvements;

**Whereas**, on January 15, 2019, six bids were received that ranged from \$1,011,074 to \$1,208,802.50 –with RT Schneider Construction, Ltd. (RTS) submitting the low bid in the amount of \$1,011,074.00;

**Whereas**, on January 23, 2019, the Reinvestment Zone No. 1 Board approved recommending the construction contract for authorization by Council;

**Whereas**, Staff and KPA recommend Council authorize a construction contract with RTS, of Belton, Texas in the amount of \$1,011,074, to construct the Rail Backage Road Project within the industrial rail park in northwest Temple;

**Whereas**, funds for this construction contract are available in the Reinvestment Zone No. 1 Financing Plan, Line 102, Account No. 795-9500-531-6527, Project No. 101844; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with R.T. Schneider Construction, Ltd., of Belton, Texas in the amount of \$1,011,074, to construct the Rail Backage Road Project within the industrial rail park in northwest Temple.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(W)  
Consent Agenda  
Page 1 of 2

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

Erin Smith, Assistant City Manager  
Don Bond, P.E., CFM, City Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the following with regards to the construction of airport hangar taxiway improvements at the Draughton-Miller Central Texas Regional Airport:

- 1) A construction contract with R.T. Schneider Construction Co., Ltd. of Belton in the amount of \$878,806.50, and
- 2) Change Order #1 to the construction contract with R.T. Schneider Construction Co., Ltd. of Belton in the amount of \$109,980.

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

**ITEM SUMMARY:** Authorization of this construction contract and change order will provide for the redevelopment of a taxiway that was originally planned for redevelopment in 2016, but the project was revised in response to changing customer conditions at the Draughton-Miller Central Texas Regional Airport. Last fall the City contracted with Kasberg, Patrick and Associates, LP (KPA), to design the redevelopment of the taxiway with access to two hangars on the west side of the airport, previously occupied by Amcom.

Five bids for the taxiway rehabilitation project were received on January 17, 2019. The invitation to bid was structured with several alternates as outlined in the attached Bid Tabulation and as shown on the attached aerial drawing.

Staff and KPA have reviewed the bid results, and as stated in KPA's attached letter of recommendation, Staff and KPA are recommending award of the Alternate A bid to the lowest bidder, R.T. Schneider Construction Co., Ltd. (RTS) in the amount of \$878,806.50.

On January 23, 2019, the Reinvestment Zone No. 1 Board (RZ) voted to recommend the construction contract as presented.

Subsequent to the RZ recommendation, Staff reevaluated the project and determined that it would be desirable to remove an unused 800' connection between the taxiway and runway, which was not previously planned for rehabilitation, to improve safety. Accordingly, Staff is requesting authorization to execute the attached change order in the amount of \$109,980 to demolish the connection and revegetate the area, making a total revised contract value of \$988,786.50.

Associated construction material testing fees provided by Langerman Foster Engineering Company for this project are estimated to be approximately \$8,000. The time required for construction is 120 calendar days.

**FISCAL IMPACT:** Funding for the construction contract with R.T. Schneider Construction Company, Ltd in the amount of \$988,787 for the Taxiway project is shown below.

Description	Financing/ Project Plan Line #	Financing Plan Funding Available	Construction Contract Award	Variance
<b>Airport Park:</b>				
<b>Taxiway for Hangars</b>	<b>507</b>	<b>\$ 884,815</b>	<b>\$ (988,787)</b>	<b>\$ (103,972)</b>
795-9500-531-6558, Project 101563				
Clear Area Near Fire Station	514	\$ 172,500	\$ -	\$ 172,500
<b>Total</b>	<b>550</b>	<b>\$ 1,057,315</b>	<b>\$ (988,787)</b>	<b>\$ 68,528</b>

\*Funding is available within the total "Airport Park" funding level (Line 550) in the current Reinvestment Zone No. 1 Financing Plan.

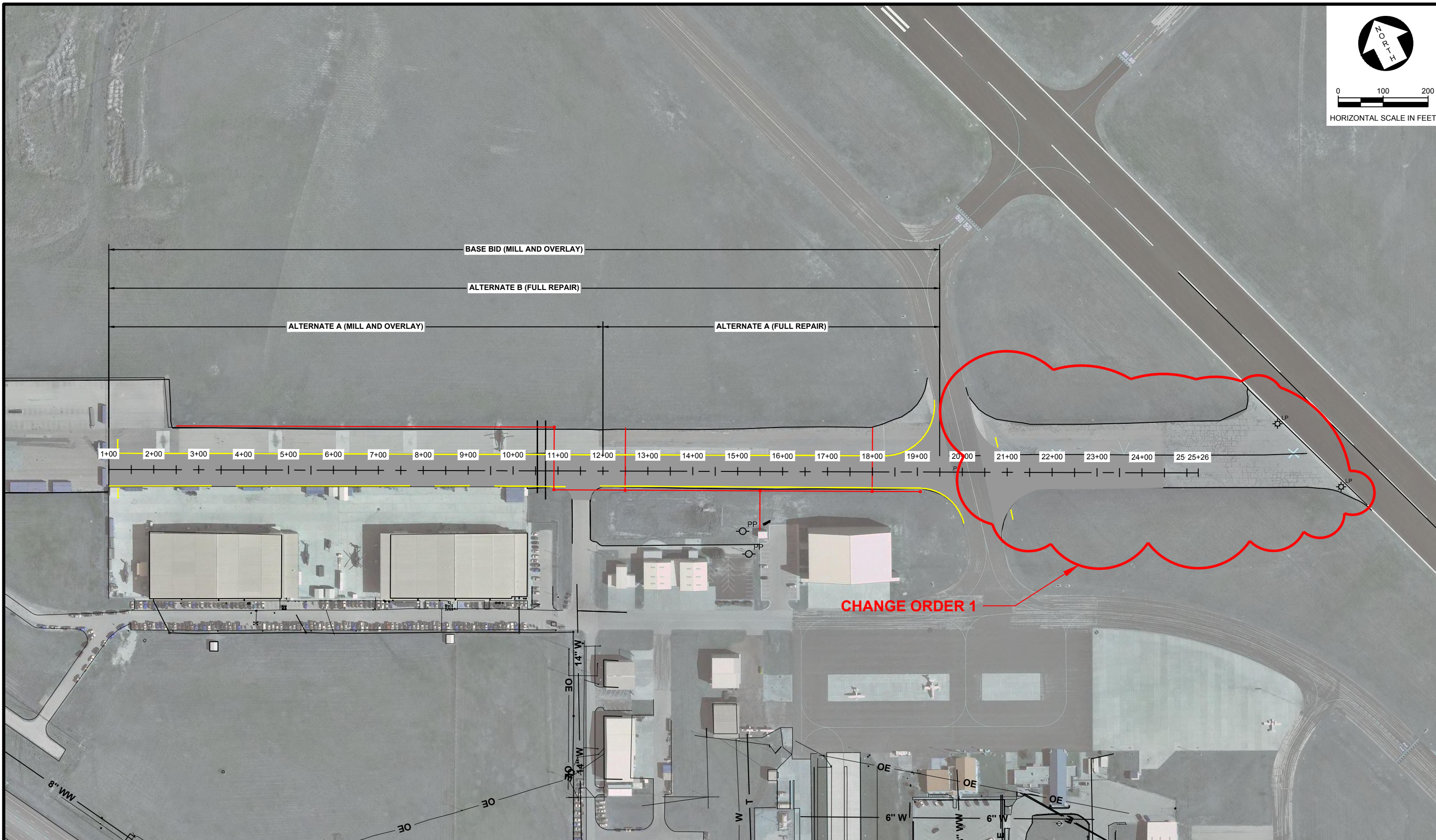
**ATTACHMENTS:**

[Aerial Map of Project](#)  
[Engineer's Letter of Recommendation](#)  
[Bid Tabulation](#)  
[Change Order #1](#)  
[Resolution](#)

FILE: P:\Temple Reinvestment\201616-130 Taxiway for Hangars\CAD\Bases\2016-130\_PAVE.dwg LAST SAVED: 1/30/2019 5:40:45 PM LAYOUT: R-01 OVERALL LAYOUT



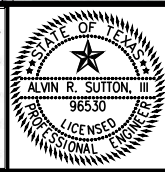
0 100 200  
HORIZONTAL SCALE IN FEET



This document is released for the purpose of interim review under the authority of Alvin R. Sutton P.E. 96530 on Jan 30, 2019. It is not to be used for construction, bidding or permit purposes.

NO.	DATE	REVISION	BY
1	Jan 30, 2019	Plot Date: Jan 30, 2019 - 5:56pm Plotted By: CHANDLER DOSKOCIL	

PROJECT NO. 2016-130  
DRAWN BY BRUCE RICHARDSON  
DESIGNED BY Alvin R. Sutton, III  
APPROVED BY *[Signature]*  
DATE 12-19-18



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501

CITY OF TEMPLE, TEXAS AIRPORT TAXIWAY REHABILITATION PROJECT	SHEET NO. <b>R-01</b> OF <b>04</b> SHEETS
OVERALL LAYOUT	



**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

January 18, 2019

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

Re: City of Temple  
Airport Taxiway Rehabilitation Project

Dear Mr. Bond:

On January 17, 2019, the City of Temple received bids from five (5) contractors for the above referenced project. A detailed bid tabulation and project exhibit is attached to this letter for your use.

This project will result in improvements being made to approximately 1,900 feet of 75-foot wide existing taxiway that provides service to the two (2) large hangars, that are owned by the City of Temple, located on the west side of the airport (Formerly AMCOM Hangars). This project also includes proposed improvements to a small section of ramp that is being intermittently utilized by rotorcraft (helicopter). This section is currently connected to a main runway and Airport Staff has recommended this connection be removed to enhance the safety in this location. Below is a summary and cost for each bid alternative for this project:

- **Base Bid (\$491,596.50)** – The base bid for this project consists of a 3-inch mill and asphalt overlay for approximately for the project limits described above;
- **Alternate A (\$878,806.50)** – Alternate A consist of approximately 1,100 feet of 75-foot mill and asphalt overlay for a section of the existing taxiway and approximately 800 feet of a 75-foot complete removal and replacement of the current taxiway pavement section;
- **Alternate B (\$1,218,867.50)** – Alternate B consists of complete removal and replacement of the current taxiway pavement section for the project limits described above;
- **Alternate C (\$311,532.50)** - Alternate C consists of complete removal and replacement of the pavement section at the ramp located between the existing taxiway and runway that is approximately 75-feet wide and 300 feet long. This alternate also includes the removal of the section of the ramp that will sever the connection between the ramp and runway as described previously;

Mr. Don Bond, PE, CFM

January 18, 2019

Page 2

- **Alternate D (\$137,838.50)** - Alternate D consists of 3-inch mill and asphalt overlay of the ramp located between the existing taxiway and runway that is approximately 75-feet wide and 300 feet long. This alternate also includes the removal of the section of the ramp that will sever the connection between the ramp and runway as described previously;

The attached Bid Tabulation shows R.T. Schneider Construction Company, Ltd. of Belton, Texas as the low bidder regardless of which bid alternate is awarded. R.T. Schneider Construction Company, Ltd. has successfully completed numerous projects for the City of Temple, including several projects at the Airport. Therefore, we recommend that a contract be awarded to R.T. Schneider Construction Company, Ltd. for the Airport Taxiway Rehabilitation Project for Alternate Bid A in the amount of **\$878,806.50**, as this bid is the best rehabilitation option based off the current budget for this project. However, should funds be available we would recommend the award of Alternate B in the amount of **\$1,218,867.50** as this bid would be the best rehabilitation option for the project.

Sincerely,



R. David Patrick, P.E., CFM

RDP/ars

xc: Joseph Medici, Airport Director, City of Temple  
Erin Smith, AICP, Assistant City Manager, City of Temple  
Belinda Mattke, CPA, Director of Purchasing, City of Temple (Original)  
Russell Schneider, RT Schneider Construction, Ltd.  
2016-130-40

BID TABULATION  
AIRPORT TAXIWAY REHABILITATION PROJECT  
January 17 2019; 2:30 PM  
3210 E Ave H, Bldg C; Temple TX 76501

				BIDDER INFORMATION									
				R.T. Schneider Const. Co., LTD PO Box 876 Belton, Texas 76513		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Pro Dirt Services, LLC 3111 CR 100 Hutto, TX 78634		Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		Texas Materials Group, Inc. 1320 Arrow Point, Ste 600 Cedar Park, TX 78613	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID - Mill & Overlay													
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 24,560.00	\$ 24,560.00	\$ 16,250.00	\$ 16,250.00	\$ 10,000.00	\$ 10,000.00	\$ 33,471.41	\$ 33,471.41	\$ 48,000.00	\$ 48,000.00
2	19	STA	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of the Project Site	1,235.00	23,465.00	1,300.00	24,700.00	2,500.00	47,500.00	357.45	6,791.55	500.00	9,500.00
3	100%	LS	Prepare, Implement, and Administer Airport Safety Plan	1,000.00	1,000.00	2,350.00	2,350.00	10,000.00	10,000.00	31,058.90	31,058.90	22,000.00	22,000.00
4	100%	LS	Provide Project Record Drawings (As Builts)	500.00	500.00	620.00	620.00	3,500.00	3,500.00	537.50	537.50	2,000.00	2,000.00
5	100%	LS	Provide DVD of Project Site pre-construction and post construction site conditions for the total project	500.00	500.00	290.00	290.00	2,000.00	2,000.00	268.75	268.75	1,000.00	1,000.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from TTCEQ	1,500.00	1,500.00	620.00	620.00	1,250.00	1,250.00	1,612.50	1,612.50	2,000.00	2,000.00
7	850	LF	Furnish, Install, and Maintain Silt Fence as required in the Stormwater Pollution Prevention Plan	1.95	1,657.50	3.65	3,102.50	2.00	1,700.00	3.15	2,677.50	2.85	2,422.50
8	850	LF	Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	0.50	425.00	0.80	680.00	0.75	637.50	1.45	1,232.50	0.50	425.00
9	1	EA	Furnish, Install, and Maintain Inlet Protection as required in the Stormwater Pollution Prevention Plan	200.00	200.00	225.00	225.00	150.00	150.00	215.00	215.00	60.00	60.00
10	1	EA	Remove Inlet Protection as required in the Stormwater Pollution Prevention Plan	200.00	200.00	85.00	85.00	50.00	50.00	215.00	215.00	25.00	25.00
11	600	LF	Furnish, Install, and Maintain Temporary Chain Link Construction Fencing as required in the Plan Set	2.20	1,320.00	11.50	6,900.00	2.50	1,500.00	9.66	5,796.00	30.00	18,000.00
12	600	LF	Remove Temporary Chain Link Construction Fencing as required in the Plan Set	1.00	600.00	1.50	900.00	2.50	1,500.00	1.59	954.00	0.20	120.00
13	1	EA	Furnish, Install, and Maintain Temporary Construction Entrance as required in the Plan Set	1,500.00	1,500.00	2,600.00	2,600.00	1,200.00	1,200.00	1,230.19	1,230.19	4,500.00	4,500.00
14	1	EA	Remove Temporary Construction Entrance as required in the Plan Set	500.00	500.00	935.00	935.00	500.00	500.00	594.18	594.18	2,500.00	2,500.00
15	1,100	CY	For Unclassified Excavation of the Existing Asphalt Taxiway Area	10.15	11,165.00	9.90	10,890.00	25.00	27,500.00	18.19	20,009.00	12.00	13,200.00
16	16,000	SY	Furnish and Install 3-inch Mill and Removal of Millings	1.88	30,080.00	1.95	31,200.00	2.25	36,000.00	1.54	24,640.00	3.00	48,000.00
17	16,000	SY	Furnish and Install 3" FAA P-401 HMA Surface Course	15.90	254,400.00	16.80	268,800.00	18.50	296,000.00	16.45	263,200.00	19.00	304,000.00
18	4	EA	Furnish and Install Type L=858C, 72-inch, Taxiway End Marker Signage	825.00	3,300.00	850.00	3,400.00	1,500.00	6,000.00	806.25	3,225.00	4,000.00	16,000.00
19	4,000	LF	Furnish and Install 6-inch Reflectorized Yellow Striping	3.60	14,400.00	3.61	14,440.00	3.50	14,000.00	3.49	13,960.00	0.90	3,600.00
20	175	LF	Furnish and Install 18-inch Steel Encasement Pipe by Open Cut	128.00	22,400.00	75.00	13,125.00	110.00	19,250.00	149.53	26,167.75	40.00	7,000.00
21	161	LF	Furnish and Install 24-inch Steel Encasement Pipe by Open Cut	134.00	21,574.00	105.00	16,905.00	125.00	20,125.00	173.14	27,875.54	45.00	7,245.00
22	2,200	LF	Furnish and Install 2 - 4-inch PVC Electrical Conduit	15.00	33,000.00	22.23	48,906.00	3.00	6,600.00	50.44	110,968.00	143.00	314,600.00
23	6	EA	Furnish and Install Pull Box	1,000.00	6,000.00	4,860.00	29,160.00	1,200.00	7,200.00	6,517.37	39,104.22	14,000.00	84,000.00
24	100	SY	Furnish and Install 4-inch Concrete Rip Rap	55.00	5,500.00	47.00	4,700.00	50.00	5,000.00	107.19	10,719.00	100.00	10,000.00
25	7,000	SY	6-inch Top Soil and Hydromulch with Flexible Growth Medium, Include Watering, Fertilizing, & Mowing to Establish Growth	4.55	31,850.00	4.50	31,500.00	4.00	28,000.00	7.80	54,600.00	7.00	49,000.00
TOTAL BASE BID (ITEMS 1 - 25)					\$ 491,596.50		\$ 533,283.50		\$ 547,162.50		\$ 681,123.49		\$ 969,197.50

ALTERNATE A - Mill & Overlay and Rehabilitation													
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Alternate A Amount	\$ 43,930.00	\$ 43,930.00	\$ 32,000.00	\$ 32,000.00	\$ 30,000.00	\$ 30,000.00	\$ 56,867.22	\$ 56,867.22	\$ 73,000.00	\$ 73,000.00
2	19	STA	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of the Project Site	1,205.00	22,895.00	2,350.00	44,650.00	2,500.00	47,500.00	180.89	3,436.91	500.00	9,500.00
3	100%	LS	Prepare, Implement, and Administer Airport Safety Plan	1,000.00	1,000.00	2,350.00	2,350.00	10,000.00	10,000.00	42,127.10	42,127.10	31,500.00	31,500.00
4	100%	LS	Provide Project Record Drawings (As Builts)	500.00	500.00	620.00	620.00	3,500.00	3,500.00	537.50	537.50	2,000.00	2,000.00
5	100%	LS	Provide DVD of Project Site pre-construction and post construction site conditions for the total project	500.00	500.00	290.00	290.00	2,000.00	2,000.00	268.75	268.75	1,000.00	1,000.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from TCEQ	1,500.00	1,500.00	620.00	620.00	1,250.00	1,250.00	1,612.50	1,612.50	2,000.00	2,000.00
7	850	LF	Furnish, Install, and Maintain Silt Fence as required in the Stormwater Pollution Prevention Plan	1.95	1,657.50	3.65	3,102.50	2.00	1,700.00	3.15	2,677.50	2.85	2,422.50
8	850	LF	Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	0.50	425.00	0.80	680.00	0.75	637.50	1.45	1,232.50	0.50	425.00
9	1	EA	Furnish, Install, and Maintain Inlet Protection as required in the Stormwater Pollution Prevention Plan	200.00	200.00	225.00	225.00	150.00	150.00	215.00	215.00	60.00	60.00

BID TABULATION  
AIRPORT TAXIWAY REHABILITATION PROJECT  
January 17 2019; 2:30 PM  
3210 E Ave H, Bldg C; Temple TX 76501

BIDDER INFORMATION													
				R.T. Schneider Const. Co., LTD PO Box 876 Belton, Texas 76513		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Pro Dirt Services, LLC 3111 CR 100 Hutto, TX 78634		Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		Texas Materials Group, Inc. 1320 Arrow Point, Ste 600 Cedar Park, TX 78613	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
10	1	EA	Remove Inlet Protection as required in the Stormwater Pollution Prevention Plan	200.00	200.00	85.00	85.00	50.00	50.00	215.00	215.00	25.00	25.00
11	600	LF	Furnish, Install, and Maintain Temporary Chain Link Construction Fencing as required in the Plan Set	2.20	1,320.00	11.50	6,900.00	2.50	1,500.00	15.03	9,018.00	30.00	18,000.00
12	600	LF	Remove Temporary Chain Link Construction Fencing as required in the Plan Set	1.00	600.00	1.50	900.00	2.50	1,500.00	1.59	954.00	0.20	120.00
13	1	EA	Furnish, Install, and Maintain Temporary Construction Entrance as required in the Plan Set	1,500.00	1,500.00	2,600.00	2,600.00	1,200.00	1,200.00	1,230.19	1,230.19	4,500.00	4,500.00
14	1	EA	Remove Temporary Construction Entrance as required in the Plan Set	500.00	500.00	935.00	935.00	500.00	500.00	594.18	594.18	2,500.00	2,500.00
15	6,000	CY	For Unclassified Excavation of the Existing Asphalt Taxiway Area	7.10	42,600.00	9.90	59,400.00	15.00	90,000.00	15.77	94,620.00	12.00	72,000.00
16	9,750	SY	Furnish and Install 3-inch Mill and Removal of Millings	2.35	22,912.50	2.40	23,400.00	2.25	21,937.50	1.62	15,795.00	3.50	34,125.00
17	9,750	SY	Furnish and Install 3" FAA P-401 HMAC Surface Course	16.15	157,462.50	17.10	166,725.00	18.75	182,812.50	16.72	163,020.00	19.00	185,250.00
18	8,000	SY	Prepare 12-inch Moisture Conditioned Subgrade	1.25	10,000.00	1.95	15,600.00	2.00	16,000.00	2.21	17,680.00	2.50	20,000.00
19	8000	SY	Furnish and Install 8-inch TxDOT Item 247 (Type A, Grade 2) Crushed Limestone Base	7.55	60,400.00	8.90	71,200.00	10.60	84,800.00	7.80	62,400.00	15.00	120,000.00
20	8000	SY	Furnish and Install 5" FAA P-403 HMAC Base Course	26.25	210,000.00	27.75	222,000.00	30.10	240,800.00	27.14	217,120.00	28.00	224,000.00
21	7800	SYs	Furnish and Install 4" FAA P-401 HMAC Surface Course	20.60	160,680.00	21.75	169,650.00	23.65	184,470.00	21.28	165,984.00	25.00	195,000.00
22	4	EA	Furnish and Install Type L=858C, 72-inch, Taxiway End Marker Signage	825.00	3,300.00	850.00	3,400.00	1,500.00	6,000.00	806.25	3,225.00	4,000.00	16,000.00
23	4,000	LF	Furnish and Install 6-inch Reflectorized Yellow Striping	3.60	14,400.00	3.61	14,440.00	3.50	14,000.00	3.49	13,960.00	0.90	3,600.00
24	175	LF	Furnish and Install 18-inch Steel Encasement Pipe by Open Cut	128.00	22,400.00	75.00	13,125.00	110.00	19,250.00	149.53	26,167.75	40.00	7,000.00
25	161	LF	Furnish and Install 24-inch Steel Encasement Pipe by Open Cut	134.00	21,574.00	105.00	16,905.00	125.00	20,125.00	173.14	27,875.54	45.00	7,245.00
26	2,200	LF	Furnish and Install 2 - 4-inch PVC Electrical Conduit	15.00	33,000.00	22.23	48,906.00	3.00	6,600.00	50.44	110,968.00	143.00	314,600.00
27	6	EA	Furnish and Install Pull Box	1,000.00	6,000.00	4,860.00	29,160.00	1,200.00	7,200.00	6,517.37	39,104.22	15,000.00	90,000.00
28	100	SY	Furnish and Install 4-inch Concrete Rip Rap	55.00	5,500.00	47.00	4,700.00	50.00	5,000.00	107.19	10,719.00	100.00	10,000.00
29	7,000	SY	6-inch Top Soil and Hydromulch with Flexible Growth Medium, Include Watering, Fertilizing, & Mowing to Establish Growth	4.55	31,850.00	5.00	35,000.00	4.00	28,000.00	7.80	54,600.00	7.00	49,000.00
TOTAL ALTERNATE A (ITEMS 1 - 29)				\$ 878,806.50		\$ 989,568.50		\$ 1,028,482.50		\$ 1,144,224.86		\$ 1,494,872.50	

ALTERNATE B - Rehabilitation													
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Alternate B Amount	\$ 60,850.00	\$ 60,850.00	\$ 44,000.00	\$ 44,000.00	\$ 30,000.00	\$ 30,000.00	\$ 73,859.22	\$ 73,859.22	\$ 98,000.00	98,000.00
2	19	STA	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of the Project Site	1,165.00	22,135.00	4,210.00	79,990.00	2,500.00	47,500.00	241.18	4,582.42	500.00	9,500.00
3	100%	LS	Prepare, Implement, and Administer Airport Safety Plan	1,000.00	1,000.00	2,350.00	2,350.00	10,000.00	10,000.00	53,195.30	53,195.30	34,000.00	34,000.00
4	100%	LS	Provide Project Record Drawings (As Builts)	500.00	500.00	620.00	620.00	3,500.00	3,500.00	537.50	537.50	2,000.00	2,000.00
5	100%	LS	Provide DVD of Project Site pre-construction and post construction site conditions for the total project	500.00	500.00	290.00	290.00	2,000.00	2,000.00	268.75	268.75	1,000.00	1,000.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from TCEQ	1,500.00	1,500.00	620.00	620.00	1,250.00	1,250.00	1,612.50	1,612.50	2,000.00	2,000.00
7	850	LF	Furnish, Install, and Maintain Silt Fence as required in the Stormwater Pollution Prevention Plan	1.95	1,657.50	3.60	3,060.00	2.00	1,700.00	3.15	2,677.50	2.85	2,422.50
8	850	LF	Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	0.50	425.00	0.80	680.00	0.75	637.50	1.45	1,232.50	0.50	425.00
9	1	EA	Furnish, Install, and Maintain Inlet Protection as required in the Stormwater Pollution	200.00	200.00	225.00	225.00	150.00	150.00	215.00	215.00	60.00	60.00
10	1	EA	Remove Inlet Protection as required in the Stormwater Pollution Prevention Plan	200.00	200.00	85.00	85.00	50.00	50.00	215.00	215.00	25.00	25.00
11	600	LF	Furnish, Install, and Maintain Temporary Chain Link Construction Fencing as required in the Plan Set	2.20	1,320.00	11.50	6,900.00	2.50	1,500.00	20.41	12,246.00	30.00	18,000.00
12	600	LF	Remove Temporary Chain Link Construction Fencing as required in the Plan Set	1.00	600.00	1.50	900.00	2.50	1,500.00	1.59	954.00	0.20	120.00
13	1	EA	Furnish, Install, and Maintain Temporary Construction Entrance as required in the Plan Set	1,500.00	1,500.00	2,600.00	2,600.00	1,200.00	1,200.00	1,230.19	1,230.19	4,500.00	4,500.00
14	1	EA	Remove Temporary Construction Entrance as required in the Plan Set	500.00	500.00	935.00	935.00	500.00	500.00	594.18	594.18	2,500.00	2,500.00
15	9,300	CY	For Unclassified Excavation of the Existing Asphalt Taxiway Area	6.92	64,356.00	9.90	92,070.00	15.00	139,500.00	15.79	146,847.00	12.00	111,600.00
16	16,500	SY	Prepare 12-inch Moisture Conditioned Subgrade	1.25	20,625.00	1.95	32,175.00	1.80	29,700.00	2.21	36,465.00	2.50	41,250.00

BID TABULATION  
AIRPORT TAXIWAY REHABILITATION PROJECT  
January 17 2019; 2:30 PM  
3210 E Ave H, Bldg C; Temple TX 76501

				BIDDER INFORMATION													
				R.T. Schneider Const. Co., LTD PO Box 876 Belton, Texas 76513		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Pro Dirt Services, LLC 3111 CR 100 Hutto, TX 78634		Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		Texas Materials Group, Inc. 1320 Arrow Point, Ste 600 Cedar Park, TX 78613					
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount				
17	16500	SY	Furnish and Install 8-inch TxDOT Item 247 (Type A, Grade 2) Crushed Limestone Base	7.55	124,575.00	8.90	146,850.00	9.00	148,500.00	7.80	128,700.00	15.00	247,500.00				
18	16500	SY	Furnish and Install 5" FAA P-403 HMA Base Course	26.10	430,650.00	27.60	455,400.00	29.02	478,830.00	26.98	445,170.00	28.00	462,000.00				
19	16250	SY	Furnish and Install 4" FAA P-401 HMA Surface Course	21.40	347,750.00	22.65	368,062.50	24.75	402,187.50	22.15	359,937.50	25.00	406,250.00				
20	4	EA	Furnish and Install Type L=858C, 72-inch, Taxiway End Marker Signage	825.00	3,300.00	850.00	3,400.00	1,500.00	6,000.00	806.25	3,225.00	4,000.00	16,000.00				
21	4,000	LF	Furnish and Install 6-inch ReflectORIZED Yellow Striping	3.60	14,400.00	3.61	14,440.00	3.50	14,000.00	3.49	13,960.00	0.90	3,600.00				
22	175	LF	Furnish and Install 18-inch Steel Encasement Pipe by Open Cut	128.00	22,400.00	75.00	13,125.00	110.00	19,250.00	149.53	26,167.75	40.00	7,000.00				
23	161	LF	Furnish and Install 24-inch Steel Encasement Pipe by Open Cut	134.00	21,574.00	105.00	16,905.00	125.00	20,125.00	173.14	27,875.54	45.00	7,245.00				
24	2,200	LF	Furnish and Install 2 - 4-inch PVC Electrical Conduit	15.00	33,000.00	22.23	48,906.00	3.00	6,600.00	50.44	110,968.00	143.00	314,600.00				
25	6	EA	Furnish and Install Pull Box	1,000.00	6,000.00	4,860.00	29,160.00	1,200.00	7,200.00	6,517.37	39,104.22	15,000.00	90,000.00				
26	100	SY	Furnish and Install 4-inch Concrete Rip Rap	55.00	5,500.00	47.00	4,700.00	50.00	5,000.00	107.19	10,719.00	100.00	10,000.00				
27	7,000	SY	6-inch Top Soil and Hydromulch with Flexible Growth Medium, Include Watering, Fertilizing, & Mowing to Establish Growth	4.55	31,850.00	5.00	35,000.00	4.00	28,000.00	7.80	54,600.00	7.00	49,000.00				
TOTAL ALTERNATE B (ITEMS 1 - 28)					\$	1,218,867.50		\$	1,403,448.50		\$	1,406,380.00	\$	1,557,159.07		\$	1,940,597.50

ALTERNATE C - Area 2 Rehabilitation																							
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Alternate C Amount	\$	15,500.00	\$	15,500.00	\$	10,500.00	\$	10,500.00	\$	15,000.00	\$	15,000.00	\$	18,809.15	\$	18,809.15	\$	22,500.00		22,500.00
2	8	STA	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of the Project Site		350.00		2,800.00		180.00		1,440.00		2,500.00		20,000.00		143.20		1,145.60		500.00		4,000.00
3	100%	LS	Prepare, Implement, and Administer Airport Safety Plan		300.00		300.00		2,350.00		2,350.00		10,000.00		10,000.00		5,328.78		5,328.78		20,000.00		20,000.00
4	100%	LS	Provide Project Record Drawings (As Builts)		200.00		200.00		620.00		620.00		3,500.00		3,500.00		537.50		537.50		2,000.00		2,000.00
5	100%	LS	Provide DVD of Project Site pre-construction and post construction site conditions for the total project		200.00		200.00		290.00		290.00		2,000.00		2,000.00		268.75		268.75		1,000.00		1,000.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from TCEQ		200.00		200.00		620.00		620.00		1,250.00		1,250.00		537.50		537.50		1,000.00		1,000.00
7	750	LF	Furnish, Install, and Maintain Silt Fence as required in the Stormwater Pollution Prevention Plan		1.95		1,462.50		3.60		2,700.00		2.00		1,500.00		3.15		2,362.50		2.85		2,137.50
8	750	LF	Remove Silt Fence as required in the Stormwater Pollution Prevention Plan		0.50		375.00		0.80		600.00		0.75		562.50		1.45		1,087.50		0.50		375.00
9	300	LF	Furnish, Install, and Maintain Temporary Chain Link Construction Fencing as required in the Plan Set		2.20		660.00		11.50		3,450.00		2.50		750.00		7.42		2,226.00		30.00		9,000.00
10	300	LF	Remove Temporary Chain Link Construction Fencing as required in the Plan Set		0.50		150.00		1.50		450.00		2.50		750.00		2.04		612.00		0.20		60.00
11	3,750	CY	For Unclassified Excavation of the Existing Asphalt Taxiway Area		6.92		25,950.00		9.90		37,125.00		16.00		60,000.00		15.09		56,587.50		12.00		45,000.00
12	4,300	SY	Prepare 12-inch Moisture Conditioned Subgrade		1.25		5,375.00		1.95		8,385.00		3.00		12,900.00		2.21		9,503.00		2.50		10,750.00
13	4300	SY	Furnish and Install 8-inch TxDOT Item 247 (Type A, Grade 2) Crushed Limestone Base		7.55		32,465.00		8.90		38,270.00		10.00		43,000.00		7.80		33,540.00		15.00		64,500.00
14	4300	SY	Furnish and Install 5" FAA P-403 HMA Base Course		26.30		113,090.00		27.80		119,540.00		30.25		130,075.00		27.20		116,960.00		28.00		120,400.00
15	4100	SY	Furnish and Install 4" FAA P-401 HMA Surface Course		20.30		83,230.00		21.40		87,740.00		25.69		105,329.00		20.95		85,895.00		25.00		102,500.00
16	6,500	SY	6-inch Top Soil and Hydromulch with Flexible Growth Medium, Include Watering, Fertilizing, & Mowing to Establish Growth		4.55		29,575.00		5.00		32,500.00		4.00		26,000.00		7.86		51,090.00		7.00		45,500.00
TOTAL ALTERNATE C (ITEMS 1 - 16)						\$	311,532.50			\$	346,580.00			\$	432,616.50			\$	386,490.78			\$	450,722.50

ALTERNATE D - Area 2 Mill & Overlay																							
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Alternate D Amount	\$	6,735.00	\$	6,735.00	\$	4,200.00	\$	4,200.00	\$	15,000.00	\$	15,000.00	\$	7,916.27	\$	7,916.27	\$	12,000.00		12,000.00
2	8	STA	Provide Labor, Equipment, Tools and Supervision to Complete Preparation of the Project Site		315.00		2,520.00		180.00		1,440.00		2,500.00		20,000.00		311.96		2,495.68		500.00		4,000.00
3	100%	LS	Prepare, Implement, and Administer Airport Safety Plan		300.00		300.00		2,350.00		2,350.00		10,000.00		10,000.00		3,567.93		3,567.93		20,000.00		20,000.00
4	100%	LS	Provide Project Record Drawings (As Builts)		200.00		200.00		620.00		620.00		3,500.00		3,500.00		537.50		537.50		2,000.00		2,000.00
5	100%	LS	Provide DVD of Project Site pre-construction and post construction site conditions for the total project		200.00		200.00		290.00		290.00		2,000.00		2,000.00		268.75		268.75		1,000.00		1,000.00


BID TABULATION  
AIRPORT TAXIWAY REHABILITATION PROJECT  
January 17 2019; 2:30 PM  
3210 E Ave H, Bldg C; Temple TX 76501


BIDDER INFORMATION													
R.T. Schneider Const. Co., LTD PO Box 876 Belton, Texas 76513				TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Pro Dirt Services, LLC 3111 CR 100 Hutto, TX 78634		Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		Texas Materials Group, Inc. 1320 Arrow Point, Ste 600 Cedar Park, TX 78613			
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from TCEQ	200.00	200.00	620.00	620.00	1,250.00	1,250.00	537.50	537.50	1,000.00	1,000.00
7	750	LF	Furnish, Install, and Maintain Silt Fence as required in the Stormwater Pollution Prevention Plan	1.95	1,462.50	3.60	2,700.00	2.00	1,500.00	3.15	2,362.50	2.85	2,137.50
8	750	LF	Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	0.50	375.00	0.80	600.00	0.75	562.50	1.45	1,087.50	0.50	375.00
9	300	LF	Furnish, Install, and Maintain Temporary Chain Link Construction Fencing as required in the Plan Set	2.20	660.00	11.50	3,450.00	2.50	750.00	4.73	1,419.00	30.00	9,000.00
10	300	LF	Remove Temporary Chain Link Construction Fencing as required in the Plan Set	0.50	150.00	1.50	450.00	2.50	750.00	2.04	612.00	0.20	60.00
11	2,200	CY	For Unclassified Excavation of the Existing Asphalt Taxiway Area	6.92	15,224.00	9.90	21,780.00	17.00	37,400.00	15.65	34,430.00	12.00	26,400.00
12	4,100	SY	Furnish and Install 3-inch Mill and Removal of Millings	2.72	11,152.00	2.80	11,480.00	5.00	20,500.00	1.80	7,380.00	5.00	20,500.00
13	4,100	SY	Furnish and Install 3" FAA P-401 HMA Surface Course	16.85	69,085.00	17.80	72,980.00	20.00	82,000.00	17.43	71,463.00	21.00	86,100.00
14	6,500	SY	6-inch Top Soil and Hydromulch with Flexible Growth Medium, Include Watering, Fertilizing, & Mowing to Establish Growth	4.55	29,575.00	5.00	32,500.00	7.00	45,500.00	7.86	51,090.00	8.00	52,000.00
TOTAL ALTERNATE D (ITEMS 1 - 14)				\$	137,838.50	\$	155,460.00	\$	240,712.50	\$	185,167.63	\$	236,572.50

BIDDER INFORMATION					
R.T. Schneider Const. Co., LTD PO Box 876 Belton, Texas 76513		TTG Utilities, LP PO Box 299 Gatesville, TX 76528		Pro Dirt Services, LLC 3111 CR 100 Hutto, TX 78634	
Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		Texas Materials Group, Inc. 1320 Arrow Point, Ste 600 Cedar Park, TX 78613			
BASE BID - Mill & Overlay		\$ 491,596.50		\$ 533,283.50	
ALTERNATE A - Mill & Overlay and Rehabilitation		\$ 878,806.50		\$ 1,028,482.50	
ALTERNATE B - Rehabilitation		\$ 1,218,867.50		\$ 1,406,380.00	
ALTERNATE C - Area 2 Rehabilitation		\$ 311,532.50		\$ 432,616.50	
ALTERNATE D - Area 2 Mill & Overlay		\$ 137,838.50		\$ 240,712.50	

Did Bidder Acknowledge Addenda No. 1 through No. 5?	YES	YES	YES	YES	YES
Did Bidder provide Bid Bond?	YES	YES	YES	YES	YES
Did Bidder provide Bid Requirement Affidavit?	YES	YES	YES	YES	YES
Did Bidder provide Credit Check Authorization?	YES	YES	YES	YES	YES
Did Bidder provide Child Support Statement?	YES	NO	YES	YES	YES

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

  
R. David Patrick, PE, CFM  
Kasberg, Patrick & Associates, LP

  
Date



# CHANGE ORDER

PROJECT: AIRPORT TAXIWAY REHABILITATION PROJECT

OWNER: City of Temple

CONTRACTOR: R.T. Schneider Construction Co., LTD

ENGINEER: Kasberg, Patrick & Associates

CHANGE ORDER #: 1

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

Add: Item	Site Work Adjustments Description	Quantity	Unit	Unit Price	Extended Amount
CO1-1	Removal of approximately 800' of existing ramp connection, including 6" excavation of existing asphalt and base section, installation of 6" top soil, and hydromulch grass seeding	13,000	SY	\$ 8.46	\$ 109,980.00
Add Total					\$ 109,980.00
Change Order Total					\$ 109,980.00

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	\$ 878,806.50
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 109,980.00
Revised Contract Amount	\$ 988,786.50
Original Contract Time	120 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	120 days
Original Final Completion Date	NA
Revised Final Completion Date	NA

Recommended By:

 1-29-19

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

Agreed to:

 1/23/19  
Contractor \_\_\_\_\_ Date

Approved as to form:

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

Recommended by:

Engineer \_\_\_\_\_ Date

Approved by City of Temple:

Brynn Myers \_\_\_\_\_ Date

City Manager

Approved by Finance Department

Finance \_\_\_\_\_ Date

RESOLUTION NO. 2019-9538-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FOLLOWING WITH R.T. SCHNEIDER CONSTRUCTION, LTD. OF BELTON, TEXAS REGARDING THE CONSTRUCTION OF AIRPORT HANGAR TAXIWAY IMPROVEMENTS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT: (A) A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$878,806.50; (2) CHANGE ORDER NO. 1 IN THE AMOUNT OF \$109,980; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, a construction contract and Change Order No. 1 are necessary for the redevelopment of a taxiway that was originally planned for redevelopment in 2016, but the project was revised in response to changing customer conditions at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, last fall the City contracted with Kasberg, Patrick and Associates, LP (KPA), to design the redevelopment of the taxiway with access to two hangars on the west side of the airport, previously occupied by AMCOM;

**Whereas**, five bids for the taxiway rehabilitation project were received on January 17, 2019 - Staff and KPA reviewed bid results and recommend award of the Alternate A bid to the lowest bidder, RTS in the amount of \$878,806.50;

**Whereas**, on January 23, 2019, the Reinvestment Zone No. 1 Board (RZ) voted to recommend the construction contract as presented - subsequent to the RZ recommendation, Staff reevaluated the project and determined that it would be desirable to remove an unused 800-foot connection between the taxiway and runway, which was not previously planned for rehabilitation, to improve safety;

**Whereas**, Staff recommends Council approve Change Order No. One in the amount of \$109,980 to demolish the connection and revegetate the area, making a total revised contract value of \$988,786.50;

**Whereas**, funding is available in the current Reinvestment Zone No. 1 Financing Plan, Line 507, Account No. 795-9500-531-6558, Project No. 101563; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute the following with R.T. Schneider Construction Co. Ltd. of Belton, Texas regarding the construction of airport hangar taxiway improvements at the Draughon-Miller Central Texas Regional Airport:

- (A) a construction contract in the amount of \$878,806.50; and
- (B) Change Order No. One to the construction contract in the amount of \$109,980.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(X)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer

James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Gary W Purser Construction, Ltd., of Killeen, for services to construct the North Outer Loop 12-Inch Water Line from Corporate Way to Wendland Road, in the amount of \$514,184.83.

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

**ITEM SUMMARY:** Developable property in northwest Temple, including portions of the industrial rail park, is currently served by aged and undersized water lines, requiring upgraded delivery mains to provide adequate service. A 12-Inch water line has been designed within the scope of the Outer Loop and this proposed phase extends from Corporate Way to Wendland Road (see attached Project Map). Council authorized professional services with Kasberg, Patrick & Associates, LP (KPA) to design, bid, and oversee construction of these improvements.

Twelve bids were received on January 15, 2019 with bids ranging from \$514,184.83 to \$830,604 with Purser Construction submitting the low bid (see attached Bid Tabulation). The engineer's opinion of probable cost was \$780,000. Per the attached Recommendation Letter, KPA has evaluated the bids and recommends awarding a construction contract to Purser Construction for the low bid of \$514,184.83. The proposed timeline for construction is 150 calendar days from the Notice to Proceed.

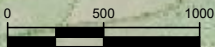
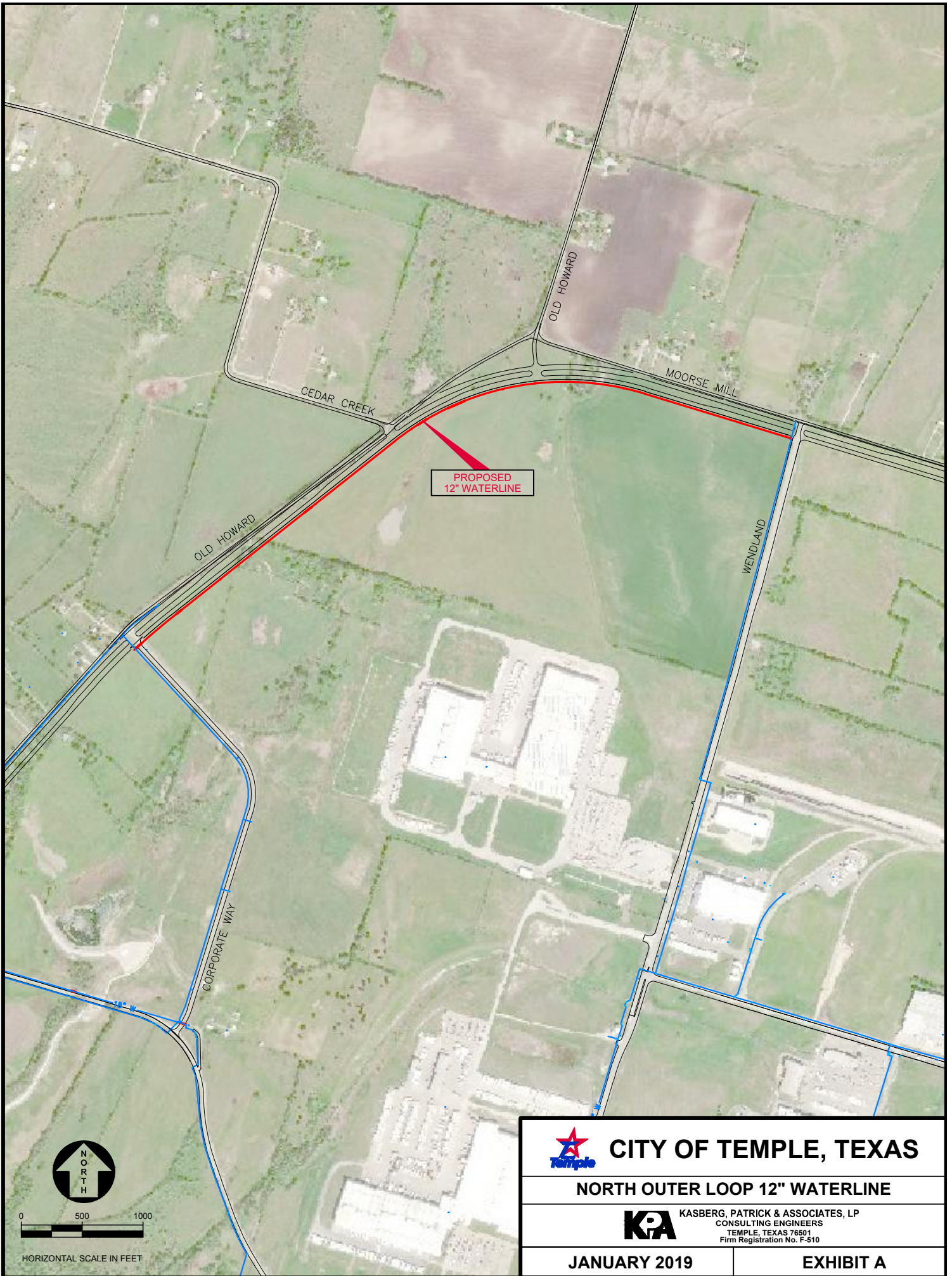
**FISCAL IMPACT:** Funding for the construction contract with Gary W Purser Construction, Ltd. in the amount of \$514,184.83 for services to construct the North Outer Loop 12-Inch Water Line from Corporate Way to Wendland Road is available in project 101997 as follows:

	<u>561-5200-535-6813</u>	<u>561-5400-535-6813</u>	<u>Total</u>
Project Budget	\$ 901,500	\$ 318,500	\$ 1,220,000
Encumbered/Committed to Date	(83,629)	(306,426)	(390,055)
<b>Langerman Foster Engineering</b>	(28,602)	-	(28,602)
<b>Construction Award - Gary W Purser Construction, Ltd.</b>	(514,185)	-	(514,185)
<b>Remaining Project Funds</b>	<b>\$ 275,084</b>	<b>\$ 12,074</b>	<b>\$ 287,158</b>

**ATTACHMENTS:**

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

P:\Temple\2018\2018-163 Outer Loop Water & NW Little Elm WW Ext\CAD\Outerloop WL Working\Exhibit\North Outer Loop 12in WL.dwg - 8.5x11 Exh



HORIZONTAL SCALE IN FEET



**CITY OF TEMPLE, TEXAS**

**NORTH OUTER LOOP 12" WATERLINE**



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

**JANUARY 2019**

**EXHIBIT A**

BID TABULATION  
CITY OF TEMPLE  
NORTH OUTER LOOP 12-inch WATER LINE  
(Corporate Way to Wendland Road)  
January 15, 2019; 2:30 PM

				BIDDER INFORMATION																
				Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542		Bell Contractors Inc 3082 West Hwy 190 Belton TX 76513		Holy Contractors LLC 712 E Panther Way Hewitt TX 76643		B-Corp Utilities Inc PO Box 691 Gatesville TX 76528		Bruce Flanigan Construction Inc 5114 Lampasas Lane Beton TX 76513		A & S Underground LLC PO Box 340 Kempner TX 76539						
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount					
BASE BID																				
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 11,700.00	\$ 11,700.00	\$ 24,163.25	\$ 24,163.25	\$ 25,800.00	\$ 25,800.00	\$ 29,984.00	\$ 29,984.00	\$ 27,450.00	\$ 27,450.00	\$ 22,621.00	\$ 22,621.00					
2	6,200	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	2.19	13,578.00	1.25	7,750.00	1.00	6,200.00	2.34	14,508.00	2.40	14,880.00	2.26	14,012.00					
3	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA	1,200.00	1,200.00	977.50	977.50	1,000.00	1,000.00	702.00	702.00	2,250.00	2,250.00	1,770.00	1,770.00					
4	6,200	LF	Implement & Follow Trench Safety Plan (Pipe)	0.55	3,410.00	1.04	6,448.00	1.50	9,300.00	1.17	7,254.00	0.50	3,100.00	1.00	6,200.00					
5	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	750.00	750.00	1,531.18	1,531.18	650.00	650.00	1,960.00	1,960.00	1,744.00	1,744.00	1,888.00	1,888.00					
6	100%	LS	For Preparing & Submitting a Control Plan prepared & signed by a P.E. for Vehicular Traffic	500.00	500.00	2,163.68	2,163.68	1,000.00	1,000.00	1,112.00	1,112.00	1,969.00	1,969.00	2,950.00	2,950.00					
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	2,750.00	2,750.00	3,918.41	3,918.41	1,500.00	1,500.00	3,229.00	3,229.00	1,812.00	1,812.00	6,195.00	6,195.00					
8	100%	LS	Provide Project Record Drawings (As Builts)	750.00	750.00	438.68	438.68	1,000.00	1,000.00	585.00	585.00	338.00	338.00	590.00	590.00					
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for the total project	975.00	975.00	711.60	711.60	500.00	500.00	585.00	585.00	281.00	281.00	1,770.00	1,770.00					
10	6,200	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	0.86	5,332.00	1.25	7,750.00	1.00	6,200.00	2.34	14,508.00	1.20	7,440.00	1.16	7,192.00					
11	6,200	LF	Provide & Install 12-inch Diameter C900 PVC Water Line, including Thrust Restraint	36.82	228,284.00	36.29	224,998.00	37.17	230,454.00	39.12	242,544.00	45.80	283,960.00	35.82	222,084.00					
12	12	EA	Furnish & Install 12-inch Gate Valve	2,212.23	26,546.76	2,233.41	26,800.92	3,312.00	39,744.00	2,148.00	25,776.00	2,368.00	28,416.00	2,486.00	29,832.00					
13	5	EA	Furnish & Install 12-inch Cap	574.36	2,871.80	314.66	1,573.30	449.76	2,248.80	287.00	1,435.00	308.00	1,540.00	449.00	2,245.00					
14	6	EA	Furnish & Install 12-inch Tee	1,306.23	7,837.38	909.22	5,455.32	1,036.84	6,221.04	805.00	4,830.00	866.00	5,196.00	1,030.00	6,180.00					
15	2	EA	Connection to Existing 12-inch Waterline	1,100.70	2,201.40	2,555.42	5,110.84	888.73	1,777.46	1,085.00	2,170.00	3,266.00	6,532.00	3,139.00	6,278.00					
16	190	LF	Furnish & Install 2-inch PVC Service Line	26.86	5,103.40	27.08	5,145.20	9.80	1,862.00	15.27	2,901.30	21.30	4,047.00	27.90	5,301.00					
17	1	EA	Furnish & Install Water Service	555.51	555.51	790.58	790.58	700.00	700.00	5,254.00	5,254.00	1,787.00	1,787.00	2,065.00	2,065.00					
18	450	LF	Furnish & Install 24-inch Steel Encasement by Open-Cut	101.57	45,706.50	98.64	44,388.00	110.00	49,500.00	97.35	43,807.50	89.30	40,185.00	162.00	72,900.00					
19	12	EA	Furnish & Install Standard Fire Hydrant	4,673.94	56,087.28	3,401.52	40,818.24	5,075.00	60,900.00	4,828.00	57,936.00	3,923.00	47,076.00	4,015.00	48,180.00					
20	2	EA	Furnish & Install Air Release Valve	5,603.90	11,207.80	7,104.24	14,208.48	10,441.12	20,882.24	8,387.00	16,774.00	7,104.00	14,208.00	8,921.00	17,842.00					
21	65	LF	Asphalt Replacement	55.00	3,575.00	47.28	3,073.20	46.15	2,999.75	37.58	2,442.70	42.30	2,749.50	79.00	5,135.00					
22	1	LS	Demolish & Remove Existing Structure	2,800.00	2,800.00	6,987.99	6,987.99	10,000.00	10,000.00	2,211.00	2,211.00	3,941.00	3,941.00	14,160.00	14,160.00					
23	150	LF	Remove & Replace Barbed Wire Fence	10.00	1,500.00	19.48	2,922.00	3.00	450.00	9.36	1,404.00	3.70	555.00	17.70	2,655.00					
24	3,100	LF	Furnish, Install, Maintain & Remove Silt Fence	3.05	9,455.00	2.75	8,525.00	2.25	6,975.00	3.33	10,323.00	2.40	7,440.00	2.07	6,417.00					
25	2,700	LF	Furnish, Install, Maintain & Remove Silt Fence with J-Hooks at 25'-0" Spacing	3.70	9,990.00	3.30	8,910.00	3.25	8,775.00	3.92	10,584.00	4.40	11,880.00	2.19	5,913.00					
26	200	LF	Furnish, Install, Maintain & Remove Rock Berm	33.50	6,700.00	49.50	9,900.00	20.00	4,000.00	17.43	3,486.00	32.00	6,400.00	49.00	9,800.00					
27	21,000	SY	Furnish & Install Hydro Mulch Seeding with Flexible Growth	2.16	45,360.00	2.38	49,980.00	1.61	33,810.00	1.66	34,860.00	1.20	25,200.00	2.07	43,470.00					
28	100%	LS	For Furnishing All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	1,800.00	1,800.00	4,386.82	4,386.82	6,200.00	6,200.00	2,340.00	2,340.00	687.00	687.00	7,316.00	7,316.00					
29	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	4,308.00	4,308.00	3,203.73	3,203.73	1,000.00	1,000.00	4,736.00	4,736.00	5,471.00	5,471.00	3,256.00	3,256.00					
30	100%	LS	Furnish & Install Temporary Flush Assembly	1,350.00	1,350.00	2,221.18	2,221.18	1,000.00	1,000.00	2,917.00	2,917.00	2,026.00	2,026.00	6,560.00	6,560.00					
BASE BID AMOUNT - (Items 1 - 30)					\$ 514,184.83			\$ 525,251.10			\$ 542,649.29			\$ 553,158.50			\$ 560,560.50			\$ 582,777.00
Did Bidder Acknowledge Addenda No. 1 through No. 4?				YES		YES		YES		YES		YES		YES						
Did Bidder provide Bid Security?				YES		YES		YES		YES		YES		YES						
Did Bidder provide required documents?				YES		YES		YES		YES		YES		YES						

BID TABULATION  
CITY OF TEMPLE  
NORTH OUTER LOOP 12-inch WATER LINE  
(Corporate Way to Wendland Road)  
January 15, 2019; 2:30 PM

				BIDDER INFORMATION													
				TTG Utilities LP PO Box 299 Gatesville TX 76528		McLean Construction Inc 4101 Trimmier Road Killeen TX 76542		Lupe Rubio Construction Co Inc PO Box 1838 Kingsland TX 78639		Nelson Lewis Inc 450 FM 1431 East Marble Falls TX 78654		Patin Construction LLC 3800 W 2nd Street Taylor TX 76574		T Construction LLC 12601 McNair Street Houston TX 77015			
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount		
BASE BID																	
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 27,500.00	\$ 27,500.00	\$ 28,590.00	\$ 28,590.00	\$ 33,600.00	\$ 33,600.00	\$ 30,000.00	\$ 30,000.00	\$ 37,000.00	\$ 37,000.00	\$ 39,000.00	\$ 39,000.00		
2	6,200	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	3.10	19,220.00	2.50	15,500.00	4.48	27,776.00	2.00	12,400.00	10.00	62,000.00	2.45	15,190.00		
3	100%	LS	Submit Trench Safety Plan prepared & signed by P.E., in Conformance with State Law & OSHA	975.00	975.00	918.00	918.00	1,120.00	1,120.00	2,000.00	2,000.00	1,000.00	1,000.00	2,800.00	2,800.00		
4	6,200	LF	Implement & Follow Trench Safety Plan (Pipe)	0.50	3,100.00	1.00	6,200.00	1.12	6,944.00	1.00	6,200.00	0.30	1,860.00	0.50	3,100.00		
5	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	650.00	650.00	1,709.00	1,709.00	5,040.00	5,040.00	3,300.00	3,300.00	2,400.00	2,400.00	3,800.00	3,800.00		
6	100%	LS	For Preparing & Submitting a Control Plan prepared & signed by a P.E. for Vehicular Traffic	970.00	970.00	1,296.00	1,296.00	4,480.00	4,480.00	5,000.00	5,000.00	2,400.00	2,400.00	3,800.00	3,800.00		
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	5,545.00	5,545.00	6,061.00	6,061.00	5,600.00	5,600.00	6,500.00	6,500.00	10,000.00	10,000.00	4,800.00	4,800.00		
8	100%	LS	Provide Project Record Drawings (As Builts)	675.00	675.00	1,699.00	1,699.00	2,240.00	2,240.00	600.00	600.00	200.00	200.00	1,500.00	1,500.00		
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for the total project	675.00	675.00	950.00	950.00	4,480.00	4,480.00	600.00	600.00	500.00	500.00	1,300.00	1,300.00		
10	6,200	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	2.75	17,050.00	1.50	9,300.00	2.24	13,888.00	1.00	6,200.00	10.00	62,000.00	2.00	12,400.00		
11	6,200	LF	Provide & Install 12-inch Diameter C900 PVC Water Line, including Thrust Restraint	37.63	233,306.00	40.00	248,000.00	41.05	254,510.00	42.00	260,400.00	48.60	301,320.00	70.00	434,000.00		
12	12	EA	Furnish & Install 12-inch Gate Valve	2,500.00	30,000.00	2,464.00	29,568.00	2,723.84	32,686.08	3,300.00	39,600.00	4,100.00	49,200.00	3,400.00	40,800.00		
13	5	EA	Furnish & Install 12-inch Cap	375.00	1,875.00	729.00	3,645.00	458.08	2,290.40	500.00	2,500.00	400.00	2,000.00	1,200.00	6,000.00		
14	6	EA	Furnish & Install 12-inch Tee	1,265.00	7,590.00	834.00	5,004.00	1,030.40	6,182.40	1,500.00	9,000.00	1,350.00	8,100.00	1,700.00	10,200.00		
15	2	EA	Connection to Existing 12-inch Waterline	2,565.00	5,130.00	11,187.00	22,374.00	4,276.16	8,552.32	3,000.00	6,000.00	4,500.00	9,000.00	3,500.00	7,000.00		
16	190	LF	Furnish & Install 2-inch PVC Service Line	24.00	4,560.00	17.00	3,230.00	15.82	3,005.80	6.00	1,140.00	40.00	7,600.00	26.00	4,940.00		
17	1	EA	Furnish & Install Water Service	1,325.00	1,325.00	756.00	756.00	1,708.00	1,708.00	2,500.00	2,500.00	1,500.00	1,500.00	865.00	865.00		
18	450	LF	Furnish & Install 24-inch Steel Encasement by Open-Cut	129.40	58,230.00	119.00	53,550.00	186.18	83,781.00	130.00	58,500.00	120.00	54,000.00	167.00	75,150.00		
19	12	EA	Furnish & Install Standard Fire Hydrant	4,685.00	56,220.00	3,996.00	47,952.00	5,050.80	60,609.60	5,500.00	66,000.00	7,550.00	90,600.00	4,450.00	53,400.00		
20	2	EA	Furnish & Install Air Release Valve	6,685.00	13,370.00	6,782.00	13,564.00	9,548.00	19,096.00	8,500.00	17,000.00	12,000.00	24,000.00	7,250.00	14,500.00		
21	65	LF	Asphalt Replacement	45.00	2,925.00	54.50	3,542.50	33.60	2,184.00	30.00	1,950.00	130.00	8,450.00	60.00	3,900.00		
22	1	LS	Demolish & Remove Existing Structure	19,317.00	19,317.00	9,257.00	9,257.00	3,360.00	3,360.00	5,500.00	5,500.00	5,000.00	5,000.00	5,100.00	5,100.00		
23	150	LF	Remove & Replace Barbed Wire Fence	38.50	5,775.00	21.60	3,240.00	6.72	1,008.00	15.00	2,250.00	15.00	2,250.00	19.00	2,850.00		
24	3,100	LF	Furnish, Install, Maintain & Remove Silt Fence	3.45	10,695.00	2.70	8,370.00	2.52	7,812.00	3.00	9,300.00	2.30	7,130.00	2.50	7,750.00		
25	2,700	LF	Furnish, Install, Maintain & Remove Silt Fence with J-Hooks at 25'-0" Spacing	3.71	10,017.00	3.20	8,640.00	3.36	9,072.00	5.00	13,500.00	2.30	6,210.00	2.67	7,209.00		
26	200	LF	Furnish, Install, Maintain & Remove Rock Berm	52.50	10,500.00	48.60	9,720.00	33.60	6,720.00	40.00	8,000.00	35.00	7,000.00	24.00	4,800.00		
27	21,000	SY	Furnish & Install Hydro Mulch Seeding with Flexible Growth	1.50	31,500.00	2.30	48,300.00	0.90	18,900.00	4.00	84,000.00	0.50	10,500.00	2.35	49,350.00		
28	100%	LS	For Furnishing All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	12,475.00	12,475.00	7,581.00	7,581.00	3,920.00	3,920.00	1,500.00	1,500.00	3,000.00	3,000.00	4,800.00	4,800.00		
29	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	6,480.00	6,480.00	2,935.00	2,935.00	12,901.28	12,901.28	4,500.00	4,500.00	1,100.00	1,100.00	5,400.00	5,400.00		
30	100%	LS	Furnish & Install Temporary Flush Assembly	3,350.00	3,350.00	3,549.00	3,549.00	11,054.40	11,054.40	7,000.00	7,000.00	11,750.00	11,750.00	4,900.00	4,900.00		
BASE BID AMOUNT - (Items 1 - 30)					\$ 601,000.00		\$ 605,000.50		\$ 654,521.28		\$ 672,940.00		\$ 789,070.00		\$ 830,604.00		
Did Bidder Acknowledge Addenda No. 1 through No. 4?				YES		YES		YES		YES		YES		YES			
Did Bidder provide Bid Security?				YES		YES		YES		YES		YES		YES			
Did Bidder provide required documents?				YES		YES		YES		YES		YES		YES			

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

Ginger R. Tolbert 1/16/19  
Ginger R. Tolbert, PE Date  
Kasberg, Patrick & Associates, LP





**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

January 17, 2019

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

Re: North Outer Loop 12-inch Waterline

Dear Mr. Billeck:

On January 15, 2019, the City of Temple received competitive bids from twelve (12) contractors for the North Outer Loop 12-inch Waterline Project. The attached Bid Tabulation shows Purser Construction, Ltd. of Killeen, Texas, as the low bidder at \$514,184.83 for the Total Base Bid.

The bids received for the North Outer Loop 12-inch Waterline Project ranged from \$514,184.83 to \$830,604.00. Our Final Opinion of Probable Construction Cost was \$780,000 at the time of advertisement.

Purser Construction, Ltd. has successfully completed numerous projects for the City of Temple and KPA Engineers. Therefore, we recommend that a contract be awarded to Purser Construction, Ltd. for the City of Temple North Outer Loop 12-inch Waterline Project.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert".

Ginger R. Tolbert, P.E.  
Principal

xc: 2018-163-40

RESOLUTION NO. 2019-9539-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH GARY W. PURSER CONSTRUCTION, LTD., OF KILLEEN, TEXAS IN THE AMOUNT OF \$514,184.83, FOR CONSTRUCTION OF THE NORTH OUTER LOOP 12-INCH WATER LINE FROM CORPORATE WAY TO WENDLAND ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Whereas**, a 12-inch water line has been designed within the scope of the Outer Loop and this proposed phase extends from Corporate Way to Wendland Road - Council authorized professional services with Kasberg, Patrick & Associates, LP (KPA) to design, bid, and oversee construction of these improvements;

**Whereas**, twelve bids were received on January 15, 2019 with bids ranging from \$514,184.83 to \$830,604.00 with Gary W. Purser Construction, Ltd. (Purser Construction) submitting the low bid in the amount of \$514,184.83;

**Whereas**, KPA and Staff have evaluated the bids and recommend Council authorize a construction contract with Purser Construction for the low bid amount of \$514,184.83;

**Whereas**, funding for this construction contract is available in Account No. 561-5200-535-6813 and Account No. 561-5400-535-6813, Project No. 101997; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a construction contract with Gary W. Purser Construction, Ltd., of Killeen, Texas, in the amount of \$514,184.83, for construction of the North Outer Loop 12-inch water line from Corporate Way to Wendland Road.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(Y)  
Consent Agenda  
Page 1 of 1

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

Don Bond, P.E., City Engineer

James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing deductive change order #6 with Lone Star Grading & Materials, LLC, of Salado, for construction of the Kegley Road/FM 2305 Intersection Improvements, in the amount of \$31,368.67.

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

**ITEM SUMMARY:** In November 2015, Council authorized a professional services agreement with Kasberg, Patrick and Associates, LP (KPA), to develop intersection improvements to Kegley Road at FM 2305 (Project Map attached). Improvements include expanded pavement sections, drainage conveyance, utility adjustments, striping, signage and traffic control & sequencing. Kegley Road will gain a dedicated left-turn lane for both northbound and southbound traffic as well as increased traffic stacking in the left-turn lane. In January 2018, Council authorized a construction contract with Lone Star for \$717,702.28 for the improvements listed above. Change orders 1-5 amounting to \$56,278.83 have been approved previously.

The attached change order #6 represents final quantities not used for the project and will decrease the contract price to \$742,612.44, a net overall increase of 3.5% to the original contract amount. KPA recommends the change order in their attached recommendation letter.

**FISCAL IMPACT:** Funding for the deductive change order #6 with Lone Star Grading & Materials, LLC for construction of the Kegley Road/FM 2305 Intersection Improvements in the amount of \$31,368.67 will be recognized in project 100346 as follows:

	365-3400-531-6888	520-5200-535-6357	Total
Project Budget	\$ 1,355,550	\$ 110,000	\$ 1,465,550
Encumbered/Committed to Date	(1,236,617)	(89,220)	(1,325,837)
<b>Lone Star Grading &amp; Materials CO #6</b>	<b>31,369</b>	<b>-</b>	<b>31,369</b>
<b>Remaining Project Funds</b>	<b>\$ 150,302</b>	<b>\$ 20,780</b>	<b>\$ 171,082</b>

### **ATTACHMENTS:**

[Recommendation Letter](#)  
[Project Map](#)  
[Change Order Form](#)  
[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

January 15, 2019

Ms. Sharon D. Carlos, P.E.  
Project Manager  
City of Temple, Texas 76501

Re: City of Temple, Texas  
Kegley Road / FM 2305 Intersection Improvements  
Change Order #6

Dear Ms. Carlos:

Attached is Change Order #6 for the Kegley Road / FM 2305 Intersection Improvements Project. This change order is developed to finalize quantities on the project. The change order is a deduction to the contract in the amount of \$31,368.67.

We have reviewed Change Order #6 and recommend it be processed and executed with respect to the Lone Star Grading & Materials contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. David Patrick'.

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Chad Kiphart, Lone Star Grading & Materials  
KPA Project File: 2015-142-40



WEST ADAMS AVENUE/ FM 2305

ROAD CLOSED

ROAD CLOSED

25  
MPH

25  
MPH

KEGLEY ROAD

KEGLEY ROAD

LEGEND

- ⬇ WARNING SIGN
- CHANNELING DEVICE
- ### TYPE III BARRICADE
- ➔ DIRECTIONAL ARROW

CITY OF TEMPLE, TEXAS  
KEGLEY ROAD PHASE I

TRAFFIC CONTROL TEMPORARY ROAD  
PHASE I



P:\Temple\2018\2018-142 Keggley Intersection\CAD\Working\Exhibits\tp ex ph 1.dwg

© 2018 Kasberg, Patrick & Associates, LP Plot Date: Mar 12, 2018 - 3:20pm  
KPA Firm Registration Number F-510 Plotted By: FGOMEZ

# CHANGE ORDER

PROJECT: **Kegley Road / FM 2305 Intersection Improvements**  
 OWNER: **City of Temple**  
 CONTRACTOR: **Lone Star Grading & Materials LLC**  
 ENGINEER: **Kasberg, Patrick & Associates**  
 CHANGE ORDER #: **6**


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

Delete:	Final Quantities					
Item	Description	Quantity	Unit	Unit Price	Extended Amount	
51	French Drain including Bedding Material per Detail	-500.00	LF	\$ 50.16	\$ (25,080.00)	
52	Class A Concrete	-32.17	CY	\$ 149.25	\$ (4,801.35)	
53	Concrete Riprap	-16.55	SY	\$ 89.87	\$ (1,487.32)	
	<b>Delete Total</b>				<b>\$ (31,368.67)</b>	
	<b>Change Order Total</b>				<b>\$ (31,368.67)</b>	


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	\$ 717,702.28
Previous Net Change in Contract Amount	\$ 56,278.83
Net Change in Contract Amount	\$ (31,368.67)
Revised Contract Amount	\$ 742,612.44
Original Contract Time	150 days
Previous Net Change in Contract Time	80 days
Net Change in Contract Time	16 days
Revised Contract Time	246 days
Original Final Completion Date	August 9, 2018
Revised Final Completion Date	November 13, 2018

Recommended By:

  
 Project Manager (City Staff) Jan 29, 2019  
 Date

Agreed to:

  
 Contractor 1/15/2019  
 Date

Approved as to form:

City Attorney's Office Date

Recommended by:

  
 Architect/Engineer 4/7/19  
 Date

Approved by City of Temple:

Brynn Myers, City Manager Date

Approved by Finance Department

Finance Date

RESOLUTION NO. 2019-9540-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NO. 6 TO THE CONSTRUCTION CONTRACT WITH LONE STAR GRADING & MATERIALS, LLC OF SALADO, TEXAS IN THE AMOUNT OF \$31,368.71, FOR CONSTRUCTION OF THE KEGLEY ROAD/FM 2305 INTERSECTION IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, in November 2015, Council authorized a professional services agreement with Kasberg, Patrick and Associates, LP (KPA), for services required to design, bid and construct improvements to Kegley Road at the intersection of FM 2305;

**Whereas**, improvements included expanding pavement sections, drainage conveyance, utility adjustments, striping, signage and traffic control & sequencing - Kegley Road will also gain a dedicated left-turn lane for both northbound and southbound traffic, as well as increased traffic stacking in the left-turn lane;

**Whereas**, on January 18, 2018, Council authorized a construction contract with Lone Star for \$717,702.28 for construction of the Kegley Road & FM 2305 Intersection Improvements - Change Orders 1-5 amounting to \$56,278.83 have been approved previously;

**Whereas**, Change Order No. 6 represents final quantities not used for the project and will decrease the contract price to \$742,612.40, a net overall increase of 3.5% to the original contract amount;

**Whereas**, Staff and KPA recommend Council approve deductive Change Order No. 6 to the construction contract with Lone Star Grading & Materials, LLC;

**Whereas**, funding for the deductive Change Order No. 6 will be recognized in Account No. 365-3400-531-6888 and Account No. 520-5200-535-6357, Project No. 100346; 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 deductive Change Order No. 6 with Lone Star Grading & Materials, LLC, of Salado, Texas in the amount of \$31,368.71 for construction of the Kegley Road/FM 2305 Intersection 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(Z)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer

James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #1 with Classic Protective Coatings, Inc., of Menomonie, Wisconsin, for construction activities required for the rehabilitation of the Scott Elevated Storage Tank in the amount of \$98,130.

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

**ITEM SUMMARY:** The City owns and operates the Scott EST located on Scott Boulevard (Project Map attached). In April 2018, a professional services agreement was approved for Kimley-Horn and Associates, Inc. (Kimley-Horn) to complete a Preliminary Engineering Report (PER) for the tank. The PER found structural and regulatory deficiencies and recommends a full rehabilitation. In July 2018, Council approved contract amendment #1 for final design, bidding and construction phase services. In October 2018, Council approved a construction contract for \$1,236,950 with Classic for the full rehabilitation of the tank.

The attached change order #1 is necessary due to the extensive structural damage not detected during the tank's inspection. The damage became more apparent once the interior coat was removed. Extra time is needed to order and fabricate additional materials revising the contractual end date to July 15, 2019. The associated costs will increase the contract price to \$1,335,080, a 7.9% increase of the original contract amount. Kimley-Horn recommends the change order in their attached recommendation letter.

**FISCAL IMPACT:** Funding for change order #1 with Classic Protective Coatings, Inc. for construction activities required for the rehabilitation of the Scott Elevated Storage Tank in the amount of \$98,130 is available in account 561-5100-535-6989, project 101834, as follows: 520-5100-535-6522

	520-5100-535-6522	561-5100-535-6989	Total
Project Budget	\$ 25,000	\$ 1,498,279	\$ 1,523,279
Encumbered/Committed to Date	(24,800)	(1,400,149)	(1,424,949)
<b>Classic Protective Coatings, Inc. - CO #1</b>	<b>-</b>	<b>(98,130)</b>	<b>(98,130)</b>
<b>Remaining Project Funds</b>	<b>\$ 200</b>	<b>\$ -</b>	<b>\$ 200</b>

**ATTACHMENTS:**

Recommendation Letter  
Project Map  
Change Order Form  
Resolution



January 25, 2019

Ms. Sharon Carlos, P.E.  
City Engineer  
City of Temple  
3210 E Avenue H  
Temple, TX 76501

Re: Scott 1.0 MG Elevated Storage Tank Rehabilitation  
Change Order No. 1  
KHA No. 064325007

Dear Ms. Carlos:

Attached is Change Order No. 1 for the Scott 1.0 MG Elevated Storage Tank Rehabilitation project. This change order consists of the following items:

- Added quantity for rafter replacement based on inspection blasting findings
- Increase in compression ring size to facilitate access tube extension
- Increase in dollar plate to facilitate access tube extension
- Access tube extension and appurtenances
- Shell stiffener replacement based on inspection blasting findings
- Deduct of dehumidification requirement for interior painting
- Deduct of platform, position rods, and roof welding based on proposed improvements
- Deduct of Vent Replacement

We have reviewed the Change Order request and recommend approval of the \$98,130.00 increase in the contract amount and 45 day increase in the contract time. This results in a Revised Contract Amount of \$1,335,080.00 and time of 225 days.

If you have any questions or comments, please call me at (512) 646-2238.

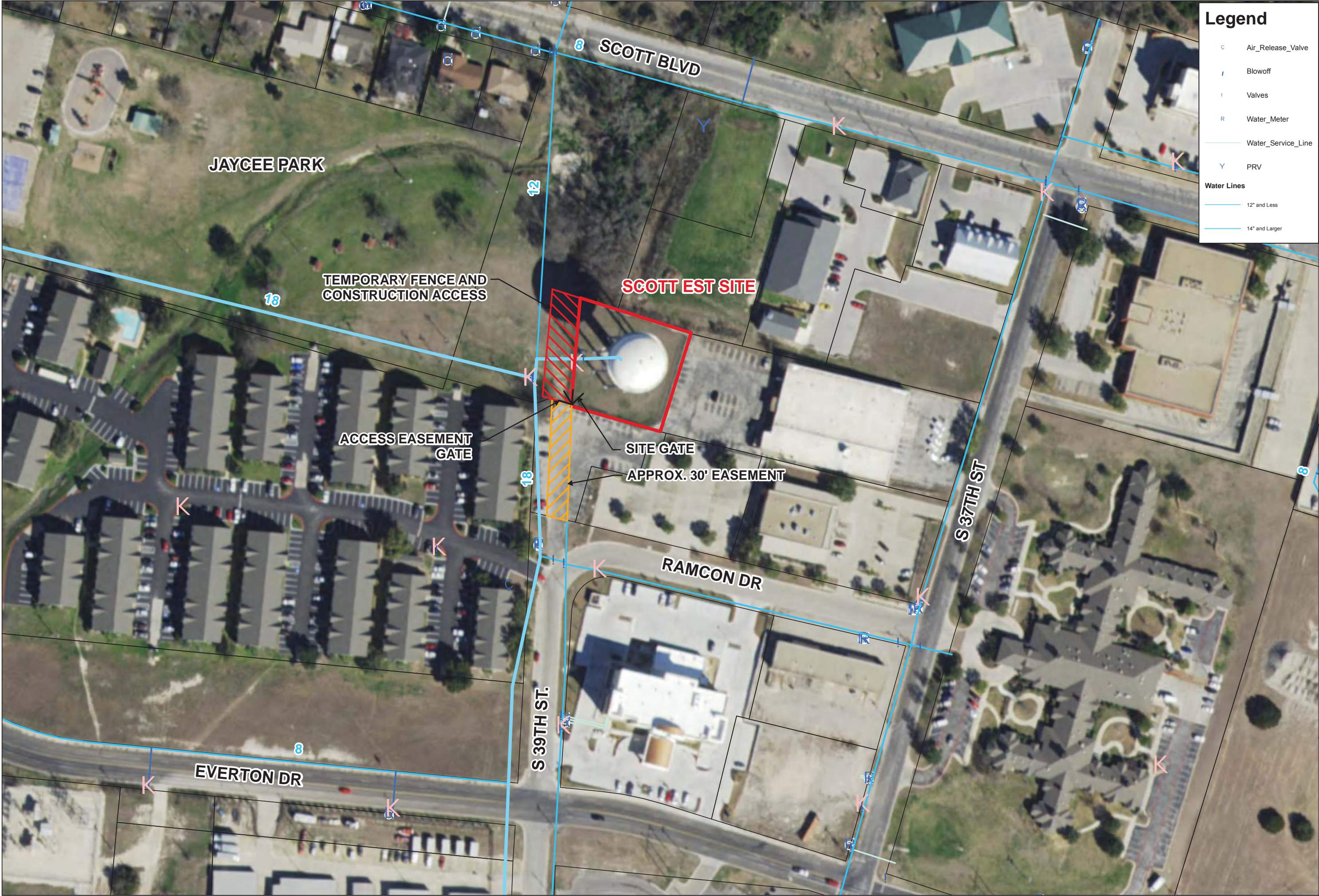
Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.  
TBPE No. F-928

A handwritten signature in blue ink that reads "Sean Mason, P.E.".

Sean Mason, P.E.

Attachment – Change Order #1 Form



**Legend**

C

Air\_Release\_Valve

I

Blowoff

I

Valves

R

Water\_Meter

—

Water\_Service\_Line

Y

PRV

**Water Lines**

—

12" and Less

—

14" and Larger

**Kimley»Horn**

No.	Revision	By	Date

City of Temple

SCOTT 1.0 MG ELEVATED STORAGE TANK REHABILITATION

TANK SITE LOCATION EXHIBIT

DATE:	MAY 2018
DESIGN:	SRM
DRAWN:	JML
CHECKED:	SRM
KHA NO.:	064325007

SHEET

1

OF 1 SHEETS

### CHANGE ORDER

PROJECT: Scott 1.0 MG Elevated Storage Tank Rehabilitaiton  
OWNER: City of Temple  
CONTRACTOR: Classic Protective Coatings  
ENGINEER: Kimley-Horn and Associates, Inc.  
CHANGE ORDER #: 1

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

Item No.	Approx. Quantity	Description of Item	Unit Price	Decrease in Contr. Price	Increase in Contr. Price
9	450 LF	Rafter Replacement	\$ 150.00		\$67,500.00
11	1 LS	Larger Compression Ring Replacement (11' Dia)			\$13,680.00
12	1 LS	Larger Dollar Plate Replacement (11.5' Dia)			\$9,300.00
20	1 LS	Access Tube Extension and Appurtenances			\$53,900.00
21	15 EA	Shell Stiffener Replacement	\$ 250.00		\$3,750.00
1	1 LS	Dehumidification Removal		\$12,000.00	
5	1 LS	Delete Platform, Balcony Position Rod, and Roof Seal Welding		\$18,000.00	
18	1 LS	Delete Vent Replacement		\$20,000.00	
Total Increase in Contract Amount:					\$148,130.00
Total Decrease in Contract Amount:				\$50,000.00	
Net Increase in Contract Amount:					\$98,130.00

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	\$1,236,950.00
Previous Change in Contract Amount	\$0.00
Net Increase in Contract Amount:	\$98,130.00
Revised Contract Amount:	<b>\$1,335,080.00</b>
Original Contract Time	180 Days
Previous Change in Contract Time	0 Days
Net Increase/(Decrease) in Contract Time of Completion:	45 Days
Revised Contract Time of Completion:	225 Days
Original Completion Date:	1-Jun-19
Revised Completion Date:	15-Jul-19

Recommended by:

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

Agreed to:

\_\_\_\_\_  
Contractor Date

Approved as to form

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

Recommended by:

Sean Moon, P.E. 1/25/2019  
\_\_\_\_\_  
Architect/Engineer Date

Approved by City of Temple:

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

Approved by Finance Department:

\_\_\_\_\_  
Finance Date

RESOLUTION NO. 2019-9541-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 WITH CLASSIC PROTECTIVE COATINGS, INC. OF MENOMONIE, WISCONSIN IN THE AMOUNT OF \$98,130, FOR CONSTRUCTION ACTIVITIES REQUIRED FOR THE REHABILITATION OF THE SCOTT ELEVATED STORAGE TANK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City owns and operates the Scott Elevated Storage Tank located on Scott Boulevard - in April 2018, Council authorized a professional services agreement with Kimley-Horn and Associates, Inc. to complete a Preliminary Engineering Report (PER) for the tank;

**Whereas**, the PER found structural and regulatory deficiencies and recommended full tank rehabilitation - in July 2018, Council authorized Contract Amendment No. 1 for final design, bidding and construction phase services;

**Whereas**, in October 2018, Council approved a construction contract for \$1,236,950 with Classic Protective Coatings, Inc. for the full rehabilitation of the tank - Change Order No. 1 is necessary due to the extensive structural damage not detected during the tank's inspection, which became more apparent once the interior coat was removed;

**Whereas**, Staff recommends Council authorize Change Order No. 1 with Classic Protective Coatings, Inc. in the amount of \$98,130, for construction activities required for the rehabilitation of the Scott Elevated Storage Tank;

**Whereas**, funding for Change Order No. 1 is available in Account No. 520-5100-535-6522 and Account No. 561-5100-535-6989, Project No. 101834; 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. 1 with Classic Protective Coatings, Inc. of Menomonie, Wisconsin in the amount of \$98,130, for construction activities required for the rehabilitation of Scott Elevated Storage Tank.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(AA)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer  
James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #1 with Santa Clara Construction, Ltd., of Austin, for construction of Phase 5 of the Bird Creek Interceptor Project in the amount of \$16,533.82.

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

**ITEM SUMMARY:** The existing Bird Creek Interceptor built in the mid-1950's provides wastewater service to many neighborhoods, restaurants and commercial developments, draining an area approximately 6,200 acres in size through the middle of Temple. Over the years, the wastewater line has deteriorated, taking in additional flows during rain events. These excess flows and line condition have led to unauthorized sanitary sewer discharges into Bird Creek. This project, phased and implemented over several years, is targeted toward reducing overflows and rehabilitating infrastructure, ultimately providing for increased capacity within the wastewater collection system.

Phase 1, 2, and 3 of the project have been completed. Bird Creek Interceptor Phase 5 from Lion's Park to Shallow Ford Lift Station is currently under construction. This phase will provide for increased capacity, through a large diameter collection interceptor, to convey flows through the park for adequate conveyance to the wastewater treatment plant. Phase 4, the last section to be addressed, is anticipated to begin construction in FY 2019 (Project Map attached).

On January 9, 2018, the City authorized contract amendment 12 with Jacobs (Engineer) in the amount of \$11,027.40, for bidding and award services for Bird Creek Interceptor Phase 5. On July 19, 2018, Council authorized a construction contract with Santa Clara in the amount of \$2,068,811.

The attached change order #1 is necessary due to unforeseen modifications in pipe depth and water main conditions at a planned bypass. The associated costs will increase the contract price to \$2,085,344.82, a 0.8% increase to the original contract amount. The Engineer recommends the change order in their attached recommendation letter. Additional construction time associated with the change order revises the contractual end date to July 21, 2019.

**FISCAL IMPACT:** Funding for change order #1 with Santa Clara Construction in the net amount of \$16,533.82 for construction of Phase 5 of the Bird Creek Interceptor is available in project 101477 as follows:

	520-5400-535-6361	561-5400-535-6925	Total
Project Budget	\$ 1,000,000	\$ 1,612,349	\$ 2,612,349
Encumbered/Committed to Date	(723,923)	(1,612,349)	(2,336,272)
<b>Santa Clara Construction - CO #1</b>	<b>(16,534)</b>	<b>-</b>	<b>(16,534)</b>
<b>Remaining Project Funds</b>	<b>\$ 259,543</b>	<b>\$ -</b>	<b>\$ 259,543</b>

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order Form](#)  
[Project Map](#)  
[Resolution](#)



2705 Bee Caves Rd, Suite 300  
Austin, TX 78746 USA  
Phone (512) 314-3100 Fax (512) 314-3135

January 16, 2018

Mr. Ed Kolacki  
Project Manager, City of Temple | Department of Public Works  
3210 E. Avenue H  
Temple, TX 76501

Subject: Bird Creek Interceptor Project – Contract #5  
Jacobs Project Number: WJXK5800  
**Design Change #1 – Increase depth of Manholes MH-A2 thru MH-A10 and 14" Water Line Restraints**

Dear Mr. Kolacki:

Attached is Santa Clara Construction, Ltd. (SCC) Request for Design Change #1 in the amount of \$16,533.82. This change order includes two items:

- Item 1 will eliminate two bypasses by deepening the sanitary sewer in the stretch between Manhole MH-A2 thru MH-A10. Modifying the pipe depth line items eliminates two (2) bypasses to leave existing line active during construction decreasing final connection time and allowing testing prior to final tie-ins. As the design engineer, I have evaluated the request to deepen the sanitary sewer and believe that this strategy will reduce the overall risk and schedule of the construction to the City of Temple's benefit.
- The modification of the 14" water line crossing discovered that the existing pipe was a CSC type pipe. Additional efforts to modify and restrain the existing water line incurs additional costs beyond what was originally scoped.

We have reviewed the Design Change #1 and recommend moving forward with the change of \$16,533.82 to SCC. If you have any questions, or require any further information, please feel free to contact me at (512) 314-3144 or Rick.Villalobos@jacobs.com.

Sincerely,

Rick Villalobos, P.E.  
Project Manager

Attachments: Change Order #1, Drawings C-2 Rev1, C-3 Rev1, C-4 Rev1, C-5 Rev1, RFI#2 and WL Response Diagram

## CHANGE ORDER

**PROJECT:** Bird Creek Interceptor Phase 5  
**OWNER:** City of Temple  
**CONTRACTOR:** Santa Clara Construction, Ltd.  
**ENGINEER:** Jacobs Engineering Group, Inc.  
**CHANGE ORDER #:** 1

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

Modifying and adding pipe depth line item quantities, eliminating 2 bypasses to leave existing line active during construction, decrease final connection time and allow testing prior to final tie-ins.

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
20	Delete Bypass Pumping Operation #2	-1	LS	\$26,000.00	\$-26,000.00
21	Delete Bypass Pumping Operation #3	-1	LS	\$25,000.00	\$-25,000.00
ADD 1-4	Modify/Deduct Quantity – Furnish & Install 42" FRPM, 0 – 12.5' depth	-494	LF	\$160.00	\$-79,040.00
ADD 1-6	Modify/Deduct Quantity – Furnish & Install 42" FRPM, 12' – 16' depth	-406	LF	\$200.00	\$-81,200.00
16	Modify/Add Quantity – Furnish & Install Manholes extra depth	16.5	VF	\$1,000.00	\$16,500.00
ADD 1-5	Modify/Add Quantity – Furnish & Install 42" FRPM, 12' – 16' depth	149	LF	\$174.00	\$25,926.00
CO1- 1	Add Line item – Furnish & Install 42" FRPM, >20' depth	842	LF	\$202.15	\$170,210.30
CO1- 2	Adjust 14" WL per new design	1	LS	\$15,137.52	\$15,137.52

**TOTAL CHANGE IN CONTRACT AMOUNT      \$16,533.82**


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:	\$ <u>2,068,811.00</u>
Previous Change in Contract Amount:	\$ <u>0.00</u>
Change in Contract Amount:	\$ <u>16,533.82</u>
Revised Contract Amount:	\$ <u>2,085,344.82</u>
Original Contract Time:	<u>300 Days</u>
Previous Change in Contract Time:	<u>0 Days</u>
Change in Contract Time:	<u>14 Days</u>

Revised Contract Time:  
Original Final Completion Date:  
Revised Final Completion Date:

314 Days  
July 7, 2019  
July 21, 2019

Recommended by:

 1/22/19  
Project Manager (City Staff) Date


Agreed to:

 1/15/19  
Contractor Date

Approved as to form:

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

Recommended by:

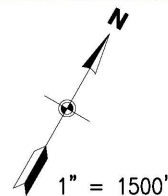
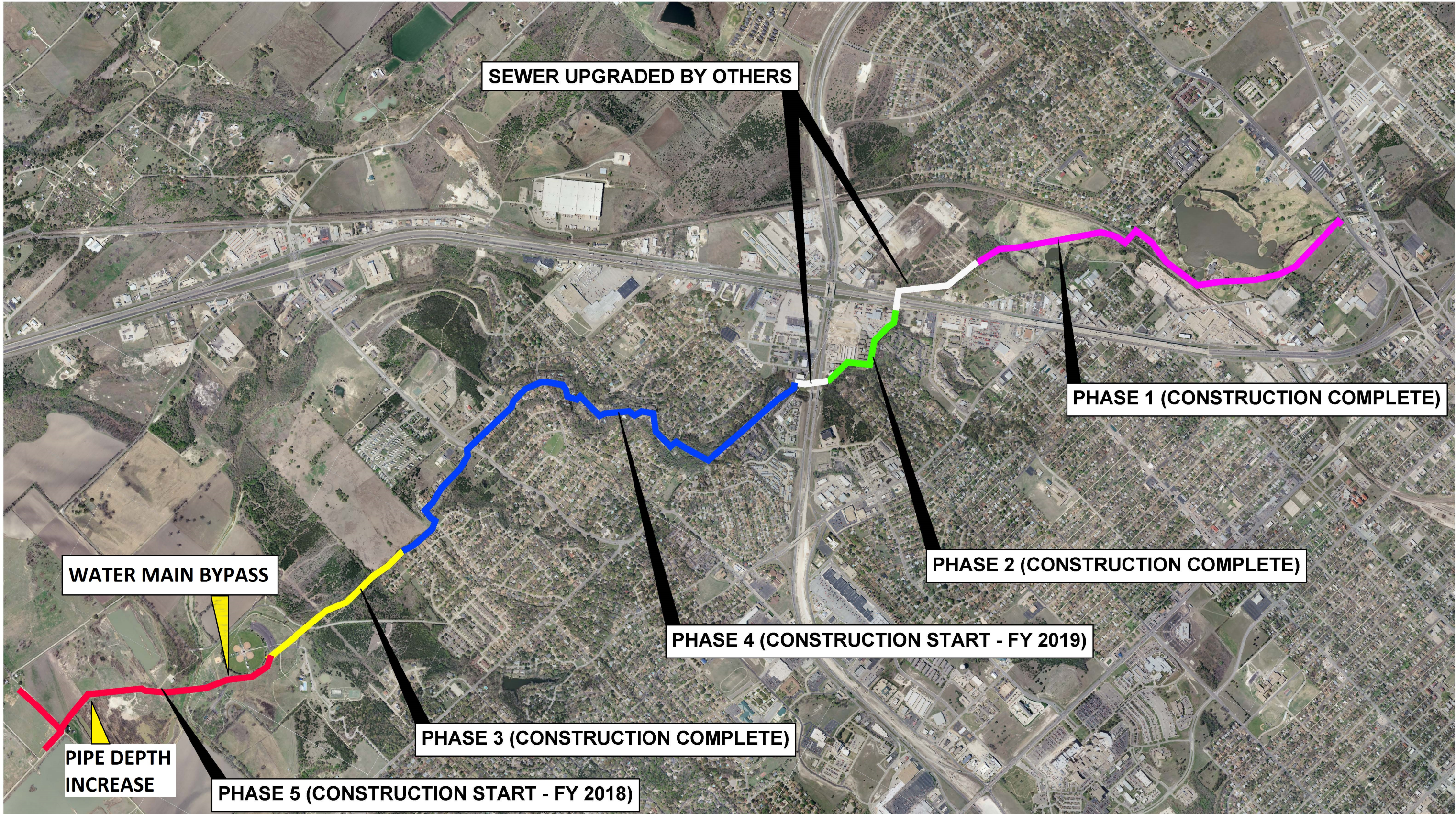
 1/16/19  
Architect/Engineer Date

Approved by City of Temple:

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

Approved by Finance Department:

\_\_\_\_\_  
Finance Date



**JACOBS**  
2705 BEE CAVE ROAD, SUITE 300.  
AUSTIN, TX. 78746  
(512) 314-3100, (512) 314-3135  
TEXAS REG NO. 2966

**BIRD CREEK INTERCEPTOR  
TEMPLE, TEXAS**

**PROJECT PHASING**

RESOLUTION NO. 2019-9542-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SANTA CLARA CONSTRUCTION, LTD OF AUSTIN, TEXAS IN THE AMOUNT OF \$16,533.82, FOR CONSTRUCTION OF PHASE 5 OF THE BIRD CREEK INTERCEPTOR PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the existing Bird Creek Interceptor was built in the mid-1950's and provides wastewater service to many neighborhoods, restaurants and commercial developments, and drains an area approximately 6,200 acres in size through the middle of Temple;

**Whereas**, over the years, the wastewater line has deteriorated, taking in additional flows during rain events which have led to unauthorized sanitary sewer discharges into Bird Creek;

**Whereas**, this project, phased and implemented over several years, is targeted toward reducing overflows and rehabilitating infrastructure, ultimately providing for increased capacity within the wastewater collection system;

**Whereas**, Phases 1, 2, and 3 of the project have been completed, and Phase 5, from Lion's Park to Shallow Ford Lift Station, will provide for increased capacity through a large diameter collection interceptor to convey flows through the park for adequate conveyance and treatment to the wastewater treatment plant;

**Whereas**, Phase 4, which is the last section to be addressed, is anticipated to be constructed in fiscal year 2019;

**Whereas**, on January 9, 2018, the City authorized Contract Amendment 12 with Jacobs Engineering in the amount of \$11,027.40, for bidding and awarded services for Bird Creek Interceptor Phase 5 - on July 19, 2018, Council authorized a construction contract with Santa Clara in the amount of \$2,068,811.00;

**Whereas**, Change Order No. 1 is necessary due to unforeseen modifications in pipe depth and water main conditions at a planned bypass which will increase the contract price to \$2,085,344.82 - a 0.8% increase to the original contract amount;

**Whereas**, Staff and the City's engineer recommend Council authorize Change Order No. 1 with Santa Clara Construction, Ltd., in the amount of \$16,533.82 for the construction of Phase 5 of the Bird Creek Interceptor Project;

**Whereas**, funds are available for this change order in Account No. 520-5400-535-6361 and Account No. 561-5400-535-6925, Project No. 101477; 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 any documents that may be necessary for Change Order No. 1 with Santa Clara Construction, Ltd. in the amount of \$16,533.82 for construction of Phase 5 of the Bird Creek Interceptor 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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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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02/07/19  
Item #7(BB)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., CFM, City Engineer  
James Billeck, P.E., Senior Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #1 with Bruce Flanigan Construction, Inc., of Belton, for construction of the Shallowford 30" Force Main in the amount of \$45,047.30.

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

**ITEM SUMMARY:** Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs. Kasberg, Patrick, & Associates, LP (Engineer) analysis of projected flows to the new Shallowford Lift Station (SFLS), currently under construction, determined the additional Shallowford 30" Force Main is required from the new SFLS to the Temple-Belton Wastewater Treatment Plant.

On December 17, 2015, Council authorized an agreement with KPA in the amount of \$641,530 for professional services to relocate and expand the Shallowford Lift Station. On June 16, 2016 Council authorized an agreement with the Engineer in an amount of \$275,100 for design and bidding services for the additional Shallowford 30" Force Main. On August 16, 2018, Council authorized a construction contract with BFC in the amount of \$2,771,771.30.

The attached change order #1 is necessary due to unforeseen boring modifications and extending the 10" Leon River force main where it parallels this 30" force main at the TBWWTP. (Map attached) The associated costs will increase the contract price to \$2,816,818.60, a 1.6% increase to the original contract amount. The Engineer recommends the change order in their attached Recommendation Letter. Additional construction time associated with the change order revises the contract end date to June 11, 2019.

**FISCAL IMPACT:** Funding for change order #1 with Bruce Flanigan Construction in the amount of \$45,047.30 for construction of the Shallowford 30" Force Main is available in project 101512 as follows:

	<u>520-5900-535-6352</u>	<u>561-5400-535-6973</u>	<u>Total</u>
Project Budget	\$ 1,190,165	\$ 2,975,100	\$ 4,165,265
Encumbered/Committed to Date	(438,692)	(2,975,100)	(3,413,792)
<b>Bruce Flanigan Construction, Inc - CO #1</b>	<b>(45,048)</b>	<b>-</b>	<b>(45,048)</b>
<b>Remaining Project Funds</b>	<b>\$ 706,425</b>	<b>\$ -</b>	<b>\$ 706,425</b>

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order Form](#)  
[Project Map](#)  
[Resolution](#)



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

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

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

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

December 4, 2018

Mr. Edward Kolacki  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Shallowford 30" Force Main

Dear Mr. Kolacki:

Please find attached Change Order No. 1 for the referenced project. Change Order No. 1 consists of two major components:

1. Modifications to alignment of bid project.
  - a. This item includes modifications to the FM 93 bore (to address TxDOT comments), adds the Railroad bore and allows for the necessary temporary improvements to allow access to the existing TBWWTP plant roadway during installation of the roadway crossing.
  - b. Contract Change = \$3,857.20 add, 7 days
2. Extension of 10" Leon River Force Main along TBWWTP property.
  - a. This item includes the necessary material and labor to extend the Leon River Force Main from a point in front of the existing Headworks to the final connection point in front of the "New" Headworks which is currently under construction. The Leon River contract was let prior to TBWWTP project, with the knowledge that the 650 foot extension would be required. It was decided to request a proposal from BFC as the work location and scope were similar to this project.
  - b. Contract Change = \$41,190.10 add, 3 days.

The modifications noted above total \$45,047.30, which is an add of approximately 1.6% of the total project amount. We recommend approval of the attached Change Order No. 1, signed by KPA and Bruce Flanigan Construction. We are available to address any questions you may have.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc: Bruce Flanigan, BWFC  
Ryan Flanigan, BWFC  
2015-152-41

# CHANGE ORDER


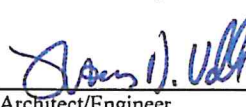
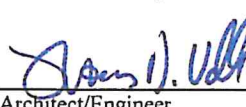
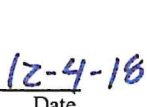

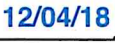
PROJECT: **Shallowford 30" Force Main**  
 OWNER: **City of Temple**  
 CONTRACTOR: **Bruce Flanigan Construction, Inc.**  
 ENGINEER: **Kasberg, Patrick & Associates, LP**  
 CHANGE ORDER #: **1**

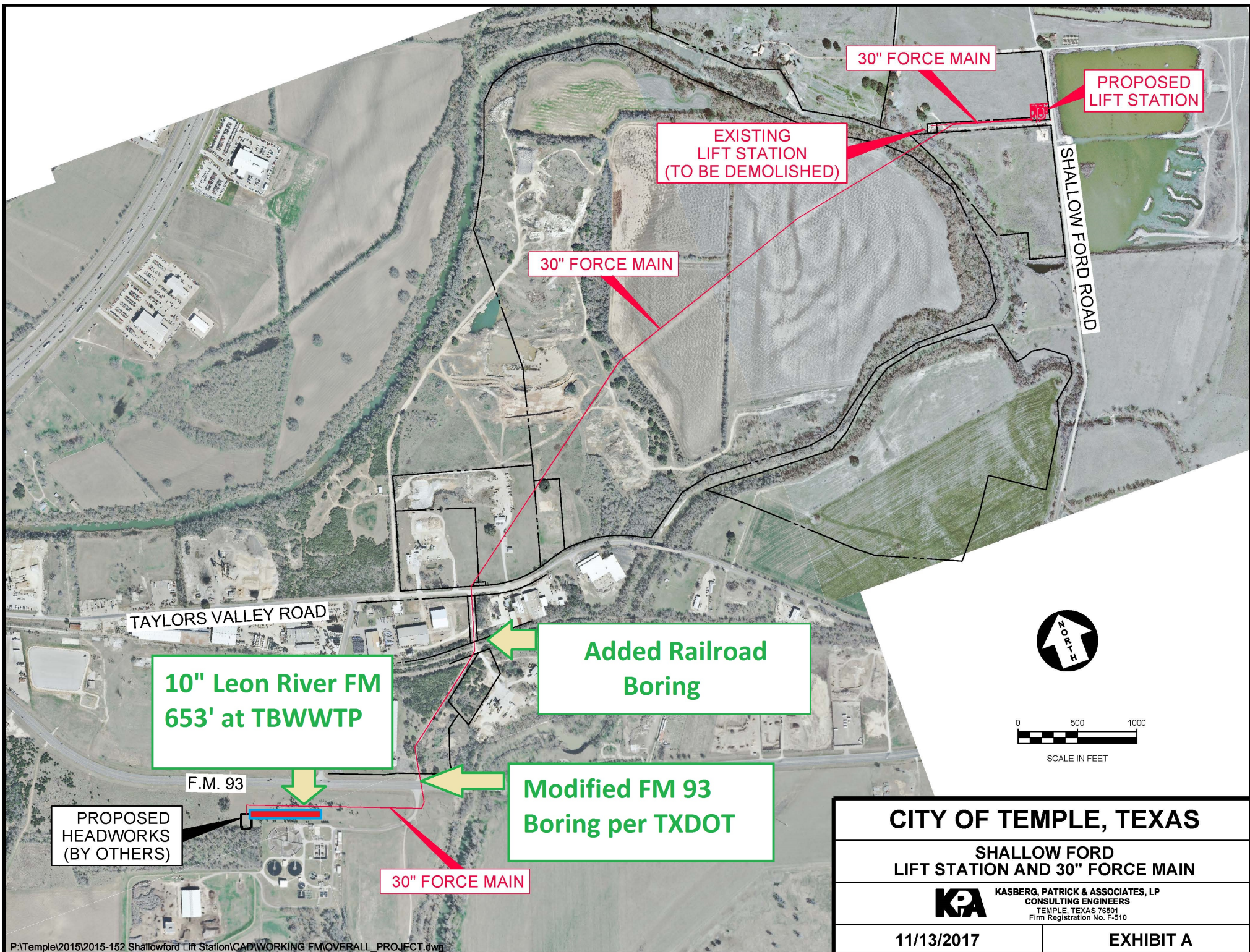
Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

Item	Description	Quantity	Unit	Unit Cost	Total
4	Trench Safety Implementation	704	LF	\$ 1.00	\$ 704.00
11	Final Grading	114	LF	\$ 1.60	\$ 182.40
12	48" Steel Encasement by Bore	-51	LF	\$ 690.00	\$ (35,190.00)
13	30" Force Main by Open Cut	51	LF	\$ 105.20	\$ 5,365.20
14	30" Force Main through Encasement	-51	LF	\$ 219.60	\$ (11,199.60)
CO1-1	Traffic Control -- Set Up	100%	LS	\$ 2,072.00	\$ 2,072.00
CO1-2	Traffic Control -- Rental	2	MO	\$ 2,015.00	\$ 4,030.00
CO1-3	48" Casing Pipe	47	LF	\$ 170.00	\$ 7,990.00
CO1-4	Add Bore Pit (Excavation, etc.)	100%	LS	\$ 11,560.00	\$ 11,560.00
CO1-5	Labor/Equipment for Crossing Road	100%	LS	\$ 13,727.00	\$ 13,727.00
CO1-6	Detour at TBWWTP Entrance	75	Tons	\$ 48.10	\$ 3,607.50
CO1-7	Remove & Reuse Fence @ Carlton	75	LF	\$ 23.50	\$ 1,762.50
CO1-8	10" Force Main to TBWWTP				
a	Mobilization, Bonds & Insurance	100%	LS	\$ 1,977.00	\$ 1,977.00
b	10" DR 18 C900	653	LF	\$ 47.20	\$ 30,821.60
c	10" Gate Valve w/ Box	1	EA	\$ 2,551.00	\$ 2,551.00
d	Dry Connection with MJ Tee	1	EA	\$ 1,796.00	\$ 1,796.00
e	Connect to Existing 10" FM	1	EA	\$ 1,506.70	\$ 1,506.70
f	Pressure Testing	100%	LS	\$ 1,784.00	\$ 1,784.00
<b>Total Add</b>					<b>\$ 45,047.30</b>

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

Original Contract Amount	\$ 2,771,771.30
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 45,047.30
Revised Contract Amount	\$ 2,816,818.60
Original Contract Time	270 Days
Previous Net Change in Contract Time	0
Net Change in Contract Time	10
Revised Contract Time	280 days
Original Final Completion Date	June 1, 2019
Revised Final Completion Date	June 11, 2019

Recommended By:		Recommended By:	
			
Project Manager (City Staff)	Date	Architect/Engineer	Date
	1/17/19		12-4-18
Agreed To:		Approved by City of Temple:	
			
Contractor	Date	Brynn Myers, City Manager	Date
	12/04/18		
Approved as to Form:		Approved by Finance Department:	
City Attorney's Office	Date	Finance	Date



RESOLUTION NO. 2019-9543-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 WITH BRUCE FLANIGAN CONSTRUCTION, INC. OF BELTON, TEXAS IN THE AMOUNT OF \$45,047.30, FOR CONSTRUCTION OF THE SHALLOWFORD 30-INCH FORCE MAIN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

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

**Whereas**, with further analysis of the projected flows and existing infrastructure, Kasberg, Patrick, & Associates, LP (“KPA”) has determined that an additional 30-inch force main is required from the new Shallowford Lift Station to the Temple-Belton Wastewater Treatment Plant;

**Whereas**, on December 17, 2015, Council authorized an agreement with KPA for professional services to relocate and expand the Shallowford Lift Station, and on June 16, 2016 Council authorized an agreement with KPA for design and bidding services for the additional Shallowford 30-inch Force Main;

**Whereas**, on August 16, 2018, Council authorized a construction contract with Bruce Flanigan Construction, Inc. (“BFC”) in the amount of \$2,771,771.30, for construction of the Shallowford 30-inch Force Main Improvements;

**Whereas**, Change Order No. 1 is necessary due to unforeseen boring modifications and extending the 10-inch Leon River Force Main where it parallels this 30-inch Force Main at the Temple Belton Wastewater Treatment Plant;

**Whereas**, the associated costs will increase the contract price to \$2,816,818.60, which is a 1.6% increase to the original contract amount;

**Whereas**, Staff and KPA recommend Council authorize Change Order No. 1 with Bruce Flanigan Construction, Inc. in the amount of \$45,047.30, for the construction of the Shallowford 30-inch Force Main;

**Whereas**, funds are available for this Change Order in Account No. 520-5900-535-6352, and Account No. 561-5400-535-6973, Project No. 101512; 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. 1 with Bruce Flanigan Construction, Inc. of Belton, Texas in the amount of \$45,047.30, for construction of the Shallowford 30-inch Force Main.

**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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(CC)  
Consent Agenda  
Page 1 of 2

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

Don Bond, P.E., City Engineer  
James Billeck, P.E., Sr. Project Engineer

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 with SSP Industries, LP, of Killeen, for construction of the Shallowford Lift Station Improvements in the amount of \$48,771.43.

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

**ITEM SUMMARY:** Sewer overflows within the Bird Creek basin are problematic, and the City has a significant capital effort underway to address deteriorated sewer mains and interceptor pipe to reduce inflow, infiltration and overflows. In 2007, Council authorized a professional services agreement for engineering services related to the Bird Creek Interceptor, addressing significant issues within the basin and embarking upon a 10-year plan to address system needs. The Shallowford Lift Station (SFLS) receives wastewater from the Bird Creek basin and will be demolished upon completion of the new SFLS currently under construction.

On December 17, 2015, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (Engineer) in the amount of \$641,530 for design and bidding services for the SFLS. On March 15, 2018 Council authorized a construction contract with SSP for \$6,100,000. On October 24, 2018, the City approved change order #1 in the amount of \$21,739.08 for increased manhole diameters and a site dewatering line under Shallowford Road.

The attached change order #2 is necessary due to excessive ground water onsite requiring raising the slab elevation to eliminate infiltration and adding stone as foundation backfill material. (See Project Map). The proposed change order increases the total contract amount to \$6,170,510.51, a 1.16% net increase to the original contract amount. The Engineer recommends the change order in their attached recommendation letter. Additional construction time associated with the change order revises the contract end date to August 10, 2019.

**FISCAL IMPACT:** Funding for change order #2 with SSP Industries, LP in the amount of \$48,771.43 for construction of the Shallowford Lift Station Improvements is available in account 561-5400-535-6905, project 101475, as follows:

Project Budget	\$	7,227,395
Encumbered/Committed to Date		(7,176,990)
SSP Industries, LP - Change Order #2		(48,771)
Remaining Project Funds Available	\$	<u>1,634</u>

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Change Order Form](#)  
[Project Map](#)  
[Resolution](#)



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

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

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

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

January 21, 2019

Mr. Edward Kolacki  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
Shallowford Lift Station

Dear Mr. Kolacki:

Attached is Change Order No.2 in the amount of \$48,771.43 for the referenced project. This change order consists of the increased cost for utilizing 1" rock in lieu of flexible base in the backfill of the Lift Station Wet Well and increasing the wall height of the lift station by one foot. The material change was necessitated by the amount of ground water experienced during construction. The Lift Station top slab elevation was raised to allow more of the structure to be above ground and alleviate the potential of infiltration. This change was recommended upon observing the site during heavy rain events once the grass and top soil was stripped from the site. We have reviewed each of these items with the Contractor and City Staff and recommend execution of Change Order No. 2 in the amount of \$48,771.43. Change orders 1 and 2 on this project total \$70,510.51 which is approximately 1.16% of the original contract amount and increases the construction time by 15 days. We are available to discuss any questions you may have at your convenience.

Sincerely,

Thomas D. Valle, P.E.

TDV/

xc: Ron Fournier, SSP Industries, LP  
2015-152-40

# CHANGE ORDER

PROJECT: **Shallowford Lift Station**  
 OWNER: **City of Temple**  
 CONTRACTOR: **SSP Industries, LP**  
 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:

Item	Description	Quantity	Unit	Cost	Total
CO2-1	Additional cost to change Flexible Base to 1" Rock at Wet Well backfill to above groundwater	100%	LS	\$ 20,371.61	\$ 20,371.61
CO2-2	Add 1 foot of additional wall (raise top slab elevation 1 foot while holding bottom elevation) on Wet Well Structure	100%	LS	\$ 28,399.82	\$ 28,399.82
Total Add				\$	48,771.43

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	\$ 6,100,000.00
Previous Net Change in Contract Amount	\$ 21,739.08
Net Change in Contract Amount	\$ 48,771.43
Revised Contract Amount	\$ 6,170,510.51
Original Contract Time	450 Days
Previous Net Change in Contract Time	N/A
Net Change in Contract Time	15
Revised Contract Time	450 days
Original Final Completion Date	July 26, 2019
Revised Final Completion Date	August 10, 2019

Recommended By:

  
 Project Manager (City Staff)

1/22/19  
 Date

Recommended By:


  
 Engineer

1-21-19  
 Date

Agreed To:

  
 Contractor Date 1/21/19

Approved by City of Temple:

  
 Brynn Myers, City Manager Date

Approved as to Form:

City Attorney's Office Date

Approved by Finance Department:

Finance Date



RESOLUTION NO. 2019-9544-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 WITH SSP INDUSTRIES, LP OF KILLEEN, TEXAS IN THE AMOUNT OF \$48,771.43, FOR CONSTRUCTION OF THE SHALLOWFORD LIFT STATION IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

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

**Whereas**, the Shallowford Lift Station (SFLS) receives wastewater from the Bird Creek basin and will be demolished upon completion of the new SFLS currently under construction;

**Whereas**, on December 17, 2015, Council authorized an agreement with Kasberg, Patrick, & Associates, LP (KPA) for design and bidding services for the SFLS, and on March 15, 2018 Council authorized a construction contract with SSP Industries, LP in the amount of for \$6,100,000 - on October 24, 2018, the City approved Change Order No. 1 to the construction contract in the amount of \$21,739.08, for increased manhole diameters and a site dewatering line under Shallowford Road;

**Whereas**, Change Order No. 2 is necessary due to excessive ground water onsite requiring raising the slab elevation to eliminate infiltration and adding stone as foundation backfill material - this change order increases the total contract amount to \$6,170,510.51, a 1.16% net increase to the original contract amount;

**Whereas**, Staff and KPA recommend Council approve Change Order No. 2 with SSP Industries, LP, of Killeen, Texas in the amount of \$48,771.43 for construction of the Shallowford Lift Station Improvements;

**Whereas**, funding for Change Order No. 2 is available in Account No. 561-5400-535-6905, Project No. 101475; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 2 with SSP Industries, LP of Killeen, Texas in the amount of \$48,771.43 for the construction of the Shallowford Lift Station Improvements.

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/2019  
Item #7(DD)  
Consent Agenda  
Page 1 of 1

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

Leigh Gardner, Library Director

**ITEM DESCRIPTION:** Consider adopting a resolution ratifying a grant application to the Texas Book Festival for a Collections Enhancement Grant in the amount of \$1,500.

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

**ITEM SUMMARY:** In January 2019 Temple Public Library submitted an application to the Texas Book Festival for a Collections Enhancement Grant for e-content in the amount of \$1,500. If awarded the grant the funds will be used to purchase new e-book titles as well as additional copies of popular e-book titles. The ability to purchase additional e-books will significantly reduce the wait times for checking out an e-book for Temple Public Library patrons through the Library's Overdrive Advantage Account. No matching funds are required for this grant.

Approval of the resolution will authorize the City Manager or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for ratifying this application and to receive any funds that may be disbursed through this grant program.

**FISCAL IMPACT:** If awarded the grant, the City anticipates receiving \$1,500 in grant funds with no City matching funds to purchase new e-book titles as well as additional copies of popular e-book titles.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9545-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A GRANT APPLICATION SUBMITTED TO THE TEXAS BOOK FESTIVAL FOR A COLLECTIONS ENHANCEMENT GRANT IN THE AMOUNT OF \$1,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in January 2019, the Temple Public Library submitted an application to the Texas Book Festival for a Collections Enhancement Grant for e-content in the amount of \$1,500, which will be used to purchase new e-book titles as well as additional copies of popular e-book titles;

**Whereas**, the ability to purchase additional e-books will significantly reduce the wait times for checking out an e-book for Library patrons through the Library's Overdrive Advantage Account - no matching funds are required for this grant;

**Whereas**, Staff recommends Council ratify a grant application submitted to the Texas Book Festival for a Collections Enhancement Grant in the amount of \$1,500;

**Whereas**, if awarded the grant, the City anticipates receiving \$1,500 in grant funds with no City matching funds required; 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 a grant application submitted to the Texas Book Festival for a Collections Enhancement Grant in the amount of \$1,500.

**Part 3:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents which may be necessary 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(EF)  
Consent Agenda  
Page 1 of 2

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

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution to authorize the application for and acceptance of grant funds from the Office of the Governor, Homeland Security Grants Division's Homeland Security Law Enforcement Terrorism Prevention Activities grant program for the replacement of Hazardous materials identification equipment.

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

**ITEM SUMMARY:** Temple Fire & Rescue (TFR) seeks council approval to apply for grant funding through the Office of the Governor, Homeland Security Grants Division's (HSGD), Homeland Security Law Enforcement Terrorism Prevention Activities (LETPA) grant program. This program focuses on Homeland security needs such as replacing hazardous materials identification equipment.

Temple Fire & Rescue is requesting authorization to apply for grant funding through the LETPA program to replace equipment which is at the end of its service life. This equipment includes a Haz-mat Infrared chemical identifier with an approximate cost of \$64,950, and an electronic chemical weapon monitor with an approximate cost of \$12,600. The total cost of equipment replacement is \$77,550. TFR's grant application will request funding in the full equipment replacement amount of \$77,550. This is a 100% funding grant and no City match is required for this grant if the request is fully funded.

As a condition of the grant, the City would agree that in the event of loss or misuse of the awarded funds, all awarded funds would be returned to the Office of the Governor in full.

After review of the grant applications, Central Texas Council of Governments' (CTCOG) Homeland Security Advisory Committee will recommended which projects are funded and funding levels to the Office of the Governor HSGD.

In addition to authorization to apply for grant funding, Staff also asks Council to authorize the City Manager to accept and execute any necessary documents associated with the LETPA grant program, upon receiving a grant award.

**FISCAL IMPACT:** If awarded the grant, the City anticipates receiving \$77,550 in grant funds with no City matching funds. Funding will be available to the City on October 1, 2019 and will be used to purchase replacement Haz-mat equipment.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9546-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION AND ACCEPTANCE OF GRANT FUNDS FROM THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANT DIVISION'S HOMELAND SECURITY LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES GRANT PROGRAM FOR THE REPLACEMENT OF HAZARDOUS MATERIALS EQUIPMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Temple Fire & Rescue (TFR) desires to apply for grant funding through the Office of the Governor, Homeland Security Grants Division's (HSGD), Homeland Security Law Enforcement Terrorism Prevention Activities (LETPA) grant program - this program focuses on Homeland security needs such as replacing hazardous materials identification equipment;

**Whereas**, grant funding through the LETPA program will allow for replacement of equipment which is nearing the end of its service life and which includes a hazmat infrared chemical identifier and an electronic chemical weapon monitor;

**Whereas**, the total cost of equipment replacement is \$77,550, and TFR's grant application requests funding in the full equipment replacement amount of \$77,550 - this is a 100% funding grant with no City match;

**Whereas**, as a condition of the grant, the City would agree that in the event of loss or misuse of the awarded funds, all awarded funds would be returned to the Office of the Governor in full;

**Whereas**, after review of the grant applications, Central Texas Council of Governments' (CTCOG) Homeland Security Advisory Committee will recommend which projects are funded and funding levels to the Office of the Governor HSGD;

**Whereas**, Staff recommends Council authorize the City Manager to execute any necessary documents associated with the LETPA grant program, upon receiving a grant award;

**Whereas**, if awarded, the City anticipates receiving \$77,550 in grant funds with no City matching funds required - funding will be available to the City on October 1, 2019 and will be used to purchase replacement Haz-Mat equipment; 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 an application for and acceptance of grant funds from the Office of the Governor, Homeland Security Grant Division's Homeland Security Law Enforcement Terrorism Prevention Activities grant program for the replacement of hazardous material equipment.

**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 for this grant and to 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(FF)  
Consent Agenda  
Page 1 of 1

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

Floyd Mitchell, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the acceptance of grant funds from the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2018 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$26,077.50, with \$13,038.75 of required City matching funds.

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

**ITEM SUMMARY:** The Temple Police Department desires approval to accept grant funds available through the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program. This will be the 17<sup>th</sup> grant received from this program. The grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests. The Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant.

**FISCAL IMPACT:** If the grant awarded is accepted, the City will receive \$13,038.75 in grant funds with the City's match being \$13,038.75. Total funding for the purchase of 30 vests is estimated at \$26,077.50. The grant funds are reimbursed to the City after the purchase is completed.

A budget adjustment is being presented for Council's approval appropriating the grant revenue to be received in the amount of \$13,038.75. Funds are appropriated in the Police Department's FY 2019 operating budget, account 110-2011-521-2113, Clothing and Uniforms for the City's required match.

### **ATTACHMENTS:**

[Budget Adjustments](#)

[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.**

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-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
260-2000-521-21-13		Clothing & Uniforms	\$ 26,078		
260-0000-431-01-63		Federal Grants	13,039		
260-0000-490-25-89		Transfer In - General Fund	13,039		
110-9100-591-81-60		Transfer Out - Grant Fund	13,039		
110-2011-521-21-13		Clothing & Uniforms		13,039	
<b>TOTAL.....</b>			<b>\$ 65,195</b>	<b>\$ 13,039</b>	

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

Allocate funding to purchase ballistic vests. Grant funds of \$13,038.75 were awarded through the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2018 for the purchase of ballistic vests for the Police Department. The required 50% minimum match is budgeted in the FY 19 Operating budget in account 110-2011-521-2113.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

2/7/2019

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2019-9547-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP PROGRAM OF 2018 FOR THE PURCHASE OF THIRTY BALLISTIC VESTS AND REPLACEMENTS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$26,077.50, WITH \$13,038.75 OF REQUIRED CITY MATCHING FUNDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program offers a matching grant program for the purchase of bulletproof vests for the Temple Police Department - this will be the 17th grant received from this program;

**Whereas**, the grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests, and the Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant;

**Whereas**, Staff recommends Council authorize the acceptance of grant funds from the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2018 for the purchase of thirty ballistic vests and replacements for the Police Department in the amount of \$26,077.50, with \$13,038.75 of required City matching funds;

**Whereas**, if awarded, the City anticipates receiving \$13,038.75 in grant funds with the City's matching funds being \$13,038.75 - total funding for the purchase of 30 vests is estimated at \$26,077.50;

**Whereas**, the grant funds are reimbursed to the City after the purchase is completed – and therefore a budget adjustment must be approved to appropriate the grant revenue to be received in the amount of \$13,038.75;

**Whereas**, funds are appropriated in the Police Department's fiscal year 2019 operating budget, Account No. 110-2011-521-2113, Clothing and Uniforms for the City's required match; 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 acceptance of grant funds from the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2018 for the purchase of thirty ballistic vests and replacements for the Police Department in the amount of \$26,077.50, with \$13,038.75 of required City matching funds.

**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 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(GG)  
Consent Agenda  
Page 1 of 1

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

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider entering into a Memorandum of Understanding with Bell County Public Health District setting forth the parties' obligations regarding a portable shower trailer.

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

**ITEM SUMMARY:** This agreement is to formalize the acceptance and use of a portable shower trailer which was received by Temple Fire and Rescue from the Bell County Public Health District in 2012. This shower trailer was obtained to be used during times of disaster, emergency, or other determined need to provide shower facilities to either emergency personnel or members of the public.

It was most recently used at Wilson Recreation Center during the sheltering of Hurricane Harvey evacuees.

The City of Temple is responsible for the routine maintenance and upkeep of the trailer, housing the trailer at the Fire Training Center, and providing the "logo" on the trailer. Bell County Public Health is responsible for maintaining insurance on the trailer and the trailer's annual registration.

The agreement will be in full effect until revoked by either party.

**FISCAL IMPACT:** There are no costs associated with the acquisition of the trailer. Funding for regular maintenance and repairs is included in the Fire Department's Operating Budget.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9548-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING WITH BELL COUNTY PUBLIC HEALTH DISTRICT SETTING FORTH THE PARTIES' OBLIGATIONS REGARDING A PORTABLE SHOWER TRAILER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, this agreement formalizes the acceptance and use of a portable shower trailer which was received by Temple Fire and Rescue from the Bell County Public Health District in 2012 - this shower trailer was obtained to be used during times of disaster, emergency, or other determined need to provide shower facilities to either emergency personnel or members of the public;

**Whereas**, it was most recently used at Wilson Recreation Center during the sheltering of Hurricane Harvey evacuees;

**Whereas**, the City of Temple is responsible for the routine maintenance and upkeep of the trailer, housing the trailer at the Fire Training Center, and providing the "logo" on the trailer - Bell County Public Health District is responsible for maintaining insurance on the trailer and the trailer's annual registration;

**Whereas**, the agreement will be in full effect until revoked by either party;

**Whereas**, Staff recommends Council authorize a Memorandum of Understanding with Bell County Public Health District regarding a portable shower trailer;

**Whereas**, there are no costs associated with the acquisition of this trailer – funding for regular maintenance and repairs is included in the Fire Department's 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 Memorandum of Understanding with Bell County Public Health District setting forth the parties' obligations regarding a portable shower trailer.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(HH)  
Consent Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Christina Demirs, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of three rights of way and three temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$143,000.

**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 Right-of-Way Services, Inc. (Stateside) has prepared the necessary relocation studies. The City has acquired five rights of way and has reached agreements or is coordinating closing on three rights of way. At its January 17, 2019, Council authorized the use of eminent domain for one property.

With the assistance of Stateside, the City has reached an agreement with three property owners. The three properties are partial takings but does require the relocation of one tenant. Stateside conducted a relocation study to determine the relocation benefits due to the tenant.

At this time, Staff is asking for authorization to purchase the three rights of way and three temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$143,000.

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

9220 Poison Oak Road, #197581  
9110 Poison Oak Road, #97298  
8910 Poison Oak Road, #168749

**FISCAL IMPACT:** Funding for the purchase of three rights of way and three temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs and relocation benefits associated with the purchase in an estimated amount of \$143,000 is available in account 365-3400-531-6886, project 101715.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9549-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THREE RIGHTS OF WAY AND THREE TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASES IN A TOTAL ESTIMATED AMOUNT OF \$143,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, 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;

**Whereas**, the design requires the acquisition of rights of way from thirty-two properties and 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 and the other two remaining properties are owned by the City and the State of Texas (TxDOT);

**Whereas**, 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 require relocation, Stateside Right of Way Services, Inc. (Stateside) is preparing the necessary relocation studies;

**Whereas**, the City has acquired five rights of way and is coordinating closings on three properties and at its January 17, 2019, Council authorized the use of eminent domain for one property - with the assistance of Stateside, the City has reached an agreement with three property owners;

**Whereas**, the three properties are partial takings, requires the relocation of one tenant, and Stateside conducted a relocation study to determine relocation benefits due the tenant;

**Whereas**, Staff recommends Council authorize the purchase of these three properties for the Poison Oak Road expansion project and recommends Council authorize closing costs and relocation benefits in a total estimated amount of \$143,000:

- 8910 Poison Oak Road, Temple, Texas, Bell CAD ID No. 168749;
- 9110 Poison Oak Road, Temple, Texas, Bell CAD ID No. 97298; and
- 9220 Poison Oak Road, Temple, Texas, Bell CAD ID No. 197581

**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 rights of way and three temporary construction easements necessary for the Poison Oak Road Expansion Project, authorizes closing costs and relocation benefits associated with the purchases in a total estimated amount of \$143,000, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of this property.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(II)  
Consent Agenda  
Page 1 of 1

### DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Transportation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon garbage and recycling containers from Toter, LLC, of Statesville, North Carolina, in the amount of \$31,792.32.

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

**ITEM SUMMARY:** Each year the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and for regular container replacement, for both garbage and recycling services. This recommended purchase is for 436 recycling containers with a hot stamp recycling symbol at a cost of \$46.87 per container and 200 garbage containers at a cost of \$47.62 per container, plus \$1,833.00 for freight to Temple.

Toter, LLC has been awarded National IPA Contract No. 171717-01 as awarded by the City of Tucson effective February 1, 2018. Contracts awarded through National IPA have been competitively procured and meet the statutory procurements requirements for Texas municipalities. Per the terms of the National IPA contract, pricing is evaluated every three months for price adjustments based on current commodity prices.

The City has done business with Toter, LLC and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding has been appropriated in the FY 2019 Operating Budget in account 110-2330-540-2211 as shown below:

<b>Replacement 96-Gallon Garbage and Recycling Containers</b>				
	<b>(949) Garbage Containers</b>	<b>(636) Recycling Containers</b>	<b>Total</b>	
Budget	\$ 47,450	\$ 31,800	\$ 79,250	
Encumbered/Committed to Date	(26,020)	(5,155)	(31,175)	
Toter, Inc.	(10,100)	(21,692)	(31,792)	
Remaining Budgeted Funds	\$ 11,329	\$ 4,954	\$ 16,283	

This will bring the total current replacements for FY 2019 to 736 garbage containers and 536 recycling containers.

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

RESOLUTION NO. 2019-9550-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 636 PLASTIC 96-GALLON GARBAGE AND RECYCLING CONTAINERS IN THE AMOUNT OF \$31,792.32, FROM TOTER, LLC. OF STATESVILLE, NORTH CAROLINA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, each year, the Solid Waste Division purchases new 96-gallon residential refuse containers both for new service and regular container replacement, for both garbage and recycling services;

**Whereas**, the purchase is for 436 recycling containers with a hot stamp recycling symbol at a cost of \$46.87 per container, and the purchase of 200 garbage containers at a cost of \$47.62 per container, plus \$1,833.00 for freight - Staff believes this to be a good cost per container and recommends Council authorize this purchase;

**Whereas**, Toter, LLC has been awarded National IPA Contract No. 171717-01 by the City of Tucson, Arizona effective February 1, 2018 - contracts awarded through National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, per the terms of the National IPA contract, pricing is evaluated every three months for price adjustments based on current commodity prices;

**Whereas**, the City has done business with Toter, LLC in the past and finds it to be a responsible vendor - this will bring the total current replacements for fiscal year 2019 to 736 garbage containers and 536 recycling containers;

**Whereas**, funding for this purchase is appropriated in the fiscal year 2019 Operating Budget in Account No. 110-2330-540-2211; 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 636 plastic 96-gallon garbage and recycling containers in the amount of \$31,792.32, from Toter, LLC, of Statesville, North Carolina, utilizing the National IPA Cooperative Contract.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(JJ)  
Consent Agenda  
Page 1 of 2

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

Kevin Beavers, CPRP, Parks and Recreation Director  
Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a portable interlocking outfield fence system for Crossroads Park from SportaFence Marketing Enterprises, LLC of Sacramento, California in the amount of \$325,080.

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

**ITEM SUMMARY:** Authorization of this purchase with SportaFence Marketing Enterprises, LLC (SportaFence) will provide for a portable interlocking outfield fence system for use at the Crossroads Park baseball and softball complexes.

On Friday, July 27, 2018, the City received one proposal from SportaFence for the purchase of a portable interlocking outfield fence system for the outfields of the four baseball and four softball fields at Crossroads Park. The fence system will consist of 416 10-foot wheeled panels with interlocking couplers that will allow for the creation of one continuous fence that can be moved to the desired field dimension depending on the age group using the fields.

As stated in the Request for Proposals (RFP), the proposal was scored by an evaluation committee based on the following criteria: 40%, proposed pricing; 30%, fulfillment of City's fence system needs; 15%, reputation and experience of proposer in successfully implementing portable outfield interlocking fence systems; 10%, ease of assembly, installation, and movability of the system; and 5%, product warranty. A Staff proposal evaluation committee reviewed the SportaFence proposal, and the committee concluded that SportaFence has the qualifications and product necessary to meet the City's needs. Staff also evaluated the SportaFence product against other portable fence options, and Staff found the SportaFence design and value to be superior to other portable fence solutions on the market.

The construction of Crossroads Park is expected to be completed in the summer of 2019 with play on the fields commencing in the fall of 2019. Staff is recommending delivery of the portable fence system in the summer of 2019, which will allow time for Parks Staff to assemble the fence system prior to games starting in the fall.

**FISCAL IMPACT:** The Crossroads Park project is funded with Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015. Funding for the purchase of a portable interlocking outfield fence system for Crossroads Park from SportaFence Marketing Enterprises, LLC in the amount of \$325,080 is appropriated as follows:

	<u>362-3500-552-6402</u>	<u>795-9500-531-6867</u>	<u>795-9800-531-6867</u>	<u>Total</u>
	<b>101311</b>	<b>101005</b>		
Project Budget	\$ 14,313,691	\$ 2,974,850	\$ 2,950,150	\$20,238,691
Encumbered/Committed to Date	(13,656,744)	(2,974,850)	(2,950,150)	(19,581,744)
<b>SportaFence Marketing Enterprises, LLC</b>	<b>(325,080)</b>	<b>-</b>	<b>-</b>	<b>(325,080)</b>
<b>Remaining Project Funds</b>	<b>\$ 331,867</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 331,867</b>

It is anticipated that the remaining project funds will be used for water costs associated with the establishment of the turf throughout the park, and other park amenities.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9551-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A PORTABLE INTERLOCKING OUTFIELD FENCE SYSTEM FOR CROSSROADS PARK IN THE AMOUNT OF \$325,080 FROM SPORTAFENCE MARKETING ENTERPRISES, LLC OF SACRAMENTO, CALIFORNIA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on Friday, July 27, 2018, the City received one proposal from SportaFence Marketing Enterprises, LLC (SportaFence) for the purchase of a portable interlocking outfield fence system for the outfields of the four baseball and four softball fields at Crossroads Park;

**Whereas**, the fence system will consist of 416 10-foot wheeled panels with interlocking couplers that will allow for the creation of one continuous fence that can be moved to the desired field dimension depending on the age group using the fields;

**Whereas**, a Staff committee reviewed the SportaFence proposal, and concluded that SportaFence has the qualifications and product necessary to meet the City's needs - Staff also evaluated the SportaFence product against other portable fence options, and found the SportaFence design and value to be superior to other portable fence solutions on the market;

**Whereas**, the construction of Crossroads Park is expected to be completed in the summer of 2019 with play on the fields commencing in the fall of 2019 – Staff recommends delivery of the portable fence system to be in the summer of 2019 which will allow time for Parks Staff to assemble the fence system prior to games starting in the fall;

**Whereas**, Staff recommends Council authorize the purchase of a portable interlocking outfield fence system for Crossroads Park in the amount of \$325,080 from SportaFence Marketing Enterprises, LLC of Sacramento, California;

**Whereas**, the Crossroads Park project is funded with Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015 - funding for this purchase is available in Account No. 362-3500-552-6402, Project 101311, Account No. 795-9500-531-6867 and Account No. 795-9800-531-6867, Project 101005; 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 portable interlocking outfield fence system for Crossroads Park in the amount of \$325,080 from SportaFence Marketing Enterprises, LLC of Sacramento, California.

**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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(KK)  
Consent Agenda  
Page 1 of 2

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

Don Bond, PE, City Engineer  
Belinda Mattke, Director of Purchasing & Facility Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an increase of \$109,276 to the estimated spend under the annual contract for construction material testing with Langerman Foster Engineering Company, LLC of Waco, for three significant public infrastructure capital projects.

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

**ITEM SUMMARY:** On September 6, 2018, Council authorized a renewal to a professional services agreement with Langerman Foster Engineering Company, LLC (LFE) for construction material testing needed for all infrastructure projects, both City-initiated and subdivision-related. The estimated spend presented to Council on September 6, 2018, for FY2019 was \$150,000, which did not include an allowance for significant capital improvement infrastructure projects with required testing estimated at over \$25,000 per project.

Authorization of the increased spend under the LFE construction material testing annual contract will provide for testing specifically estimated for the following capital infrastructure projects:

<b>Hogan Road Improvements from SH 317 to S. Pea Ridge Road:</b>		
Street Improvements	\$27,144	
Utility Improvements	<u>22,576</u>	
<b>Total – Hogan Road</b>		<b>\$ 49,720</b>
<b>Rail Backage Road Construction east of Wendland Road:</b>		
Street Improvements	\$16,228	
Water Improvements	5,320	
Drainage Improvements	<u>9,406</u>	
<b>Total – Rail Backage Road</b>		<b>30,954</b>
<b>North Outer Loop 12” Waterline</b>		<b><u>28,602</u></b>
<b>TOTAL</b>		<b><u>\$109,276</u></b>

Construction material testing of the above projects is essential to assure quality construction and compliance with City specifications and standards.

The above project cost estimates are only projections of the costs that could be incurred if all of the construction material testing is performed as anticipated by the City's Engineering Staff, the project consulting engineer, and LFE. LFE will only invoice for the testing performed at the rates as agreed to in the annual contract for construction material testing.

**FISCAL IMPACT:** Funding for the estimated cost of the construction material testing to be performed by Langerman Foster Engineering Company, LLC on the three projects noted above is available in the following accounts:

	<u>Hogan Road</u>		<u>Rail Backage Road</u>	<u>North Outer Loop</u>		<u>Total</u>
	<u>100952</u>		<u>101844</u>	<u>101997</u>		
	<u>365-3400- 531-6857</u>	<u>561-5200- 535-6983</u>	<u>795-9500-531-6527</u>	<u>561- 5200- 535-6813</u>	<u>561-5400- 535-6813</u>	<u>Total</u>
Project Budget	\$3,489,859	\$2,065,100	\$2,500,000	\$ 901,500	\$ 318,500	\$ 9,274,959
Encumbered/Committed to Date	(2,440,822)	(1,626,036)	(362,299)	(83,629)	(306,426)	(4,819,212)
<b>Construction Contracts</b>	-	-	(1,011,174)	(514,185)	-	(1,525,259)
<b>Langerman Foster Engineering-Materials Testing</b>	(27,144)	(22,576)	(30,954)	(28,602)	-	(109,276)
<b>Remaining Project Funds</b>	<u><u>\$1,021,893</u></u>	<u><u>\$ 416,488</u></u>	<u><u>\$1,095,673</u></u>	<u><u>\$ 275,084</u></u>	<u><u>\$ 12,074</u></u>	<u><u>\$ 2,821,212</u></u>

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

RESOLUTION NO. 2019-9552-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INCREASE OF \$109,276 TO THE ESTIMATED SPEND UNDER THE ANNUAL CONTRACT FOR CONSTRUCTION MATERIAL TESTING WITH LANGERMAN FOSTER ENGINEERING COMPANY, LLC OF WACO, TEXAS FOR THREE SIGNIFICANT PUBLIC INFRASTRUCTURE CAPITAL PROJECTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on September 6, 2018, Council authorized a renewal to the professional services agreement with Langerman Foster Engineering Company, LLC (“LFE”) for construction material testing for all infrastructure projects, both City-initiated and subdivision-related;

**Whereas**, the estimated dollar amount presented to Council on September 6, 2018 for fiscal year 2019 was \$150,000, which did not include an allowance for significant capital improvement infrastructure projects with required testing estimated at \$25,000 per project;

**Whereas**, the increased spend amount under the LFE construction material testing annual contract will provide for testing specifically estimated for the following capital infrastructure projects: Hogan Road Improvements from State Highway 317 to South Pea Ridge Road, Rail Backage Road Construction east of Wendland Road, and North Outer Loop 12-inch Waterline;

**Whereas**, construction material testing is essential to assure quality construction and compliance with the City specifications and standards;

**Whereas**, the project costs are only projections of the costs that could be incurred if all of the construction material testing is performed as anticipated by the City’s Engineering Staff, the project consulting engineer, and LFE - LFE will only invoice for the testing performed at the rates as agreed to in the annual contract for construction material testing;

**Whereas**, Staff recommends Council authorize an increase of \$109,276 to the estimated spend under the annual contract for construction material testing with Langerman Foster Engineering Company, LLC of Waco, Texas, for three significant public infrastructure capital projects;

**Whereas**, funding for this increased expenditure is available in Account No. 365-3400-531-6857 and Account No. 561-5200-535-6983, Project 100952, Account No. 795-9500-531-6527, Project 101844, Account No. 561-5200-535-6813 and Account No. 561-5400-535-6813, Project No. 101997; and

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

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

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

**Part 2:** The City Council authorizes an increase of \$109,276 to the estimated spend under the annual contract for construction material testing with Langerman Foster Engineering Company, LLC of Waco, Texas, for three significant public infrastructure capital projects.

**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 7<sup>th</sup> day of **February**, 2018.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(LL)  
Consent Agenda  
Page 1 of 1

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Consider adopting a resolution extending the expiration of the Circle C Ranch final plat for an additional year.

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

**ITEM SUMMARY:** Case P-FY-18-19 is for an 80-lot subdivision in Temple's western Extraterritorial Jurisdiction (ETJ). Per Sec. 3.6.6.D of the UDC (Unified Development Code), final plats must be recorded with Bell County within a year of approval, which P&Z (Planning and Zoning Commission) approved on February 5, 2018. They have requested an additional year to finalize construction of their public infrastructure, which is required by Bell County prior to recordation.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

[Plat](#)  
[Resolution](#)



FINAL PLAT OF  
**CIRCLE C RANCH ESTATES**  
SITUATED IN THE E. T. J. OF THE CITY OF TEMPLE AND  
THE E. T. J. OF THE CITY OF BELTON, BELL COUNTY,  
TEXAS, BEING 72.49 ACRES SITUATED IN THE LEWIS  
WALKER SURVEY, ABSTRACT 860, BELL COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF BELL

JT CAROTHERS HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE 72.49 ACRE TRACT OF LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS **CIRCLE C RANCH ESTATES**, WITHIN THE E. T. J. OF THE CITY OF TEMPLE AND THE E. T. J. OF THE CITY OF BELTON, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

IT IS THE RESPONSIBILITY OF THE OWNER, NOT THE COUNTY, TO ASSURE COMPLIANCE WITH THE PROVISIONS OF ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS RELATING TO THE ENVIRONMENT, INCLUDING (BUT NOT LIMITED TO) THE ENDANGERED SPECIES ACT, STATE AQUIFER REGULATIONS AND MUNICIPAL WATERSHED ORDINANCES.

JASON CAROTHERS, Managing Member  
50 South Wheat Road  
Belton, Texas 76513

STATE OF TEXAS  
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JASON CAROTHERS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS MANAGING MEMBER OF JT CAROTHERS HOLDINGS, LLC, FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

NOTARY PUBLIC, STATE OF TEXAS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CHAIRPERSON

SECRETARY, PLANNING & ZONING

BELL COUNTY  
PUBLIC HEALTH DISTRICT CERTIFICATE

The Bell County Public Health District, the Licensing Authority for an on-site sewage disposal in Bell County, Texas, hereby certifies that this subdivision meets or exceeds the minimum standards established by the Bell County Board of Health.

Sanitarian

Date

I hereby certify that this plat was approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the Bell County Commissioners Court and may be filed for record in the Plat Records of Bell County, Texas.

County Judge

Witness my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public, State of Texas

STATE OF TEXAS  
COUNTY OF BELL

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.

*Charles C. Lucko*  
CHARLES C. LUCKO, R.L.S.  
REGISTRATION NO. 4636  
DATE SURVEYED: JUNE 26, 2012



FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

IN YEAR \_\_\_\_\_, PLAT # \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # \_\_\_\_\_, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

CALLED 9.00 ACRES  
TERRY E. GOTT and wife,  
DONNA M. GOTT  
Doc. No. 2008-00029002

CALLED 31.41 ACRES  
WAYNE A. GEORGE  
Vol. 2904, Pg. 212

OWNERS' RESPONSIBILITIES

\* In approving this plat by the Commissioners' Court of Bell County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Bell County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets. The County assumes no responsibility for the accuracy of representation by other parties in this plat. Flood plain data, in particular, may change depending on subsequent development.

This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 174. The theta angle at City Monument No. 174 is 01°29'01". The combined correction factor (CCF) is 0.9999958. Grid distance = surface distance X CCF. Geodetic north = grid north + theta angle. Reference tie from City Monument No. 174 to the northeast corner of this 72.49 Acre tract is S 86°14'59" W 10124.11 feet. Published City coordinates for project reference point 174 are N = 10314.425.81 E = 5141.461.80

Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 48027C0325E, dated September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2018 A. D.

By: \_\_\_\_\_  
Bell County Tax Appraisal District

CALLED 19.247 ACRES  
BLBJ, LLC  
Doc. No. 2016-00047571

2" Metal  
Post Found

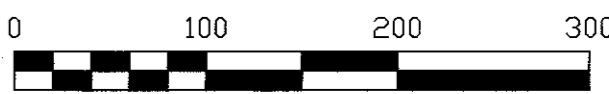
A - 425.03'  
R - 3150.50'  
C - 421.71'  
B - S 85°33'14" W  
D - 16°44'22"

**A. T. & S. F. RAILROAD**  
Unable to locate record information for this railway.

CALLED 100.080 ACRES  
TRAVENOL LABORATORIES, INC.  
Vol. 1864, Pg. 424

CALLED 28.25 ACRES  
TRAVENOL LABORATORIES, INC.  
Vol. 1826, Pg. 447

CALLED 13.000 ACRES  
STEVE MEYER and wife,  
PAULA MEYER  
Vol. 3381, Pg. 8



FINAL PLAT OF

**CIRCLE C RANCH ESTATES**  
SITUATED IN THE E. T. J. OF THE CITY OF TEMPLE AND THE E.  
T. J. OF THE CITY OF BELTON, BELL COUNTY, TEXAS

Plot Date: 01-10-2018  
Survey completed: 06-26-2015  
Scale: 1" = 100'  
Job No. 1709873  
Dwg No. 1709873P  
Drawn by: SLN  
Surveyor: CCL #4636  
Copyright 2018 All County Surveying, Inc.



RESOLUTION NO. 2019-9553-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, EXTENDING THE EXPIRATION OF THE FINAL PLAT FOR THE CIRCLE C RANCH ESTATES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Planning Case P-FY-18-19 is for an 80-lot subdivision in Temple's western Extraterritorial Jurisdiction (ETJ) at the southeast corner of Sparta Road and Sparta Loop, west of FM 439;

**Whereas**, per Section 3.6.6.D of the Unified Development Code (UDC), final plats must be recorded with Bell County within a year of approval, which the Planning and Zoning Commission approved on February 5, 2018;

**Whereas**, the developer has requested one additional year to finalize construction of the public infrastructure, which is required by Bell County prior to recordation;

**Whereas**, Staff recommends Council extend the expiration of the final plat for the Circle C Ranch Estates for an additional one-year period; 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 extends the expiration of the final plat for the Circle C Ranch Estates, an 80-lot subdivision in Temple's western Extraterritorial Jurisdiction (ETJ) at the southeast corner of Sparta Road and Sparta Loop, west of FM 439 for one year. The new expiration date is February 5, 2020.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

---

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(MM)  
Consent Agenda  
Page 1 of 2

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – FINAL HEARING – FY-19-2-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to Single Family Two on 23.901 +/- acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Bell County, Texas, located at the southwest corner of West Nugent Avenue and John Paul Jones Drive.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its December 17, 2018, meeting the Planning and Zoning Commission voted 8/0 to recommend approval of the requested rezoning from Agricultural (AG) zoning district to Single Family Two (SF-2), per Staff's recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the requested rezoning from Agricultural (AG) District to Single Family-Two (SF-2) District for the following reasons:

1. Compliance with the Future Land Use Plan;
2. Compliance with surrounding zoning and land uses;
3. Compliance with the Thoroughfare Plan; and
4. Compliance with availability of public facilities to serve the subject property

**ITEM SUMMARY:** The applicant requests this rezoning from Agricultural District (AG) to Single Family Two District (SF-2) to allow single family development on 23.901 acres, located at the southwest corner of West Nugent Avenue and John Paul Jones Drive

The applicant's requested Single Family Two (SF-2) zoning district permits single-family detached residences and related accessory structures and provides smaller single-family lots. This district may also serve as a transition from Single Family One (SF-1) zoning district to less restrictive or denser residential zoning districts.

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

**Future Land Use and Character Plan (FLUP) (CP Map 3.1)**

The subject property is within the **Auto-Urban Residential character district** of the *Choices '08* City of Temple Comprehensive Plan. The Auto-Urban Residential land use classification is characterized by smaller single-family lots. It is typically intended to support a range of housing types, from single-family detached dwellings to patio homes and even townhouses. **The applicant's requested Single Family Two (SF-2) zoning district complies with the Auto-Urban Residential character district.**

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property's north boundary fronts **West Nugent Avenue**, a minor arterial. Since minor arterials are high traffic streets, they are only appropriate for subdivision entrances to local streets within residential developments. **Staff will ensure during the platting process that residential lots will not front on West Nugent Avenue, per Unified Development Code (UDC) Section 8.2.6.E Design Standards -Lot Arrangement.** The subject property's east boundary fronts **John Paul Jones Drive**, a collector. Collectors are common within residential developments. All thoroughfare requirements will be addressed during the platting process.

Temple Trails Master Plan Map and Sidewalks Ordinance

**The Temple Trails Master Plan** shows a proposed local connector trail along the north side of West Nugent Avenue. The subject property has existing sidewalks along West Nugent Avenue and John Paul Jones Drive, as required by UDC Section 8.2.3.

The developer has been in contact with TISD about potentially partnering to create a hike and bike trail through the neighborhood that connects to Kennedy-Powell Elementary.

Availability of Public Facilities (CP Goal 4.1)

There is an existing eight-inch water line along the south right-of-way of West Nugent Avenue; a six-inch water line near the southeast corner of the subject property at John Paul Jones Drive; and an existing eight-inch water line across John Paul Jones Drive within the south right-of-way of Harrington.

An existing eight-inch sanitary sewer line is located along the west end of the property's south property line. There are existing storm water features along the creek at West Nugent Avenue and John Paul Jones Drive. Drainage will be addressed during the platting process.

**PUBLIC NOTICE:** Thirty-six 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 Thursday, January 8, 2019, five notices have been returned in favor of the proposed rezoning and one notice has been received in opposition to the proposed rezoning.

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

**FISCAL IMPACT:** Not Applicable




**ATTACHMENTS:**

[Site and Surrounding Property Photos](#)  
[Maps](#)  
[Development Regulation Tables](#)  
[Property Owners Response Letters](#)  
[P&Z Excerpts \(December 17, 2018\)](#)  
[Ordinance](#)

# **SURROUNDING PROPERTY AND USES:**

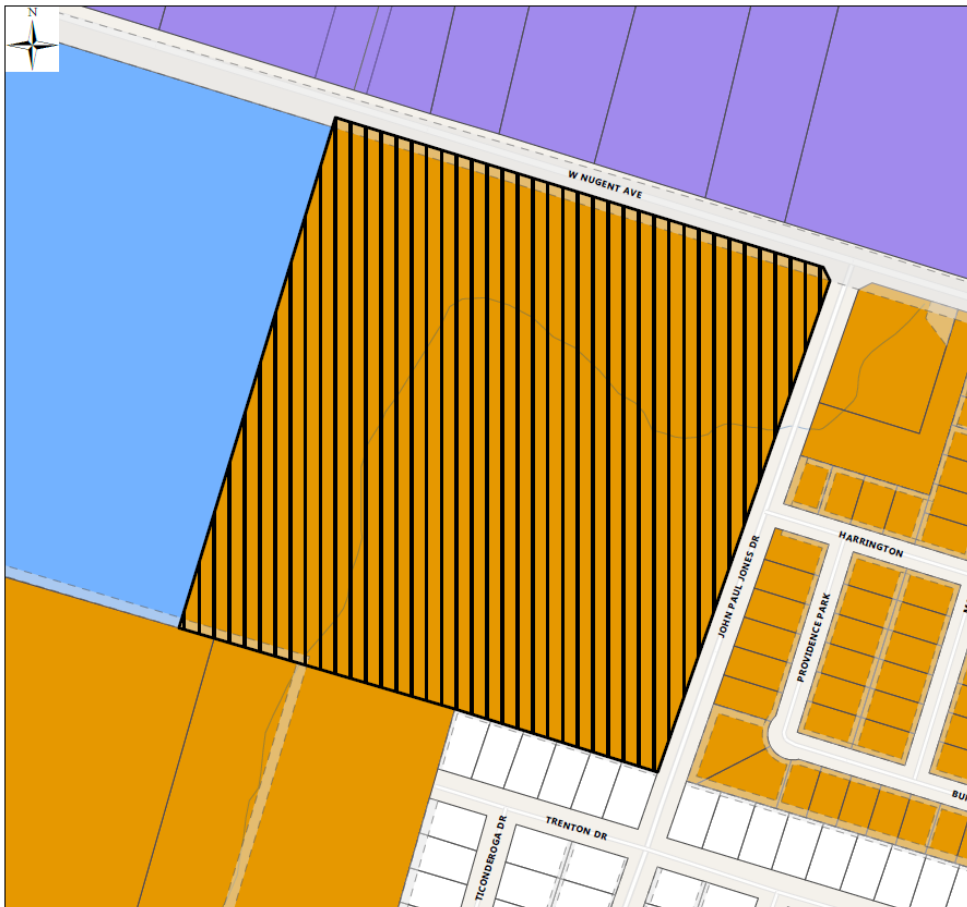
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	 <p>View from W Nugent Ave</p>
			 <p>Site</p> <p>John Paul Jones Dr</p>
			 <p>Site (along W Nugent Ave)</p>

Direction	Zoning	Current Land Use	Photo
East	SF-2 & O-2	Undeveloped Office Land & Single Family Residential	
			
West	AG	Undeveloped TISD Land	

Direction	Zoning	Current Land Use	Photo
South	AG & MF-2	Undeveloped Land & Single-Family Residential	
			
North	AG	Rural Residential & Agricultural Land	



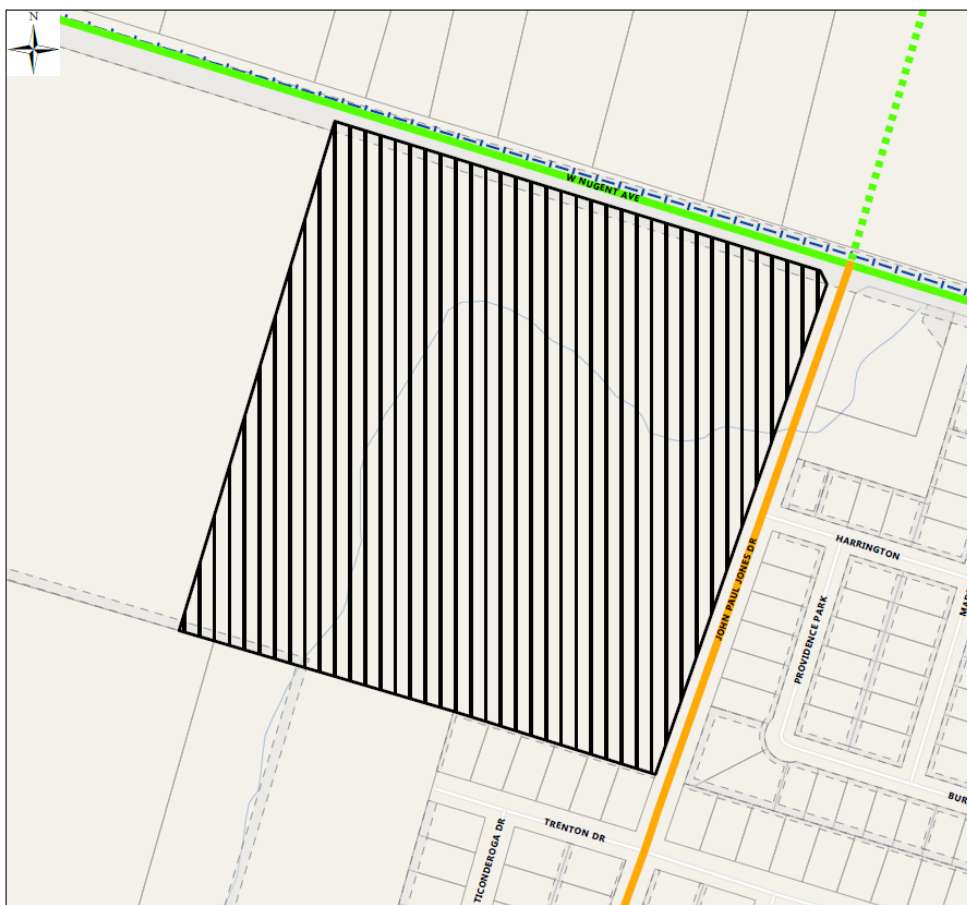


AG To SF-2  
FUTURE LAND  
USE MAP  
Zoning Case :  
FY-19-2-ZC  
Address :  
3201 W Nugent AVE

- Transportation
- EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
- Parcel Features
- Parcels
  - Future LUP
  - Agricultural/Rural
  - Auto-Urban Commercial
  - Auto-Urban Mixed Use
  - Auto-Urban Multi-Family
  - Auto-Urban Residential
  - Business Park
  - Estate Residential
  - Industrial
  - Neighborhood Conservation
  - Parks & Open Space
  - Public Institutional
  - Suburban Commercial
  - Suburban Residential
  - Temple Medical Education District
  - Urban Center
  - Production.SDE.Easement

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

tlyerly  
Date: 11/30/2018



AG To SF-2  
THOROUGHFARE  
AND TRAILS MAP

Zoning Case :  
FY-19-2-ZC  
Address :  
3201 W Nugent AVE

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

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

tlyerly  
Date: 11/30/2018





**DEVELOPMENT REGULATIONS:** Standards for detached Single Family residential homes in the SF-2 district are:

	<b>SF-2 (Proposed)</b>
Minimum Lot Size	5,000 Square Feet
Minimum Lot Width	50 Feet
Minimum Lot Depth	100 Feet
Front Setback	25 Feet
Side Setback	5 Feet
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	2 ½ Stories

Although the property is anticipated for development of detached single family residential dwellings, there are a number of other uses allowed in the SF-1 district which, include but are not limited to:

<b>Permitted &amp; Conditional Use Table – Single Family One (SF-2)</b>	
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard
<b>Residential Uses</b>	* Single Family Residence (Detached Only) * Industrialized Housing * Family or Group Home
<b>Retail &amp; Service Uses</b>	* None
<b>Commercial Uses</b>	* None
<b>Industrial Uses</b>	* Temporary Asphalt & Concrete Batching Plat (CUP)
<b>Recreational Uses</b>	* Park or Playground
<b>Educational &amp; Institutional Uses</b>	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
<b>Restaurant Uses</b>	* None
<b>Overnight Accommodations</b>	* None
<b>Transportation Uses</b>	* Railroad Track Right-of-Way

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Residential	AG	Undeveloped Land
North	Business Park	AG	Agricultural & Rural Residential
South	Auto-Urban Residential and Neighborhood Conservation	AG & MF-2	Undeveloped Land & Single Family Residential,
East	Auto-Urban Residential	SF-2 & O-2	Single Family Residential & Undeveloped Office Land
West	Public Institutional	AG	Undeveloped TISD Land

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

:

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
CP	Map 3.1 - Future Land Use Map	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan



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

129197  
TOMASEK, HENRY O & SARA JO  
2616 W ADAMS AVE  
TEMPLE, TX 76504-3927



**Zoning Application Number:** FY-19-2-ZC

**Case Manager:** Tammy Lyerly

**Location:** At the Southwest corner of West Nugent Avenue and John Paul Jones Drive

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

I ☒ agree

( ) disagree with this request

**Comments:**

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Henry O. Tomasek  
Signature

Henry O. Tomasek  
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](mailto:tllyerly@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **January 17, 2019**.

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

Number of Notices Mailed: 36

Date Mailed: December 6, 2018

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



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

344701  
ALMAN, ANTHONY P  
3108 HARRINGTON  
TEMPLE, TX 76502

**Zoning Application Number: FY-19-2-ZC**

**Case Manager: Tammy Lyerly**

Location: At the Southwest corner of West Nugent Avenue and John Paul Jones Drive

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

I ☐ agree

☒ disagree with this request

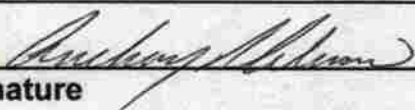
**Comments:**

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**Signature**

Anthony Paul Alman  
**Print Name**

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tylerly@templetx.gov](mailto:tylerly@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **January 17, 2019**.

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

Number of Notices Mailed: 36

Date Mailed: December 6, 2018

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



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

17714  
BANDAS, JOHN H & CAROL J BANDAS  
917 JOHN PAUL JONES DR  
TEMPLE, TX 76504-7917

**Zoning Application Number:** FY-19-2-ZC

**Case Manager:** Tammy Lyerly

**Location:** At the Southwest corner of West Nugent Avenue and John Paul Jones Drive

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

I ☒ agree

( ) disagree with this request

**Comments:**

This will be a welcome addition. In its native  
state it can be a fire hazard. It burned one time  
about 2002.

John H. Bandas  
Signature

John H. Bandas  
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tylerly@templetx.gov](mailto:tylerly@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **January 17, 2019**.

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

Number of Notices Mailed: 36

Date Mailed: December 6, 2018

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

69002  
TEJAS OSO LTD  
PO BOX 1404  
TEMPLE, TX 76503-1404

RECEIVED  
DEC 12 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-19-2-ZC

**Case Manager:** Tammy Lyerly

**Location:** At the Southwest corner of West Nugent Avenue and John Paul Jones Drive

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

I ☒ agree

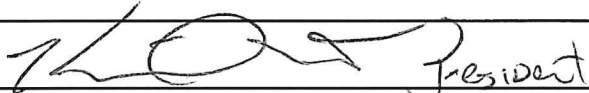
( ) disagree with this request

**Comments:**

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Signature, President

Kenneth L Motter  
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tylerly@templetx.gov](mailto:tylerly@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **January 17, 2019**.

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

Number of Notices Mailed: 36

Date Mailed: December 6, 2018

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



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

409425  
TEJAS OSO LTD  
PO BOX 1404  
TEMPLE, TX 76503-1404

**RECEIVED**  
DEC 12 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

**Zoning Application Number:** FY-19-2-ZC

**Case Manager:** Tammy Lyerly

**Location:** At the Southwest corner of West Nugent Avenue and John Paul Jones Drive

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

I ☒ agree

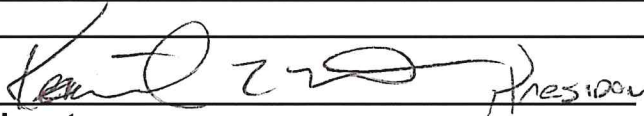
( ) disagree with this request

**Comments:**

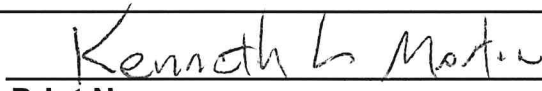
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**Signature**



**Print Name**

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tylerly@templetx.gov](mailto:tylerly@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **January 17, 2019**.

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

Number of Notices Mailed: 36

Date Mailed: December 6, 2018

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



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

92413  
PERPETUAL PROPERTIES INC  
245 MILL DAM RD  
COMFORT, TX 78013-2809

**Zoning Application Number:** FY-19-2-ZC

**Case Manager:** Tammy Lyerly

**Location:** At the Southwest corner of West Nugent Avenue and John Paul Jones Drive

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

I ☒ agree

( ) disagree with this request

**Comments:**

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Signature

Print Name

Steve Vidro

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, [tylerly@templetx.gov](mailto:tylerly@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **January 17, 2019**.

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

Number of Notices Mailed: 36

Date Mailed: December 6, 2018

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

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, DECEMBER 17, 2018**

**ACTION ITEMS**

**Item 2: FY-19-2-ZC** - Hold a public hearing to discuss and recommend action for a rezoning from Agricultural (AG) zoning district to Single Family Two (SF-2) on 23.901 +/- acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Bell County, Texas, located at the southwest corner of West Nugent Avenue and John Paul Jones Drive.

Ms. Tammy Lyerly, Senior Planner, stated this rezoning is scheduled to go forward to City Council for first reading on January 17, 2019 and second reading on February 7, 2019.

Subject property aerial map shown.

The Zoning map is shown, and subject property is found in compliance and compatible with surrounding zoning and uses.

The Future Land Use Map is shown, and the subject property is found in compliance with the Single-Family Two (SF-2) zoning district.

The Thoroughfare map is shown and is found in compliance. Developer has been in contact with Temple Independent School District in potentially partnering to create a hike and bike trail.

The existing water and sewer map is shown with eight-inch water lines within street rights-of-way (ROW) and an existing six-inch line near southeast corner of property. An existing eight-inch sewer line along the west end of rear property line, and within John Paul Jones Drive ROW.

On-site and surrounding property photos are shown.

Permitted and Conditional Use Table for SF-2 land uses shown.

Development Standards SF-2 Table shown.

Compliance Summary chart is shown, and all criteria are found to be in compliance.

Thirty-six notices were mailed in accordance with all state and local regulations with five responses returned in agreement and one response returned in disagreement.

Staff recommends approval of the request for a rezoning from Agricultural District (AG) to SF-2.

Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Ward made a motion to approve Item 2, **FY-19-2-ZC**, per staff recommendation, and Commissioner Fettig made a second.

*Motion passed: (8:0)*

Commissioner Jeanes absent.

DRAFT

ORDINANCE NO. 2019-4950  
(FY-19-2-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY TWO ZONING DISTRICT ON APPROXIMATELY 23.901 ACRES, SITUATED IN THE ELIZABETH BERRY SURVEY, ABSTRACT NO. 56, BELL COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF WEST NUGENT AVENUE AND JOHN PAUL JONES DRIVE; 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 Agricultural zoning district to Single Family Two zoning district on approximately 23.901 acres, situated in the Elizabeth Berry Survey, Abstract No. 56, Bell County, Texas, located at the southwest corner of West Nugent Avenue and John Paul Jones Drive, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17<sup>th</sup>** day of **January**, 2019.

PASSED AND APPROVED on Second Reading on the **7<sup>th</sup>** day of **February**, 2019.

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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02/07/19  
Item #7(NN)  
Consent Agenda  
Page 1 of 3

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

Mark Baker, Principal Planner

**ITEM DESCRIPTION:** SECOND READING - FINAL HEARING - FY-19-3-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning district to General Retail zoning district on 3.31 +/- acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located along the east side of State Highway 317, addressed as 6521 State Highway 317.

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

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

**PLANNING & ZONING COMMISSION RECOMENDATION:** At their December 17, 2018 meeting, The Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation.

**ITEM SUMMARY:** The applicant/ owner (New American Dream Ltd.) requests rezoning of 3.31 +/- acres from Agricultural (AG) zoning district to General Retail (GR) zoning district. The subject property is currently unplatted and developed with a mixture of residential and non-residential uses of an undetermined nature.

While no end-user has been identified by the owner, the property is proposed to be developed with non-residential uses. There are a number of residential and non-residential uses that are permitted by-right or with a conditional use permit (CUP). A comparison between the existing and proposed zoning districts, is shown in the attached table.

**TRAFFIC IMPACTS:** Although the property fronts along State Highway 317 (SH 317), the lack of a median break fronting the property may generate some additional traffic concerns. Turning movements into the property will be limited to right-in and right-out. A table showing some of the higher trip-generating uses allowed in GR has been attached.

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

Future Land Use Map (CP Map 3.1)

The subject property is within the Suburban Commercial Future Land Use Map (FLUM) designation. The Suburban Commercial designation is appropriate for office and retail service uses and while it supports Office 1 (O-1), Office 2 (O-2) and Neighborhood Service (NS) zoning designations, the GR designation is considered on a case by case basis. In addition, the Suburban Commercial designation can be found to be appropriate for office and retail service uses adjacent to residential neighborhoods as well as high profile corridors.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from State Highway 317 (SH 317), a major arterial street. TxDOT improvements are substantially complete with direct property access driveways in place. The state was notified of the proposed rezoning and no comments have been received. TxDOT improvements include a 10-foot sidewalk on the east side of SH 317.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available through extension of either of two eight-inch sewer lines in the Village of Sage Meadows subdivision to the east. Water is available from an eight-inch water main at the south east corner of the property.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed local connector trail is shown on the Trails Master Plan. SH 317, as an arterial requires a 6-foot sidewalk. Compliance with the Trails Master Plan and sidewalks has been addressed by the upsized sidewalk from 6-feet to 10-feet, which was put into place by TxDOT widening improvements along SH 317.

**SUBDIVISION PLAT:** A subdivision plat will be required prior to the development of this property. The plat will address connection to public facilities. Since the property frontage has been recently improved by a state highway improvement project, an 8-foot wide sidewalk has been provided and any needed right-of-way is not anticipated.

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

**PUBLIC NOTICE:** Eighteen notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday January 8, 2019 at 9:00 AM, one notice in agreement and one notice in disagreement have been received.

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

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Boundary Map (Exhibit A)

Photos

Tables

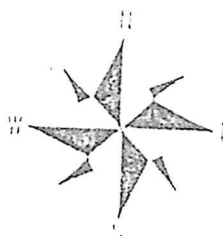
Maps

Returned Property Notices

P&Z Excepts (December 17, 2018)

Ordinance

SURVEY PLAT FOR 3.31 ACRES  
BALDWIN ROBERTSON SURVEY  
ABSTRACT 17  
BELL COUNTY, TEXAS



GRID BEARINGS  
TEXAS CENTRAL ZONE  
STATE PLANE COORDINATE SYSTEM - NAD 83  
CONVERSION ANGLE = +1° 29' 14"  
(DIRECTIONAL CONTROL - EAST ROW OF HWY 317)

METES AND BOUNDS DESCRIPTION  
3.31 ACRES

Being a 3.31 acre tract of land situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, being all of the tract of land conveyed to Earl A. Crone and wife Florence Crone in Volume 794, Page 147, Deed Records of Bell County, Texas and all of a tract of land conveyed to Earl A. Crone in Volume 1415, Page 411, Deed Records of said county and described as follows:

Beginning at a 1/2" iron rod set at the northwest corner of FIRST TRACT described in Volume 794, Page 147, on the east right of way of F.M. Highway 317 as conveyed in Volume 451, Page 9, Deed Records of said county, and located S 17° 10' 29" E - 250.00' from a 1/2" iron rod found at the northwest corner of the T.L. Hoherd tract conveyed in Volume 661, Page 495;

Thence S 72° 49' 31" E - 448.30', along the boundary of said Hoherd tract (Vol. 661, Pg. 495), to a 1/2" iron rod set for a corner;

Thence S 17° 10' 29" W - 230.00', along the boundary of said Hoherd tract, to a 1/2" iron rod set on the north line of the T.L. Hoherd tract conveyed in Volume 763, Page 406, Deed Records of said county;

Thence N 72° 49' 31" W - 31.10', along said Hoherd tract, to a 1/2" iron rod set for a corner;

Thence S 17° 10' 29" W - 108.60', along said Hoherd tract, to a 1/2" iron rod set at the northeast corner of the Swen M. Crone tract conveyed in Volume 3259, Page 353, Official Public Records of Real Property of Bell County, Texas;

Thence N 72° 49' 31" W - 357.20', along the boundary of the said Swen Crone tract, to a 1/2" iron rod set for a corner;

Thence N 17° 10' 29" E - 70.00', along the said Swen Crone tract, to a 1/2" iron rod set for a corner;

Thence N 72° 49' 31" W - 60.00', along the said Swen Crone tract, to a 1/2" iron rod set on the east right of way of F.M. Highway 317;

Thence N 17° 10' 29" E - 268.00', along said right of way, to the Point of Beginning, containing 3.31 acres of land.

FM HIGHWAY 317  
(ROW VOL. 451, PG. 9)

EARL A. CRONE VOL. 1415, PG. 411

EARL A. CRONE AND WIFE, FLORENCE CRONE VOL. 734, PG. 147

GR. DR.  
CH. ELEC. LINES

SWEN M. CRONE VOL. 3259, PG. 353

ADDRESS: 6521 NORTH HIGHWAY 317

BUYER: NAD LTD.  
LENDER: DATA NOT PROVIDED  
TITLE CO: CENTRAL AND TITLE CO.  
OF NO: 66130226

DATE OF LAST REVISION: \_\_\_\_\_  
SCALE: 1" = 50'  
DATE: \_\_\_\_\_  
FILE NO: 17398

THIS SURVEY WAS MADE ON THE GROUND. THERE IS NO  
VISIBLE EVIDENCE OF ENCUMBRANCES OR CONFLICTS,  
EXCEPT AS SHOWN HEREON.

RONALD E. OWINGS  
DATE: MAR. 19, 2004  
COPYRIGHT BY: RONALD E. OWINGS

CENTRAL TOPOGRAPHIC SERVICE

RONALD E. OWINGS, RPLS  
P.O. BOX 1801, BELTON, TEXAS 76513  
2540939-3700 FAX 254-939-3931

# Site & Surrounding Property Photos



**Site (Front): Unoccupied Building (Arrow) (AG)**



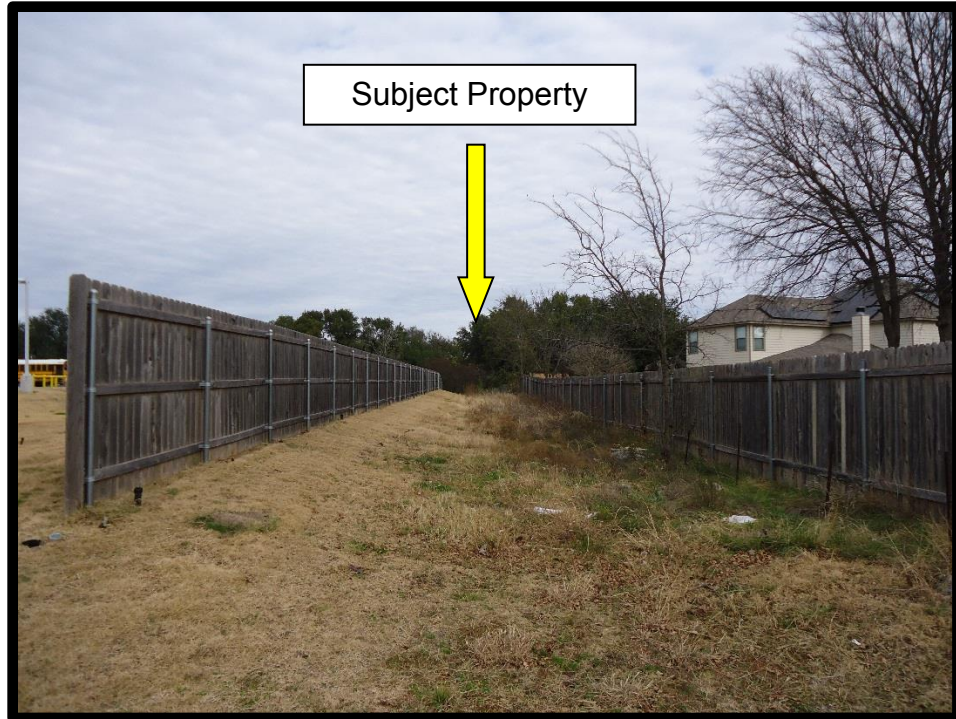
**Site (Rear): Unoccupied Buildings (AG)**



**South – Stripes Convenience Store (GR)**



**East – Aerial Image (Google Maps)  
Property Boundary in RED is approximate  
Single Family Residential Uses  
Village at Sage Meadows subdivision (SF-2)**



**East – Rear of adjacent Stripes' Property and Residential uses to the east  
Single Family Residential Uses  
Village at Sage Meadows subdivision (SF-2)**



**North – Undeveloped (GR)**



**West – Undeveloped – Looking across SH 317 (AG)**

# Tables

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

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

### Surrounding Property Uses

	<b>Surrounding Property &amp; Uses</b>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Undeveloped
North	Suburban Commercial	GR	Undeveloped
South	Suburban Commercial	GR & AG	Stripes Convenience Store
East	Suburban Commercial	SF-2	SF Residential Uses (Village at Sage Meadows)
West	Suburban Commercial	AG	Undeveloped

### Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	YES
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan    STP = Sidewalk and Trails Plan		

### Dimensional Standards

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

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

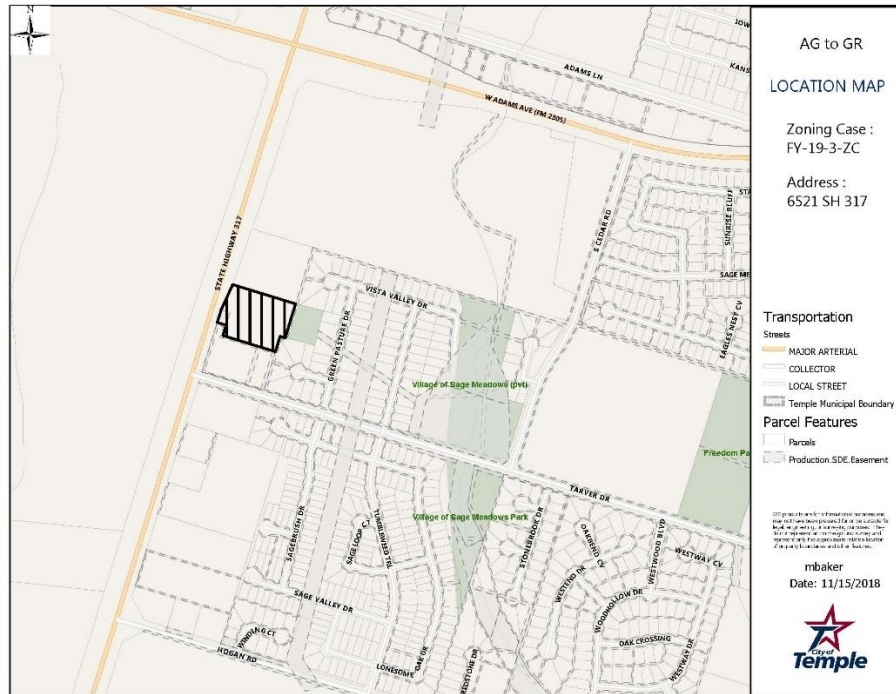
General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

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

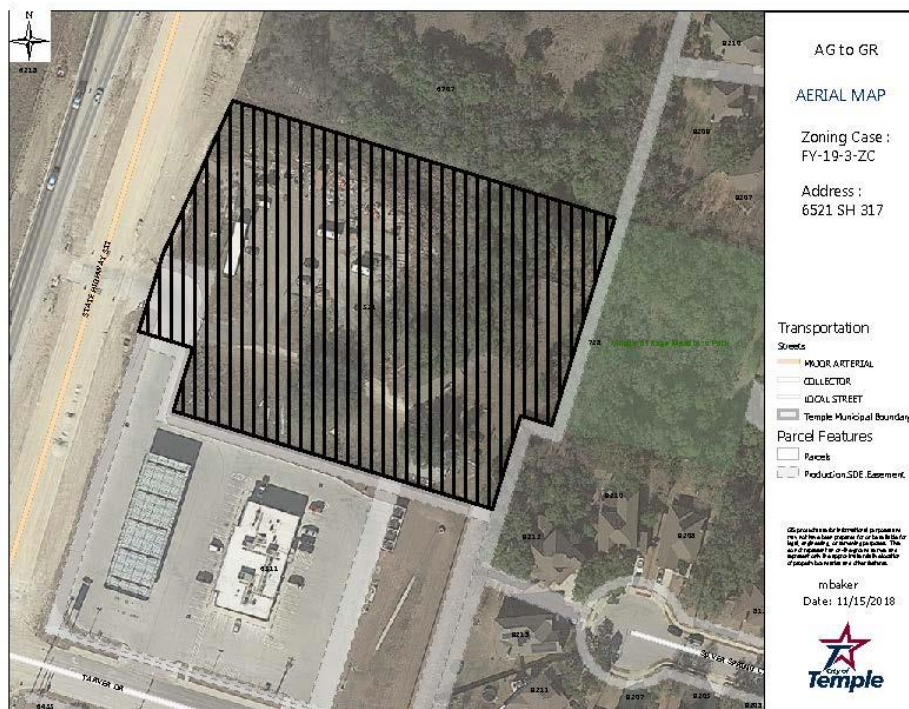
**Traffic Count Information  
Select - GR Permitted & Conditional Uses**

<b>Peak Hour Trip Rates Table (9th Ed. ITE Manual)</b>	
<b>Use</b>	<b>Peak Hour Trip Rate</b>
Single Family (Detached) Residence	1.00 (per Dwelling Unit)
Townhouse	0.52 (per Dwelling Unit)
Assisted Living Facility	0.22 (per Bed)
Congregate Care	0.17 (per Dwelling Unit)
General Office Building	1.49 (per 1,000 S.F.)
Hair Salon	1.93 (per 1,000 S.F.)
Gasoline Service Station / with Convenience Store & Fuel Pumps	13.51 (per Fueling Station)
Gasoline Service Station / Convenience Store / Fuel Pumps / Car Wash	13.94 (per Fueling Station)
Fast Food Restaurant (No Drive-Thru)	26.15 (per 1,000 S.F.)
Restaurant w/ Drive Thru	33.84 (per 1,000 S.F.)
Restaurant (Sit Down)	11.15 (per 1,000 S.F.)
Bank	12.13 (per 1,000 S.F.)
Variety Store	6.82 (per 1,000 S.F.)
Free Standing Discount Store	4.98 (per 1,000 S.F.)
Arts & Crafts Store	6.21 (per 1,000 S.F.)
Hotel	0.60 (per Room)
Motel	0.47 (per Room)
Bar (CUP)	11.34 (per 1,000 S.F.)

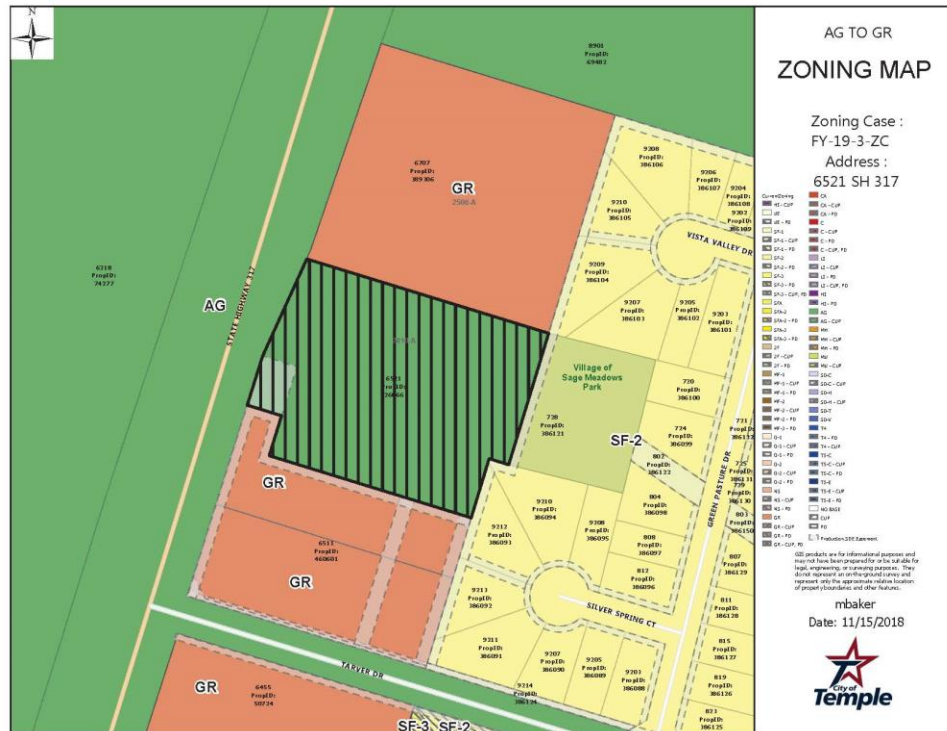
# Maps



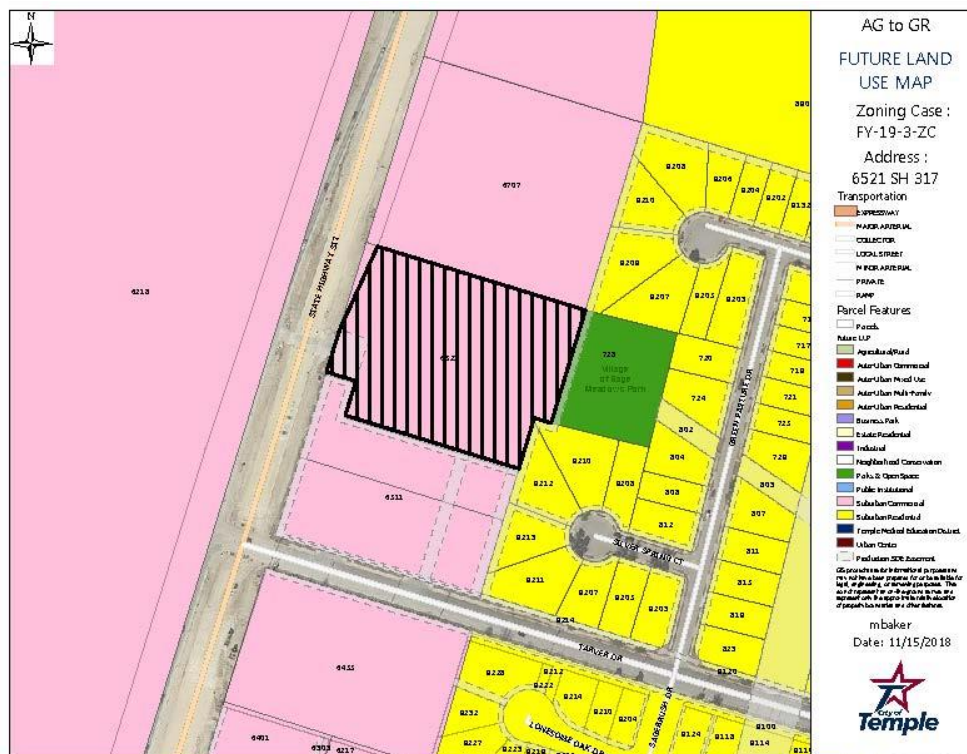
## Location Map



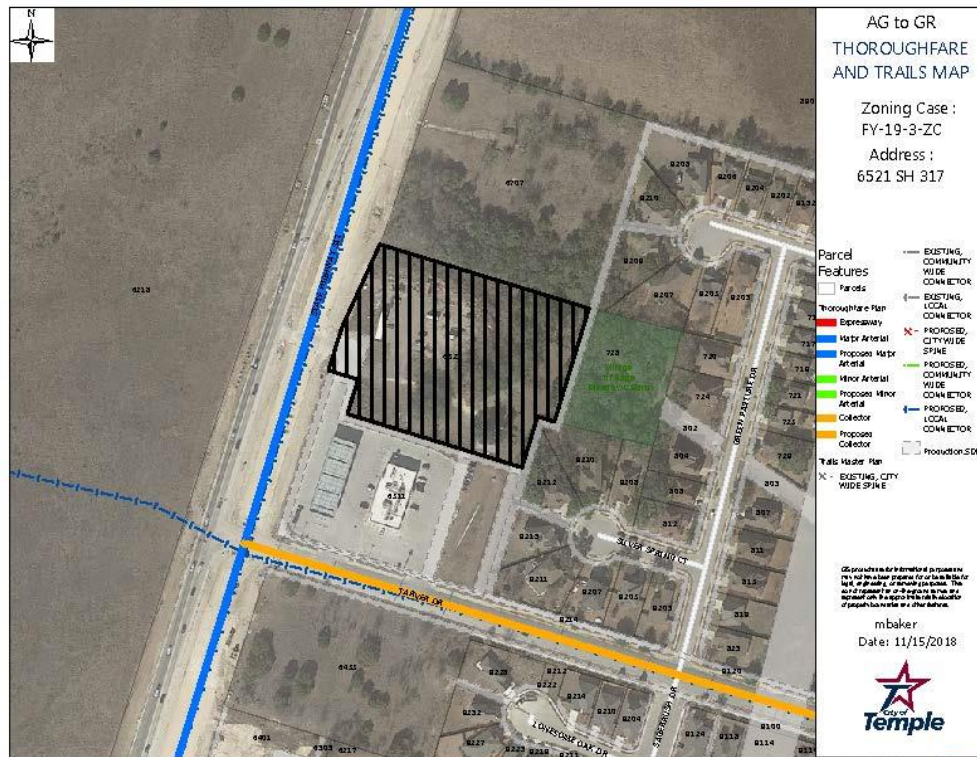
## Aerial Map



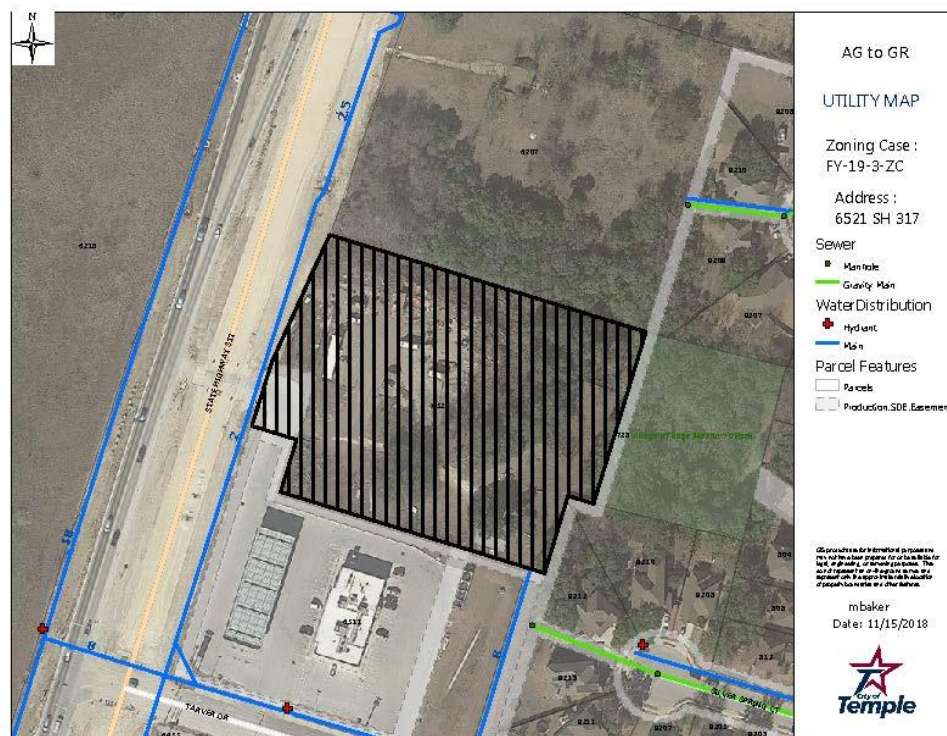
## Zoning Map



## Future Land Use Map



## Thoroughfare & Trails Map



## Utility Map



## Notification Map



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

26066  
NEW AMERICAN DREAM LTD  
8702 ADAMS LN  
TEMPLE, TX 76502

**Zoning Application Number:** FY-19-3-ZC

**Case Manager:** Mark Baker

**Location:** 6521 State Highway 317

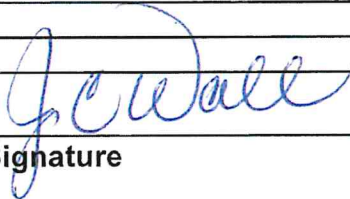
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I ☒ agree

( ) disagree with this request

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
**Signature**

J.C. WALL  
\_\_\_\_\_  
**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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **December 17, 2018**.

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

RECEIVED  
DEC 11 2018  
CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 18

Date Mailed: December 5, 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

386100  
GARCIA, MATTHEW C ETUX TEAL  
1410 LIMESTONE WAY  
ELGIN, OK 73538-1401

**Zoning Application Number:** FY-19-3-ZC

**Case Manager:** Mark Baker

**Location:** 6521 State Highway 317

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

I ☐ agree

☒ disagree with this request

**Comments:**

We enjoy the fact that there is undeveloped  
land behind our home. one of the reasons we chose to  
buy there was because we were told that area would  
never be built on.

**Signature**

Teal Garcia

**Print Name**

Teal Garcia

email: TealGreen1985@yahoo.com phone: 254-563-9814 (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, [mbaker@templetx.gov](mailto:mbaker@templetx.gov) or mail or hand-deliver this comment form to the address below, no later than **December 17, 2018**.

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

RECEIVED

DEC 17 2018

CITY OF TEMPLE  
PLANNING & DEVELOPMENT

Number of Notices Mailed: 18

Date Mailed: December 5, 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, DECEMBER 17, 2018**

**ACTION ITEMS**

**Item 3: FY-19-3-ZC** - Hold a public hearing to discuss and recommend action for a rezoning from Agricultural (AG) zoning district to General Retail (GR) zoning district on 3.31 +/- acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located along the east side of State Highway 317, addressed as 6521 State Highway 317.

Mr. Mark Baker, Principal Planner, stated this rezoning is scheduled to go forward to City Council for first reading on January 17, 2019 and second reading on February 7, 2019.

The property location map is shown. No use has been identified by the developer, and any future development requires a subdivision plat.

The Zoning Map is shown and is found in compliance with the General Retail (GR) district.

The Future Land Use Map is shown and is found in compliance with GR zoning and uses at this location.

The existing water and sewer map is shown with two-inch water lines along State Highway 317 and six-inch sewer lines in the Sage Meadows Subdivision. Any extension requirements will be addressed at the time of platting.

The Thoroughfare Plan and Trails map is shown, and the Texas Department of Transportation (TXDOT) improvements are in-place and include a 10-foot sidewalk on the east side of State Highway 317.

On-site and surrounding property photos are shown.

Agricultural and GR zoning use comparison charts are shown.

According to Unified Development Code (UDC) Section 7.7.4, buffering may consist of:

- Evergreen hedges composed of five-gallon plants or larger, with a planted height of six-feet on 36-inch centers,
- May consist of a six-foot to eight-foot high fence or wall, constructed by any number of allowed materials per UDC Section 7.7.5 such as: wood, masonry, stone or pre-cast concrete.

Continuous buffering and screening is required along the common boundary between non-residential and an agricultural or residential zoning district or use.

Eighteen notices were mailed in accordance with all state and local regulations with one notice response returned in agreement and one response returned in disagreement.

Compliance Summary chart is shown, and all criteria are found to be in compliance.

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

Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 3, **FY-19-3-ZC**, per staff recommendation, and Commissioner Marshall made a second.

*Motion passed: (8:0)*

Commissioner Jeanes absent.

ORDINANCE NO. 2019-4951  
(FY-19-3-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO GENERAL RETAIL ZONING DISTRICT ON APPROXIMATELY 3.31 ACRES, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT 17, BELL COUNTY, TEXAS, LOCATED ALONG THE EAST SIDE OF STATE HIGHWAY 317, ADDRESSED AS 6521 STATE HIGHWAY 317; 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 Agricultural zoning district to General Retail zoning district on approximately 3.31 acres, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located along the east side of State Highway 317, addressed as 6521 State Highway 317, 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 **17<sup>th</sup>** day of **January**, 2019.

PASSED AND APPROVED on Second Reading on the **7<sup>th</sup>** day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #7(OO)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** SECOND READING – FINAL HEARING – Consider adopting an ordinance authorizing a five-year franchise with City Ambulance Service to provide non-emergency ambulance transfer services within the City.

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

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

City Ambulance has submitted the necessary paperwork requesting the franchise. City Ambulance will operate its non-emergency ambulance transfer services from its offices at 1850 Scott Boulevard in Temple. Two ambulances will be operated under the proposed franchise. City Ambulance has provided proof of insurance as required by Chapter 5.

In accordance with Chapter 5 and if Council authorizes the franchise, the length of the franchise will be for five years beginning 31 days after the franchise ordinance is approved and ending on September 30th of the 5th year.

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

The City collected \$98,216 in FY 2018 for ambulatory franchise fee revenue. The FY 2019 ambulatory franchise fee revenue for all franchisees is budgeted at \$85,000 and will be recognized in account 110-0000-413-0936.

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. 2019-4952

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

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

**Whereas**, City Ambulance Service (“City Ambulance”) has requested to provide non-emergency ambulance transfer services within the City of Temple;

**Whereas**, City Ambulance has submitted the necessary paperwork requesting the franchise and will operate non-emergency transfer services from its offices at 1850 Scott Boulevard in Temple - City Ambulance has provided proof of insurance and will provide bonding as required by Chapter 5;

**Whereas**, in accordance with Chapter 5, the length of the franchise will be for five years beginning 31 days after the franchise Ordinance is approved and ending on September 30<sup>th</sup> of the 5<sup>th</sup> year;

**Whereas**, the City will receive a franchise fee of three and one-half (3 ½%) of the total amount billed for ambulance service fees and other income derived from the operation of the ambulance service within the City from City Ambulance, in return for the right to use the public streets and rights of way for non-emergency ambulance transfer service;

**Whereas**, the 3.5% franchise fee collected will be recognized in Account No. 110-0000-413-0936; and

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

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

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

**Part 2:** A non-exclusive franchise is granted to City Ambulance Service, pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

**Part 3: Definitions.**

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

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

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

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

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

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

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

shall have the ordinary meanings applied at law generally or by common usage in the English language.

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

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **September 30, 2024**, to Company in consideration of the payment of a franchise fee as provided in Part 6 of this ordinance.

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

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

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

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the franchise holder to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The franchise holder herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

**Part 7: Rates.**

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

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

**Part 8: Liability Insurance Required.**

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

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

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

(c) not contain a passenger liability exclusion; and

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

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

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

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

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

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

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require

the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

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

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

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

**Part 13:** This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise, within thirty (30) days after the final passage and approval of this ordinance.

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

**Part 15:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

PASSED AND APPROVED on First Reading on the 17<sup>th</sup> day of **January**, 2019.

PASSED AND APPROVED on Second Reading and Final Reading and Public Hearing on the 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #7(PP)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, TRMC, City Secretary

### **ITEM DESCRIPTION:** Consider adopting resolution:

- (1) Ordering the General election for Councilmember District 1 and Councilmember District 4, for May 4, 2019; and (Ordenar las elecciones generales para de Miembro del Concejo Distrito 1 y de Miembro del Concejo Distrito 1, para el 4 de Mayo de 2019.)
- (2) Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District; and Temple Independent School District for the May 4, 2019 election. (Autorizar acuerdos de elección conjunta con Temple Health & Bioscience Economic Development District; y Temple Independent School District para las elecciones del 4 de Mayo de 2019.)

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

**ITEM SUMMARY:** (1) This proposed resolution calls the City's general election for Saturday, May 4, 2019 for the election of Councilmember District 1 and Councilmember District 4 for three-year terms. The resolution also sets forth the polling places, early voting procedures, and various other requirements in accordance with State law and the City Charter.

If each candidate for an office that is to appear on the ballot for the General election to be held on May 4, 2019, is unopposed as of February 20, 2019, the City Council may declare each unopposed candidate elected and cancel the May 4, 2019 general election.

(2) This proposed resolution authorizes joint election agreements with the Temple Health & Bioscience Economic Development District; and Temple Independent School District to conduct joint elections and share expenses for the May 4, 2019 general election. The City will be responsible for duties associated with conducting the election and the costs will be shared equally between those parties holding elections. Should any of the entities declare the May 4, 2019 election to be canceled because of unopposed candidates, then the agreement will become void.

**FISCAL IMPACT:** Funding in the amount of \$7,800 is appropriated in account 110-1400-511-2517, as part of the City Secretary's budget for the 2019 General Election. All other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9554-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CALLING A GENERAL ELECTION TO BE HELD WITHIN THE CITY FOR THE ELECTION OF COUNCILMEMBER DISTRICT 1 AND COUNCILMEMBER DISTRICT 4; AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT ELECTION AGREEMENT WITH THE TEMPLE HEALTH & BIOSCIENCE ECONOMIC DEVELOPMENT DISTRICT AND THE TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE MAY 4, 2019 ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, with regard to the General Election for the election of District 1 and District 4 City Councilmembers, Section 41.001 of the Texas Election Code provides that regular municipal elections shall be held on the second Saturday in May;

**Whereas**, the laws of the State of Texas and the City of Temple further provide that the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election and designating the voting places for said election;

**Whereas**, State law authorizes two or more political subdivisions to enter into an agreement to hold elections jointly when the political subdivisions are holding elections on the same day in all or part of the same territory or when State law makes holding a joint election mandatory;

**Whereas**, the Temple Health & Bioscience Economic Development District and Temple Independent School District share all or part of the voting districts of the City of Temple and desire to conduct joint elections with the City of Temple for the May 4, 2019, election;

**Whereas**, funds are allocated in the City Secretary's budget for the 2019 General Election – all other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election;

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

**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 Resolution as if copied in their entirety.

**Part 2:** It is hereby ordered that a municipal General election be held on Saturday, May 4, 2019, for the purpose of electing District 1 and District 4 City Councilmembers. One City Councilmember shall be elected by the voters from District 1 and one City Councilmember shall be elected by the voters from District 4.

In each race, the candidate receiving a majority of the votes cast in such election shall be declared elected by the City Council. If none of the candidates receives a majority of the votes cast in a particular race, the City Council shall order a run-off election as provided by the City Charter, at which the two candidates receiving the highest number of votes in the May 4, 2019 election shall stand for election. The candidate receiving the greatest number of votes in the run-off election shall be declared elected by the City Council. The appointed District 1 and District 4 Councilmembers shall hold the office for a term of three years.

**Part 3:** Optical scan paper ballots shall be used for early voting, voting by mail and Election Day voting in each polling place, in conjunction with the ES&S Model Precinct Ballot Counter. The ES&S Express Vote Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and in each polling place on Election Day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code. The vote for the election of District 1 and District 4 Councilmembers shall be recorded in such a manner as will permit the voters to cast one vote: one for a candidate from the single member district if the voter resides in District 1 and one for a candidate from the single member district if the voter resides in District 4.

**Part 4:** All independent candidates at the General election to be held on May 4, 2019, for the above-mentioned Offices, shall file their applications to become candidates with the City Secretary of the City of Temple at the City Secretary's Office, Room 103, first floor of the Municipal Building, 2 North Main Street, Temple, Texas, beginning 108 days before the date of said election, being January 16, 2019, and ending on or before 78 days before the date of said election being February 15, 2019, in compliance with Section 143.007 of the Texas Election Code. No person may, in such election, be a candidate for two positions. All applications shall be sworn to and comply with Section 141.031 of the Election Code. All candidates shall file with said application the loyalty affidavit and statement regarding awareness of the State nepotism statute as required by Section 141.031 of the Election Code.

**Part 5:** The City Secretary of this City shall, in accordance with the terms and provisions of the Election Code, post in her Office the names of all candidates who have filed their application in accordance with the terms and provisions of this order, and said names shall be posted in a conspicuous place in said Office for at least ten (10) days before said City Secretary orders the same to be printed on the ballot for said election.

**Part 6:** The election shall be held at the following places in the City for the election called by this Resolution:

***Early Voting Location***

Municipal Building,  
2 North Main Street, 1<sup>st</sup> Floor, Lobby Area  
(between Central and Adams)

Election Day

Fred Poteet Building  
120 West Central Avenue  
(building west of Municipal Building)

**Part 7:** (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on April 22, 2019, and ending on April 26, 2019, First Floor Conference Room, Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. April 29, 2019 through April 30, 2019. During the time period of April 29 and April 30, 2019, Early voting will be conducted from 7:00 a.m. to 7:00 p.m.

(b) **Early voting by mail.** A registered voter is eligible to vote early *by mail* if (1) the voter expects to be absent from the county on election day, and during the regular hours for conducting early voting at the main early voting polling place for the part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk, (2) the voter is under a disability that would prevent them from appearing at the polling place on election day, (3) the voter will be 65 years of age or older on election day, or (4) the registered voter is confined in jail at the time the early voting ballot application is submitted.

(1) Applications for ballot by mail shall be mailed to Lacy Borgeson, City Secretary, P.O. Box 207, Temple, Texas 76503, and must be received no later than Tuesday, April 23, 2018, provided that if the sole ground for voting early by mail is that the voter will be out of the county on Election Day.

**Part 8:** Lacy Borgeson, the City Secretary, is hereby appointed Clerk for early voting, and authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by her by the Texas Election Code.

**Part 9:** The Mayor shall make proclamation of the May 4, 2019 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to this the City Council immediately after the closing of the polls. The Mayor is further authorized to give notice of a run-off election if such election is necessary. The City Secretary shall cause notice of this election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b).

**Part 10:** A copy of this order shall also serve as a Writ of Election which shall be delivered to the Presiding Judges for said election along with the Election Judge's Certificate of Appointment.

**Part 11:** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

**Part 12:** If any section or part of any section, paragraph, or clause of this Resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this Resolution.

**Part 13:** This Resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

**Part 14:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 7<sup>th</sup> day of **February, 2019**.

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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02/07/19  
Item #7(QQ)  
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 \$428,992.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
February 7, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3500-552-2311		Repair & Maintenance / Buildings & Grounds	\$ 244	
110-3500-552-2119		Supplies / Botanical Supplies	\$ 210	
110-0000-445-1587		Recreational Services / Donations - Parks		\$ 454
To appropriate revenue and expenditures from Temple Founders Lions Club related to a Lions Club project at Lions Park.				
110-2800-532-2516		Other Services / Judgments & Damages	\$ 5,956	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 5,956
To appropriate insurance proceeds from Farmers Insurance for damages to a pedestrian light pole on South 31st Street in front of Villas on the Hills that occurred on 12/08/18.				
110-3400-531-2334		Repair & Maintenance / Traffic Signal/Sign	\$ 157	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 157
To appropriate insurance proceeds from Geico County Mutual Insurance Company for damages to a stop sign and a yield sign on State Highway 363 and 8400 NW HK Dodgen Loop that occurred on 12/15/18.				
110-xxxx-5xx-1xxx		General Fund - Performance Pay	\$ 291,801	
<b>110-1500-515-6536</b>		<b>Contingency - Compensation</b>		<b>\$ 285,000</b>
<b>110-1500-515-6531</b>		<b>Capital - Special Projects / Contingency</b>		<b>\$ 6,801</b>
240-xxxx-551-1xxx		Hotel/Motel Tax Fund - Performance Pay	\$ 13,279	
<b>240-4400-551-6536</b>		<b>Contingency - Compensation</b>		<b>\$ 13,279</b>
292-29xx-534-1xxx		Drainage Fund - Performance Pay	\$ 9,520	
<b>292-2900-534-6536</b>		<b>Contingency - Compensation</b>		<b>\$ 9,520</b>
365-13xx-515-1xxx		TCIP Bond Fund - Performance Pay	\$ 1,694	
<b>365-1500-515-6536</b>		<b>Contingency - Compensation</b>		<b>\$ 1,694</b>
520-xxxx-535-1xxx		Water & Wastewater Fund - Performance Pay	\$ 57,076	
<b>520-5000-535-6536</b>		<b>Contingency - Compensation</b>		<b>\$ 54,000</b>
<b>520-5000-535-6532</b>		<b>Capital - Special Projects / Contingency</b>		<b>\$ 3,076</b>
561-xxxx-535-1xxx		UR Bond Fund - Performance Pay	\$ 1,694	
<b>561-5000-535-6532</b>		<b>Capital - Special Projects / Contingency</b>		<b>\$ 1,694</b>
To appropriate funds for Performance Pay of 1.5% or 3.0% for eligible employees that became effective November 30, 2018.				
561-5500-535-6938	101774	Capital - Bonds / TBRSS Expansion, Phase I Construction	\$ 15,000	
561-5100-535-6954	101614	Capital - Bonds / WTP Improvements - Task 3 (Lagoon Improvements)		\$ 15,000
To reallocate funding for testing services to be provided by Langerman Foster Engineering related to the T-B WWTP expansion project.				
260-6100-571-6315	101711	Capital - Buildings & Grounds / Sidewalk/Curb/Gutter - Adams Ave Sidewalk	\$ 32,361	
<b>260-6100-571-6532</b>		<b>Capital - Special Projects / Contingency</b>		<b>\$ 32,361</b>
To reallocate unprogrammed CDBG funding for the Adams Avenue Sidewalk project.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 428,992</b>	<b>\$ 428,992</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2019 BUDGET**  
February 7, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning <b>Contingency</b> Balance	\$	100,000
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	100,000
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	279,725
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(6,801)
		Net Balance of Judgments & Damages Contingency Account	\$	272,924
		Beginning <b>Compensation</b> Contingency	\$	285,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(285,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	372,924
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & WASTEWATER FUND		
		Beginning <b>Contingency</b> Balance	\$	219,446
		Added to Contingency Sweep Account		-
		Taken From Contingency		(3,076)
		Net Balance of Contingency Account	\$	216,370
		Beginning <b>Compensation</b> Contingency	\$	54,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(54,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Water &amp; Wastewater Fund Contingency</b>	\$	216,370
		HOTEL/MOTEL TAX FUND		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,279)
		Net Balance of Compensation Contingency Account	\$	3,221
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	3,221
		DRAINAGE FUND		
		Beginning <b>Contingency</b> Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	336,406
		Beginning <b>Compensation</b> Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(9,520)
		Net Balance of Compensation Contingency Account	\$	980
		<b>Net Balance Drainage Fund Contingency</b>	\$	337,386

CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2019 BUDGET  
February 7, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		FED/STATE GRANT FUND		
		Beginning <b>Contingency</b> Balance		\$ -
		Carry forward from Prior Year		34,641
		Added to Contingency Sweep Account		9,024
		Taken From Contingency		(43,665)
		<b>Net Balance Fed/State Grant Fund Contingency</b>		<b>\$ -</b>

RESOLUTION NO. 2019-9555-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.

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

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

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

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

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

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

PASSED AND APPROVED this the 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #8(A)  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

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

**STAFF RECOMMENDATION:** Adopt ordinance on second and reading as presented in item description.

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

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

**FISCAL IMPACT:** None at this time.

### **ATTACHMENTS:**

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



## Tax Abatement Zone #39

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

ORDINANCE NO. 2018-4944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A TRACT OF LAND CONSISTING OF APPROXIMATELY 40 ACRES LOCATED AT THE SOUTHEAST CORNER OF WENDLAND ROAD AND 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 39 FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

**Whereas**, Staff recommends designating a tract of land consisting of approximately 40 acres located at the southeast corner of Wendland Road and 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 39 for commercial/industrial tax abatement in order to promote economic development in the City.

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

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

**Part 2:** The City, after conducting such hearings and having heard such evidence and testimony has made the following findings and determinations based on the testimony presented to it:

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

**B.** That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER THIRTY-NINE") should be approximately 40 acres located at the southeast corner of Wendland Road and Moores Mill Road, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

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

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

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

**Part 3:** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 40 acres located at the southeast corner of Wendland Road and Moores Mill Road, Temple, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-NINE, City of Temple, Texas.

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

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

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

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

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

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

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

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

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

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

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

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

**Part 8: Severance clause.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

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

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

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

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

PASSED AND APPROVED on Second and Final Reading on the **6<sup>th</sup>** day of **December**, 2018.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #8(B)  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution approving a Tax Abatement Agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC which will cover increases in the taxable value of real and personal property on an approximately 40.0-acre tract of land designated as Tax Abatement Reinvestment Zone Number 39.

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

**ITEM SUMMARY:** The proposed resolution would authorize an agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC (collectively referred to as "Niagara") which, if approved, gives the company ten years of tax abatement on the increased taxable value of real and personal property improvements on land consisting of approximately 40 acres and located at the southeast corner of Wendland Road and Moores Mill Road.

The proposed agreement covers approximately 40 acres of land that has been designated as City of Temple Tax Abatement Reinvestment Zone Number 39. Niagara plans to construct a new water bottling manufacturing and distribution facility. The agreement provides that the tax abatement period commences in the first full calendar year after the required improvements are completed. Niagara would receive the following percentages of tax abatement:

Years 1-5: 100%  
Year 6: 90%  
Year 7: 80%  
Year 8: 70%  
Year 9: 60%  
Year 10: 50%

Niagara timely filed an application to receive tax abatement on improvements to real and personal property proposed for the site. On February 7, 2019, the City Council will consider, on second reading, an ordinance designating the property on which the improvements will be located as Tax Abatement Reinvestment Zone Number 39. Niagara estimates that its investment will be approximately \$90,000,000 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 70 employees.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. Niagara's application meets the standards for granting tax abatement on the increase in real and personal property improvements established by the City's Criteria and Guidelines for tax abatement. The improvements proposed meet the minimum criteria established for tax abatement consideration and meet the requirements for the tax abatement percentages set forth above. The proposed improvements fall within the definition of "eligible facilities" in the criteria.

Staff will provide the other taxing entities involved with notice and a copy of the proposed agreement. Additionally, the 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 Niagara to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

**FISCAL IMPACT:** The tax abatement agreement with Niagara would have the potential of abating approximately \$5,058,180 in property taxes over the 10-year life of the agreement using the City's current tax rate of \$0.6612 per \$100 value. This amount is based on an estimated increase in the appraised value of real and personal property improvements of \$90,000,000.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9556-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A TAX ABATEMENT AGREEMENT WITH NIAGARA BOTTLING, LLC AND TANGLEFOOT PROPERTIES, LLC WHICH WILL COVER INCREASES IN THE TAXABLE VALUE OF REAL AND PERSONAL PROPERTY ON AN APPROXIMATELY 40.0-ACRE TRACT OF LAND DESIGNATED AS TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-NINE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

**Whereas**, on June 28, 2018, the City Council adopted Ordinance No. 2018-4922, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

**Whereas**, the agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC (collectively referred to as “Niagara”) gives the company ten years of tax abatement on the increased taxable value of real property improvements on land consisting of approximately 40 acres and located at the southeast corner of Wendland Road and Moores Mill Road;

**Whereas**, the agreement covers approximately 40 acres of land that has been designated as City of Temple Tax Abatement Reinvestment Zone Number 39;

**Whereas**, Niagara plans to construct a new water bottling manufacturing and distribution facility and the agreement provides that the tax abatement period commences in the first full calendar year after the required improvements are complete;

**Whereas**, the proposed tax abatement would be for 10 years at a declining rate as set forth below:

Years 1-5: 100%  
Year 6: 90%  
Year 7: 80%  
Year 8: 70%  
Year 9: 60%  
Year 10: 50%

**Whereas**, Niagara timely filed an application to receive tax abatement on improvements to real and personal property proposed for the site and Niagara estimates that its investment will be approximately \$90,000,000 in real and personal property improvements;

**Whereas**, the actual value of the improvements, and the value of the City’s tax abatement, is dependent on appraisal by the Bell County Appraisal District - the new facility will house approximately 70 employees;

**Whereas**, the City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement and Niagara's proposal meets the standards for granting tax abatement on the increase in real and personal property improvements established by the City's Criteria and Guidelines for tax abatement;

**Whereas**, the agreement has all of the terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring Niagara to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement;

**Whereas**, the tax abatement agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC would have the potential of abating approximately \$5,058,180 in property taxes over the life of the agreement using the City's current tax rate of \$0.6612 per \$100 value - this amount is based on an estimate of the appraised value of real property improvements of \$90,000,000; and

**Whereas**, the City Council has considered the matter and finds that the proposed tax abatement with Niagara Bottling, LLC and Tanglefoot Properties, LLC is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

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

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

**Part 2:** The Mayor is authorized to execute a tax abatement agreement, after approval as to form by the City Attorney, with Niagara Bottling, LLC and Tanglefoot Properties, LLC which will cover increases in the taxable value of real property on an approximately 40-acre tract of land designated as Tax Abatement Reinvestment Zone Number 39.

**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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #8(C)  
Regular Agenda  
Page 1 of 2

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

Brynn Myers, City Manager  
Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing an Economic Development Agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC for the construction of a new water bottling facility and the construction of certain public improvements.

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

**ITEM SUMMARY:** Niagara Bottling, LLC and Tanglefoot Properties, LLC (hereinafter referred to collectively as “Niagara”) plan to construct a new water bottling manufacturing and distribution facility in Temple. The site of the facility is located at the southeast corner of Wendland Road and Moores Mill Road. City Staff has been working with Niagara and the Temple Economic Development Corporation on facilitating the construction of the new facility.

In the proposed Economic Development Agreement (“EDA”), Niagara agrees to invest not less than \$90,000,000 in real and personal property improvements on the site over two phases. Niagara also agrees to create not less than 70 new jobs, also over two phases. Phase 1 of the project will include real property improvements in the amount of \$30,000,000 and personal property improvements in the amount of \$40,000,000. Phase 1 will also include 49 new jobs. Phase 1 will be complete by April 30, 2020. Phase 2 will include personal property improvements in the amount of \$20,000,000 and 21 new jobs. Phase 2 will be complete by December 31, 2022.

Under the agreement, the City will be obligated to construct a 36-foot wide, public roadway at the southern border of the site, intersecting with Wendland Road and extending east. The City will install a minimum 12-inch water line and a minimum 10-inch wastewater line to support the project, as well as surrounding properties. The City will also agree to waive certain water and sewer tap fees.

City Staff believes that the project will bring a substantial investment within the City and expand the employment base. Therefore, Staff recommends approval of the Economic Development Agreement.

**FISCAL IMPACT:** The infrastructure improvements to be constructed by the City are all funded and will be completed per the terms of the agreement. Detail of those improvements are shown below.

<b>Description of Improvements</b>	<b>Council Award of Construction Contract</b>	<b>Funding Source</b>	<b>Budget</b>
36-foot wide, public roadway	February 7, 2019	Reinvestment Zone No. 1	\$ 1,600,000
12-inch water line	February 7, 2019	Water & Wastewater Fund	901,500
10-inch wastewater line	December 6, 2018	Water & Wastewater Fund	318,500
			<u>\$ 2,820,000</u>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2019-9557-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH NIAGARA BOTTLING, LLC AND TANGLEFOOT PROPERTIES, LLC FOR THE CONSTRUCTION OF A NEW WATER BOTTLING FACILITY AND THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Niagara Bottling, LLC and Tanglefoot Properties, LLC (hereinafter referred to collectively as “Niagara”) plan to construct a new water bottling manufacturing and distribution facility in Temple located at the southeast corner of Wendland Road and Moores Mill Road - Staff has been working with Niagara and the Temple Economic Development Corporation on facilitating the construction of the new facility;

**Whereas**, in the proposed Economic Development Agreement (“EDA”), Niagara agrees to invest not less than \$90,000,000 in real and personal property improvements on the site over two phases and Niagara also agrees to create not less than 70 new jobs, also over two phases;

**Whereas**, Phase 1 of the project will include real property improvements in the amount of \$30,000,000 and personal property improvements in the amount of \$40,000,000 - Phase 1 will also include 49 new jobs and will be complete by April 30, 2020;

**Whereas**, Phase 2 will include personal property improvements in the amount of \$20,000,000 and 21 new jobs and will be complete by December 31, 2022;

**Whereas**, under the agreement, the City will be obligated to construct a 36-foot wide, public roadway at the southern border of the site, intersecting with Wendland Road and extending east;

**Whereas**, the City will install a minimum 12-inch water line and a minimum 10-inch wastewater line to support the project as well as surrounding properties, and will also agree to waive certain water and sewer tap fees;

**Whereas**, Staff believes this project will bring a substantial investment within the City of Temple and will expand the employment base, and therefore recommends Council authorize an Economic Development Agreement Niagara Bottling, LLC and Tanglefoot Properties, LLC for the construction of a new water bottling facility and the construction of certain public improvements;

**Whereas**, the infrastructure improvements to be constructed by the City are all funded and will be completed per the terms of the agreement; and

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

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

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

**Part 2:** The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an Economic Development Agreement with Niagara Bottling, LLC and Tanglefoot Properties, LLC for the construction of a new water bottling facility and the construction of certain public 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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #9  
Regular Agenda  
Page 1 of 2

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

Floyd Mitchell, Police Chief  
Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** SECOND READING – FINAL HEARING: Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002.

**STAFF RECOMMENDATION:** Adopt ordinance on second and final reading.

**ITEM SUMMARY:** In 1994, the City Council established curfew requirements for minors under the age of 17. Council determined that curfew hours were necessary because of an increase in juvenile violence, juvenile gang activity, and crime by and against persons under the age of 17.

Texas Local Government Code Section 370.002 states that the City shall, every three years:

- (1) review the ordinance's effects on the community and on problems the ordinance has intended to remedy;
- (2) conduct a public hearing on the need to continue the ordinance; and
- (3) abolish, continue or modify the ordinance.

The ordinance has been continuously renewed by Council every 3 years since 1994. The current ordinance was passed in February, 2016 and will expire in February, 2019. The Temple Police Department is requesting Council adoption of curfew hours for minors in accordance with Section 370.002.

The ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations by juveniles. This intervention will be in the best interest of the health, safety and welfare of the general public. The curfew is a valuable tool that helps the community in several ways. For example, it provides for the protection of minors both from each other and from other people during certain hours of the day. Also, it promotes parental oversight and responsibility for children. Finally, it is intended to reduce the incidence of juvenile criminal activities.

The current curfew hours are proposed for renewal:

(A) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 A.M. of the following day, and

(B) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

**FISCAL IMPACT:** There is no direct fiscal impact with regard to expenditures for this ordinance. There will be fines assessed to violators that may result in revenue through Municipal Court.

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. 2019-4953

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING CURFEW HOURS FOR MINORS IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 370.002; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 1994, the City Council established curfew requirements for minors under the age of 17 – these requirements were found to be necessary because of an increase in juvenile violence, juvenile gang activity, and crime by and against persons under the age of 17;

**Whereas**, Texas Local Government Code Section 370.002 states that the City shall, every three years:

1. review the Ordinance’s effects on the community and on problems the Ordinance was intended to remedy;
2. conduct a public hearing on the need to continue the Ordinance; and
3. abolish, continue or modify the Ordinance;

**Whereas**, this Ordinance has been continuously renewed by Council every 3 years since 1994 - the current Ordinance was passed in February, 2016 and expires in February, 2019;

**Whereas**, the Temple Police Department is requesting Council adopt curfew hours for minors in accordance with Section 370.002 which will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations by juveniles, which will be in the best interests of the health, safety and welfare of the general public;

**Whereas**, a curfew is a valuable tool that helps the community in several ways - it provides for the protection of minors both from each other and from other people during certain hours of the day, promotes parental oversight and responsibility for children, and is intended to reduce the incidence of juvenile criminal activities;

**Whereas**, the current curfew hours are proposed for renewal:

1. 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 A.M. of the following day;
2. 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday; and

**Whereas**, a curfew for minors is in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Temple.

**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 of the City of Temple, Texas, adopts curfew hours for minors in accordance with Texas Local Government Code Section 370.002 and finds that it is in the interest of the health, safety, and general welfare of the public, to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, and to reduce the incident of juvenile criminal activities.

**Part 3:** The following curfew requirements for minors are hereby adopted:

1. 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
2. 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

**Part 4:** The declarations, determinations, and findings declared, made and found in the preamble of this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Part 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 **17<sup>th</sup>** day of **January**, 2019.

PASSED AND APPROVED on Second Reading on the **7<sup>th</sup>** day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #10  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney  
Amanda Rice, Deputy City Attorney

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Code of Ordinances, Chapter 41, “Credit Access Businesses,” to include a general update of the Chapter and two additional provisions for transparency and protection for consumers.

**STAFF RECOMMENDATION:** Adopt ordinance on first reading as presented in item description and conduct a public hearing. Second reading will be scheduled for the February 21, 2019 City Council meeting.

**ITEM SUMMARY:** In a continuing effort to review and update the City’s Code of Ordinances, Staff is proposing certain amendments to Chapter 41, “Credit Access Businesses.” The amendments include general clean-up of the language and changes to formatting. In addition, Staff proposes updating a reference to a city staff position. The Chapter gives the “General Services Manager” the authority to enforce and administer this Chapter. There is currently no staff position with this title. The amendments propose to change the title of “General Services Manager” to “the director of the department designated by the City of Temple’s City Council, City Manager, or their designee, to enforce and administer this Chapter.”

The amendments also include two proposed changes to provide transparency and protect consumers. For these amendments, the proposed changes provide that a credit access business with a current City certificate of registration will not have to comply with these changes until the credit access business’ certificate of registration is renewed with the City.

The first amendment is a proposed change that would require a credit access business to provide the contact information of persons with a financial interest in the credit access business to the City to obtain a City certificate of registration. This Chapter currently only requires a credit access business to provide contact information for owners of the credit access business.

The second amendment is a proposed change that would require disclosures and notices required by state law to be written and provided to consumers in the consumers’ language of preference. The proposed change would also compel credit access businesses to maintain on their premises state required disclosures and notices written in Spanish and English. Chapter 41 currently provides these language requirements for agreements between credit access businesses and consumers but does not have a similar provision for state required disclosures and notices.

Staff recommends approval of the proposed amendments.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Redlined draft of Chapter 41](#)  
[Clean draft of Chapter 41](#)  
[Ordinance](#)

Chapter 41

CREDIT ACCESS BUSINESSES

ARTICLE 1. CREDIT ACCESS BUSINESSES

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State law reference—Credit Organizations, V.T.C.A., Finance Code § 393.001 et seq.; credit access businesses, V.T.C.A., Finance Code § 393.601 et seq.

**41-1. Short Title and Purpose.**

- (a) This Article may be known and cited as “Credit Access Businesses Regulation.”
- (b) The purpose of this Article is to protect the welfare of the citizens of the City of Temple by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this Article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses.

(Prior Code, § 41-1)

**41-2. Definitions.**

As used in this chapterArticle:

- (1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the ~~Director~~director under this Article to the owner or operator of a credit access business.
- (2) CITY means the City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, or designees.
- (3) CONSUMER means an individual who is solicited to purchase or who purchases the services of a credit access business.
- (4) CONSUMER’S LANGUAGE OF PREFERENCE is the language the consumer understands best.
- (5) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(65) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(7) ~~(6)~~ DIRECTOR means the ~~General Services Manager~~ director of the department designated by the City of Temple's City Council, City Manager, or their designee, to enforce and administer this Chapter.

(87) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code, as amended.

(98) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

(109) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.

(110) REGISTRANT means a person issued a certificate of registration for a credit access business under this ~~Articlechapter~~ and includes all owners and operators of the credit access business identified in the registration application filed under this ~~Articlechapter~~.

(124) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code, as amended.

(Prior Code, § 41-2)

#### **41-3.- Violations; ~~p~~Penalty.**

(a) A person who violates a provision of this ~~Articlechapter~~, or who fails to perform an act required of the person by this ~~Articlechapter~~, commits an offense. A person commits a separate offense for each ~~and every~~ violation ~~of this Article~~ relating to an extension of consumer credit, and for each day or portion of a day during which a violation is committed, permitted, or continued.

(b) An offense under this ~~Articlechapter~~ is a ~~C~~ class C misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) ~~\$500~~.

(c) A culpable mental state is not required for the commission of an offense under this ~~Articlearticle~~ and need not be proved.

(d) The penalties provided for in Subsection (b) are in addition to any other remedies that the ~~C~~ city may have under city ordinances and state law.

(Prior Code, § 41-3)

#### **41-4.- Defenses.**

It is a defense to prosecution under this ~~article~~Article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G, of the Texas Finance Code, as amended.

(Prior Code, § 41-4)

#### **41-5.- Registration ~~r~~Required.**

A person commits an offense if the person acts, operates, or conducts business as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.

(Prior Code, § 41-5)

#### **41-6.- Registration ~~a~~Application.**

(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the ~~Director~~director. The application must contain the following:

- (1) ~~t~~The name, street address, mailing address, facsimile number, and telephone number of the applicant;
- (2) ~~t~~The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business;
- (3) ~~t~~The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person's interest in the credit access business;

(A) A credit access business with a current City certificate of registration as of February 21, 2019 must provide to the director the names, street addresses, mailing addresses, and telephone numbers of persons with a financial interest in the credit access business upon renewal of their certificate of registration;

- (4) ~~A~~a copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code, as amended;
- (5) ~~A~~a copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the City of Temple Code of Ordinances; and;
- (6) a fifty dollar (A-\$50.00) non-refundable application fee.

(b) An applicant or registrant ~~shall~~must notify the ~~Director~~director within forty-five (45) days after any material change in the information contained in the application for a certificate of registration, including, but not

limited to, any change of address and any change in the status of the state license held by the applicant or registrant.

(Prior Code, § 41-6)

**41-7.- Issuance and ~~d~~Display of ~~c~~Certificate of ~~r~~Registration; ~~p~~Presentment upon ~~r~~Request.**

- (a) The ~~Director~~director ~~shall will~~ issue to the applicant a certificate of registration upon receiving a completed application under Sec~~tion~~ 41-6.
- (b) A certificate of registration issued under this ~~S~~section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the ~~Director~~director or any peace officer for examination.

(Prior Code, § 41-7)

**41-8.- Expiration and ~~r~~Renewal of ~~c~~Certificate of ~~r~~Registration.**

- (a) A certificate of registration expires on the earlier~~st~~ of:
  - (1) ~~o~~One year after the date of issuance; or
  - (2) ~~t~~The date of revocation, suspension, surrender, expiration without renewal, or other termination of the registrant's state license.
- (b) A certificate of registration may be renewed by making application in accordance with Sec~~tion~~ 41-6. ~~A~~registrant ~~shall must~~ apply for renewal at least ~~thirty~~ (30) days before the expiration of the registration.

(Prior Code, § 41-8)

**41-9.- Non-transferability.**

A certificate of registration for a credit access business is not transferable.

(Prior Code, § 41-9)

**41-10.- Maintenance of ~~r~~Records.**

- (a) A credit access business ~~shall must~~ maintain a complete set of records of all extensions of consumer credit arranged ~~arranged~~ or obtained by the credit access business, which must include the following information:
  - (1) ~~t~~The name and address of the consumer~~;~~
  - (2) ~~t~~The principal amount of cash actually advanced~~;~~

(3) ~~The~~ length of the extension of consumer credit, including the number of installments and renewals;

(4) ~~The~~ fees charged by the credit access business to ~~arrange~~ arrange or obtain an extension of consumer credit; and

(5) ~~The~~ documentation used to establish a consumer's income under ~~Section~~ 41-12 of this ordinance.

(b) A credit access business ~~shall~~must maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of a consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).

(c) A credit access business ~~shall~~must maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code, as amended.

(d) The records required to be maintained by a credit access business under this ~~Section~~ must be retained for at least three years ~~from the date of the extension of consumer credit~~ and made available for inspection by the City upon request during the usual and customary business hours of the credit access business.

(Prior Code, § 41-10)

**41-11.- Reserved.**

**41-12.- Restrictions ~~on~~ ~~on~~ Extensions of ~~Consumer~~ ~~Credit~~.**

(a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed twenty percent (20%) ~~20 percent~~ of the consumer's gross monthly income.

(b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:

(1) ~~Three~~ percent (3%) of the consumer's gross annual income; or

(2) ~~70-seventy~~ percent (70%) of the retail value of the motor vehicle.

(c) A credit access business ~~shall~~must use a paycheck or other documentation establishing income to determine a consumer's income.

(d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least ~~25-twenty-five~~ percent (25%) of the principal

amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.

- (e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least ~~25~~twenty-five percent ~~(25%)~~ of the principal amount of the original extension of consumer credit.
- (f) For purposes of this ~~S~~section, an extension of consumer credit that is made to a consumer within seven ~~(7)~~ days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.

(Prior Code, § 41-12)

#### **41-13.- Requirements of ~~c~~Consumer ~~u~~Understanding of ~~a~~Agreement.**

- (a) Every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer), must be written in the consumer's language of preference. ~~Every credit access business location must maintain on its premises, to be available for use by consumers, agreements in the English and Spanish languages.~~

(b) Every disclosure and notice required by law must be written and provided to the consumer in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumer, required disclosures and notices in the English and Spanish languages.

(1) A credit access business with a current City certificate of registration as of February 21, 2019 must comply with Subsection (b) upon renewal of their certificate of registration.

- ~~(c)~~b For every consumer who cannot read, every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer) must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.
- ~~(d)~~e For every consumer who cannot read, every disclosure and notice required by law must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.

(Prior Code, § 41-13)

#### **41-14.-Referral to ~~c~~Consumer ~~c~~Credit ~~c~~Counseling.**

A credit access business ~~must~~shall provide a form, to be prescribed by the ~~Director~~director, to each consumer seeking assistance in obtaining an extension of consumer credit which references non-profit agencies that provide financial education and training programs and agencies with cash assistance programs. The form ~~must will~~ also contain information regarding extensions of consumer ~~credit, and~~credit and must include the information required by 41-10(a)(1)-(5) of this ordinance specific to the loan agreement with the consumer. If the

~~Director~~director has prescribed a form in the consumer's language of preference, the form must be provided in the consumer's language of preference.

(Prior Code, § 41-14)

~~(REVISED: Ordinance No. 2016-4774, June 16, 2016)~~

DRAFT

## Chapter 41

### CREDIT ACCESS BUSINESSES

#### ARTICLE I. CREDIT ACCESS BUSINESSES

State law reference—Credit Organizations, V.T.C.A., Finance Code § 393.001 et seq.; credit access businesses, V.T.C.A., Finance Code § 393.601 et seq.

##### **41-1. Short title and purpose.**

- (a) This Article may be known and cited as “Credit Access Businesses Regulation.”
- (b) The purpose of this Article is to protect the welfare of the citizens of the City of Temple by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this Article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses.

(Prior Code, § 41-1)

##### **41-2. Definitions.**

As used in this Article:

- (1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this Article to the owner or operator of a credit access business.
- (2) CITY means the City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, or designees.
- (3) CONSUMER means an individual who is solicited to purchase or who purchases the services of a credit access business.
- (4) CONSUMER’S LANGUAGE OF PREFERENCE is the language the consumer understands best.
- (5) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.
- (6) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.

- (7) DIRECTOR means the director of the department designated by the City of Temple's City Council, City Manager, or their designee, to enforce and administer this Chapter.
- (8) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code, as amended.
- (9) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code, as amended.
- (10) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.
- (11) REGISTRANT means a person issued a certificate of registration for a credit access business under this Article and includes all owners and operators of the credit access business identified in the registration application filed under this Article.
- (12) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code, as amended.

(Prior Code, § 41-2)

#### **41-3. Violations; penalty.**

- (a) A person who violates a provision of this Article, or who fails to perform an act required of the person by this Article, commits an offense. A person commits a separate offense for each violation of this Article and for each day or portion of a day during which a violation is committed, permitted, or continued.
- (b) An offense under this Article is a Class C misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00).
- (c) A culpable mental state is not required for the commission of an offense under this Article and need not be proved.
- (d) The penalties provided for in Subsection (b) are in addition to any other remedies that the City may have under city ordinances and state law.

(Prior Code, § 41-3)

#### **41-4. Defense.**

It is a defense to prosecution under this Article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G, of the Texas Finance Code, as amended.

(Prior Code, § 41-4)

#### **41-5. Registration required.**

A person commits an offense if the person acts, operates, or conducts business as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.

(Prior Code, § 41-5)

#### **41-6. Registration application.**

- (a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:
- (1) the name, street address, mailing address, facsimile number, and telephone number of the applicant;
  - (2) the business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business;
  - (3) the names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person's interest in the credit access business;
    - (A) A credit access business with a current City certificate of registration as of February 21, 2019 must provide to the director the names, street addresses, mailing addresses, and telephone numbers of persons with a financial interest in the credit access business upon renewal of their certificate of registration;
  - (4) a copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code, as amended;
  - (5) a copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the City of Temple Code of Ordinances; and
  - (6) a fifty dollar (\$50.00) non-refundable application fee.
- (b) An applicant or registrant must notify the director within forty-five (45) days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant.

(Prior Code, § 41-6)

#### **41-7. Issuance and display of certificate of registration; presentment upon request.**

- (a) The director will issue to the applicant a certificate of registration upon receiving a completed application under Sec. 41-6.
- (b) A certificate of registration issued under this Section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination.

(Prior Code, § 41-7)

**41-8. Expiration and renewal of certificate of registration.**

- (a) A certificate of registration expires on the earlier of:
  - (1) one year after the date of issuance; or
  - (2) the date of revocation, suspension, surrender, expiration without renewal, or other termination of the registrant's state license.
- (b) A certificate of registration may be renewed by making application in accordance with Sec. 41-6. A registrant must apply for renewal at least thirty (30) days before the expiration of the registration.

(Prior Code, § 41-8)

**41-9. Non-transferability.**

A certificate of registration for a credit access business is not transferable.

(Prior Code, § 41-9)

**41-10. Maintenance of records.**

- (a) A credit access business must maintain a complete set of records of all extensions of consumer credit arranged or obtained by the credit access business, which must include the following information:
  - (1) the name and address of the consumer;
  - (2) the principal amount of cash actually advanced;
  - (3) the length of the extension of consumer credit, including the number of installments and renewals;
  - (4) the fees charged by the credit access business to arrange or obtain an extension of consumer credit; and
  - (5) the documentation used to establish a consumer's income under Sec. 41-12 of this ordinance.

- (b) A credit access business must maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of a consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).
- (c) A credit access business must maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code, as amended.
- (d) The records required to be maintained by a credit access business under this Section must be retained for at least three years and made available for inspection by the City upon request during the usual and customary business hours of the credit access business.

(Prior Code, § 41-10)

**41-11. Reserved.**

**41-12. Restrictions on extensions of consumer credit.**

- (a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed twenty percent (20%) of the consumer's gross monthly income.
- (b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:
  - (1) three percent (3%) of the consumer's gross annual income; or
  - (2) seventy percent (70%) of the retail value of the motor vehicle.
- (c) A credit access business must use a paycheck or other documentation establishing income to determine a consumer's income.
- (d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least twenty-five percent (25%) of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.
- (e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least twenty-five percent (25%) of the principal amount of the original extension of consumer credit.
- (f) For purposes of this Section, an extension of consumer credit that is made to a consumer within seven (7) days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.

(Prior Code, § 41-12)

**41-13. Requirements of consumer understanding of agreement.**

- (a) Every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer), must be written in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumers, agreements in the English and Spanish languages.
- (b) Every disclosure and notice required by law must be written and provided to the consumer in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumer, required disclosures and notices in the English and Spanish languages.
  - (1) A credit access business with a current City certificate of registration as of February 21, 2019 must comply with Subsection (b) upon renewal of their certificate of registration.
- (c) For every consumer who cannot read, every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer) must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.
- (d) For every consumer who cannot read, every disclosure and notice required by law must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.

(Prior Code, § 41-13)

**41-14. Referral to consumer credit counseling.**

A credit access business must provide a form, to be prescribed by the director, to each consumer seeking assistance in obtaining an extension of consumer credit which references non-profit agencies that provide financial education and training programs and agencies with cash assistance programs. The form must also contain information regarding extensions of consumer credit and must include the information required by 41-10(a)(1)-(5) of this ordinance specific to the loan agreement with the consumer. If the director has prescribed a form in the consumer's language of preference, the form must be provided in the consumer's language of preference.

(Prior Code, § 41-14)

ORDINANCE NO. 2019-4954

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 41, "CREDIT ACCESS BUSINESSES" TO INCLUDE A GENERAL UPDATE AND TWO ADDITIONAL PROVISIONS FOR TRANSPARENCY AND PROTECTION FOR CUSTOMERS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends amendments to Chapter 41, "Credit Access Businesses" that include general language clean-up, changes to formatting and updating a reference to a City staff position;

**Whereas**, Chapter 41 gives the "General Services Manager" the authority to enforce and administer this Chapter - there is currently no staff position with this title and the amendment changes the title of "General Services Manager" to "the Director of the department designated by the City of Temple's City Council, City Manager, or their designee, to enforce and administer this Chapter;"

**Whereas**, other amendments include two changes to provide transparency and protect consumers - the changes provide that a credit access business with a current City certificate of registration does not have to comply with these changes until the credit access business' certificate of registration is renewed with the City;

**Whereas**, the first amendment is a change that requires a credit access business to provide the contact information of persons with a financial interest in the credit access business to the City to obtain a City certificate of registration - this Chapter currently only requires a credit access business to provide contact information for owners of the credit access business;

**Whereas**, the second amendment is a change that requires disclosures and notices required by state law to be written and provided to consumers in the consumers' language of preference – this change also compels credit access businesses to maintain on their premises, state required disclosures and notices written in Spanish and English as Chapter 41 currently provides these language requirements for agreements between credit access businesses and consumers but does not have a similar provision for state required disclosures and notices;

**Whereas**, for the above reasons, Staff recommends Council amend the Code of Ordinances Chapter 41, "Credit Access Businesses," as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes; and

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

**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 amends the Code of Ordinances Chapter 41, “Credit Access Businesses” 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 7<sup>th</sup> day of **February**, 2019.

PASSED AND APPROVED on Second Reading on the 21<sup>st</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #11  
Regular Agenda  
Page 1 of 3

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

Mark Baker, Principal Planner

**ITEM DESCRIPTION:** FY-18-40-PLT Consider adopting a resolution authorizing approval of the Final Plat for The Bend, a 16.46 +/- acres, 59-lot, 2-block, 2-tract residential subdivision, with a developer-requested exception to the Unified Development Code Section 8.3.1, related to the use of public park fees, located at 5120 South 31st Street, Temple, Texas.

**STAFF RECOMMENDATION:** Staff recommends approval of the Final Plat of The Bend and the requested exception to UDC Section 8.3.1 related to the payment of public park fees.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their January 7, 2019 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the final plat and developer-requested exception to UDC Sec. 8.3.1 per staff's recommendation.

**ITEM SUMMARY:** The applicant, DB Commercial, on behalf of Barge Properties, seeks final plat approval and an Exception to UDC Sec. 8.3.1 related to the use of public park fees.

Since the City has prepared a Master Plan for Waterford Park, attached, the bridge will add to the park's overall development and coupled with the proximity of the subdivision to the park, affords an opportunity for connectivity between the park, subdivision and community as a whole.

The plat proposes a five-foot sidewalk along Bend Drive connecting the existing sidewalk along South 31<sup>st</sup> Street. Connectivity will also include provisions for a 15-foot wide sidewalk and drainage access easement between Lots 16 and 17. The easement provides for connectivity from the neighborhood to a future point for a bridge connection across the existing 45-foot-wide span across the concrete drainage channel adjacent to the existing Waterford Park.

Additionally, required park fees in the amount of \$13,275 (\$225 per residential dwelling unit) can be used to pay for construction of the bridge or other Waterford Park amenities. The aspect of how public park fees are to be used, triggers an exception to UDC Section 8.3.1 requiring City Council approval.

Bridge materials, design and final cost have not been finalized. As a result of on-going discussion about the bridge and future connectivity between Planning, Parks staff and the developer, the following have been agreed upon and will be reflected in the City Council resolution should the exception be approved for the use of park fees:

1. Adding a "sidewalk easement" on top of the proposed 15-foot drainage easement and constructing a six-foot sidewalk that would connect to a future bridge;
2. Agreement to go to City Council for an exception to park dedication requirements that would specify that park fees could apply to the construction of a future bridge connecting to Waterford Park, if that is mutually agreeable to the City and home builder;
3. Otherwise park fees would apply to other amenities at Waterford Park; and
4. If a bridge is mutually agreed upon, it must be constructed prior to the issuance of the last Certificate of Occupancy within the development (59 Lots are proposed by the plat).

The history of this Planned Development – General Retail (PD-GR) zoning is summarized as follows:

- o Initial zoning of PD-GR for 11.55 +/- Acres (Ordinance 1995-2368);
- o Amended on November 5, 2018 to add 0.49 +/- acres (Ordinance 2018-4934); and
- o Amended on Dec 20, 2018 to attach Development/ Site Plan - 59-Lot subdivision layout (Ordinance 2018-4947)

Both the base General Retail (GR) and Multiple Family Dwelling 2 (MF-2) zoning districts require a minimum lot size of 5,000 square feet. The 16.46 +/- acre plat consists of:

- o 12.04 +/- acres of PD-GR;
- o 4.42 +/- acres of MF-2;
- o Smallest Lot - Lots 18 & 19, Block 1 (6,708 S.F.); and
- o Largest Lot - Lot 27, Block 1 (13,852 S.F.)

The proposed plat for The Bend subdivision is consistent with the development plan approved by City Council and adopted by Ordinance 2018-4947. The Bend subdivision will create the alignment of 4 local streets:

1. Bend Drive – Primary access to South 31<sup>st</sup> Street, includes five-foot sidewalk on one side
2. Crooked Tree Drive
3. Fallen Tree Drive
4. Leaning Tree Drive

Water will be provided by an existing 12-inch water line in South 31<sup>st</sup> Street. Sewer will be provided by an existing 12-inch sewer line in South 31<sup>st</sup> Street.

Two tracts are proposed. Tract A will be dedicated to the City, which is within the FEMA floodway and will be part of an existing drainage easement. Tract B is for a drainage and public utility easement.

The Development Review Committee reviewed the Final Plat of The Bend on September 20, 2018. Although there is remaining review of some legal documents, the plat was deemed administratively complete enough to proceed on December 27, 2018. The plat has been scheduled in a timely manner in order to accommodate the rezoning to add 0.49 +/- acres to the Planned Development and the associated Development Plan determinations by City Council.

**SCHOOL DISTRICT:** Temple Independent School District (TISD)

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Vicinity Map & Aerial Photo](#)

[Waterford Park Master Plan \(Illustration\)](#)

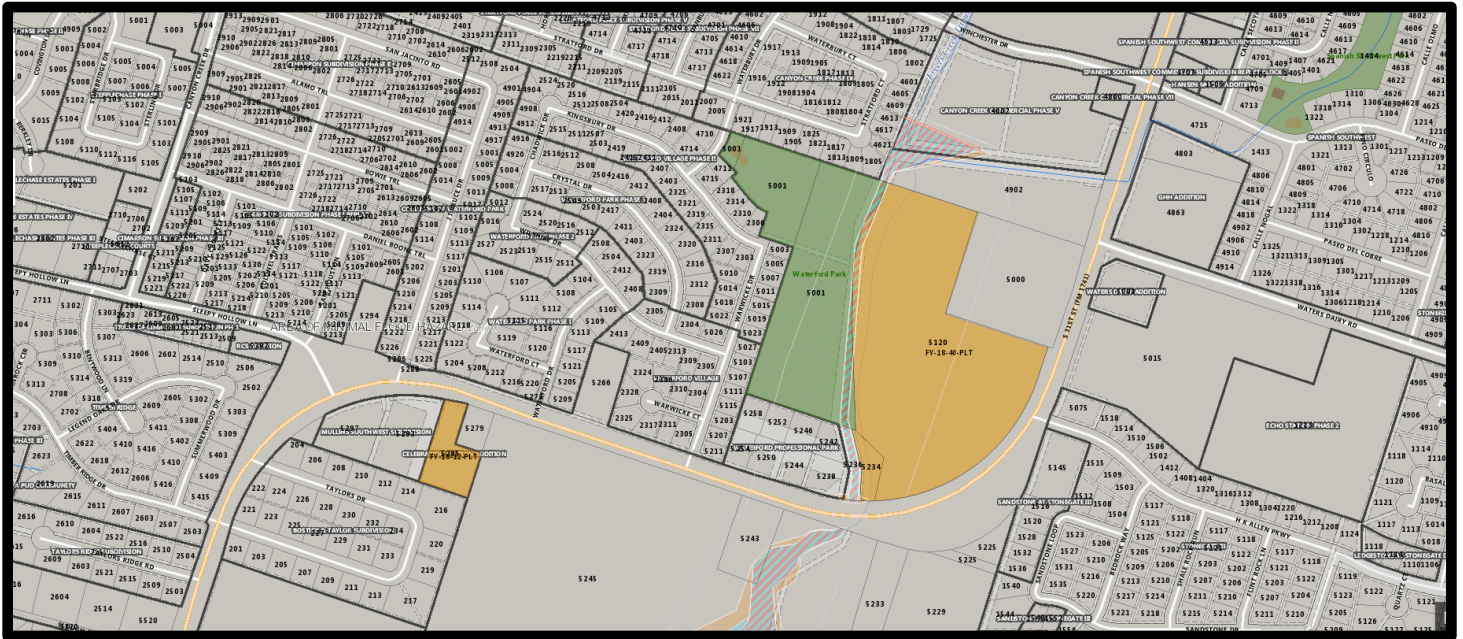
[Final Plat](#)

[Utility Plan](#)

[P&Z Excerpts \(January 7, 2019\)](#)

[Resolution](#)

# Vicinity Map, Aerial & Site Photos



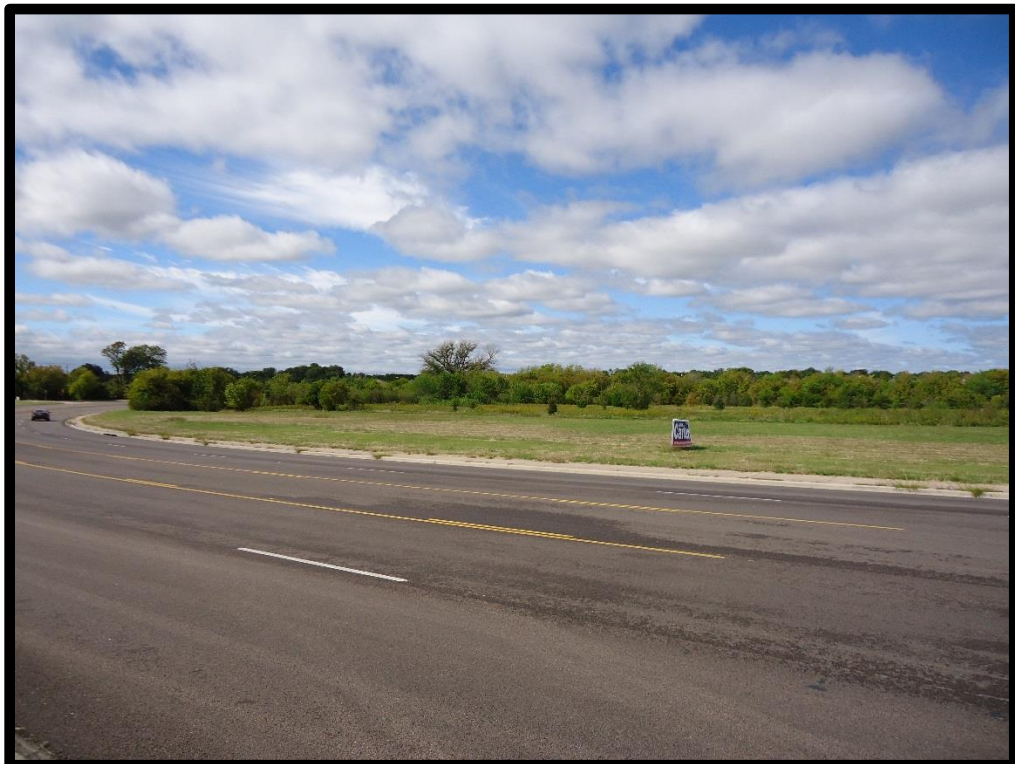
Vicinity Map (City of Temple GIS Maps)



Aerial Map (City of Temple GIS Maps)



**Site: Undeveloped - Looking across South 31<sup>st</sup> Street (PD-GR)**



**Site: Undeveloped - Looking across South 31<sup>st</sup> Street (PD-GR)**



**West: Looking across 45-foot wide concrete drainage channel  
(Waterford Professional Park) (O-1 & O-2)**



**East & South: Looking across South 31<sup>st</sup> Street - Undeveloped, Scattered Residential & Non-Residential Uses (AG, PD-GR & SF-1)**

Location: "The Bend" subdivision

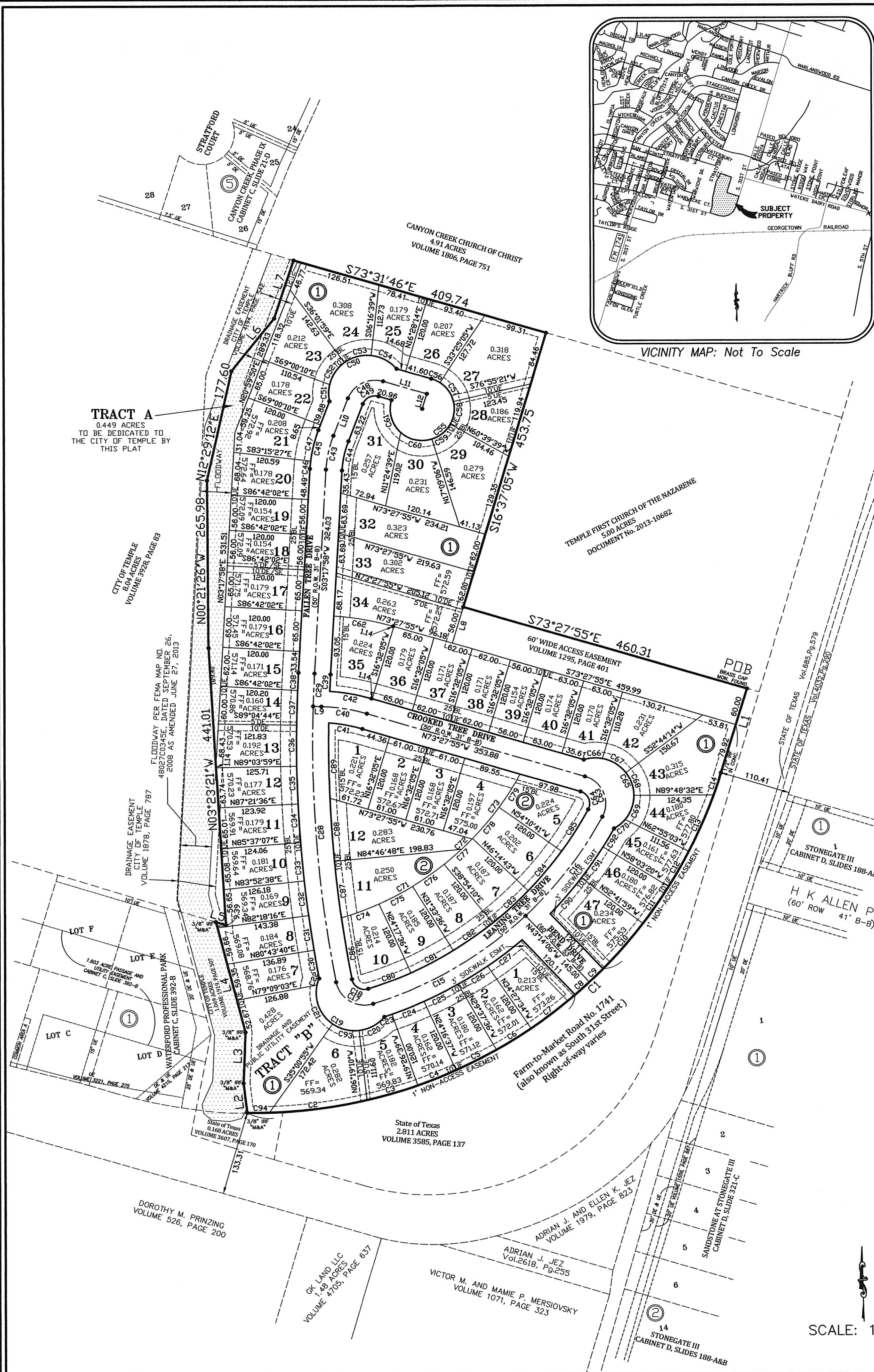
North: 

Not to Scale Reproduction



## Waterford Park: Master Plan

Updated - Jan. 18, 2013  
Drawn and Designed by: Kim Mottoschick, AICP, AIA  
Park Planner  
City of Temple  
Parks and Leisure Services  
January 2009



Curve Table				
Curve #	Length	Radius	Delta	Chord
C1	980.94	758.51	74°05'52"	S53°57'09"W 914.00
C2	153.79	758.51	11°37'01"	N82°35'39"E 153.53
C3	82.47	758.51	6°13'48"	N73°40'15"E 82.43
C4	63.98	758.51	4°49'58"	N68°08'22"E 63.96
C5	70.82	758.51	5°20'59"	N63°02'53"E 70.80
C6	63.98	758.51	4°49'58"	N57°57'25"E 63.96
C7	86.59	758.51	6°32'26"	N52°16'13"E 86.54
C8	30.01	758.51	2°16'00"	N47°51'59"E 30.01
C9	30.01	758.51	2°16'00"	N45°35'59"E 30.01
C10	94.87	758.51	7°09'58"	N40°53'00"E 94.81
C11	70.90	758.51	5°21'21"	N34°37'20"E 70.88
C12	64.36	758.51	4°51'42"	N29°30'49"E 64.34
C13	97.70	758.51	7°22'49"	N23°23'33"E 97.64
C14	37.85	758.51	2°47'55"	N18°18'11"E 37.85
C15	277.19	613.51	25°53'14"	N59°40'09"E 274.84
C16	198.35	613.51	18°31'25"	N37°27'50"E 197.48
C17	75.79	45.00	96°30'02"	S59°08'13"E 67.15
C18	33.69	20.00	96°30'02"	S59°08'13"E 29.84
C19	170.59	60.00	162°53'54"	S58°54'36"E 118.67
C20	46.12	60.00	44°02'24"	N61°39'38"E 44.99
C21	70.11	60.00	66°56'48"	S21°30'41"E 66.19
C22	11.08	60.00	10°34'38"	S17°15'02"W 11.06
C23	12.52	638.51	1°07'25"	N71°07'03"E 12.52
C24	53.86	638.51	4°49'58"	N68°08'22"E 53.84
C25	59.62	638.51	5°20'59"	N63°02'53"E 59.60
C26	53.86	638.51	4°49'58"	N57°57'25"E 53.84
C27	68.21	638.51	6°07'13"	N52°28'49"E 68.17
C28	440.34	1990.00	12°40'41"	S4°32'51"E 439.44
C29	52.37	1990.00	1°30'28"	S2°32'44"W 52.37
C30	45.69	2015.00	1°17'57"	S9°55'19"E 45.69
C31	55.45	2015.00	1°34'36"	S8°29'02"E 55.45
C32	55.32	2015.00	1°34'22"	S6°54'33"E 55.31
C33	61.24	2015.00	1°44'29"	S5°15'07"E 61.24
C34	61.24	2015.00	1°44'29"	S3°30'38"E 61.24
C35	60.00	2015.00	1°42'28"	S1°47'13"E 60.00
C36	65.45	2015.00	1°51'39"	S0°00'12"E 65.44
C37	54.97	2015.00	1°33'47"	S1°42'31"W 54.96
C38	28.46	2015.00	0°48'33"	S2°53'41"W 28.46
C39	26.96	1965.00	0°47'10"	S2°54'23"W 26.96
C40	72.05	280.00	14°44'36"	N80°50'13"W 71.85
C41	53.25	255.00	11°57'49"	N79°26'49"W 53.15
C42	66.12	305.00	12°25'15"	N79°40'33"W 65.99
C43	55.60	180.00	17°41'52"	S12°08'54"W 55.38
C44	47.88	155.00	17°41'52"	S12°08'54"W 47.69
C45	63.32	205.00	17°41'52"	S12°08'54"W 63.07
C46	12.32	205.00	3°26'35"	S5°01'15"W 12.32

Curve Table				
Curve #	Length	Radius	Delta	Chord
C47	51.00	205.00	14°15'17"	S13°52'11"W 50.87
C48	67.13	45.00	85°28'24"	S63°44'02"W 61.08
C49	29.84	20.00	85°28'24"	S63°44'02"W 27.15
C50	159.79	60.00	152°35'17"	S63°44'02"W 116.58
C51	27.07	60.00	25°51'12"	S0°21'59"W 26.84
C52	42.59	60.00	40°40'26"	S33°37'48"W 41.70
C53	44.31	60.00	42°18'38"	S75°07'20"W 43.31
C54	45.82	60.00	43°45'02"	N61°59'50"W 44.71
C55	235.62	50.00	270°08'00"	N61°28'14"E 70.71
C56	14.79	50.00	16°56'51"	N65°03'20"W 14.74
C57	37.96	50.00	43°30'16"	N34°49'47"W 37.06
C58	37.02	50.00	42°25'00"	N8°07'51"E 36.18
C59	37.97	50.00	43°30'33"	N51°05'38"E 37.06
C60	51.87	50.00	59°26'39"	S77°25'46"E 49.58
C61	56.01	50.00	64°10'41"	S15°37'06"E 53.12
C62	94.02	425.00	12°40'33"	N79°48'11"W 93.83
C63	79.85	45.00	101°40'03"	N22°37'54"W 69.78
C64	35.49	20.00	101°40'03"	N22°37'54"W 31.01
C65	175.91	60.00	167°58'59"	N23°01'52"W 119.34
C66	29.35	60.00	28°01'48"	S86°59'33"W 29.06
C67	43.70	60.00	41°43'48"	N58°07'40"W 42.74
C68	38.82	60.00	37°04'18"	N18°43'37"W 38.15
C69	41.62	60.00	39°44'31"	N19°40'48"E 40.79
C70	22.42	60.00	21°24'34"	N50°19'21"E 22.29
C71	218.37	468.51	26°42'20"	N60°01'20"E 216.40
C72	23.08	468.51	2°49'22"	N45°15'29"E 23.08
C73	127.70	468.51	15°37'01"	N36°02'18"E 127.30
C74	62.71	468.51	7°40'07"	N69°32'27"E 62.66
C75	59.42	468.51	7°16'00"	N62°04'24"E 59.38
C76	60.04	468.51	7°20'34"	N54°46'07"E 60.00
C77	60.04	468.51	7°20'34"	N47°25'34"E 60.00
C78	64.87	468.51	7°55'58"	N39°47'18"E 64.81
C79	62.08	468.51	7°35'31"	N32°01'33"E 62.03
C80	70.94	588.51	6°54'22"	N69°09'35"E 70.89
C81	74.64	588.51	7°16'00"	N62°04'24"E 74.59
C82	75.42	588.51	7°20'34"	N54°46'07"E 75.37
C83	75.42	588.51	7°20'33"	N47°25'34"E 75.37
C84	81.48	588.51	7°55'58"	N39°47'18"E 81.42
C85	78.27	588.51	7°37'11"	N32°00'43"E 78.21
C86	98.73	1965.00	2°52'44"	S9°26'50"E 98.72
C87	90.66	1965.00	2°38'37"	S6°41'09"E 90.65
C88	100.25	1965.00	2°55'24"	S3°54'09"E 100.24
C89	119.86	1965.00	3°29'41"	S0°41'37"E 119.84
C90	75.04	638.51	6°44'02"	N40°40'08"E 75.00
C91	59.69	638.51	5°21'21"	N34°37'20"E 59.66
C92	33.69	638.51	3°01'22"	N30°25'59"E 33.68

Line Table		
Line #	Direction	Length
L1	S16°55'42"W	139.92'
L2	N6°47'35"W	47.47'
L3	N2°26'05"E	81.08'
L4	N14°43'19"W	181.06'
L5	S72°26'06"E	16.48'
L6	N38°34'07"E	106.94'
L7	N18°16'34"E	97.06'
L8	S16°37'05"W	60.00'
L9	N88°12'30"W	12.80'
L10	S20°59'50"W	63.22'
L11	S73°31'46"E	70.96'
L12	N16°28'14"E	25.00'

Curve Table			
Curve #	Length	Radius	Chord
C93	43.29	60.00	41°20'55"
C94	34.40	758.51	2°35'56"

SE = SIDEWALK EASEMENT

- NOTES:
1. THE RESIDENTIAL LOTS AS SHOWN ON THIS PROPERTY ARE NOT WITHIN THE 100-YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP NO. 48027C0345E DATED SEPTEMBER 26, 2008 AS AMENDED JUNE 27, 2013.
  2. TRACT "A" SHALL BE DEDICATED TO THE CITY OF TEMPLE BY THIS PLAT.
  3. TRACT "B" SHALL BE UTILIZED AS A DRAINAGE EASEMENT AND PUBLIC UTILITY EASEMENT AND SHALL BE OWNED AND MAINTAINED BY THE BEND HOMEOWNERS ASSOCIATION.
  4. THERE SHALL BE A 5' BUILDING LINE ON ALL SIDE LOT LINES UNLESS OTHERWISE SHOWN HEREON.
  5. THERE SHALL BE A 10' REAR BUILDING LINE UNLESS OTHERWISE SHOWN HEREON.
  6. ALL RESIDENTIAL LOTS SHALL HAVE A 10' UTILITY EASEMENT ALONG THE REAR LOT LINES UNLESS OTHERWISE SHOWN HEREON.
  7. LOTS 1-6 AND 43-47, BLOCK 1 SHALL HAVE NO ACCESS OFF OF SOUTH 31ST STREET.
  8. ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP STAMPED "RPLS 2475" SET UNLESS OTHERWISE NOTED HEREON.
  9. UTILITY COMPANIES HAVE BEEN PROVIDED A COPY OF THIS PLAT FOR THEIR REVIEW.

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 149 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°31'21" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999855 PUBLISHED CITY COORDINATES ARE X=3,222,070.66 Y=10,357,884.24 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS N21°05'15"E, 985.38 FEET

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, IN YEAR \_\_\_\_\_, PLAT # \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT # \_\_\_\_\_, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF BELL

CAROTHERS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS FINAL PLAT OF THE BEND, A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

CAROTHERS DEVELOPMENT, LLC  
A TEXAS LIMITED LIABILITY COMPANY

JASON CAROTHERS  
PRESIDENT

STATE OF TEXAS  
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 BY JASON CAROTHERS, PRESIDENT OF CAROTHERS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY.

NOTARY PUBLIC

STATE OF TEXAS  
COUNTY OF BELL

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

JENNIFER RYKEN  
106277  
NOV 08/2017

STATE OF TEXAS  
COUNTY OF BELL

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.

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

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

SECRETARY TO PLANNING & ZONING COMMISSION:

AFFIDANT:  
THE TAX APPRAISAL DISTRICT OF BELL COUNTY, TEXAS DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY, TEXAS ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
BELL COUNTY TAX APPRAISAL DISTRICT

BY: \_\_\_\_\_

THIS FINAL 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 \_\_\_\_\_, 2019

CITY SECRETARY: \_\_\_\_\_

FINAL PLAT of:  
**THE BEND**  
16.461 ACRES  
2 BLOCKS, 59 LOTS  
LOTS 1 thru 47, BLOCK 1  
LOTS 1 thru 12, BLOCK 2  
TRACT "A" - 0.449 Acres dedicated to City of Temple by this plat  
TRACT "B" - 0.428 Acres to be utilized as a drainage and public utility easement and shall be owned and maintained by The Bend homeowners association.  
PART OF THE REDDING ROBERTS SURVEY, ABSTRACT #692, A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS  
TRACT SURVEYED JULY 9, 2018  
16.461 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

ENGINEERING \* PLANNING \* SURVEYING \* CONSTRUCTION MANAGEMENT  
**TURLEY ASSOCIATES, INC.**  
301 N. 3rd ST.  
TEMPLE, TEXAS  
E-MAIL: MAIL@TURLEY-INC.COM  
FAX NO. (254) 773-3998

SURVEY FIRM # 10056000  
ENGINEER FIRM # F-1658

FINAL PLAT of:  
**THE BEND**  
PART OF THE REDDING ROBERTS SURVEY, ABSTRACT #692, A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS  
PREPARED FOR:  
CAROTHERS DEVELOPMENT, LLC

REVISIONS

DATE: 07/12/18  
DRN. BY: MEA  
REF.:  
FB/LB  
JOB NO.: 18-480  
SHEET 1 OF 1  
COMPUTER DWG. NO. 18-480  
**18480-D**  
FILE NO.



**EXCERPTS FROM THE**  
**PLANNING & ZONING COMMISSION MEETING**  
**MONDAY, JANUARY 7, 2019**

**ACTION ITEMS**

**Item 3: FY-18-40-PLT**- Consider and recommend action on The Bend, a 16.46 +/- acres, 59-lot, 2-block, 2-tract residential subdivision, with a developer requested exception to the Unified Development Code (UDC) Section 8.3.1, related to the use of public park fees, situated in the Redding Roberts Survey, Abstract No. 692 in Bell County, Texas, located at 5120 South 31st Street, Temple, Texas.

Mr. Mark Baker, Principal Planner, stated the applicant has requested exceptions to the UDC Section 8.3.1; therefore, this item is scheduled to go forward to City Council on February 6, 2019.

A timeline of this subject property was provided and outlined as follows:

- I. Initial Planned Development
  - a. Ordinance 1995-2368
- II. Addition of 0.49 +/- Ac. To existing PD
  - a. Ordinance 2018-4934
  - b. Adopted (October 4, 2018)
- III. Development/Site Plan
  - a. Ordinance 2018-4947
  - b. Adopted by City Council on December 20, 2018
  - c. Layout Only for the 59-lot subdivision
- IV. Current Review-Subdivision Plat
  - a. "The Bend" (59 lots)
  - b. DRC-September 20, 2018 and Deemed Complete December 27, 2018
  - c. Deeds and Restrictive Covenants-To be finalized prior to recordation

Mr. Baker reviewed the background of this proposed plat as follows:

- 16.46 +/- Acre, 59-lot, two-block, residential subdivision
- 12.04 +/- acres (PD-General Retail-GR)
- 4.42 +/- acres (Multiple Family-Two-GR)
- Smallest lot-6,708 square feet
- Largest lot-13,852 square feet
- Minimum lot size (GR and MF-2) -5,000 square feet

The Bend will create the following four local streets:

- Bend Drive-Primary access from South 31<sup>st</sup> Street
- Crooked Tree Drive
- Fallen Tree Drive
- Leaning Tree Drive

Water will be provided by a 12-inch waterline in South 31<sup>st</sup> Street.

Sewer will be provided by a 12-inch sewer line in South 31<sup>st</sup> Street.

The City Council is the Final Plat authority since the applicant has requested an exception to UDC Section 8.3.1, related to the use of public park fees to be used for trail connectivity and/or park improvements.

The final plat is shown on left side of presentation and topo/utility plan on the right side.

Trail Connectivity and Future Waterford Park Improvements are shown.

Conditions to trail connectivity to Waterford Park from meeting with Planning/Parks staff and developer include:

- Fifteen-foot pedestrian access/drainage easement-addressed through restrictive covenants (between lots 16 and 17)
- Bridge to span approximately 40 to 50 feet across concrete drainage channel
- Park fees to go toward park improvements (e.g. bridge)-Triggers exception to UDC Section 8.3.1 (Use of Park fees)

Bridge materials, design and final cost has not been finalized. An agreement is anticipated in conjunction with City Council review for the following:

- Adding a "sidewalk easement" on top of the proposed fifteen-foot drainage easement and constructing a six-foot sidewalk that would connect to a future bridge;
- Agreement to go to City Council for an exception to Park dedication requirements that would specify that park fees could apply to the construction of a future bridge connecting to Waterford Park, if that is mutually agreeable to the City and developer;
- Otherwise park fees would apply to other amenities at Waterford Park; and
- If a bridge is mutually agreed upon, it must be constructed prior to issuance of the last Certificate of Occupancy within the development (59 lots are proposed)

An image of the Waterford Park Master Plan is shown. An enlarged site location of the easement is shown as well as its location within the final plat.

A photograph image is shown of the subject property.

Staff recommends approval of the Final Plat for The Bend and the developer-requested exception to UDC Section 8.3.1 related to the use of park fees.

A public hearing is not required for this case.

Commissioner Castillo made a motion to approve Item 3, **FY-18-40-PLT**, per staff recommendation, and Vice-Chair Ward made a second.

*Motion passed: (8:0)*

Commissioner Jeanes absent

RESOLUTION NO. 2019-9558-R  
(FY-18-40-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT FOR THE BEND, AN APPROXIMATELY 16.46 ACRE, 59 LOT, 2 BLOCK, 2 TRACT, RESIDENTIAL SUBDIVISION, WITH A DEVELOPER REQUESTED EXCEPTION TO UNIFIED DEVELOPMENT CODE SECTION 8.3.1, RELATED TO THE USE OF PUBLIC PARK FEES; LOCATED AT 5120 SOUTH 31<sup>ST</sup> STREET, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the applicant, DB Commercial, on behalf of Barge Properties, requests final plat approval for The Bend, as depicted by Exhibit A, an approximately 16.46 acre, 59 lot, 2 block, 2 tract, Residential Subdivision, with a developer requested exception to Unified Development Code (UDC) Section 8.3.1, related to the use of public park fees; situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, and located at 5120 South 31<sup>st</sup> Street, Temple, Texas;

**Whereas**, the plat proposes a 5-foot sidewalk along Bend Drive connecting the existing sidewalk along South 31<sup>st</sup> Street - connectivity will also include provisions for a 15-foot wide sidewalk and drainage access easement between lots 16 & 17;

**Whereas**, the easement provides for connectivity from the neighborhood to a future point for a bridge connection across the existing 45-foot-wide span and across the concrete drainage channel adjacent to the existing Waterford Park;

**Whereas**, the City has prepared a Master Plan for Waterford Park, and the bridge will add to the park's overall development, coupled with the proximity of the subdivision to the park, it will afford an opportunity for connectivity between the park, subdivision and community as a whole;

**Whereas**, the required park fees amount of \$13,275 (\$225 per residential dwelling unit) can be used to pay for construction of the bridge or other Waterford Park amenities;

**Whereas**, the following have been agreed upon between the City and the developer related to the exception for the use of park fees:

1. Addition of a "sidewalk easement" on top of the proposed 15-foot drainage easement and construction of a 6-foot sidewalk that would connect to a future bridge;
2. If mutually agreed upon between the City and home builder, park fees could apply to the construction of a future bridge connecting to Waterford Park;
3. If not mutually agreed upon, park fees would apply to other amenities at Waterford Park; and
4. If a bridge is mutually agreed upon, it must be constructed prior to the issuance of the last Certificate of Occupancy within the development (59 Lots are proposed by the plat);

**Whereas**, at their January 7, 2019 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the final plat and developer-requested exception to UDC Sec. 8.3.1;

**Whereas**, Staff recommends Council authorize the approval of the final plat of The Bend, an approximately 16.46 acre, 59 lot, 2 block, 2 tract, Residential Subdivision, with a developer requested exception to Unified Development Code (UDC) Section 8.3.1, related to the use of public park fees; situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, and located at 5120 South 31<sup>st</sup> Street, Temple, Texas; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to approve the Final Plat of The Bend, with the above requested exception.

**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 Final Plat of The Bend, as depicted by Exhibit A, an approximately 16.46-acre, 59 lot, 2 block, 2 tract, Residential Subdivision, with a developer requested exception to Unified Development Code (UDC) Section 8.3.1, related to the use of public park fees; situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, and located at 5120 South 31<sup>st</sup> Street, 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 7<sup>th</sup> day of **February**, 2019.

THE CITY OF TEMPLE, TEXAS

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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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02/07/19  
Item #12  
Regular Agenda  
Page 1 of 2

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing amendments to an existing Chapter 380 Development Agreement with Short-Term Lending GP, Inc. to assign the Agreement to H5B3, LLC, to increase the grant amount to \$115,000 per property, and to extend the construction timeline.

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

**ITEM SUMMARY:** In August 2018, the City executed a Chapter 380 Development Agreement (the "Agreement") with Short-Term Lending GP, Inc. which provided Strategic Investment Zone grant funding for proposed improvements to properties located at 110 South 1<sup>st</sup> Street and 112 South 1<sup>st</sup> Street. The not to exceed amount of SIZ funding for 110 South 1<sup>st</sup> Street was \$70,000 and the not to exceed amount of SIZ funding for 112 South 1<sup>st</sup> Street was \$90,530. The improvements were to be completed by June 1, 2019.

Short-Term Lending is under contract to sell both properties to H5B3, LLC ("H5B3"). H5B3 proposes to renovate the properties and construct a pizza restaurant, tap room, deli and coffee house concept with outdoor dining and entertainment. H5B3 and Short-Term Lending have requested that Council authorize the assignment of the Agreement to H5B3.

H5B3 has also requested that Council authorize an amendment to the Agreement which would increase the SIZ funding to \$115,000 for each property (a total of \$230,000). Staff believes the proposed project does qualify for the requested funding increase under Tier III of the City's funding matrix. The project scope consists of interior renovations, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area. Fee waivers up to \$2,000 are also requested.

Lastly, H5B3 has requested an extension to the construction timeline and anticipates completing the project before the end of 2019.

**FISCAL IMPACT:** The total maximum grant match by the City is \$115,000 for each property. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 795-9500-531-2695 for Strategic Investment Zone grants as follows:

	<u>795-9500-531-2695</u>	<u>110-1500-515-2695</u>	<u>Total</u>
Available Funding	\$ 525,000	\$ 259,245	\$ 784,245
Encumbered/Committed to Date	(230,530)	(155,429)	(385,959)
Short-Term Lending GP	90,530	-	90,530
Short-Term Lending GP	70,000	-	70,000
H5B3, LLC	(115,000)	-	(115,000)
H5B3, LLC	(115,000)	-	(115,000)
<b>Remaining Funds Available</b>	<b>\$ 225,000</b>	<b>\$ 103,816</b>	<b>\$ 328,816</b>

**ATTACHMENTS:**

[Cost Estimates](#)  
[Architectural Renderings](#)  
[Resolution](#)

**Restaurant to be located at 110 South 1st Street  
Property to be Owned by H5B3, LLC**

Item	Cost
<b><i>Spending on Non-Exterior Items Qualifying for SIZ Grant</i></b>	
Kiella Invoice for work performed after Initial SIZ Grant Approval	\$25,537
Demolition of Ceiling @ \$5 / sq ft	\$10,700
Demolition of Plaster on Brick Walls	\$8,000
Sprinkler System	\$17,500
Design Services - Architect	\$5,900
Builder Profit	\$4,210
Qualifying Costs	<u>\$71,847</u>
<b><i>Spending on Exterior Items Qualifying for SIZ Grant</i></b>	
Façade Finishes - excluding glazing	\$35,000
Signage on front façade	\$8,000
Canopies on front façade	\$5,000
Glazing front façade	\$12,500
Glazing Rear	\$14,000
Grading and egress from rear façade	\$6,000
Planter boxes and railing front façade	\$5,000
Down spouts - rear façade	\$7,500
8' Brick Wall on North Boundary and Dumpster Wrap (120' in length)	\$32,000
Stage and Storage Area	\$9,900
Balance of Perimeter Fencing (Brick Column & Metal) - 335' in length	\$15,800
Non-portable space heaters	\$4,000
Excavation, Concrete and Grading within area to be landscaped	\$17,800
Trees and Shrubs	\$4,000
Utility Relocation	\$9,900
Design Services - Landscape Architect	\$1,800
Design Services - Civil Engineer	\$5,900
Builder Profit	<u>\$19,410</u>
	\$213,510
Total SIZ Quailified Expenses	\$285,357
Percentage on Exterior	74.8%

### 110 South 1st (Continued)

Item	Cost
<b><i>Additional Spending on Renovation</i></b>	
Allocation of Sail Covers for Playground Area	\$9,900
Allocation of Side Curtains for Exterior	\$6,000
Playground Equipment	\$13,800
Plumbing, concrete coring, and Build-out Bathrooms	\$22,500
Interior Electrical	\$18,000
HVAC	\$35,116
Framing & Drywall	\$28,000
Interior Glazing	\$4,000
Painting @ \$4.75/sq ft	\$10,000
Interior Millwork @ \$10.00/sq ft	\$21,300
Floors @ \$12.00 /sq ft	\$25,600
Spray foam Insulation	\$6,250
Replace Ceiling Joists	\$6,000
Ceiling @ \$6.00/sq ft	\$12,800
Contingencies @ \$25.00 /sq ft	\$53,700
Contruction Overhead	\$6,000
Design Work - Structural Engineering	\$3,000
Design Work - Mechanical, Electrical, Plumbing Engineering	\$5,000
Builder Profit	\$27,297
	<hr/>
	\$314,263
 Total Project Cost	 \$599,620







CONCEPTUAL ONLY.  
DO NOT USE FOR  
REGULATORY APPROVAL  
PERMITTING OR  
CONSTRUCTION.

TEAS ARCHITECT  
8681

COPYRIGHT © 2018  
A. SULLIVAN

JAS

J.A. SULLIVAN

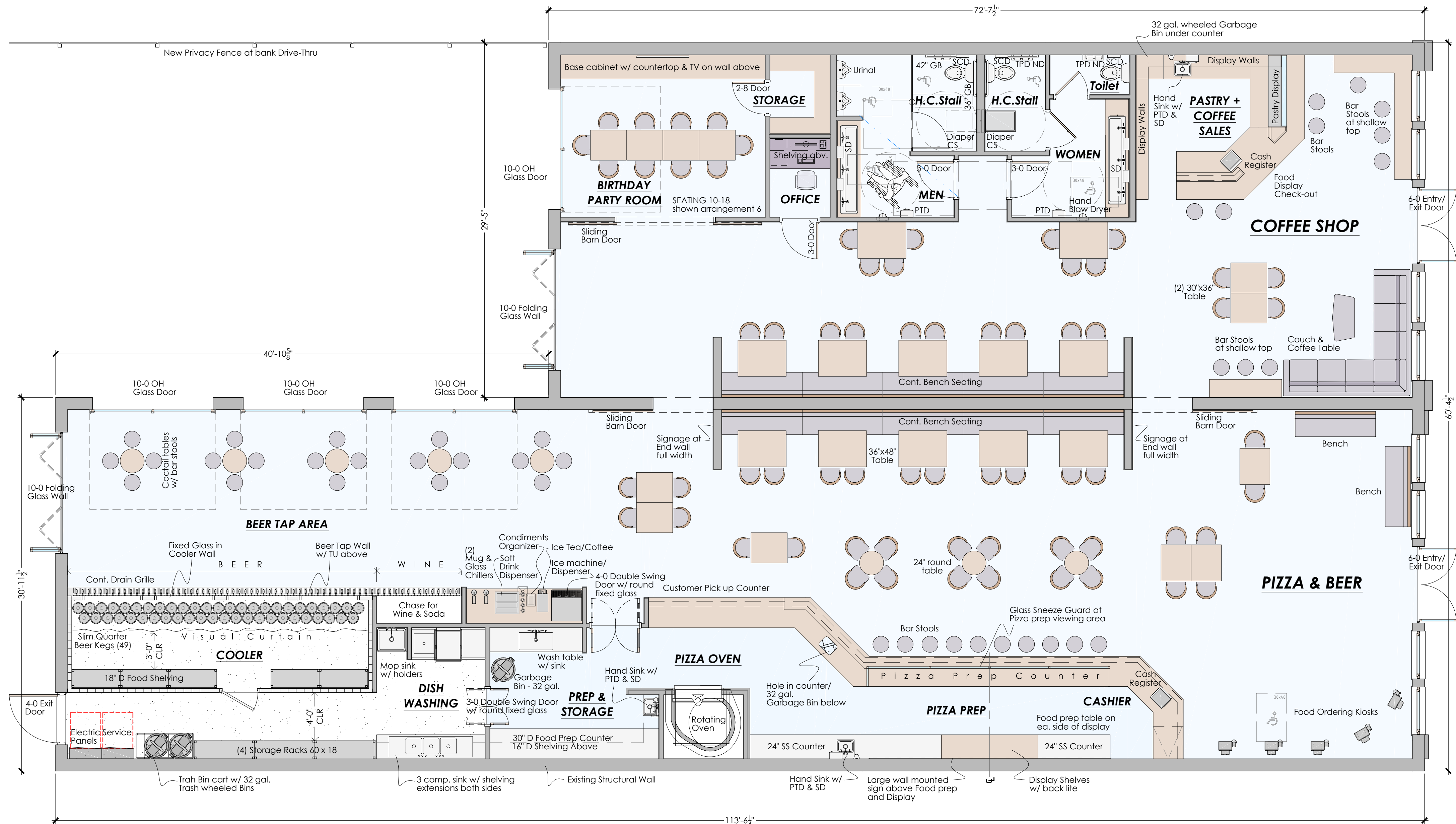
ARCHITECT

GENERAL CONTRACTOR

P.O. BOX 702  
GEORGETOWN, TEXAS  
78627

PH: 512.635.6601  
F: 512.861.2107

as@jas3.com  
s@jaslink.net



1  
A1  
CONCEPTUAL FLOOR PLAN  
0' 1' 3' 6' 12' 18'  
SCALE: 3/16"=1'-0"  
(36"x24" PRINT)



Drawn by  
Checked by  
Date  
Revisions  
Description  
Sheet  
1 of 1

Revisions

Description  
CONCEPTUAL  
PLAN

Sheet  
A1

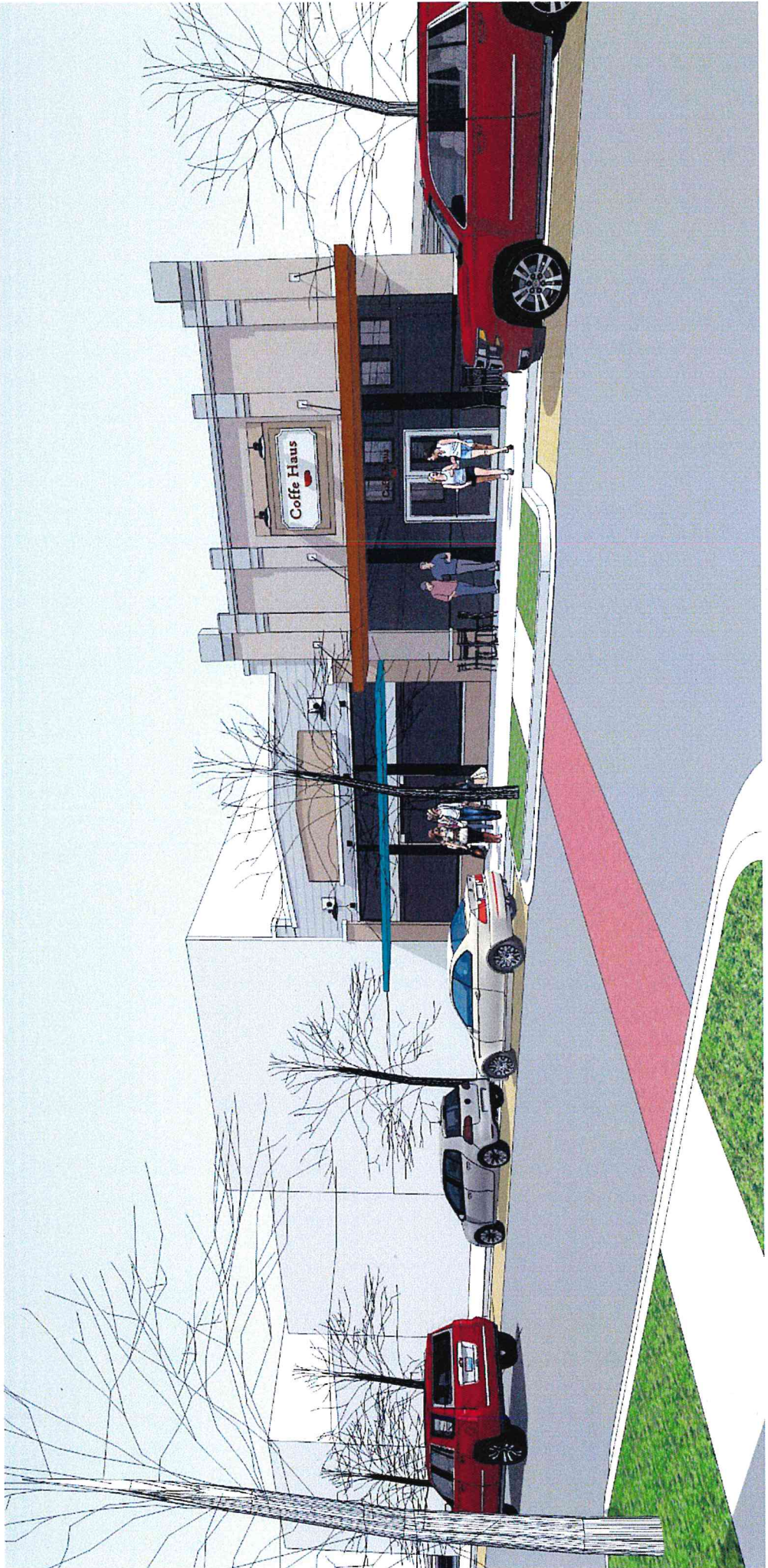
1 of 1

**Restaurant to be located at 112 South 1st Street  
Property to be Owned by H5B3, LLC**

Item	Cost
<b><i>Spending on Non-Exterior Items Qualifying for SIZ Grant</i></b>	
Kiella Invoice for work performed after Initial SIZ Grant Approval	\$43,703
Demolition of Ceiling @ \$5 / sq ft	\$16,300
Demolition of Plaster on Brick Walls	\$3,000
Sprinkler System	\$25,000
Fire Suppression in Kitchen	\$8,500
Design Services - Architect	\$9,100
Builder Profit	\$6,190
Qualifying Costs	<u>\$111,793</u>
<b><i>Spending on Exterior Items Qualifying for SIZ Grant</i></b>	
Façade Finishes - excluding glazing	\$35,000
Signage on front façade	\$8,000
Signage on rear façade	\$10,000
Canopies on front façade	\$5,000
Glazing front façade	\$12,500
Glazing Rear	\$28,000
Grading and egress from rear façade	\$12,000
Planter boxes and railing front façade	\$5,000
Down spouts - rear façade	\$7,500
Stage and Storage Area shown in drawing	\$15,100
Balance of Perimeter Fencing (Brick Column & Metal) - 335' in length	\$24,200
Non-portable space heaters	\$6,000
Excavation, Concrete and Grading within area to be landscaped	\$27,200
Trees and Shrubs	\$6,000
Utility Relocation	\$15,100
Design Services - Landscape Architect	\$2,700
Design Services - Civil Engineer	\$9,100
Builder Profit	<u>\$22,840</u>
	\$251,240
Total SIZ Qualified Expenses	\$363,033
Percentage on Exterior	69.2%

## 112 South 1st (Continued)

Item	Cost
<b><i>Additional Spending on Renovation</i></b>	
Allocation of Sail Covers for Playground Area	\$15,100
Allocation of Side Curtains for Exterior	\$9,000
Playground Equipment	\$21,200
Slab work and Loading Dock	\$12,500
Plumbing Kitchen including triple sink and dishwasher	\$20,000
Grease Traps	\$15,000
Interior Electrical	\$24,000
Electrical - Kitchen	\$18,000
Gas - Kitchen	\$5,000
HVAC	\$37,358
Walk-in Cooler	\$30,000
Built-in Beer Tap System	\$26,000
Framing & Drywall	\$15,000
Painting @ \$4.75/sq ft	\$17,000
Interior Millwork @ \$10.00/sq ft	\$32,800
Floors @ \$12.00 /sq ft	\$39,400
Spray foam Insulation	\$9,500
Replace Ceiling Joists	\$3,000
Ceiling @ \$6.00/sq ft	\$19,700
Contingencies @ \$25.00 /sq ft	\$82,000
Contruction Overhead	\$9,100
Design Work - Structural Engineering	\$4,500
Design Work - Mechanical, Electrical, Plumbing Engineering	\$7,600
Builder Profit	\$39,376
	<hr/>
	\$512,134
 Total Project Cost	 \$875,167







CONCEPTUAL ONLY.  
DO NOT USE FOR  
REGULATORY APPROVAL  
PERMITTING OR  
CONSTRUCTION.

TEAS ARCHITECT  
8681

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A. SULLIVAN

JAS

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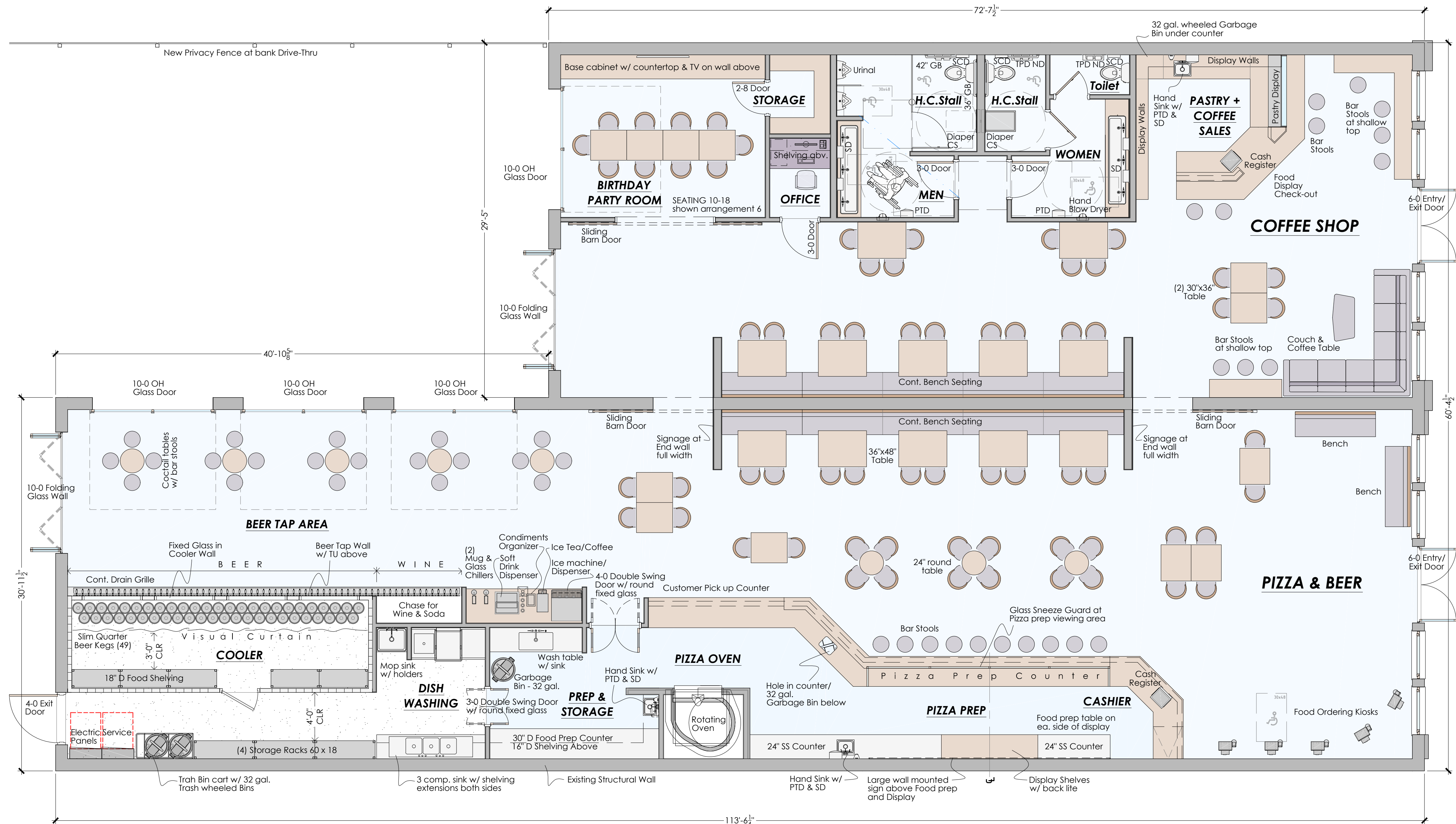
ARCHITECT

GENERAL CONTRACTOR

P.O. BOX 702  
GEORGETOWN, TEXAS  
78627

PH: 512.635.6601  
F: 512.861.2107

jas@jllian3.com  
saddenlink.net



1  
A1  
CONCEPTUAL FLOOR PLAN  
0' 1' 3' 6' 12' 18'  
SCALE: 3/16"=1'-0"  
(36"x24" PRINT)



Drawn by  
Checked by  
Date  
Revisions  
Description  
Sheet  
1 of 1

Revisions

Description  
CONCEPTUAL  
PLAN

Sheet  
A1

1 of 1

RESOLUTION NO. 2019-9559-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO AN EXISTING CHAPTER 380 DEVELOPMENT AGREEMENT WITH SHORT-TERM LENDING GP, INC. TO ASSIGN THE AGREEMENT TO H5B3, LLC, TO INCREASE THE GRANT AMOUNT TO \$115,000 PER PROPERTY; TO EXTEND THE CONSTRUCTION TIMELINE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in August 2018, the City executed a Chapter 380 Development Agreement (the “Agreement”) with Short-Term Lending GP, Inc. which provided Strategic Investment Zone grant funding for proposed improvements to properties located at 110 South 1<sup>st</sup> Street and 112 South 1<sup>st</sup> Street;

**Whereas**, the not to exceed amount of Strategic Investment Zone (SIZ) funding for 110 South 1<sup>st</sup> Street was \$70,000, and the not to exceed amount of SIZ funding for 112 South 1<sup>st</sup> Street was \$90,530 - the improvements were to be completed by June 1, 2019;

**Whereas**, Short-Term Lending is under contract to sell both properties to H5B3, LLC (“H5B3”) and H5B3 proposes to renovate the properties and construct a pizza restaurant, tap room, deli and coffee house concept with outdoor dining and entertainment;

**Whereas**, H5B3 and Short-Term Lending have requested that Council authorize the assignment of the Agreement to H5B3;

**Whereas**, H5B3 has also requested that Council authorize an amendment to the Agreement which would increase the SIZ funding to \$115,000 for each property (a total of \$230,000), and Staff believes the proposed project qualifies for the requested funding increase under Tier III of the City’s funding matrix;

**Whereas**, the project scope consists of interior renovations, including fire suppression, façade improvements, landscaping and other improvements associated with converting the area behind the building to a spacious seating area - fee waivers up to \$2,000 are also requested;

**Whereas**, H5B3 has also requested an extension to the construction timeline and anticipates completing the project before the end of 2019;

**Whereas**, payment of grant matching funds will not be made until work and inspections are complete, and receipts are received by the City;

**Whereas**, funding for both amendments is available in Account No. 795-9500-531-2695, 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 authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute an amendment to an existing Chapter 380 Development agreement with Short-Term Lending GP, Inc. to assign the agreement to H5B3, LLC, to increase the grant amount to \$115,000 per property, and extend the construction timeline.

**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 7<sup>th</sup> day of **February**, 2019.

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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02/07/19  
Item #13  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing one councilmember to the Hill Country Transit District Board.

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

**ITEM SUMMARY:** Councilmember Michael Pilkington served on this board from June 2017 to January 14, 2019. At this time the Council needs to appointment a new member to represent Temple. It is requested that another elected official be appointed to fill the position.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Resolution](#)



## COUNCIL AGENDA ITEM MEMORANDUM

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02/07/19  
Item #14  
Regular Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Building Board of Appeals – four members to fill expiring terms through March 1, 2023;
- (B) Building and Standards Commission – two members to fill expiring terms through March 1, 2021; and three alternate members to fill expiring terms through March 1, 2021
- (C) Civil Service Commission – one member to fill an unexpired term through September 1, 2019;
- (D) Development Standards Advisory Board –three members to fill expiring terms through March 1, 2022;
- (E) Library Board – one member to fill an unexpired term through September 1, 2021;
- (F) Parks and Leisure Services Advisory Board – three members to fill expiring terms through March 1, 2022;
- (G) Zoning Board of Adjustment – two members to fill expiring terms through March 1, 2021; and two alternate members to fill expiring terms through March 1, 2021.

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

**ITEM SUMMARY:** In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 1, 2014.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

[Board Summary](#)  
[Resolution](#)

# SPRING BOARD APPOINTMENTS



# SPRING BOARD APPOINTMENTS

Building Board of Appeals

Building & Standards Commission

\*Civil Service Commission

Development Standards Advisory Board

Parks & Recreation Services Advisory Board

Zoning Board Of Adjustment

# Building Board of Appeals

4 Members to fill expiring terms through March 1, 2023

## Expiring Terms:

Casey Simpson	ONCOR Elect. Rep.	
Craymon Myers	Mstr. Electrician	(Termed Out)
Robert Bass	Mstr. Electrician	(Termed Out)
Kenneth Malina	Journeyman Electrician	(Termed Out)

## Applications on File:

No applications at this time for either of these specific professions



NOTICE OF MEETING  
BUILDING BOARD OF APPEALS  
COUNCIL CHAMBERS  
2 NORTH MAIN STREET  
TEMPLE, TEXAS 76501

MEET AS NEEDED;  
10 DAYS AFTER NOTICE OF APPEAL AS BEEN FILED  
2:00 PM

## MEMBERSHIP (4 YEAR TERMS)

13 members to include:

- 2 architects or engineers
- 2 master plumbers
- 2 from building industry, including general contractor, engineer or other
- 1 from mechanical or air conditioning trade
- 2 at large
- 2 Licensed Master Electricians
- 1 Licensed Journeyman Electrician
- 1 Representative of Electric Distributor

## PURPOSE:

The board shall submit recommendations to the Council for improvements and revisions to the Standard Building Code, Mechanical Code, One and Two Family Dwelling Code, Plumbing Code, Gas Code and Fire Prevention Code as it deems necessary and proper in the light of the development of new materials, methods or techniques. Hear and rule on appeals.

# Building & Standards Commission

5 Members to fill expiring terms through March 1, 2021

## Expiring Terms:

Russell Stenman

\*Jeremy Langley (Alt)

Kevin Bonner (Termed Out)

\*Jeff Byrd (Alt) (Termed Out)

\*Bruce Normand (Alt) (Termed Out)

## Applications on file:

Brady Allison

Stacie Kline

Jeff Norwood

Tom Brautigan

Elaine McCoy

Blake Pitts

Esperanza Castro

John Mayo

Brenda Warrick

Sandra Creech

Michael Medrano

Daniel Jeanes

Bruce Normand



NOTICE OF MEETING  
BUILDING & STANDARDS COMMISSION  
COUNCIL CHAMBERS, MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
TEMPLE, TEXAS 76501

MEETS 1<sup>ST</sup> MONDAY OF EACH MONTH  
2:00 PM

### MEMBERSHIP: (2 YEAR TERMS)

- 9 members:
- 5 Regular members
  - 4 Alternate members

### PURPOSE:

This Board has the authority to hear and determine cases concerning alleged violations of City ordinances related to building codes, including the minimum housing code; conditions covered by accumulation of matter that creates unsanitary and unhealthy conditions; functions of the Historic Preservation ordinance; and serves as a screening committee for the rental rehabilitation and the owner-occupied housing rehabilitation program.

# Civil Service Commission

1 Member to fill an unexpired term through September 1, 2019

## Expiring Term:

Joyce Adams	09/2020
Robert Curtis	09/2021
Alley Talley	09/2019

## Applications on File:

Brian Daniel  
Christopher Haggard  
Gayle Nunn  
LeRoy Vargas



### NOTICE OF MEETING

TEMPLE FIRE FIGHTERS' & POLICE OFFICERS'  
CIVIL SERVICE COMMISSION

COUNCIL CHAMBERS  
2 NORTH MAIN STREET  
TEMPLE, TEXAS 76501

MEET AS NEEDED;

TIME VARIES

### MEMBERSHIP

(3 YEAR TERMS)

3 members;

- must be U.S. citizen, of good moral character, a resident of the municipality for more than three years, over 25 years of age and not have held a public office within the preceding three years.

### PURPOSE:

Makes rules and regulations for administering the personnel system within the Fire and Police Departments, hear and rule on appeals of disciplinary actions from the Fire and Police Departments, establish qualifications and rules of conduct for Fire and Police personnel

# Development Standards Advisory Board

3 Members to fill expiring terms through March 1, 2022

## Expiring Terms:

Ginger Tolbert

Engineer

Bruce Flanigan

Utility Construction

(Termed out)

Gary Freytag

General Construction

(Termed out)

## Applications of file:

Sandra Creech (Educator)

James Staats (Surveyor)

Zoe Grant (Civil Eng.)

Brenda Warrick (Title Work)

Daniel Jeanes (Banker)

Billy Little (Eng./Surveyor)



### NOTICE OF MEETING

#### DEVELOPMENT STANDARDS ADVISORY BOARD

COUNCIL CHAMBERS, MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
TEMPLE, TEXAS 76501

MEETS ON AS NEEDED BASIS

### MEMBERSHIP: (3 YEAR TERMS)

9 members to represent 7 professions:

- Civil Engineering
- General Construction
- Utility Construction
- Street Construction
- Real Estate
- Banking
- Insurance
- Land Development
- Architecture
- Homebuilding and/or Surveying

### PURPOSE:

To advise the City Council and Planning & Zoning Commission on matters relating to the Subdivision Ordinance, City's standard construction details, and related development standards and regulations.

# Parks & Recreations Services Advisory Board

3 Members to fill expiring terms through March 1, 2022

## Expiring Terms:

Lacy Adams  
Dr. Mark Smith  
Scott Kiella

## Applications on file:

Richard Arwood	Patrick Guillen	Michael Medrano
Ruth Bridges	Daniel Jeanes	Melaine Milian
Esperanza Castor	Stacie Kline	Brenda Warrick
Roney Castor	Billy Little	
Perry Cloud	John Mayo	
Michelle DiGaetano		



### NOTICE OF MEETING PARKS & RECREATION SERVICES ADVISORY BOARD

MUNICIPAL BUILDING, SUITE 304  
2 NORTH MAIN STREET  
TEMPLE, TEXAS 76501

MEETS 2<sup>ND</sup> TUESDAY OF EACH MONTH  
11:45 AM

### MEMBERSHIP: (3 YEAR TERMS)

9 members

### PURPOSE:

To advise the City Council and the Director of Parks & Leisure Services Recreation on matters relating to the City's parks, recreational programs, Sammons Golf Course, Frank W. Mayborn Civic & Convention Center and tourism generally. To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks & Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.

# Zoning Board of Adjustment

4 Members to fill expiring terms through March 1, 2021

## Expiring Terms:

Kay Guedea

Jeremy Langley

Brian Daniel (Alternate)

Matthew Calhoun (Alternate)

## Applications of file:

Joey Agee

Tom Brautigan

Damon Gottschalk



NOTICE OF MEETING  
ZONING BOARD OF ADJUSTMENT  
MUNICIPAL BUILDING, COUNCIL CHAMBERS  
2 NORTH MAIN STREET  
TEMPLE, TEXAS 76501

MEETS 2<sup>ND</sup> TUESDAY OF EACH MONTH  
1:30 PM

### MEMBERSHIP: (2 YEAR TERMS)

- 9 members
- 5 Regular Members
  - 4 Alternate Members

### PURPOSE:

Hear appeals and rule on special exceptions to the Zoning Ordinance.

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Let's Discuss...

