



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, APRIL 4, 2019
4:00 P.M.
AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 4, 2019.
2. Receive a presentation regarding an Economic Development Agreement with TRIO Central Texas Chapter, Inc. for the construction of a care facility to provide housing to family members of organ transplant patients.
3. Discuss the possible acquisition of a property located on North General Bruce Drive and a property located on South Main Street.

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

5:00 P.M.

MUNICIPAL BUILDING

**2 NORTH MAIN STREET
CITY COUNCIL CHAMBERS – 2ND FLOOR
TEMPLE, TX**

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. AWARDS AND SPECIAL RECOGNITIONS

3. Recognize National Minority Health Month April 2019

IV. ANNEXATION – PUBLIC HEARING

4. FIRST PUBLIC HEARING – FY-19-1-ANX Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 185.277 acres of land, which includes a 160.047-acre tract and a 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, Bell County, Texas.
5. FIRST PUBLIC HEARING – FY-19-2-ANX Receive Annexation Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 119.827+/- acres of land, which includes a 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, Bell County, Texas.

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:

Minutes

(A) [March 21, 2019 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (B) [2019-9607-R](#): Consider adopting a resolution authorizing a construction contract with Eagle Eye Consulting and Construction, LLC, of Temple, for construction of the Gateway Center Water Main Replacement Project, in the amount of \$274,462.
- (C) [2019-9608-R](#): Consider adopting a resolution authorizing a contract with Louie Minor Construction, LLC of Belton, for the asbestos abatement and demolition of the property located at 2 North 5th Street, in the amount of \$57,600.
- (D) [2019-9609-R](#): Consider adopting a resolution authorizing a contract with Garrett Demolition, Inc. of Burleson, for the asbestos abatement and demolition of the property located at 503 North General Bruce Drive, in the amount of \$110, 228.
- (E) [2019-9610-R](#): Consider adopting a resolution authorizing a construction contract with Yoko Excavating, LLC, of Belton, for the construction of a West Adams Avenue sidewalk from Woodbridge Boulevard to Olaf Drive, in the amount of \$81,866.50.
- (F) [2019-9611-R](#): Consider adopting a resolution authorizing a contract with Kasberg, Patrick and Associates, LP, for professional services required to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods, in an amount not to exceed \$84,600.
- (G) [2019-9612-R](#): Consider adopting a resolution authorizing a professional services agreement with Slate Communications, LLC of Fort Collins, Colorado, for graphic design services required to complete branding and design of City of Temple plans in the amount of \$36,250.
- (H) [2019-9613-R](#): Consider adopting a resolution authorizing a professional services agreement with Dixon Resources Unlimited to provide parking consulting services in an amount not to exceed \$65,600.
- (I) [2019-9614-R](#): Consider adopting a resolution authorizing a two-year agreement with Web Benefits Design Corporation of Orlando, FL, per year for providing online employee benefits enrollment and administration services along with Affordable Care Act reporting services, in estimated amount of \$45,000.
- (J) [2019-9615-R](#): Consider adopting a resolution authorizing an Economic Development Agreement with TRIO Central Texas Chapter, Inc. for the construction of a care facility to provide housing to family members of organ transplant patients.
- (K) [2019-9616-R](#): Consider adopting a resolution authorizing a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, in the amount of \$50,000.
- (L) [2019-9617-R](#): Consider adopting a resolution authorizing the annual Microsoft Software Enterprise Renewal with SHI Government Solutions of Austin, in the amount of \$222,568.11.

- (M) Consider adopting the following resolutions:
 - (1) [2019-9618-R](#): Authorizing staff to apply for and accept funding from the Texas Department of Transportation for the Georgetown Railroad Trail – Phase 1, to be funded through the Safe Routes to School Program.
 - (2) [2019-9619-R](#): Authorizing staff to apply for and accept funding from the Texas Department of Transportation for the Georgetown Railroad Trail – Phase 2, to be funded through the Transportation Alternatives Program.
- (MI) [2019-9620-R](#): Consider adopting a resolution authorizing the purchase of ten mobile vehicle radios from Dailey-Wells Communications, Inc. of San Antonio in the amount of \$36,556.
- (MII) [2019-9621-R](#): Consider adopting a resolution authorizing the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$138,000.

Ordinances- Second & Final Reading

- (P) [2019-4958](#): SECOND READING – FINAL HEARING – FY-19-6-ZC: Consider adopting an ordinance authorizing a rezoning with a site/development plan, from Commercial district to Planned Development Multi-Family Two district, with conditions and requiring a site development plan, on 9.055 +/- acres, and 0.433 +/- acres, out of and a part of Block One, Temple Commercial Park, Section 1, Bell County, Texas, as 2602 South 39th Street, Temple.
- (Q) [2019-4959](#): SECOND READING – FINAL HEARING – FY-19-7-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural zoning district to Planned Development-General Retail zoning district, on 54.592 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 West Adams Avenue.
- (R) [2019-4960](#): SECOND READING – FINAL HEARING – FY-19-8-ZC: Consider adopting an ordinance authorizing rezoning from Light Industrial zoning district to Single-Family One zoning district, on 0.189 +/- acres, being Lot 7, Block 5, Rylander Addition, addressed as 14 North 12th Street.
- (S) [2019-4961](#): SECOND READING – FINAL HEARING – Consider adopting an ordinance granting to Oncor Electric Delivery Company LLC an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways, and public property of the City of Temple.

Misc.

- (T) [2019-9622-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

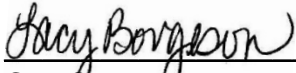
VI. REGULAR AGENDA

RESOLUTIONS

7. **2019-9623-R:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with VKDM Investment, LLC for an amount not to exceed \$115,000 for Tier III category improvements for 103 East Central within the Downtown Strategic Investment Zone corridor.
8. **2019-9624-R:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with GZ Properties, Inc. for an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue within the Commercial Strategic Investment Zone corridor.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:45 pm, on Friday, March 29, 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 _____ 2019.

Title _____



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #4
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: FIRST PUBLIC HEARING – FY-19-1-ANX Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 185.277 acres of land, which includes a 160.047-acre tract and a 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, Bell County, Texas.

STAFF RECOMMENDATION: Receive staff presentation on the Annexation Municipal Service Plan, as required by State law, hold a public hearing and take no action at this time. The second public hearing is scheduled as a special meeting of the City Council, Friday, April 5, 2019 at 8:30 a.m. in the City Council Chambers.

ITEM SUMMARY: Short Term Lending G.P, Inc filed a petition on February 7, 2019 seeking voluntary annexation of 185.277 acres of land, which includes a 160.047-acre tract, a 12.541-acre tract and 12.689 acres of right-of-way of Hartrick Bluff Road into the City of Temple, being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Drawing) of the annexation petition.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On February 21, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property.

A 1st Reading of the Annexation Ordinance is scheduled for May 2, 2019, which will be followed by a 2nd Reading of the Annexation Ordinance on May 16, 2019.

The applicant has requested a separate rezoning of the subject property, which rezoning case will be considered by City Council following the Second Reading of the annexation on May 16, 2019.

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 160.047 +/- acre and 12.541-acre tracts. There has been a request for a developer participation agreement for sewer extension to this property.

ATTACHMENTS:

Vicinity Map

Municipal Service Plan

Field Notes of Proposed Annexation Area (Exhibit A)

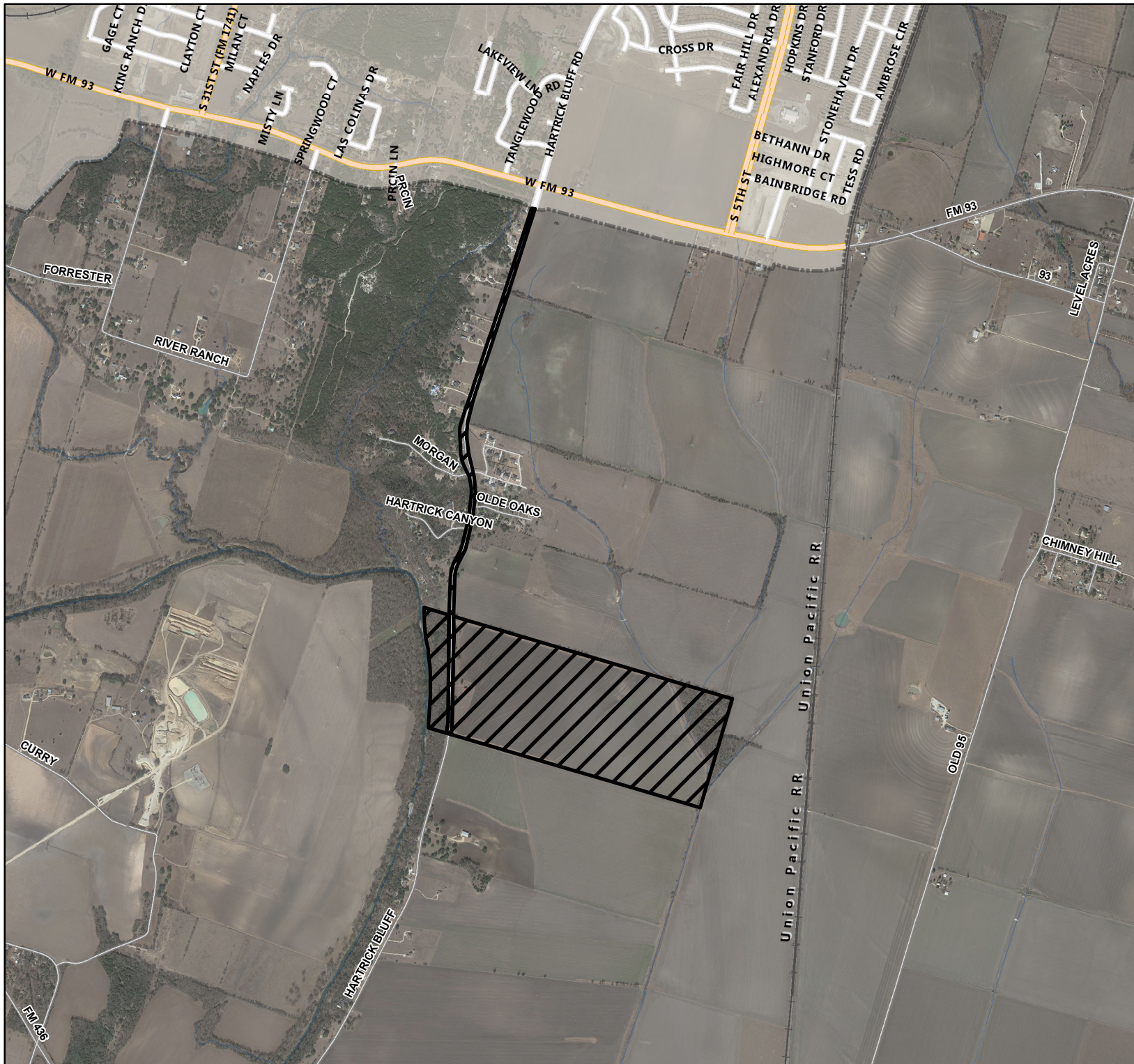
Survey of Proposed Annexation Area (Exhibit B)

Voluntary Annexation Schedule

Annexation AERIAL MAP

FY-19-1-ANX

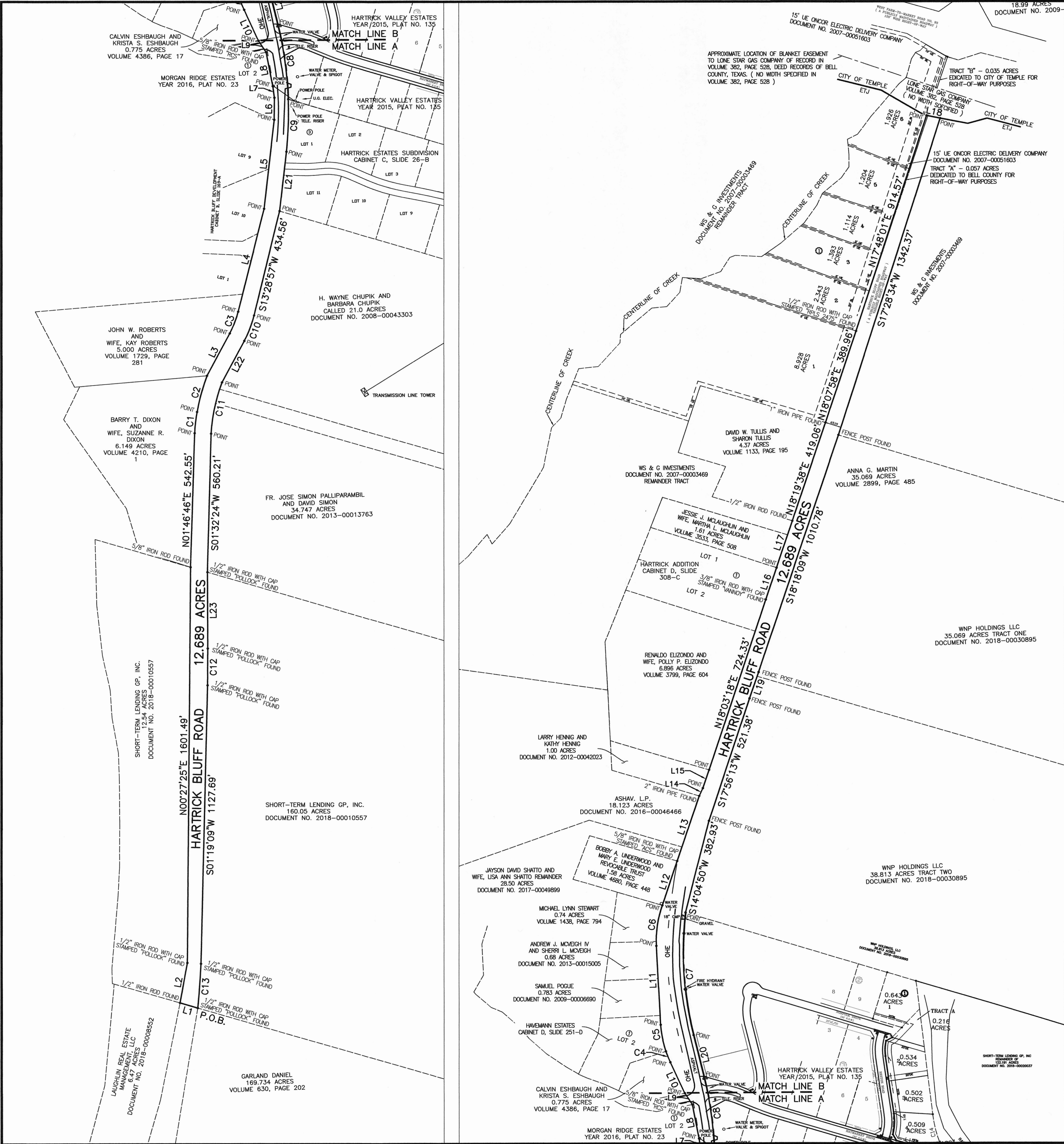
Hartrick Ranch Estates



- FY-19-1-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- WaterAreas
- WaterLines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- TempleBoundary
- Bell County Boundary

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.





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 541
The theta angle at said city monument is 01° 30' 47"
The combined correction factor (ccf) is 0.999858
Published city coordinates are $X = 3,216,784.76$ $y = 10,341,981.47$
The tie from the above city monument to the POINT OF BEGINNING (POB) IS
N. 66° 23' 57" E., 4808.72 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

Line Table		
Line #	Direction	Length
L1	N73°27'59"W	73.58'
L2	N10°25'14"E	163.87'
L3	N27°49'20"E	194.10'
L4	N13°54'54"E	428.87'
L5	N06°21'39"E	362.15'
L6	N00°26'15"E	89.11'
L7	N07°35'11"W	47.09'
L8	N10°52'08"W	140.07'
L9	N33°15'09"W	54.95'
L10	N24°24'49"W	137.80'
L11	N02°56'24"W	281.95'
L12	N18°10'57"E	189.01'
L13	N18°18'58"E	277.54'
L14	N24°46'46"E	34.39'
L15	N18°41'17"E	78.26'
L16	N18°16'44"E	136.23'
L17	N18°17'18"E	199.69'
L18	S78°26'17"E	55.01'
L19	S18°47'20"W	112.15'
L20	S13°52'17"E	173.78'
L21	S06°23'05"W	241.61'
L22	S27°49'20"W	189.83'
L23	S00°15'08"E	308.89'

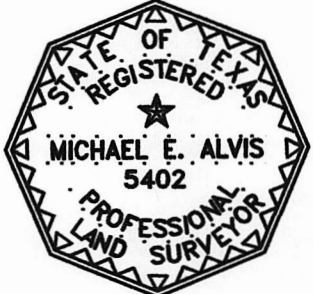
Curve Table			
Curve #	Length	Radius	Chord
C1	85.85'	542.28'	N06°18'53"E 85.76'
C2	152.25'	793.94'	N14°58'23"E 152.02'
C3	93.60'	374.23'	N20°39'24"E 93.36'
C4	47.46'	445.05'	N22°06'14"W 47.44'
C5	147.62'	504.49'	N08°57'22"W 147.09'
C6	166.90'	428.00'	N08°08'55"E 165.85'
C7	499.37'	1402.39'	S03°40'13"E 496.74'
C8	305.20'	1462.39'	S07°41'26"E 304.65'
C9	213.17'	1396.80'	S01°56'19"W 212.96'
C10	109.61'	439.23'	S20°40'23"W 109.33'
C11	212.77'	726.21'	S11°45'45"W 212.01'
C12	148.83'	8533.06'	S00°20'47"W 148.83'
C13	179.20'	3378.16'	S04°12'08"W 179.18'

EXHIBIT B

BEING a 12.689 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a portion of the existing right-of-way of Hartrick Bluff Road (a publicly maintained roadway) as occupied and evidenced on the ground.

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

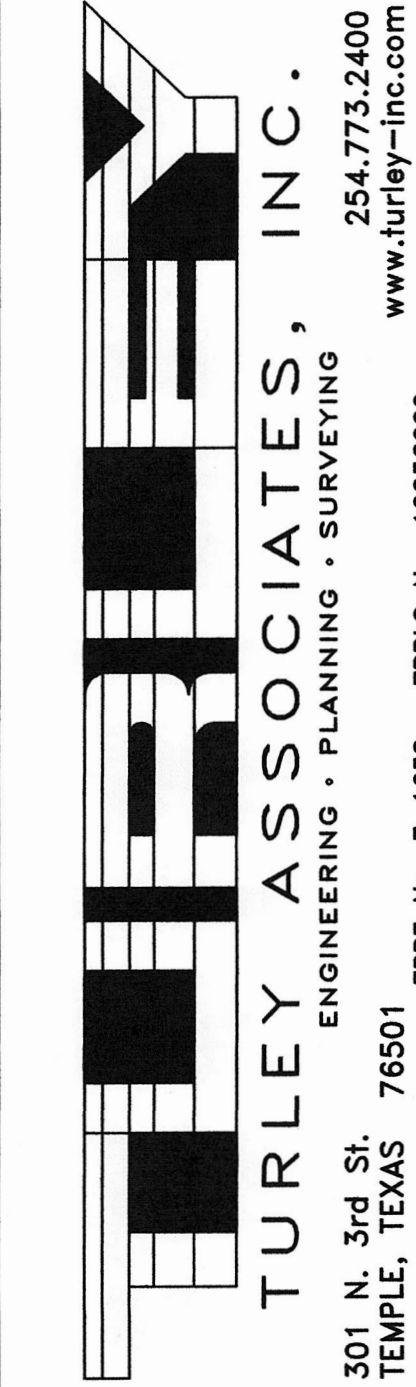
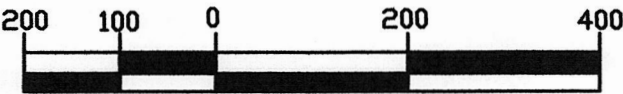
BEING a 118.560 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JDJS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas.



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

IN WITNESS THEREOF, my hand and seal, this the 30th day of January 2019.

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



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
TEMPLE, TEXAS 76701
254.773.2400
www.turley-inc.com

SURVEY OF:
12.689 ACRES
MAXIMO MORENO SURVEY
ABSTRACT No. 14
BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA DEVELOPERS

REVISIONS		
DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MGM
DATE:
1/30/2018
COMPUTER FILE NAME:
18-666, Hartrick Bluff ROW.dwg
REFERENCE DRAWING NUMBERS:
-

18-666
DRAWING NUMBER:
18666-D

PAGE#
04

CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Along Hartrick Bluff Road (FY-19-1-ANX)

For 185.277 acres of land, which includes a 160.047-acre tract and a 12.541-acre tract, out of the Maximo Moreno Survey, Abstract No. 14, and 12.689 acres of right-of-way of Hartrick Bluff Road, and being more particularly described as Exhibit A (Field Notes) and depicted as Exhibit B (Survey) of the Annexation Ordinance (2019-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through American Medical Response dba Temple EMS.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits

of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities along Hartrick Bluff Road. The Applicant has requested to enter into a developer participation agreement with the City for water extension to the property. Staff will present this request to Council if the property is annexed.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). The Applicant has requested to enter into a developer participation agreement with the City for wastewater extension to the property. Staff will present this request to Council if the property is annexed.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2019.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 12.541 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the that certain called 12.54 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being the southeast corner of the said 12.54 acre tract and being the northeast corner of that certain 6.47 acre tract of land described in a Special warranty Deed dated March 1, 2018 from Ed L. Laughlin and Sharon L. Laughlin to Laughlin Real Estate Management, LLC Series Residential, a Texas series limited liability company and being of record in Document No. 2018-00008552, Official Public Records of Bell County, Texas and being in the west right-of-way line of Hartrick Bluff Road for corner;

THENCE N. 73° 37' 34" W., 279.54 feet departing the said west right-of-way line and with the south boundary line of the said 12.54 acre tract (calls N. 73° 35' 35" W., 279.73 feet) and with the north boundary line of the said 6.47 acre tract to a point being on the east bank of the Leon River being the southwest corner of the said 12.54 acre tract and being the northwest corner of the said 6.47 acre tract for corner;

THENCE departing the said 6.47 acre tract and with the west boundary line of the said 12.54 acre tract and with the said east bank of the Leon River with all of its meanders the following eleven (11) calls:

- 1) N. 01° 17' 11" W., 61.64 feet to a point for corner;
- 2) N. 04° 43' 46" E., 285.92 feet to a point for corner;
- 3) N. 03° 15' 43" E., 122.24 feet to a point for corner;
- 4) N. 00° 04' 36" E., 180.84 feet to a point for corner;
- 5) N. 00° 26' 57" W., 184.39 feet to a point for corner;
- 6) N. 02° 02' 26" W., 98.60 feet to a point for corner;
- 7) N. 10° 08' 42" W., 143.88 feet to a point for corner;
- 8) N. 03° 49' 45" W., 112.17 feet to a point for corner;
- 9) N. 12° 15' 31" W., 145.51 feet to a point for corner;
- 10) N. 06° 16' 49" W., 203.17 feet to a point for corner;
- 11) N. 01° 24' 14" W., 266.10 feet to a point being the northwest corner of the said 12.54 acre tract for corner;

THENCE S. 73° 29' 00" E., 394.95 feet departing the said east bank and with the north boundary line of the said 12.54 acre tract (calls S. 73° 28' 46" E., 394.96 feet) and part way with the south boundary line of that certain 6.149 acre tract of land described in a Warranty Deed with Vendor's Lien dated June 5, 2000 from Daniel Joseph Ladd and wife, Cecilia Ann Ladd to Barry T. Dixon and

wife, Suzanne R. Dixon and being of record in Volume 4210, Page 1, Official Public Records of Bell County, Texas to a 5/8" iron rod found being the northeast corner of the said 12.54 acre tract and being the southeast corner of the said 6.149 acre tract and being in the aforementioned west right-of-way line of Hartrick Bluff Road for corner;

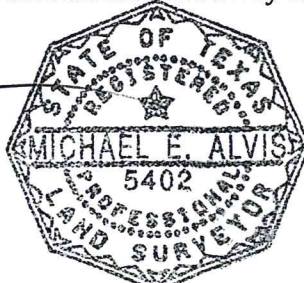
THENCE departing the said 6.149 acre tract and with the east boundary line of the said 12.54 acre tract and with the said west right-of-way line the following two (2) calls:

- 1) S. 00° 27' 25" W., 1601.49 feet (calls S. 00° 27' 39" W., 1601.68 feet) to a 1/2" iron rod with cap stamped "POLLOK" found for corner;
- 2) S. 10° 25' 14" W., 163.87 feet (calls S. 10° 21' 51" W., 164.04 feet) to the Point of BEGINNING and containing 12.541 acres of land.

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

Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
January 23, 2019



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 541
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 65° 49' 38" E., 4752.70 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

This project is referenced in nad 1983, central texas stae plane. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

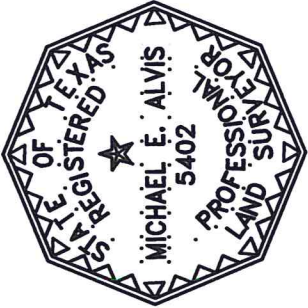
All coordinate values are referenced to city monument number 541
The theta angle at said city monument is 01° 30' 47"
The combined correction factor (ccf) is 0.999858
Published city coordinates are X = 3,216,784.76 Y = 10,341,981.47
The tie from the above city monument to the POINT OF BEGINNING (POB) IS
N. 65° 49' 38" E., 4752.70 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETTIC NORTH = GRID NORTH + THETA ANGLE

Line Table		
Line #	Direction	Length
L1	N73°37'34"W	279.54'
CALLS	N73°35'35"W	279.73'
L2	N01°17'11"W	61.64'
L3	N04°43'46"E	285.92'
L4	N03°15'43"E	122.24'
L5	N00°04'36"E	180.84'
L6	N00°26'57"W	184.39'
L7	N02°02'26"W	98.60'
L8	N10°08'42"W	143.88'
L9	N03°49'45"W	112.17'
L10	N12°15'31"W	145.51'
L11	N06°16'49"W	203.17'
L12	N01°24'14"W	266.10'
L13	S10°25'14"W	163.87'
CALLS	S10°21'51"W	164.04'

BEING a 12.541 acre tract of land more particularly described by separate field notes.

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

BEING a 12.541 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the that certain called 12.54 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas.



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

IN WITNESS THEREOF, my hand and seal, this the 30th day of January 2019.

Michael E. Alvis

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



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
301 N. 3rd St.
TEMPLE, TEXAS 76501
254.773.2400
www.turley-inc.com

12.541 ACRES
MAXIMO MORENO SURVEY
ABSTRACT No. 14
BELL COUNTY, TEXAS

DATE:	1/30/2019	SCALE:	1:200	DWN. BY:	MGM
REFERENCE:	-			F.B. & L.B.:	SKETCH
FILE NO:	18-666			SHEET:	3

BEING a 12.689 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a portion of the existing right-of-way of Hartrick Bluff Road (a publicly maintained roadway) as occupied and evidenced on the ground and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "POLLOK" found being the southwest corner of that certain called 160.050 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas and being the northwest corner of that certain 169.734 acre tract of land standing in the name of Garland Daniel and being of record in Volume 630, Page 202, Deed Records of Bell County, Texas and being in the east right-of-way line of Hartrick Bluff Road for corner;

THENCE N. 73° 27' 59" W., 73.58 feet departing the said 160.050 acre tract and the said 169.734 acre tract and the said east right-of-way line and over and across the said right-of-way to a 1/2" iron rod found being in the west right-of-way line of said Hartrick Bluff Road and being the southeast corner of that certain called 12.54 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas and being the northeast corner of that certain 6.47 acre tract of land described in a Special Warranty Deed dated March 1, 2018 from Ed L. Laughlin and Sharon L. Laughlin to Laughlin Real Estate Management, LLC Series Residential, a Texas series limited liability company and being of record in Document No. 2018-00008552, Official Public Records of Bell County, Texas for corner;

THENCE departing the said 6.47 acre tract and with the west right-of-way line of Hartrick Bluff Road as occupied and evidenced on the ground the following twenty-eight (28) calls:

- 1) N. 10° 25' 14" E., 163.87 feet with the east boundary line of the said 12.54 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found for corner;
- 2) N. 00° 27' 25" E., 1601.49 feet to a 5/8" iron rod found being the northeast corner of the said 12.54 acre tract and being the southeast corner of that certain 6.149 acre tract of land described in a Warranty Deed with Vendor's Lien dated June 5, 2000 from Daniel Joseph Ladd and wife, Cecilia Ann Ladd to Barry T. Dixon and wife, Suzanne R. Dixon and being of record in Volume 4210, Page 1, Official Public Records of Bell County, Texas for corner;
- 3) N. 01° 46' 46" E., 542.55 feet departing the said 12.54 acre tract and with the east boundary line of the said 6.149 acre tract to a point being at the beginning of a curve to the right having a radius equals 542.28 feet, chord bearing equals N. 06° 18' 53" E., 85.76 feet for corner;
- 4) 85.85 feet along the arc of said curve to the right to a point being at the beginning of a curve to the right having a radius equals 793.94 feet, chord bearing equals N. 14° 58' 23" E., 152.02 feet for corner;
- 5) 152.25 feet along the arc of said curve to the right to a point being the northeast corner of the said 6.149 acre tract and being the southeast corner of that certain 5.000 acre tract of land described in a Warranty Deed dated May 18, 1981 from Henry Wayne Chupik and wife, Barbara Chupik to John W. Roberts and wife, Kay Roberts and being of record in Volume 1729, Page 281, Deed Records of Bell County, Texas for corner;
- 6) N. 27° 49' 20" E., 194.10 feet departing the said 6.149 acre tract and with the east boundary line of the said 5.000 acre tract to a point being at the beginning of a curve to the left having a radius equals 374.23 feet, chord bearing equals N. 20° 39' 24" E., 93.36 feet for corner;

- 7) 93.60 feet along the arc of said curve to the left continuing with the east boundary line of the said 5.000 acre tract to a point for corner;
- 8) N. 13° 54' 54" E., 428.87 feet continuing with the east boundary line of the said 5.000 acre tract and continuing with the east boundary line of that certain Hartick Bluff Development according to the map or plat of record in Cabinet B, Slide 169-A to a point being an angle point on the east boundary line of Lot 10, said Hartrick Bluff Development for corner;
- 9) N. 06° 21' 39" E., 362.15 feet continuing with the east boundary line of the said Hartrick Bluff Development to a point being the apparent northeast corner of the said Hartrick Bluff Development and being the southeast corner of that certain Lot 2, Block 1, Morgan Ridge Estates according to the map or plat of record in Year 2016, Plat No. 23, Plat Records of Bell County, Texas for corner;
- 10) N. 00° 26' 15" E., 89.11 feet departing the said Hartrick Bluff Development and with the east boundary line of the said Morgan Ridge Estates to a point for corner;
- 11) N. 07° 35' 11" W., 47.09 feet continuing with the east boundary line of the said Morgan Ridge Estates to a point for corner;
- 12) N. 10° 52' 08" W., 140.07 feet continuing with the east boundary line of the said Morgan Ridge Estates to a 5/8" iron rod with cap stamped "RCS" found being the northeast corner of the said Morgan Ridge Estates and being in the south right-of-way line of Morgan Drive (a privately maintained roadway) for corner;
- 13) N. 33° 15' 09" W., 54.95 feet departing the said Morgan Ridge Estates and the said south right-of-way line and over and across the right-of-way of Morgan Drive to a point being in the north right-of-way line of the said Morgan Drive and being the southeast corner of that certain 0.775 acre tract of land described in a Warranty Deed with Vendor's Lien dated April 30, 2001 from Vernon Brown and Rebecca Brown to Calvin Eshbaugh and Krista Eshbaugh and being of record in Volume 4386, Page 17, Official Public Records of Bell County, Texas for corner;
- 14) N. 24° 24' 49" W., 137.80 feet departing the said Morgan Drive and with the east boundary line of the said 0.775 acre tract to a point being at the beginning of a curve to the right having a radius equals 445.05, chord bearing equals N. 22° 06' 14" W., 47.44 feet for corner;
- 15) 47.46 feet along the arc of said curve to the right continuing with the east boundary line of the said 0.775 acre tract to a point being the northeast corner of the said 0.775 acre tract and being the southeast corner of that certain Lot 2, Block 1, Havemann Estates according to the map or plat of record in Cabinet D, Slide 251-D, Plat Records of Bell County, Texas and being at the beginning of a curve to the right having a radius equals 504.49 feet, chord bearing equals N. 08° 57' 22" W., 147.09 feet for corner;
- 16) 147.62 feet along the arc of said curve to the right departing the said 0.775 acre tract and with the east boundary line of the said Lot 2, Block 1, Havemann Estates to a point being the northeast corner of the said Lot 2, Block 1, Havemann Estates and being the southeast corner of that certain 0.783 acre tract of land described in a General Warranty Deed with Vendor's Lien dated February 19, 2009 from Joseph Holmstrom and Jennifer Holmstrom to Samuel Pogue and being of record in Document No. 2009-00006690, Official Public Records of Bell County, Texas for corner;

- 17) N. 02° 56' 24" W., 281.95 feet departing the said Lot 2, Block 1, Havemann Estates and with the east boundary line of the said 0.783 acre tract and continuing with the east boundary line of that certain 0.68 acre tract of land described in a Special Warranty Deed dated April 1, 2013 to Andrew J. McVeigh IV and Sherri L. McVeigh and being of record in Document No. 2013-00015005, Official Public Records of Bell County, Texas to a point being at the beginning of a curve to the right having a radius equals 428.00 feet, chord bearing equals N. 08° 08' 55" E., 165.85 feet for corner;
- 18) 166.90 feet along the arc of said curve to the right continuing with the east boundary line of the said 0.68 acre tract and continuing with the east boundary line of that certain 0.74 acre tract of land described in a Warranty Deed dated February 25, 1977 from J. D. Blevins and wife, Mary Blevins to Michael Lynn Stewart and being of record in Volume 1438, Page 794, Deed Records of Bell County, Texas to a point being the northeast corner of the said 0.74 acre tract and being the southeast corner of that certain 1.58 acre tract of land described in a Special Warranty Deed dated May 13, 2002 from Bobby A. Underwood and Mary E. Underwood to Bobby A. Underwood and Mary E. Underwood, as Trustees for the Bobby A. Underwood and Mary E. Underwood Revocable Living Trust and being of record in Volume 4680, Page 448, Official Public Records of Bell County, Texas for corner;
- 19) N. 18° 10' 57" E., 189.01 feet departing the said 0.74 acre tract and with the east boundary line of the said 1.58 acre tract to a 5/8 iron rod with cap stamped "ACS" found being the northeast corner of the said 1.58 acre tract and being a southeast corner of that certain remainder 28.50 acre tract of land described in a General Warranty Deed dated November 21, 2017 from LAM Estates, Ltd., a Texas Limited partnership to Jayson David Shatto and wife, Lisa Ann Shatto and being of record in Document No. 2017-00049899, Official Public Records of Bell County, Texas for corner;
- 20) N. 18° 18' 58" E., 277.54 feet departing the said 1.58 acre tract and with the east boundary line of the said remainder 28.50 acre tract and continuing with the east boundary line of that certain 18.123 acre tract of land described in a Special Warranty Deed dated November 10, 2016 from LAM Estates, LTD., a Texas limited partnership to ASHAV, LP, a Texas limited partnership and being of record in Document No. 2016-00046466, Official Public Records of Bell County, Texas to a 2" iron pipe found being the northeast corner of the said 18.123 acre tract and being the southeast corner of that certain 1.00 acre tract of land described in a General Warranty Deed dated October 5, 2012 from Ronald L. Carroll and Barbara C. Carroll to Larry Hennig and Kathy Hennig and being of record in Document No. 2012-00042023, Official Public Records of Bell County, Texas for corner;
- 21) N. 24° 46' 46" E., 34.39 feet departing the said 18.123 acre tract and with the east boundary line of the said 1.00 acre tract to a point for corner;
- 22) N. 18° 41' 17" E., 78.26 feet continuing with the east boundary line of the said 1.00 acre tract to a point being the northeast corner of the said 1.00 acre tract and being the southeast corner of that certain 6.896 acre tract of land described in a Warranty Deed with Vendor's Lien dated May 26, 1998 from Nelta Jo Vanderveer to Ronald R. Elizondo and wife, Polly P. Elizondo and being of record in Volume 3799, Page 604, Official Public Records of Bell County, Texas for corner;
- 23) N. 18° 03' 18" E., 724.33 feet departing the said 1.00 acre tract and with the east boundary line of the said 6.896 acre tract and continuing with the east boundary line of that certain Hartrick Addition according to the map or plat of record in Cabinet D, Slide 308-C, Plat Records of Bell County, Texas to a 3/8" iron rod with cap stamped "VANNOY" found being the northeast corner

of Lot 2, Block 1, said Hartrick Addition and being the southeast corner of Lot 1, said Block 1 for corner;

- 24) N. 18° 16' 44" E., 136.23 feet departing the said Lot 2, Block 1 and with the east boundary line of the said Lot 1, Block 1 to a point being the northeast corner of the said Lot 1, Block 1, Hartrick Addition and being the southeast corner of that certain 1.61 acre tract of land described in a General Warranty Deed with Vendor's Lien in Favor of a Third Party dated October 7, 1996 from Roy E. Vanderveer and Dorothy Vanderveer to Jessie J. McLaughlin and Martha L. McLaughlin, husband and wife and being of record in Volume 3533, Page 508, Official Public Records of Bell County, Texas for corner;
- 25) N. 18° 17' 18" E., 199.69 feet departing the said Hartrick Addition and with the east boundary line of the said 1.61 acre tract and continuing with the east boundary line of the remainder of those certain lands described in a Special Warranty Deed with Vendor's Lien dated December 29, 2006 from Melange Corporation, a Texas corporation to WS & G Investments, LP, a Texas limited Partnership and being of record in Document No. 2007-00003469, Official Public Records of Bell County, Texas to a 1/2" iron rod found being the northeast corner of the said remainder WS & G Investments, LP lands and being the southeast corner of that certain 4.37 acre tract of land described in a Deed to David W. Tullis and Sharon Tullis and being of record in Volume 1133, Page 195, Deed Records of Bell County, Texas for corner;
- 26) N. 18° 19' 38" E., 419.06 feet departing the said WS & G Investments lands and with the east boundary line of the said 4.37 acre tract to a 1" iron pipe found being the northeast corner of the said 4.37 acre tract and being the southeast corner of Lot 1, Block 1, Hidden Creek according to the map or plat of record in Year 2017, Plat No. 2, Plat Records of Bell County, Texas for corner;
- 27) N. 18° 07' 58" E., 389.96 feet departing the said 4.37 acre tract and with the east boundary line of the said Block 1, Hidden Creek to a 1/2" iron rod with cap stamped "RPLS 2475" found being the northeast corner of said Lot 1, Block 1, Hidden creek and being the southeast corner of Lot 2, said Block 1 for corner;
- 28) N. 17° 48' 01" E., 914.57 feet continuing with the east boundary line of Block 1, said Hidden Creek to a point being in the east boundary line of Lot 6, said Block 1 and being in the City of Temple City Limit line as shown on said Plat No. 2 for corner;

THENCE S. 78° 26' 17" E., 55.01 feet departing the said Lot 6, Block 1, Hidden Creek and the said west right-of-way line of Hartrick Bluff Road and over and across the said right-of-way of Hartrick Bluff Road and with the said City Limits line to a point being in the east right -of-way line of said Hartrick Bluff Road and being in the west boundary line of those certain WS & G Investments, LP, a Texas limited Partnership and being of record in Document No. 2007-00003469, Official Public Records of Bell County, Texas, LP lands described in the aforementioned Document No. 2007-00003469, Official Public Records of Bell County, Texas for corner;

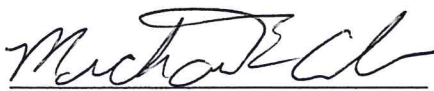
THENCE departing the said City of Temple City Limits line and with the east right-of-way line of Hartrick Bluff Road as occupied and evidenced on the ground the following nineteen (19) calls:

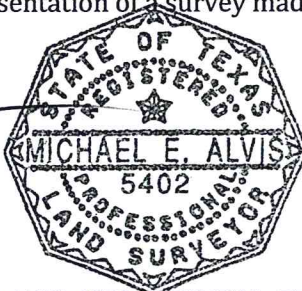
- 1) S. 17° 28' 34" W., 1342.37 feet to a fence corner post found being the southwest corner of the said WS & G Investments lands and being the northwest corner of that certain 35.069 acre tract of land described as TRACT ONE in a Special Warranty Deed dated May 10, 2018 from Anna Porter Martin to WNP Holdings LLC and being of record in Document No. 2018-00030895, Official Public Records of Bell County, Texas for corner;

- 2) S. $18^{\circ} 18' 09''$ W., 1010.78 feet departing the said WS & G Investments lands and with the west boundary line of the said 35.069 acre tract to a fence corner post found for corner;
- 3) S. $18^{\circ} 47' 20''$ W., 112.15 feet continuing with the said west boundary line and continuing with the west boundary line of that certain 38.813 acre tract of land described as TRACT TWO in said Document No. 2018-00030895, Official Public Records of Bell County, Texas to a fence post found for corner;
- 4) S. $17^{\circ} 56' 13''$ W., 521.38 feet continuing with the west boundary line of the said 38.813 acre tract to a fence post found for corner;
- 5) S. $14^{\circ} 04' 50''$ W., 382.93 feet continuing with the west boundary line of the said 38.813 acre tract to a point being the southwest corner of the said 38.813 acre tract and being the northwest corner of that certain tract of land described as Hartrick Valley Estates according to the map or plat of record in Year 2015, Plat No. 135, Plat Records of Bell County, Texas and being at the beginning of a curve to the left having a radius equals 1402.39 feet, chord bearing equals S. $03^{\circ} 40' 13''$ E., 496.74 feet for corner;
- 6) 499.37 feet along the arc of said curve to the left departing the said 38.813 acre tract and with the west boundary line of the said Hartrick Valley Estates to a point being in the west boundary line of Lot 2, Block 2, said Hartrick Valley Estates for corner;
- 7) S. $13^{\circ} 52' 17''$ E., 173.78 feet continuing with the west boundary line of the said Hartrick Valley Estates to a point being at the beginning of a curve to the right having a radius equals 1462.39 feet, chord bearing equals S. $07^{\circ} 41' 26''$ E., 304.65 feet for corner;
- 8) 305.20 feet along the arc of said curve to the right continuing with the west boundary line of the said Hartrick Valley Estates to a point being the southwest corner of the said Hartrick Valley Estates and being the northwest corner of that certain Lot 1, Block 3, Hartrick Estates Subdivision, Phase I according to the map or plat of record in Cabinet C, Slide 26-B, Plat Records of Bell County, Texas and being at the beginning of a curve to the right having a radius equals 1396.80 feet, chord bearing equals S. $01^{\circ} 56' 19''$ W., 212.96 feet for corner;
- 9) 213.17 feet along the arc of said curve to the right departing the said Hartrick Valley Estates and with the west boundary line of the said Lot 1, Block 3, Hartrick Estates Subdivision, Phase I to a point for corner;
- 10) S. $06^{\circ} 23' 05''$ W., 241.61 feet continuing with the west boundary line of the said Hartrick Estates Subdivision, Phase I to a point being the southwest corner of the said Hartrick Estates Subdivision, Phase I and being the northwest corner of that certain called 21.0 acre tract of land described in a General Warranty Deed dated October 21, 2008 from H. Wayne Chupik to H. Wayne Chupik and Barbara Chupik and being of record in Document No. 2008-00043303, Official Public Records of Bell County, Texas for corner;
- 11) S. $13^{\circ} 28' 57''$ W., 434.56 feet departing the said Hartrick Estates Subdivision, Phase I and with the west boundary line of the said called 21.0 acre tract to a point being at the beginning of a curve to the right having a radius equals 439.23 feet, chord bearing equals S. $20^{\circ} 40' 23''$ W., 109.33 feet for corner;
- 12) 109.61 feet along the arc of said curve to the right continuing with the west boundary line of the said called 21.0 acre tract to a point for corner;

- 13) S. 27° 49' 20" W., 189.83 feet continuing with the west boundary line of the said called 21.0 acre tract to a point being at the beginning of a curve to the left having a radius equals 726.21 feet, chord bearing equals S. 11° 45' 45" W., 212.01 feet for corner;
- 14) 212.77 feet along the arc of said curve to the left continuing with the west boundary line of the said called 21.0 acre tract and continuing with the west boundary line of that certain 3.26 acre tract of land described in a Deed dated October 17, 1983 from Henry Wayne Chupik and wife, Barbara Chupik to John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas and continuing with the west boundary line of that certain 34.747 acre tract of land described in a Warranty Deed dated March 28, 2013 from H. Wayne Chupik and Barbara Chupik to Fr. Jose Simon Palliparambil and David Simon and being of record in Document No. 2013-00013763, Official OPublic Records of Bell County, Texas to a point for corner;
- 15) S. 01° 32' 24" W., 560.21 feet continuing with the west boundary line of the said 34.747 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found being the southwest corner of the said 34.747 acre tract and being the northwest corner of the aforementioned 160.05 acre tract for corner;
- 16) S. 00° 15' 08" E., 308.89 feet departing the said 34.747 acre tract and with the west boundary line of the said 160.05 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found being at the beginning of a curve to the right having a radius equals 8533.06 feet, chord bearing equals S. 00° 20' 47" W., 148.83 feet for corner;
- 17) 148.83 feet along the arc of said curve to the right continuing with the west boundary line of the said 160.05 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found for corner;
- 18) S. 01° 19' 09" W., 1127.69 feet continuing with the west boundary line of said 160.05 acre tract to a 1/2" iron rod with cap stamped "POLLOK" found being at the beginning of a curve to the right having a radius equals 3378.16 feet, chord bearing equals s. 04° 12' 08" W., 179.18 feet for corner;
- 19) 179.20 feet along the arc of said curve to the right continuing with the west boundary line of the said 160.05 acre tract to the Point of BEGINNING and containing 12.689 acres of land.

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


 Michael E. Alvis, R.P.L.S. #5402
 January 24, 2019



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 541

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 66° 23' 57" E., 4808.72 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

FY-19-1-ANX Timeline Short Term Lending—Hartrick Bluff Rd

DATE	ACTION	TIME LIMIT/NOTES
02-07-09	CITY RECEIVES PETITION of landowner to voluntarily annex area to City limits.	
02-21-19 Regular Meeting	COUNCIL ADOPTS RESOLUTION <ol style="list-style-type: none"> 1. Granting petition (14 days after petition filed) 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings 	
02-28-19	CITY SECRETARY MAILS NOTICE TO <ol style="list-style-type: none"> 1. Property owners 2. Public and private service entities 3. Railroads <i>35th day before 1st hearing</i>	
03-22-19	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>13th day before 1st public hearing</i>	
03-24-19	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City website Publishes notice in Telegram <i>11th day before 1st public hearing</i> <i>12th day before 2nd public hearing</i>	
04-03-19	RESIDENTS' LAST DATY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	
04-04-19 Regular Meeting	COUNCIL HOLDS 1ST PUBLIC HEARING Staff presents service plan <i>28 days before 1st reading</i>	
04-05-19 Special meeting	COUNCIL HOLDS 2ND PUBLIC HEARING Staff presents service plan <i>27th before 1st reading</i>	
05-02-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	
05-16-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2ND READING <i>14 days from 1st reading</i>	



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #5
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Director of Planning

ITEM DESCRIPTION: FIRST PUBLIC HEARING – FY-19-2-ANX Receive Annexation Municipal Service Plan and conduct a public hearing to receive comments on the possible voluntary annexation of a 119.827+/- acres of land, which includes a 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, Bell County, Texas.

STAFF RECOMMENDATION: Receive staff presentation on the Annexation Municipal Service Plan, as required by State law, hold a public hearing and take no action at this time. The second public hearing is scheduled as a special meeting of the City Council, Friday, April 5, 2019 at 8:30 a.m. in the City Council Chambers.

ITEM SUMMARY: Short Term Lending G.P., Inc. filed a petition on February 7, 2019 seeking voluntary annexation of 119.827 acres of land, which includes a 118.560-acre tract and 1.267 acres of right-of-way into the City of Temple, being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Drawing) of the annexation petition.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On February 21, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property.

A 1st Reading of the Annexation Ordinance is scheduled for May 2, 2019, which will be followed by a 2nd Reading of the Annexation Ordinance on May 16, 2019.

The applicant has requested a separate rezoning of the subject property, which rezoning case will be considered by City Council following the Second Reading of the annexation on May 16, 2019.

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 118.560 +/- acre tract. There has been a request for a developer participation agreement for sewer extension to this property.

ATTACHMENTS:

Vicinity Map

Municipal Service Plan

Field Notes of Proposed Annexation Area (Exhibit A)

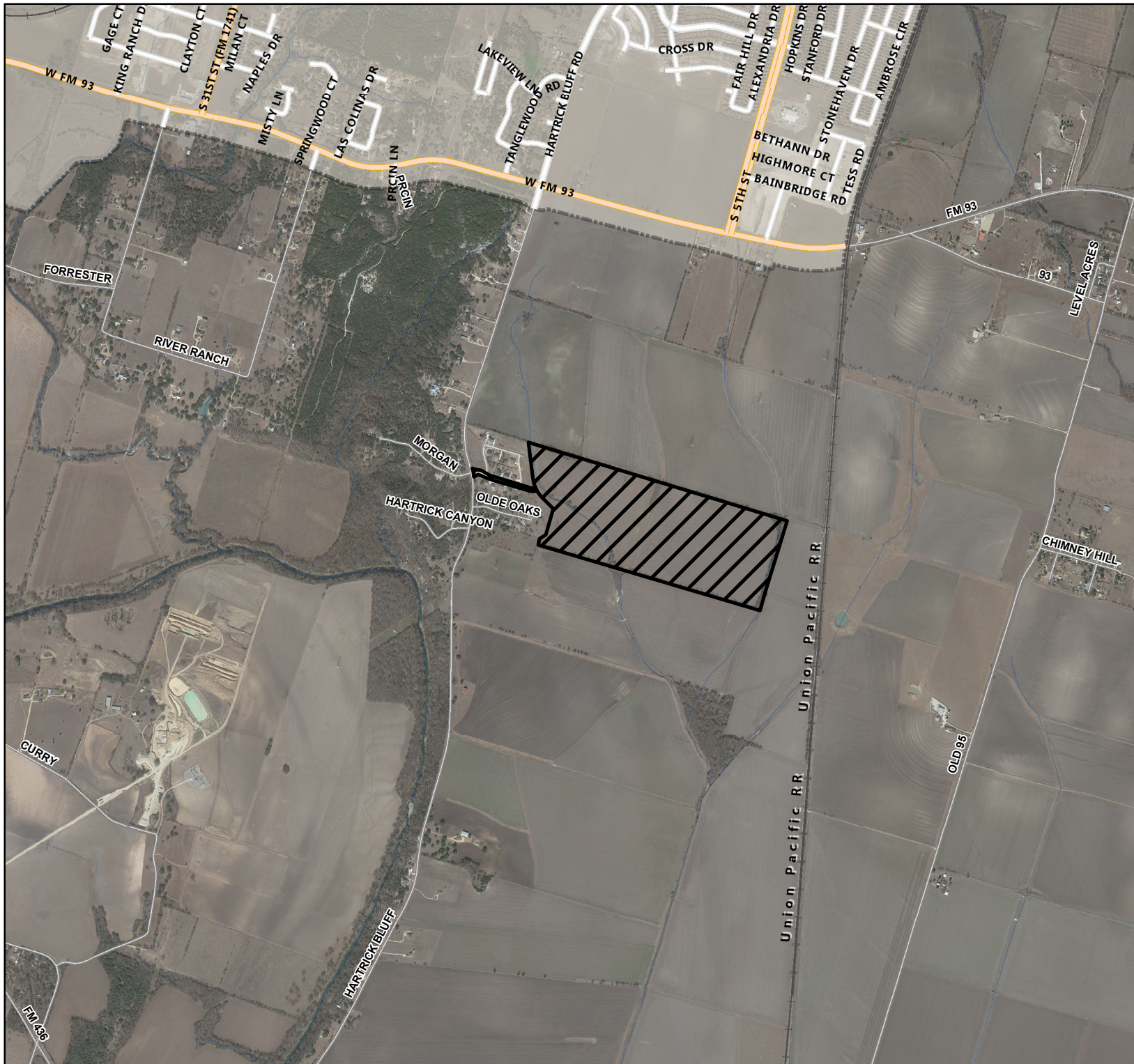
Survey of Proposed Annexation Area (Exhibit B)

Voluntary Annexation Schedule

Annexation AERIAL MAP

FY-19-2-ANX

Hartrick Ranch Estates

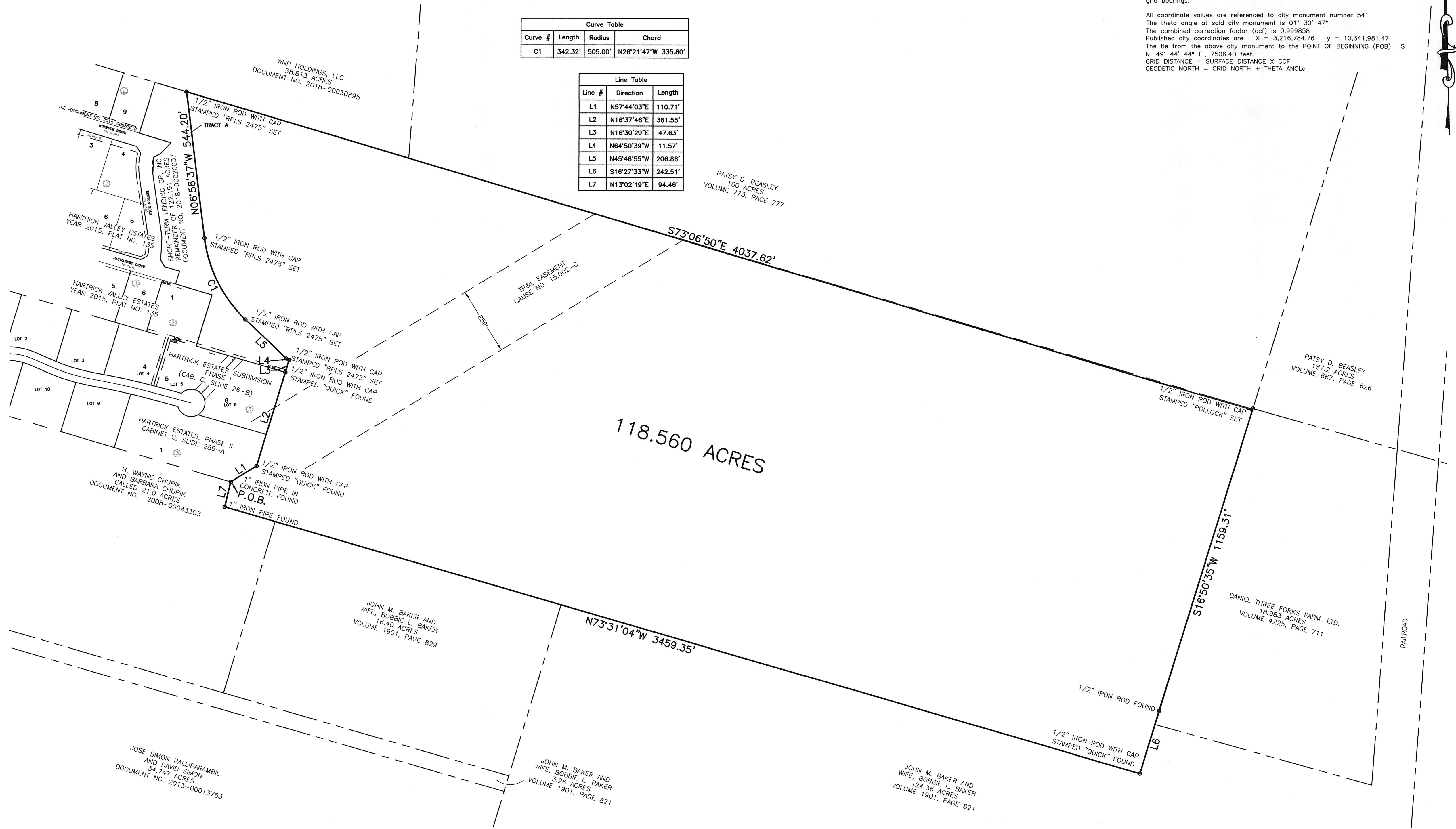


- FY-19-2-ANX
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Water Areas
- Water Lines
- Park Areas
- Bell County Streets
- Bell County Municipal Boundaries
- Temple Boundary
- Bell County Boundary

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.

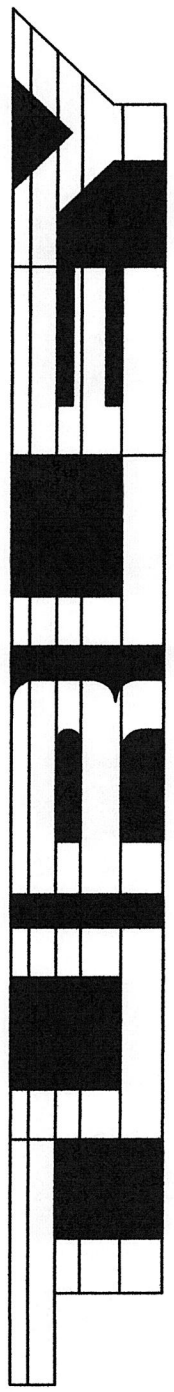


EXHIBIT A



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 541. The theta angle at said city monument is 01° 30' 47". The combined correction factor (ccf) is 0.999858. Published city coordinates are X = 3,216,784.76 y = 10,341,981.47. The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 49° 44' 44" E., 7506.40 feet. GRID DISTANCE = SURFACE DISTANCE X CCF. GEODETIC NORTH = GRID NORTH + THETA ANGLE.



TURLEY ASSOCIATES, INC.

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TEMPLE, TEXAS 76501

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SURVEY OF:
118.560 ACRES
MAXIMO MORENO SURVEY
ABSTRACT No. 14
BELL COUNTY, TEXAS

PREPARED FOR:
KIELLA DEVELOPERS

REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MGM

DATE:
1/30/2019

COMPUTER FILE NAME:
18-666 Boundary.dwg

REFERENCE DRAWING NUMBERS:
-

18-666

DRAWING NUMBER:
18666-D

PAGE#

01



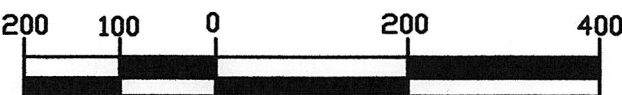
STATE OF TEXAS
COUNTY OF BELL

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

IN WITNESS THEREOF, my hand and seal, this the 30th day of January 2019.

Michael E. Alvis

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



CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Along Haymarket Drive (FY-19-2-ANX)

For 119.827 acres of land, which includes a 118.560-acre tract out of the Maximo Moreno Survey, Abstract No. 14, and 1.267 acres of right-of-way of Haymarket Drive, and being more particularly described as Exhibit A (Field Notes) and depicted as Exhibit B (Survey) of the Annexation Ordinance (2019-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through American Medical Response dba Temple EMS.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits

of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with City policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities along Haymarket Drive. The Applicant has requested to enter into a developer participation agreement with the City for water extension to the property. Staff will present this request to Council if the property is annexed.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). The Applicant has requested to enter into a developer participation agreement with the City for wastewater extension to the property. Staff will present this request to Council if the property is annexed.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2019.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 118.560 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JDJS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe in concrete found being in the west boundary line of the said remainder 122.191 acre tract and being the most southerly southeast corner of Lot 1, Block 3, Hartrick Estates Subdivision, Phase II according to the map or plat of record in Cabinet C, Slide 289-A, Plat Records of Bell County, Texas and being the most northerly northeast corner of that certain called 21.0 acre tract of land described in a Warranty Deed dated October 21, 2008 from H. Wayne Chupik to H. Wayne Chupik and Barbara Chupik and being of record in Document No. 2008-00043303, Official Public Records of Bell County, Texas for corner;

THENCE N. 57° 44' 03" E., 110.71 feet departing the said 21.0 acre tract and with the east boundary line of the said Lot 1, Block 3 and with the said west boundary line to a 1/2" iron rod with cap stamped "QUICK" found being the most easterly southeast corner of the said Lot 1, Block 3 and being an angle point on the said west boundary line for corner;

THENCE N. 16° 37' 46" E., 361.55 feet with the east boundary line of the said Lot 1, Block 3 and continuing with the east boundary line of that certain Lot 6, Block 3, Hartrick Estates Subdivision, Phase I according to the map or plat of record in Cabinet C, Slide 26-B, Plat Records of Bell County, Texas and continuing with the said west boundary line to a 1/2" iron rod with cap stamped "QUICK" found being the northeast corner of the said Lot 6, Block 3, Hartrick estates Subdivision, Phase I and being an ell corner in the said west boundary line for corner;

THENCE departing the said Lot 6, Block 3, Hartrick Estates Subdivision, Phase I and the said west boundary line and over and across the said remainder 122.191 acre tract the following five (5) calls:

- 1) N. 16° 30' 29" E., 47.63 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. 64° 50' 39" W., 11.57 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 3) N. 45° 46' 55" W., 206.86 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being at the beginning of a curve to the right having a radius equals 505.00 feet, chord bearing equals N. 26° 21' 47" W., 335.80 feet for corner;
- 4) 342.32 feet along the arc of said curve to the right to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 5) N. 06° 56' 37" W., 544.20 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said remainder 122.191 acre tract and being in the south boundary line of that certain 38.813 acre tract of land described in a Gift Deed dated May 10, 2018 from Anna G. Martin to WNP Holdings, LLC and being of record in Document No. 2018-00030895, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 06' 50" E., 4037.62 feet with the north boundary line of the said remainder 122.191 acre tract and with the south boundary line of the said 38.813 acre tract and continuing with the south boundary line of that certain 160 acre tract of land standing in the name of Patsy Beasley and being of record in Volume 773, Page 277, Deed Records of Bell County, Texas to a 1/2" iron rod with cap stamped "POLLOK" found being the northeast corner of the said remainder 122.191 acre tract and being the southeast corner of the said 160 acre tract and being the southwest corner of that certain 187.2 acre tract of land standing in the name of Patsy Beasley and being of record in Volume 667, Page 626, Deed

Records of Bell County, Texas and being the northwest corner of that certain 18.983 acre tract of land standing in the name of Daniel Three Forks Farm, Ltd. and being of record in Volume 4225, Page 711, Official Public Records of Bell County, Texas for corner;

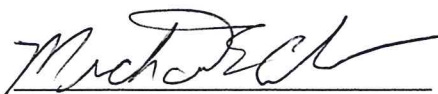
THENCE S. 16° 50' 35" W., 1159.31 feet departing the said 160 acre tract and the said 187.2 acre tract and with the east boundary line of the said remainder 122.191 acre tract and with the west boundary line of the said 18.983 acre tract to a 1/2" iron rod found being the southwest corner of the said 18.983 acre tract and being an ell corner of that certain 124.36 acre tract of land standing in the name of John M. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas for corner;

THENCE S. 16° 27' 33" W., 242.51 feet departing the said 18.983 acre tract and with the west boundary line of the said 124.36 acre tract and continuing with the said east boundary line and continuing with a west boundary line of that certain 124.36 acre tract of land standing in the name of John M. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas to a 1/2" iron rod with cap stamped "QUICK" found being the southeast corner of the said remainder 122.191 acre tract and being an ell corner of the said 124.36 acre tract for corner;

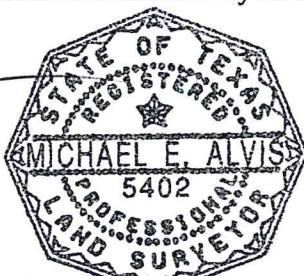
THENCE N. 73° 31' 04" W., 3459.35 feet with the south boundary line of the said remainder 122.191 acre tract and with the north boundary line of the said 124.36 acre tract and continuing with the north boundary line of that certain 16.40 acre tract of land standing in the name of John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 829, Deed Records of Bell County, Texas and continuing with the north boundary line of the aforementioned 21.0 acre tract to a 1" iron pipe found being the southwest corner of the said remainder 122.191 acre tract and being an ell corner of the said 21.0 acre tract for corner;

THENCE N. 13° 02' 19" E., 94.46 feet with the west boundary line of the said remainder 122.191 acre tract and with the east boundary line of the said 21.0 acre tract to the Point of BEGINNING and containing 118.560 acres of land.

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



Michael E. Alvis, R.P.L.S. #5402
January 23, 2019



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 541

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS

N. 49° 44' 44" E., 7506.40 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

BEING a 1.267 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the existing right-of-way of Haymarket Drive (a publicly maintained roadway) as described on the map or plat of Hartrick Valley Estates being of record in Year 2015, Plat No. 135, Plat Records of Bell County, Texas and being a part or portion of that certain remainder 122.191 acre tract of land described in a Warranty Deed to Short-Term Lending Gp, Inc. and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "ACS" found being the southwest corner of the right-of-way line of said Haymarket Drive and being in the east right-of-way line of Hartrick Bluff Road (a publicly maintained roadway) and being the northwest corner of Tract B as described in said Plat No. 135 and being at the beginning of a curve to the left having a radius equals 1462.39 feet, chord bearing equals N. 11° 08' 43" W., 128.81 feet for corner;

THENCE departing the said Tract B and with the west boundary line of the said Hartrick Valley Estates and with the said east right-of-way line the following two (2) calls:

- 1) 128.85 feet along the arc of said curve to the left to a 1/2" iron rod with cap stamped "ACS: found for corner;
- 2) N. 13° 52' 17" W., 1.91 feet to a 1/2" iron rod with cap stamped "ACS" found being the northwest corner of the right-of-way of said Haymarket Drive and being the southwest corner of Tract A as described in said Plat No. 135 for corner;

THENCE departing the said east right-of-way line and with the north right-of-way line of the said Haymarket Drive and continuing over and across the said remainder 122.191 acre tract the following nine (9) calls:

- 1) S. 73° 47' 02" E., 98.58 feet to a 1/2" iron rod with cap stamped "ACS" found being in the south boundary line of Lot 1, Block 2, said Hartrick Valley Estates and being at the beginning of a curve to the right having a radius equals 245.00 feet, chord bearing equals S. 74° 23' 21" E., 57.32 feet for corner;
- 2) 57.45 feet along the arc of said curve to the right continuing with the said south boundary line to a 1/2" iron rod with cap stamped "ACS" found for corner;
- 3) S. 67° 40' 16" E., 24.64 feet to a 1/2" iron rod with cap stamped "ACS" found being the most southerly southeast corner of the said Lot 1, Block 2 for corner;
- 4) S. 55° 28' 04" E., 91.96 feet to a 1/2" iron rod with cap stamped "ACS" found being the most southerly southwest corner of Lot 8, Block 3, said Hartrick Valley Estates and being at the beginning of a curve to the left having a radius equals 975.00 feet, chord bearing equals S. 71° 28' 03" E., 63.01 feet for corner;
- 5) 63.02 feet along the arc of said curve to the left to a 1/2" iron rod with cap stamped "ACS" found being in the south boundary line of the said Lot 8, Block 3 for corner;
- 6) S. 73° 19' 09" E., 569.38 feet to a point being at the beginning of a curve to the left having a radius equals 175.00 feet, chord bearing equals S. 88° 05' 59" E., 89.29 feet for corner;
- 7) 90.29 feet along the arc of said curve to the left to a point being at the beginning of a curve to the left having a radius equals 505.00 feet, chord bearing equals S. 25° 57' 15" E., 51.03 feet for corner;



- 8) 51.05 feet along the arc of said curve to the left to a point being at the beginning of a curve to the right having a radius equals 225.00 feet, chord bearing equals N. 89° 34' 12" W., 125.93 feet for corner;
- 9) 127.63 feet along the arc of said curve to the right to a point being in the north boundary line of Lot 7, Block 1, said Hartrick Valley Estates for corner;

THENCE with the south right-of-way line of said Haymarket Drive the following five (5) calls:

- 1) N. 73° 19' 09" W., 569.38 feet to a ½"] iron rod with cap stamped "ACS" found being in the north boundary line of Lot 2, Block 1, said Hartrick Valley Estates and being at the beginning of a curve to the right having a radius equals 1025.00 feet, chord bearing equals N. 70° 29' 43" W., 101.00 feet for corner;
- 2) 101.04 feet along the arc of said curve to the right to a 1/2" iron rod with cap stamped "ACS" found being in the north boundary line of said Lot 2, Block 1 for corner;
- 3) N. 67° 40' 16" W., 81.43 feet to a 1/2" iron rod with cap stamped "ACS" found being in the north boundary line of Lot 1, said Block 1 and being at the beginning of a curve to the left having a radius equals 175.00 feet, chord bearing equals N. 74° 23' 22" W., 40.94 feet for corner;
- 4) 41.04 feet along the arc of said curve to the left to a 1/2" iron rod with cap stamped "ACS" found being the most northerly northwest corner of the said Lot 1, Block 1 for corner;
- 5) S. 61° 39' 16" W., 66.44 feet to the Point of BEGINNING and containing 1.267 acres of land.

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



Michael E. Alvis
 Michael E. Alvis, R.P.L.S. #5402
 February 5, 2019

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
 PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 39° 25' 28" E., 7479.79 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGLE



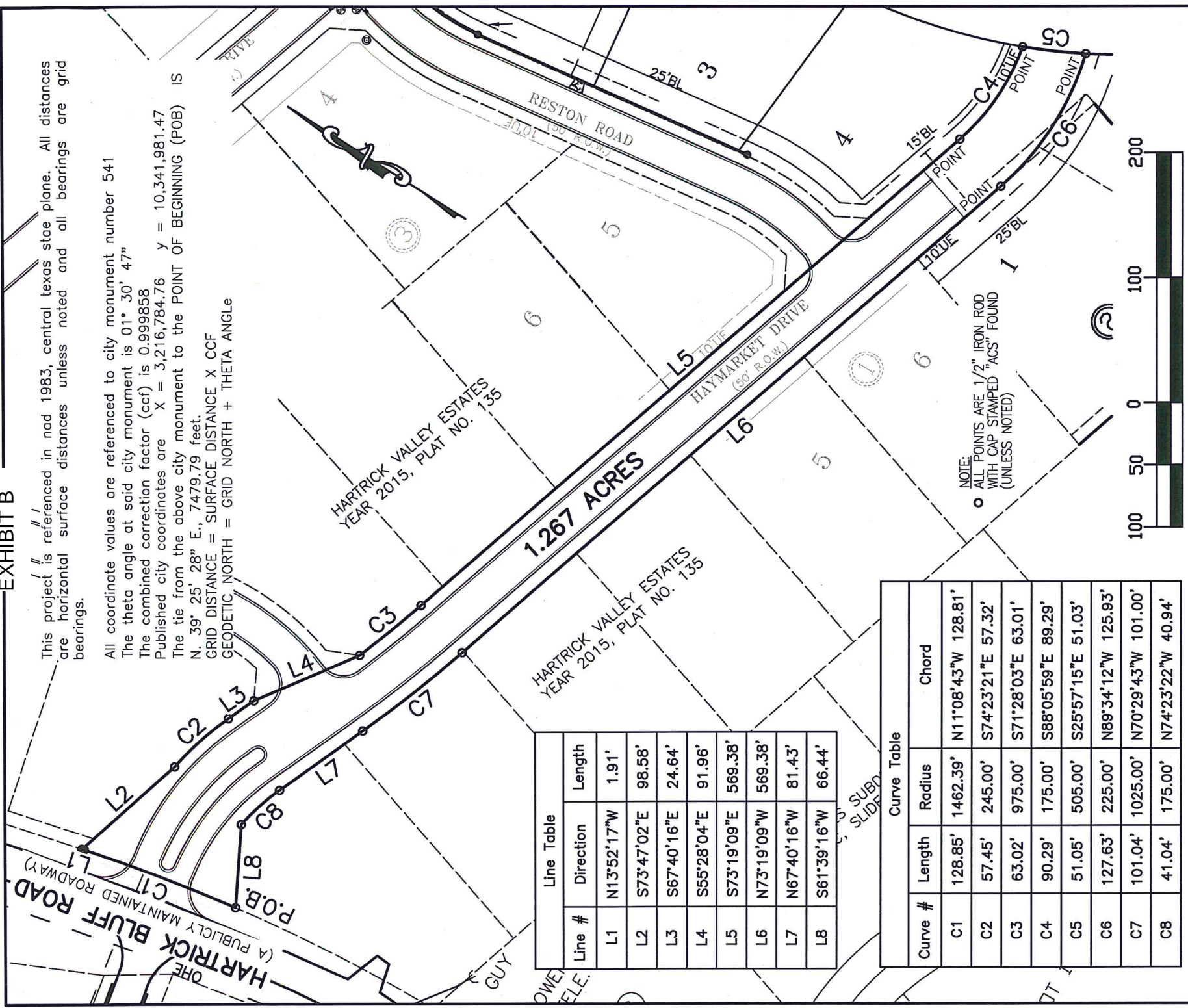
TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING

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

This project is referenced in nad 1983, central texas stae plane. All distances are horizontal surface distances unless noted and all bearings are grid bearings.

All coordinate values are referenced to city monument number 541
The theta angle at said city monument is 01° 30' 47"
The combined correction factor (ccf) is 0.999858
Published city coordinates are X = 3,216,784.76 Y = 10,341,981.47
The tie from the above city monument to the POINT OF BEGINNING (POB) IS
N. 39° 25' 28" E., 7479.79 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE



Line Table		
Line #	Direction	Length
L1	N13°52'17"W	1.91'
L2	S73°47'02"E	98.58'
L3	S67°40'16"E	24.64'
L4	S55°28'04"E	91.96'
L5	S73°19'09"E	569.38'
L6	N73°19'09"W	569.38'
L7	N67°40'16"W	81.43'
L8	S61°39'16"W	66.44'

Curve Table			
Curve #	Length	Radius	Chord
C1	128.85'	1462.39'	N11°08'43"W 128.81'
C2	57.45'	245.00'	S74°23'21"E 57.32'
C3	63.02'	975.00'	S71°28'03"E 63.01'
C4	90.29'	175.00'	S88°05'59"E 89.29'
C5	51.05'	505.00'	S25°57'15"E 51.03'
C6	127.63'	225.00'	N89°34'12"W 125.93'
C7	101.04'	1025.00'	N70°29'43"W 101.00'
C8	41.04'	175.00'	N74°23'22"W 40.94'

BEING a 1.267 acre tract of land more particularly described by separate field notes.

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

BEING a 1.267 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the existing right-of-way of Haymarket Drive (a publicly maintained roadway) as described on the map or plat of Hartrick Valley Estates being of record in Year 2015,Plat No. 135, Plat Records of Bell County, Texas.



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

IN WITNESS THEREOF, my hand and seal, this the 6th day of February 2019.

Michael E. Alvis

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



FY-19-2-ANX Timeline Short Term Lending—Haymarket Drive

DATE	ACTION	TIME LIMIT/NOTES
02-07-09	CITY RECEIVES PETITION of landowner to voluntarily annex area to City limits.	
02-21-19 Regular Meeting	COUNCIL ADOPTS RESOLUTION <ol style="list-style-type: none"> 1. Granting petition (14 days after petition filed) 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings 	
02-28-19	CITY SECRETARY MAILS NOTICE TO <ol style="list-style-type: none"> 1. Property owners 2. Public and private service entities 3. Railroads <i>35th day before 1st hearing</i>	
03-22-19	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>13th day before 1st public hearing</i>	
03-24-19	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City website Publishes notice in Telegram <i>11th day before 1st public hearing</i> <i>12th day before 2nd public hearing</i>	
04-03-19	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	
04-04-19 Regular Meeting	COUNCIL HOLDS 1ST PUBLIC HEARING Staff presents service plan <i>28 days before 1st reading</i>	
04-05-19 Special meeting	COUNCIL HOLDS 2ND PUBLIC HEARING Staff presents service plan <i>27th before 1st reading</i>	
05-02-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	
05-16-19 Regular meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2ND READING <i>14 days from 1st reading</i>	



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 21, 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:

[March 21, 2019 Special & Regular Meeting Minutes / Video](#)

TEMPLE CITY COUNCIL

MARCH 21, 2019

The City Council of the City of Temple, Texas conducted a workshop on Thursday, March 21, 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 Morales
Mayor Timothy A. Davis

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 21, 2019.

Item 7(E) - The agreement with Sports Field Holding. Ms. Myers noted this is the award of the maintenance for the new Crossroads Park Facility, as well as few other West Temple parks. Sports Field Holding, is the company that will install the playing fields. Two proposals were received and Staff is recommending that the award be to Sports Field Holding. This is an exciting project, and we wanted to point it out. The proposed agreement would commence on the first of April and expire September 2023.

Item 7(G) - Meet and Confer Agreement with Temple Police Association. Ms. Myers pointed out that this is an extension of six months to the current agreement with TPA. No changes are being proposed.

Item 7(H) - Hangar 26 Lease Agreement. Ms. Myers explained that Staff needs additional time to work with the lessee. The lessee wants to explore leasing other hangars.

Item 7(L) - Miller Springs agreement. Ms. Myers wanted to share that the City of Temple and City of Belton continue to partner in the efforts to reopen Miller Springs. This will extend that partnership for an additional year. The City of Belton took action last week at their meeting to extend the partnership.

Item 7(T) - FM93/Southwood. Ms. Landeros noted this is the 2nd reading; and is on consent agenda. If approved this evening you are approving the original conditions with the additional two conditions, (1) restricting the height of the homes to single story only on the west side of the property, and (2) maintaining the 20-foot tree buffer using trees on the approved list.

Item 8 - Chapter 4 Code of Ordinances. Ms. Landeros noted this is on the regular agenda as per notice requirements. It needs the public hearing, and if Council wishes a presentation is available.

2. Receive a presentation on the Hillcrest Cemetery.

Ms. Myers lead this discussion with the Council, noting this is an update from the last meeting in December. This is a very historic cemetery and is approximately 70 acres, and has between 16,000 and 18,000 burials. Since 1884, the cemetery has been owned and operated by a not-for-profit cemetery association, Temple Cemetery Company, which is overseen by volunteer trustees.

The City began a partnership with the cemetery in 2011, where the City offered financial support. The City has continued to offer this support since then, with the last budgeted amount at \$50,000 for FY2019. Those funds have not been released. Several months ago, Staff met with the Chair and Vice Chair of the Cemetery Board at the Board's request. The Board members expressed their concerns that the current level of City funding, combined with their other sources of revenue, may not be enough to sustain their operations. They have requested the City consider increasing the annual contribution to \$100,000, or consider taking over the ownership and maintenance of the cemetery.

Staff performed initial evaluations, and presented options to the Council in December 2018, (1) continue grating \$50,000; (2) increase grant amount; and/or (3) assume ownership and management of the cemetery. Ms. Myers continued noting that the discussion at the December work session centered around pursuing option 3, and assume ownership and management of the cemetery. Ms. Myers reminded the Council that that option would take a few months to fully develop a plan, complete title work, work with Hillcrest Cemetery Board, train staff, purchase software and develop policies, along with other unforeseen items. At the December meeting it was noted that the transfer could potentially take place in April 2019.

Ms. Myers reviewed the current operation of the Cemetery, to include one office employee on payroll; one office employee by contract; one maintenance employee by contract; as well as a contract for law maintenance at \$50,000 annually.

Ms. Myers reviewed what was proposed in December, which was to have an temporary assignment / reclassify pay for one City employee; contract the lawn maintenance; and contract for records processing. There are so many unforeseen items that could arise in this process, and their records are incomplete. We will need specialized cemetery software program to manage these records. It is not uncommon for cities to own and operate cemeteries and almost always managed under the Parks and Recreation Department.

Since that time, Staff has done a lot more work and have adjusted the revenues, and reminded Council that we would assume the risk of revenue fluctuation. At this time it is believed that we can add temporary assignment pay for one employee; an addition of an Administrative Assistant position to Parks and Recreation Department (initially assigned exclusively to cemetery but anticipate taking on other duties as records are cleaned up; and contract for lawn maintenance. Ms. Myers stated that based on what is known now, we'll need about \$54,000 from the General Fund for this year (FY19); and then in FY2020 there will be additional expenses and will need \$65,000 as a supplement from the General Fund. Years three and four, you should see the expenses stabilize.

Ms. Myers addressed a few future items associated with this transfer. April 18th - (1) work session to discuss proposed policies and any recommended changes to fee schedules, etc. (2) action item to approve contract transferring ownership of cemetery to City of Temple, effective May 1, 2019; (3) action item to award contract for mowing service; and (4) action item to award contract for software system. On May 1st the City will assume ownership and management of cemetery; and then May 2nd - there will be an action item to approve cemetery policies and any recommended change to fee schedule, etc.

Councilmember Long asked who would be responsible for opening and closing the plots, and insurance.

Ms. Myers explained the process, noting that this is contracted through the Funeral Home. We would assume liability for the cemetery through our current risk pool.

3. Discuss the Strategic Investment Zone Program.

Ms. Myers lead this discussion with the Council. This is a very active and successful program within our City. Within the Strategic Investment Zone the City offers three grant options (1) Commercial, (2) Downtown Single Façade; and (3) Downtown Double Façade. In FY17, \$20,000 a year was allocated from CDBG to a "Main Street Program". This program was implemented by being added as a tier to the SIZ Grant program, known as CDBG. The intent of this program was to provide a supplement to regular SIZ Grant, that provided an additional \$10,000 for projects that were mixed use in nature and include a residential component. Any single grant was eligible for three units, up to \$30,000.

In April 2018 at a City Council work session, we discussed our overall strategy concerning neighborhood revitalization and CDBG and discussed streamlining our program delivery through CDBG to ensure we maximize the impact of funding and minimize the administrative cost and overhead. CDBG dollars come with a lot of strings, and today that is still true. CDBG is an important program and important to our neighborhood revitalization.

While in place, it was not used; this was largely due to the restrictions and regulations that came with those funds.

In July 2018, the Council adopted a CDBG Annual Action Plan that implemented that strategy, and focused on funding public service agencies and SIZ grants through General Fund. By doing this, the "Main Street Program" funding from CDBG was eliminated. We did not follow-up with an action item to eliminate the CDBG tier from the SIZ Grant Program. Today we need to discuss whether the Council's desire is to (1) keep the CDBG tier in the SIZ Program, but fund it through General Fund/RZ; or (2) eliminate the CDBG tier in the SIZ Program.

If it is Council's desire to keep the fourth tier (formerly known as CDBG), Ms. Myers recommended that it be renamed, as it would not be funded with CDBG dollars.

Mayor Pro Tem Morales, how restrictive will it be for the developer?

Ms. Myers, it kept it will not be funded by CDBG and will have only the local restrictions within our program.

Councilmember Long, what happens to the CDBG funds?

Ms. Myers, you will reallocate them for other larger projects.

Councilmember Walker, if we fund it, will there be a yearly cap?

Ms. Myers, historically the annual allocation for SIZ is \$100,000. There have been years where we've allocated more. This is the second year that the Reinvestment Zone has contributed to the SIZ Program. This year we had \$375,000 in the program; the balance now is just under \$200,000 and three applications still under review.

Mr. Chandler noted that we could essentially encumber the balance with the three remaining applications.

Mayor Davis, it looks like we're trying to figure out a way to give away tax payer money to a developer.

Ms. Myers, the premise of the program is to provide grant funds that do derive from tax dollars.

Mayor Davis, since being on the Council we have gone from two to four tiers. This is great, as we have seen a lot of great projects because of this program. Is the fourth tier even necessary since there are limitations to it. Does \$10,000 per unit, up to three units make a difference to a developer?

Mr. Chandler noted it is a challenge to quantify.

Mayor Davis stressed the fact that this is for residential units that the general public would not get to benefit from. Those dollars are used to improve a residential units only.

Ms. Myers noted that a primary goal of the program is to improve the exterior improvements, but another goal is to active spaces that may not otherwise be without the supplement. This will generate life in the downtown area that supports that businesses. Having a co-goal is not wrong. Your points are valid, at what level is the right level to incentivize development? Is the program to incentivize mixed-use residential to a higher standard in the downtown area?

Ms. Landeros noted the program was adopted in 2008 and amended in 2017 to add the residential component, and have had only one project take advantage since then. Point being that if you're looking at whether the additional tier incentivizes or ultimately makes or breaks the project, then maybe we need to look at the history of how many times it's been requested. We have really seen it requested one time, February 2019.

Ms. Myers, stated that at this point it sounds like we are not ready to eliminate it but review it in proportion to the rest of the program.

Mayor Davis announced that the Council would enter into an executive session to discuss at approximately 4:21 p.m.

- 4. Discuss the status of right-of-way acquisitions for the Poison Oak Road and Outer Loop, Phases 1-6, expansion projects. Pursuant to Texas Government Code Section 551.072, the City Council may meet in closed session to deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

Mayor Davis adjourned the executive session of the Council at approximately 4:52 p.m.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, March 21, 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

Pastor Warren Gray, provided the Invocation.

2. Pledge of Allegiance

Ken Cates, CEO Fort Hood Area Habitat for Humanity lead the Pledge of Allegiance.

II. PUBLIC APPEARANCE

3. (A) Receive comments from Barbara Cooper related to right-of-way acquisition for the Outer Loop Phase 6 project parcels 5, 6, and 7.

(B) Receive comments from Steve Ward related to right-of-way acquisition for the Outer Loop Phase 6 Project parcels 15 and 16.

Steve Ward, 4302 Charter Oak Drive, Temple, Texas began by stating the issue is the value of the property effected by the City's future Outer Loop project. Everyone involved in this process agrees that this property is unique. The unique status is why determining the replacement value is so difficult. After more than a year of searching for a replacement property, we still have not found one. None the less, the financial terms of the acquisitions that have been negotiated over the past 15+ months have been conditionally accepted by all parties; and comfortable with the compensation amounts being offered. The only objective at this time is to complete this process, so that we may move beyond this perpetual state of uncertainty. Neither of the property owners is asking for more money at this time. The point of contentiousness is the replacement driveway over the detention pond, which serves as access to remainder of the parcel 15 after the taking, but more importantly provided ingress and digress access easement to parcel of 5 of the adjoining property. Once the drive on parcel 15 & 16 is eliminated, the new owner (City), will be legally bound and responsible to provide a replacement driveway and access easement as per Bell County Deed of Records, Volume 771, Page 323. The City has tentatively estimated, to construct a replacement driveway and access easement, the cost to be \$568,000. In our opinion that is an unrealistic amount. Therefore, we have made the City an offer that would allow them additional time to determine a more accurate and realistic cost analysis.

This City is also concerned that \$71,400 has already been designated in the acquisition of Parcel 5 by the owner as a cost replacement driveway. We have offered to deduct this designated amount, provided the City recalculate the value of the remainder after the taking of parcel 5. As part of the whole, it has one value; but as a stand alone, landlocked parcel it has very minimal value.

The driving force of this early acquisition is the Charter Line Waterline Project. We would not be here today if not for the City's need to move forward with that waterline. There have been two different meetings, resulting in agreements to allow the waterline project to proceed. However, when the MOAs were presented to the owner for signature, the terms were not what was agreed to in those earlier meetings. Therefore not accepted. Over the past two weeks we have agreed to accept the waterline easement as presented by the City Attorney in November, if the City would agree to postpone the acquisition of the Outer Loop property for three to four years, or until that property was actually needed.

Mr. Ward noted that if after all is considered and eminent domain is enforce as a last resort, then parcel 7 is the only tract effected by the water line. There is no justifiable need or reason at this time to condemn all three parcels for a project that has an uncertain timeline, and is most likely five or more years in the future. At this time we are requesting that the City Council will accept the latest "hail Mary" compromise offered to the City Attorney's office on March 11, 2019. We feel that it is all parties interest to approve the acquisition of parcels 5, 6, & 7 at this time and postpone the acquisition of parcels 15 & 16.

Ms. Landeros noted this has been discussed and length, and Staff has met with both Mr. Ward and Ms. Cooper. From the City's perspective, we do question the legal obligation to provide access to the extent for which it's being requested. If that is part of ultimately closing the deal, the going through the eminent domain process is the route we need to use to determine what the just compensation is. Negotiation can still be had even once the eminent domain process begins. Mr. Ward is correct, that the Charter Oaks Waterline project is ready and is impacted by one of those properties. Once the processed as been authorized, it may take six to eight months before we get to Special Commissioner's Court.

III. PUBLIC COMMENTS

Bill DiGaetano, 2715 Forrester Road addressed the Council with regards to the zoning case on FM 93 & Southwood Drive. Mr. DiGaetano agreed the democratic process has been allowed to run its course, and the developer met the City's requirements; but what are the standards and are they stringent enough. He noted that he didn't believe that 78 homes with septic systems should be allowed to be built on the 86 acres next to Friars Creek. Septic should not be placed adjacent to homes that are attached to the sewer plant that is just 2-3 miles down the road. Yes, there is a cost, but we need to consider standards as we continue moving forward. As part of the democratic process, have the citizen both upstream and downstream of Friars Creek, been adequately served - No. We have not addressed the

flooding, damage and erosion over the past 20-years. Mr. DiGaetano continued by noting the geographic location of this development is unsafe. It is too close the merger lanes and intersection. As a City we are building a funnel that is only increasing at the top. Density at the top, water-off, population, and then traffic. Highway 93 is critical to the flow of traffic. We cannot continue to approve and develop parcels of land independently without thinking of a broader plan. That road is dangerous today and will only continue to get worse as the area continues to grow and develop.

IV. AWARDS AND RECOGNITIONS

4. Recognize Park and Maintenance Staff for The Texas Recreation and Parks Society (TRAPS) Maintenance Rodeo.

Chuck Ramm, Assistant Director of Parks and Recreations Services recognized staff that competed with other City's in November 2018. They competed in several different competitions throughout the day. Our staff competed against, Austin, Round Rock, Georgetown, San Marcos, and New Braunfels. Chris Waugh, Maintenance Worker represented the City of Temple and placed 5th place in the Zero-Turn Radius Mowing Obstacle Course. There was also a team event where David Cobb and Kenneth Chapman placed 1st in the Irrigation Assembly Competition.

This qualified them to go the State Competition in El Paso on February 20, 2019. We are very proud to recognize Chris Waugh for a 5th place tie in the Zero-Turn Radius Mowing Obstacle Course, and David Cobb and Kenneth Chapman for placing 1st at the State Maintenance Rodeo.

5. Recognize Jackson Park for receiving The Texas Recreation and Parks Society (TRAPS) Lone Star Legacy Park distinction.

Chuck Ramm, Assistant Director of Parks and Recreation Services provided a brief presentation on the distinction received by the City for Jackson Park. Jackson Park has been recognized as one of the State's significant parks. Mr. Ramm outlined the criteria to include, the park must hold special prominence in the local community and the State of Texas; and iconic to those who have visited, played and rested on its grounds; must be a minimum of 50 years old; the park is associated with historic events or sites; and home to unique natural features.

Our Staff along with Vincent Mundy, Jackson Park Neighborhood Association, and Patty Benoit, Bell County Historical Commission complied the data need to complete the application. Mike Hemker, Assistant Director of Parks and Recreational Services accepted the award recognizing Jackson Park as the Lone Star Legacy Park recipient for 2019, at the TRAPS Convention. Mr. Ramm noted there

will be an event at Jackson Park on March 30th from 1:00 pm - 4:00 pm to celebrate 75 years as a Parks Department.

Mayor Davis, stated Jackson Park is what you want your neighborhood parks to be. This park is utilized by so many in the neighborhood; and it's taken care of by its users. This is the gold standard of parks.

6. Presentation of the 25th Anniversary of Habitat for Humanity – Fort Hood Chapter.

Ken Cates, CEO Fort Hood Area Habitat for Humanity accepted the proclamation from the Mayor. He then spoke about the great partnership between the City and the Fort Hood Area Habitat for Humanity. The success of this program is attributed to the great partnership. The program has been around for 25 years in March, and has done so many great things.

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:

(A) March 7, 2019 Special & Regular Called Meeting

(B) 2019-9585-R: Consider adopting a resolution authorizing a professional services agreement with Kimley-Horn and Associates, Inc., of Austin, 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 & Revenue Bonds.

(C) 2019-9586-R: Consider adopting a resolution authorizing a professional services agreement with MRB Group, of Temple, to perform the South 41st to 57th Street Utility Assessment in the amount of \$263,800.

(D) 2019-9587-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for final design of the Outer Loop Phase 4 Drainage Channel in the amount of \$85,042.50.

(E) 2019-9588-R: Consider adopting a resolution authorizing a services agreement for West Temple Parks maintenance, turf management, and athletic field management with Sports Field Holdings, dba Sports Field Solutions, of Dallas in the estimated annual amount of \$440,000.

(F) 2019-9589-R: Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for the May 4, 2019 General Election.

(G) 2019-9590-R: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.

(H) 2019-9591-R: Consider adopting a resolution authorizing an Airport Hangar Lease Agreement with Kachemak Bay Flying Service, Inc. for the lease of Hangar No. 26 at the Draughon-Miller Central Texas Regional Airport.

(I) 2019-9592-R: Consider adopting a resolution authorizing a contract with Lone Star Grading & Materials, LLC of Salado, to construct roadway and sidewalk improvements on 7th Street from Avenue H south to the dead-end, in the amount of \$344,616.16.

(J) 2019-9593-R: Consider adopting a resolution authorizing a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses and vehicle cost related to police patrols at Temple Lake Park from May 4, 2019 through September 2, 2019.

(K) 2019-9594-R: Consider adopting a resolution authorizing the submission of an application and acceptance of funding for a Victims of Crime Assistance Grant through the Criminal Justice Division of the Governor's Office.

(L) 2019-9595-R: Consider adopting a resolution authorizing a one-year renewal to the lease between the City of Temple, City of Belton and the Secretary of the Army for the Miller Springs Nature Center.

(M) 2019-9596-R: Consider adopting a resolution granting an easement to Oncor Electric Delivery Company, LLC for electric utilities necessary for the construction of Crossroads Park.

(N) 2019-9597-R: Consider adopting a resolution ratifying an emergency construction contract for the repair of a 30-inch

transmission main repair with McLean Construction, Inc. of Killeen in the amount of \$49,119.

(O) 2019-9598-R: Consider adopting a resolution ratifying a change order to an emergency construction contract for the repair of a 20-inch water transmission main at 909 West Park with All-Tex Utilities, LLC of Hillsboro, in the amount of \$63,000.

(P) 2019-9599-R: Consider adopting a resolution ratifying the purchase of property situated 515 South 18th Street in an amount not to exceed \$10,500.

(Q) 2019-9600-R: Consider adopting a resolution ratifying the conveyance of 16.659 acres of property from the Temple Economic Development Corporation to the City of Temple for use as public right-of-way.

(R) 2019-9601-R: Consider adopting a resolution authorizing the purchase of right-of-way and a temporary construction easement necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$46,000.

(S) 2019-9602-R: Consider adopting a resolution authorizing the purchase of two rights-of-way necessary for the expansion of Old Waco Road, Outer Loop Phase 6, and authorizing closing costs associated with the purchase in an estimated amount of \$305,000 and relocation benefits associated with this project in estimated amount of \$150,000.

(T) 2019-4957: SECOND READING – FINAL HEARING – FY-19-4-ZC: Consider adopting an ordinance authorizing the rezoning of 86.91 +/- acres, situated in the Redding Roberts Survey, Abstract 692, and located at the intersection of FM 93 and Southwood Drive from Agricultural district to Planned Development Agricultural, with a required site/development plan.

(U) 2019-9603-R: Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's General election to be held on Saturday, May 4, 2019.

(V) 2019-9604-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

Councilmember Long offered comments on item 7(L), as it relates to the lease agreement with the Secretary of the Army, for Miller Springs Nature Center. She thanks the Parks Department for their efforts in making this happen.

Motion by Councilmember Susan Long approve Consent Agenda as presented, except item 7(H), seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

(H) 2019-9591-R: Consider adopting a resolution authorizing an Airport Hangar Lease Agreement with Kachemak Bay Flying Service, Inc. for the lease of Hangar No. 26 at the Draughton-Miller Central Texas Regional Airport.

Motion by Mayor Pro Tem Judy Morales (H) 2019-9591-R: Consider adopting a resolution authorizing an Airport Hangar Lease Agreement with Kachemak Bay Flying Service, Inc. for the lease of Hangar No. 26 at the Draughton-Miller Central Texas Regional Airport. seconded by Councilmember Susan Long.

VI. REGULAR AGENDA

ORDINANCES

8. 2019-4955: SECOND & FINAL READING – PUBLIC HEARING – Consider adopting the following ordinances amending:

(A) The Code of Ordinances, Chapter 4, “Alcoholic Beverages,” to include a general update of the Chapter, additional clarification of terms used in Chapter, a better alignment of City’s regulations with state law, and an addition of an enforcement provision.

(B) Temple Unified Development Code Section 5.3.15, “Alcoholic Beverage Sales for On-Premise Consumption,” by clarifying Subsection 5.3.15(A)(2) with additional language and removing the reference to City Code, Chapter 4, “Alcoholic Beverages,” Subsection 5.3.15(B)(2) to better conform with state law.

Amanda Rice, Deputy City Attorney was available for questions. A presentation was not needed, only the public hearing.

Mayor Davis declared the public hearing open with regards to agenda item 8(A & B) and asked if anyone wished to address this item. There being none, Mayor Davis declared the public hearing closed.

Motion by Councilmember Jessica Walker adopt ordinance as presented on second and final reading, seconded by Councilmember Susan Long.

Motion passed unanimously.

ORDINANCES

9. **2019-4958: FIRST READING – PUBLIC HEARING – Z-FY-19-6-ZC: Consider adopting an ordinance authorizing a rezoning with a site/development plan, from Commercial district to Planned Development Multi-Family Two district, with conditions and requiring a site development plan, on 9.055 +/- acres, and 0.433 +/- acres, out of and a part of Block One, Temple Commercial Park, Section 1, Bell County, Texas, as 2602 South 39th Street, Temple.**

Jason Deckman, City Planner, presented the rezoning case for the Glenn Apartments to Council. The request before you has been triggered by the inquiry from buyers during due diligence. This property is located along South 39th Street and Everton Drive. The apartment complex has 200 units in 14 buildings, with amenities including a pool, clubhouse, fenced dog walk area, and a laundry room. The UDC 9.2.5 prohibits nonconforming structures from being rebuilt in the event of destruction. The applicant is requesting the rezoning since the existing Commercial zoning does not permit multi-family residential; and this will bring the property into compliance with the current UDC.

Mr. Deckman provided several photos of different areas of the complex. He pointed out that people are walking across a vacant field to reach the sidewalk on Everton Drive. The surrounding zoning are O-1, 2F, GR, and C; and that the proposed MF-2 zoning is compatible with the uses on neighboring properties. Sewer and water are both available and already connected. It is compliant with the thoroughfare and Trails Plan as these are only local streets; with not connection to city trails.

He continued stating the Future Land Use Map designates this as Auto-Urban Mutli-Family, which is defined as a stand-alone district to accommodate multi-family development subject to minimum site area and open space ration requirements, and subject to increased buffer yards and building design standards. Therefore, the proposal is in partial compliance of this plan as we discovered there is an issue with the parking ratio.

The request is for a planned development, which is defined as a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval; and requires approval of the a bidding site plan. Mr. Deckman reviewed the current parking requirement for multi-family per the UDC Section 7.5.4.B, which is 379 spaces for the current complex. He then discussed the conditions for the PD, which included (1) granting an exception to the required parking rations to be reduced to allow the exact number of spaces shown on the site plan which is 363; (2) requiring a 4' sidewalk to be constructed by the applicant in the public right-of-way along South 39th St, from the apartment entrance to the existing sidewalk along Everton Drive (the buyer has agreed to this and Staff recommends the sidewalk to be constructed within one year); and (3) to require an approved site development plan.

There were 25 notices mailed to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. Six notices in agreement and one notice in disagreement from adjacent property owners have been received. Staff met with the property owner who disagreed; his concerns have been resolved and his disagreement has been rescinded.

At their March 2, 2019, meeting, the Planning and Zoning Commission voted 9/0 to approve the rezoning per Staff's recommendation. Staff recommends approval with conditions for a rezoning from the current Commercial zoning district to the Planned Development - Multi-Family-Two zoning district.

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

Jamie Secrest was available to answer question on behalf of the applicant, and agree with the 4-foot sidewalk.

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

Motion by Councilmember Jessica Walker adopt ordinance on first reading, with second and final reading set for April 4, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

10. 2019-4959: FIRST READING – PUBLIC HEARING – FY-19-7-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural zoning district to Planned Development-General Retail zoning district, on 54.592 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 West Adams Avenue.

Lynn Barrett, Assistant Planning Director, presented this case to the Council. The applicant, Josh Welch for WBW, is proposing to rezone the subject tract to allow for future retail and originally asked for multi-family uses and the possibility of several Commercial type uses at the property. Subsequently, after the DRC process, the applicant requested the zoning change to straight General Retail zoning for the entire site. This is located at the southeast corner of the intersection of two of the busiest highways in West Temple (Highway 317 and Adams Avenue).

The proposal is for almost 55-acres, and bordered on two sides by Sage Meadows Subdivision. The developer proposes retail uses; and is requesting the option to add multi-family on a maximum of 15-acres (which is 30% of the site). The applicant is proposing a mix of various retail uses to include a strip center and out parcels on the property. Ms. Barrett noted a Planned Development rezoning is proposed due to the size, visibility, and mixed-use phasing of the property. There are some design constraints with this property, they are not sure what portion of the property they wish to develop.

Ms. Barrett provided several photos of the property as well as the surrounding properties.

The current zoning Agricultural and bounded by Single-Family Two, with scattered General Retail, and Planned Development General Retail tracts. The Future Land Use Map identifies that corner as suburban commercial, however the eastern portion of that tract was designated at suburban residential. Therefore the proposal is only in partial compliance of the map.

Ms. Barrett continued by noting that water and sewer are available to the subject property.

With regards to the Thoroughfare and Trails Map, both State Highway 317, and West Adams are designated as a major arterial, and South Cedar Road as a local street. There would be a requirement for a six-foot sidewalk along SH 317 and along West Adams portion of the property at development. An additional requirement that Staff is asking for is that a four-foot sidewalk be placed along Cedar Road at development to connect

to existing sidewalk at Sage Meadows; and finally a condition to build a trail along drainage area.

There were 66 notices mailed with six returned in favor of the rezoning and one in disagreement from a neighbor in Sage Meadows Subdivision.

Staff is recommending approval of this rezoning request with the following conditions and site development plan to follow: (1) PD-GR on entire property, allowing GR uses by right with the following exceptions; (a) any GR development having a building in excess of 50,000 square feet will require additional development site plan approval as a PD amendment, and (b) site plan approval prior to construction for structure elevations, landscaping and parking lot design; (2) Multi-family development will be allowed on up to 15 acres, with the requirement of an additional development site plan approval as a PD amendment prior to construction for structure elevations, landscaping and parking lot design; (3) Free standing signage bases to contain masonry and/or decorative metal elements; (4) An improved trail along the drainage area bisecting the property and landscaped greenspace is required at development of adjacent areas to implement the Trails Master Plan; (5) Screening and (6) Minimum 4' sidewalk along South Cedar Road at development (connection to existing).

Planning and Zoning heard this case on February 19, 2019, and voted 9/0 to approve the request.

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

Mr. Josh Welsh, WBW was available for questions. He explained that until the area with the drainage and flood plain has been vetted, they will not know exactly how they want to develop the property. There are also a few access issues that will need to be worked through with TXDOT. Once these issues are addressed, then we will have a better plan for how to use the property.

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

Motion by Mayor Pro Tem Judy Morales adopt ordinance as presented on first reading, with second and final reading set for April 4, 2019, seconded by Councilmember Susan Long.

Motion passed unanimously.

11. **2019-4960: FIRST READING – PUBLIC HEARING – FY-19-8-ZC: Consider adopting an ordinance authorizing rezoning from Light Industrial zoning district to Single-Family One zoning district, on 0.189 +/- acres, being Lot 7, Block 5, Rylander Addition, addressed as 14 North 12th Street.**

Mark Baker, Principal Planner, presented this case to the Council. The applicant is Lonnie Gruner. This is a rezoning of 8,232 sf/0.189 acres from Light Industrial to Single Family One. The existing house is 100-years old is non-conforming in the current zoning identified as Light Industrial; and the property owner, Mr. Gruner wishes to expand. As it is zoned, residential uses are not permitted, and therefore cannot be expanded or rebuilt if destroyed by a fire per section 9.2.5 of the current UDC.

Building permits have been issued for the accessory building which is to the rear of the property, for both exterior and interior remodel with not provisions as a residence. Permits have been requested for the single family residence which is on the front of the property, for interior remodel work only to include conversion of attic space to living space. The permit for the house is subject to rezoning.

The property is bordered by both Light Industrial and Commercial uses. Majority of the uses on the west side of North 12th Street are existing single family residences. There are opportunities to preserve the neighborhood as we continue our efforts with the New Comp Plan and East Temple Revitalization. Should this rezoning be approved and permits issued, the property would be in compliance.

The request is in partial compliance with the Future Land Use Map. The property is designated as Auto-Urban Commercial, which is appropriate for commercial or more intense retail uses; and the designation alone does not support single family uses. However, the subject property is adjacent to Auto-Urban Residential, which does support single family residential uses.

Mr. Baker continued by stating both water and sewer are available to the property. Several photos were provided of the surrounding uses, and Mr. Baker noted the property is below grade/street level.

There were 16 notice mailed to property owner within 200-feet; four were returned in agreement and zero in disagreement.

Staff recommends approval of the request for a rezoning from Light Industrial District to Single-Family 1 District. At their February 19, 2019, meeting, the Planning & Zoning Commission voted 9/0 to recommend approval per staff's recommendation.

Mayor Davis declared the public hearing open with regards to agenda item 11, and asked if anyone wished to address this item.

Lonnie Gruner, 3910 Shallowford, the owner and applicant was available for question, and asked for favorable consideration by the Council.

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

Motion by Councilmember Susan Long adopt ordinance as presented on first reading, with second and final reading set for April 4, 2019, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

12. 2019-4961: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance granting to Oncor Electric Delivery Company LLC an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways, and public property of the City of Temple.

Kayla Landeros, City Attorney provided a brief presentation. She noted that Oncor is a regulated electric transmission and distribution service provider in Texas, and currently serves close to 10-million customers in the state. They have been the only franchised electric utility provider in Temple until recently when Council granted an electric utility franchise to Heart of Texas Electric Cooperative. However, Oncor remains the primary electric service provider for the City.

The City requires a franchise agreement for use of public rights-of-way and easements. However, State law preempts the City from requiring franchise agreements with some utility providers, such as cable providers.

Ms. Landeros provided some history on the franchise. ?Texas Power and Light Company ("TP&L") began supplying electricity to Temple citizens in 1931. ?In 1984, TP&L merged with other electric providers to become Texas Utilities Electric Company. ? In 1985, the original franchise agreement with TP&L was

amended to reflect changes in the law; and the 1985 agreement included a term of 29 years which would have expired in 2014. So, the 1985 agreement was amended in 1993 to increase the franchise fee; 2002 to change how franchise fees were calculated; and then 2006 to provide for a different fee payment schedule and to extend the term to June 30, 2019.

Oncor recently contacted Staff to begin the process for obtaining a new franchise agreement. The proposed agreement incorporates the same terms that currently exist; and would expire March 31, 2035. If neither party gives notice of cancellation earlier than 60-days before the expiration date, the franchise will automatically renew for another 5-years. Oncor will have the right to construct, extend, maintain and operate in the City's present and future streets, alleys, highways, and public utility easements. The City will reserve the right to lay our own utility lines in those same public rights-of-way. Should there be a road project that requires Oncor to relocate their lines, they will do so and cover the cost associated with that relocation.

The franchise fee is calculated by a factor of 0.002652 multiplied by each kilowatt hour of electricity delivered within the City on a quarterly basis; and payments are made in May, August, November, and February of each year. The City also receives 4% of gross revenues received by Oncor from discretionary service charges. The total franchise fee revenues projected for FY 2019 is \$3,445,000.

Mayor Davis declared the public hearing open with regards to agenda item 12, and asked if anyone wished to address this item.

Casey Simpson, 308 South 7th, ONCOR Representative was available for questions. He noted it is a pleasure working with the City Staff.

Gussie Daniels, III, 9201 Oak Hill Drive, questioned the rate. He noted is seemed low. Can it be increased?

Mayor Davis replied that is a fee that ONCOR pays to the City for the right to use the city rights-of-way.

Ms. Landeros noted that fee is regulated by State Law.

Mr. Simpson, stated the fee that is paid quarterly is based on the kilowatt hour consumption; and will fluctuate with the weather.

Ms. Myers noted that as the City's population grows, the rate will stay constant, but we may see an revenue increase based on usage.

Ms. Barnard added, this is part of the budget forecasting each year.

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

Motion by Councilmember Jessica Walker adopt ordinance as presented on first reading, with second and final reading set for April 4, 2019, seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

RESOLUTIONS

- 13. 2019-9605-R: Consider adopting a resolution to take action on the Temple Professional Firefighters Association's "Petition Requesting Recognition of Bargaining Agent" as required by Texas Local Government Code Chapter 142.**

Brynn Myers, City Manager provided a presentation to the Council. She reminded Council that this was discussed at the March 7th worksession, but is on the agenda for action this evening. On February 27, 2019, the Temple Professional Firefighters Association (TPFA) filed a petition with the City Secretary, requesting recognition of TPFA as the sole and exclusive bargaining agent. State Law requires that you take action 30 days after the receipt of the petition. The petition contained 105 of the 119 signatures from those eligible; this excludes the Fire Chief, and his Assistant.

The Meet and Confer process is governed by Chapter 142, of the Local Government Code. It allows a "firefighters association" to file a petition with the City seeking such recognition. Once the petition is filed, the Council must determine whether or not, it recognizes the association as the sole and exclusive bargaining agent, and adopt the Meet and Confer process. If, the Meet and Confer process is adopted by the Council, or through an election, the city may then meet and confer with the TPFA over issues such as wages, salaries, rates of pay, hour of work, or any other terms and conditions of employment. The City Manager must also select one or more person(s) to represent the City as its sole and exclusive agent during this process. Ms. Myers noted that all deliberations must occur in a meeting that is open to the public. During this process, the City and TPFA

are not required to reach any agreement on any topic, or any agreement at all.

Should an agreement be reached on any issue discussed, it must be in writing, and then ratified by the Council, and a majority of the firefighters. A written Meet and Confer agreement preempts all contrary State statutes, local ordinances, executive orders, and civil service provisions or rules. Ms. Myers added that while a Meet and Confer agreement is in effect, the City may not accept a petition requesting an election to adopt Collective Bargaining under Chapter 174 of the Local Government Code. Ms. Myers provided the different options that could be taken by the Council. Importantly, this process allows a venue for communication and collaboration between the Firefighters and the City regarding employment issues.

Option 1: Grant the petition to the Temple Professional Firefighters Association as requested in the petition, and determine by a majority vote that the City may meet and confer under Chapter 142 of the Local Government Code. If council chooses this option, the Council may withdraw the recognition at a later date providing TPFA not less than 90-day written notice that the City Council is withdrawing recognition. Any agreement reached between the parties, will not be renewed.

Option 2: Defer granting the recognition of the Temple Professional Firefighters Association and order an election by the voters in the City to determine whether the City may meet and confer. This would be done at the next regularly scheduled municipal election in May 2020. The ballot language would read as "Authorizing the City of Temple to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal firefighters as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages." If an election is had in May, you could not order another election, any sooner than the second anniversary of the date of the election, to determine whether the City may continue to meet and confer.

Option 3: Order a Certification Election to determine whether the Temple Professional Firefighters Association represents a majority of the affected firefighters. Ms. Myers noted that typically this process is used in situations where there may be a question as to whether the association bringing forward the petition, truly represents the majority of the firefighters. Staff would work with the TPFA to determine how the certification election would be conducted. All costs associated with the

certification election would be the responsibility of TPFA. If a certification election is conducted, and a majority of the firefighters vote to have TPFA serve as their representative, then the Council retains the option to then grant recognition (option 1) or order an election (option 2).

Ms. Myers noted it is her recommendation to grant the petition as requested.

Mayor Pro Tem Morales stated it sounded like the Firefighters have spoken.

Mayor Davis, this is a good situation and the City open to this process.

Motion by Councilmember Susan Long adopt resolution granting recognition to TFPA as requested in the Petition and determine by a majority vote that the City may meet and confer under Chapter 142, seconded by Councilmember Jessica Walker.

Motion passed unanimously.

- 14. 2019-9606-R: Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that two properties situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, are necessary for the Outer Loop Phase 6 project and authorizing the use of eminent domain to condemn the properties.**

Christina Demirs, Deputy City Attorney presented this case to the Council. The expansion of Old Waco Road, the Outer Loop, is an important north-south arterial that will connect the Adams Avenue growth corridor to IH 35. This phase is currently under design with construction planned for FY2022. At this time, it is anticipated right-of-way will be needed from 17 properties owned by 13 private citizens or entities, under Chapter 251, Local Government Code § 251.001. The City has acquired one property via an arms-length market transaction once the owner decided to sale. Two of the property owners are also owners of City needed easements for Charter Oak Waterline project. Because two owners of five of the needed rights-of-way are also impacted by the Charter Oak Water Line Project, Staff decided it was in both the owners and City's interest to acquire the needed interests at the same time.

Staff was already working with these two owners for Charter Oak Project when we received the Outer Loop Phase 6 design

showing the need for rights-of-way from each of them. The City has contracted with Stateside Right of Way Services, Inc. (Stateside) to assist with acquisition and relocation services for this project. Appraisals were conducted and offers made based on the appraisals. After negotiations, the City was able to reach an agreement with one property owner. However, after the City and the other property owner have been unable to reach an agreement. The properties needed are legally described as:

- being 3.825-acres, situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, embracing a portion of a called 7.28-acre tract conveyed to Barbara J. Cooper in Document No. 2007-00029394, Official Public Records of Real Property, Bell County, Texas. The property is located along Charter Oak Drive, Temple, Texas (Bell CAD ID #396728).
- being 4.141-acres, situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, embracing a portion of a called 4.705-acre tract conveyed to Barbara J. Cooper in Volume 5574, Page 453, Official Public Records of Real Property, Bell County, Texas. The property is located at 4302 Charter Oak Drive, Temple, Texas (Bell CAD IDs #127051 and 127050).

Parcel 5 is a total of 7.28 acres, of which we need 3.825 acres. Improvements in the part acquired is a 1,659 sf storage shed, with just compensation of \$106,228.

Parcel 6 & 7 is aa total of 4.706 acres, of which we need 4.141 acres. Improvements located within the part to be acquired are, single family residence (homestead); original 1900's residence (unlivable); 244 sf office building; 128 sf green house; 592 sf RV shelter; 900 sf concrete pad with basketball hoop; extra septic system; and concrete and gravel paving, brick pavers, and landscaping, with just compensation at \$229,915.

Total compensation for all parcels needed is \$336,143; and the initial offer was sent August 30, 2019. Multiple meetings and negotiations between Staff and Owner have been had. Despite good faith efforts by both parties, we have been unable to reach an agreement at this time. At this time, Staff is requesting authority to use eminent domain. A final offer will be presented to the owner if Council grants this authorizing; and if not accepted within the 14-days required by law, the City will proceed to condemnation. All negotiations to settle can continue after condemnation proceeding is filed.

This acquisition does require the property owner to relocate. A relocation study was conducted, and results presented to the

property owner as well. A final offer will be sent and if rejected after 14 days and if authorize, a condemnation proceeding can be filed. Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the properties described above.

Motion by Councilmember Susan Long that the City of Temple approve Resolution No. 2019-9606-R and authorize the use of the power of eminent domain to acquire fee simple title to two properties located along Charter Oak Drive in Temple, Texas for the construction Outer Loop Phase 6; the first property being more particularly described as 3.825-acres, situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, embracing a portion of a called 7.28-acre tract conveyed to Barbara J. Cooper in Document No. 2007-00029394, Official Public Records of Real Property, Bell County, Texas and the second property being more particularly described as 4.141-acres, situated in the Nancy Chance Survey, Abstract #5, Bell County, Texas, embracing a portion of a called 4.705-acre tract conveyed to Barbara J. Cooper in Volume 5574, Page 453, Official Public Records of Real Property, Bell County, Texas; seconded by Councilmember Jessica Walker.

Motion passed unanimously.

There being nothing further, Mayor Davis adjourned the meeting at 6:40 p.m.

Judy Morales, Mayor Pro Tem

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, Interim Public Works Director
James Billeck, P.E., Sr. Project Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Eagle Eye Consulting and Construction, LLC, of Temple, for construction of the Gateway Center Water Main Replacement Project, in the amount of \$274,462.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project consists of approximately 1,210 linear feet of new six-Inch and eight-Inch PVC water main to replace an aged water main that provides water to the Gateway Shopping Center and to complete a water main “loop” along Gillmeister Lane with a connection to the existing six inch water main along the 1-35 access road. See the attached project map for more details.

On August 16, 2019, Council authorized an agreement with Clark & Fuller, PLLC (Engineer) in the amount of \$37,220.85 for professional services including design, bidding and construction administration of the Gateway Center Water Main Replacement Project.

On March 21, 2019, two bids were received in the amounts of \$274,462 and \$297,456.61. Per the attached recommendation letter and bid tabulation, Eagle Eye submitted the low bid in the amount of \$274,462. The opinion of probable construction cost was \$305,000.

City Staff and the Engineer agree that Eagle Eye is qualified to complete this project and recommend award of a construction contract for the low bid of \$274,462. Time allotted to substantially complete the water main is 110 calendar days.

FISCAL IMPACT: Funding for the construction contract with Eagle Eye Consulting and Construction, LLC for construction of the Gateway Center Water Main Replacement Project in the amount of \$274,462 is available in account 520-5900-535-6521, project 101943, as follows:

Project Budget	\$	500,000
Encumbered/Committed to Date		(37,412)
Eagle Eye Consulting and Construction, LLC		(274,462)
Remaining Project Funds Available	\$	<u>188,126</u>

ATTACHMENTS:

[Recommendation Letter](#)
[Bid Tabulation](#)
[Project Map](#)
[Resolution](#)



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

March 22, 2018

City of Temple Engineering
Ed Kolacki
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple – 2018 Gateway Center Water Main Replacement Project

Dear Mr. Kolacki,

On March 21, 2019 we received two (2) bids for the 2018 City of Temple – Gateway Center Water Main Replacement Project. We have reviewed each bid for accuracy and completeness. Eagle Eye Consulting and Construction, LLC submitted a Base Bid totaling \$274,462.00. The submitted bid total makes them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's project estimate, for the City of Temple – 2018 Gateway Center Water Main Replacement Project, was \$305,000.00.

We are recommending that the City of Temple award the contract to Eagle Eye Consulting and Construction LLC. and we look forward to working with them on this project.

Sincerely,

Monty Clark, P.E., CPESC



2018 CITY OF TEMPLE GATEWAY CENTER WATER MAIN REPLACEMENT PROJECT

Bid Date: March 21, 2019



No.	Item Description			Bell Contractors, Inc.		Eagle Eye Construction, LLC	
		Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost
1	Site R.O.W. Preparation & Clearing	15.5	STA	\$ 894.30	\$ 13,861.65	\$ 760.00	\$ 11,780.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 14,343.37	\$ 14,343.37	\$ 13,417.00	\$ 13,417.00
3	Sawcut, Remove, and Replace existing HMAc Pavement Section	810	SY	\$ 32.07	\$ 25,976.70	\$ 14.00	\$ 11,340.00
4	Remove and Replace existing Gravel Pavement Section	0.5	SY	\$ 2,241.48	\$ 1,120.74	\$ 630.00	\$ 315.00
5	Sawcut, Remove, and Replace existing Reinforced Concrete Curb and Gutter	30	LF	\$ 72.77	\$ 2,183.10	\$ 41.50	\$ 1,245.00
6	Sawcut, Remove and Replace existing Reinforced Concrete Pavement Section	20	SY	\$ 84.87	\$ 1,697.40	\$ 271.00	\$ 5,420.00
7	Sawcut, Remove, and Replace existing Reinforced Concrete Rip Rap	22	SY	\$ 77.97	\$ 1,715.34	\$ 246.00	\$ 5,412.00
8	Sawcut, Remove and Replace existing Reinforced Concrete Drainage Flume	5	LF	\$ 329.59	\$ 1,647.95	\$ 440.00	\$ 2,200.00
9	Disconnect, Cap, and Abandon Existing Utilities	100%	LS	\$ 2,872.98	\$ 2,872.98	\$ 3,000.00	\$ 3,000.00
10	Pothole, Excavate, and Locate Existing Utilities	100%	LS	\$ 8,943.02	\$ 8,943.02	\$ 5,800.00	\$ 5,800.00
11	Traffic Control Plan	100%	LS	\$ 11,215.81	\$ 11,215.81	\$ 6,500.00	\$ 6,500.00
12	Trench Safety Plan	100%	LS	\$ 3,724.48	\$ 3,724.48	\$ 5,900.00	\$ 5,900.00
13	Storm Water Pollution Prevention Plan	100%	LS	\$ 5,119.30	\$ 5,119.30	\$ 4,300.00	\$ 4,300.00
14	Connection to Existing Water Main and/or Fire Main	8	EA	\$ 1,072.86	\$ 8,582.88	\$ 1,100.00	\$ 8,800.00
15	New 8" PVC C900 DR18 Water Main	410	LF	\$ 55.17	\$ 22,619.70	\$ 70.00	\$ 28,700.00
16	New 6" PVC C900 DR18 Water Main	720	LF	\$ 84.99	\$ 61,192.80	\$ 79.00	\$ 56,880.00
17	New 6" PVC C900 DR14 Water Main	80	LF	\$ 105.75	\$ 8,460.00	\$ 61.00	\$ 4,880.00
18	New 16" Steel Pipe Encasement	20	LF	\$ 162.87	\$ 3,257.40	\$ 149.00	\$ 2,980.00
19	New 12" Steel Pipe Encasement via bore	40	LF	\$ 349.95	\$ 13,998.00	\$ 269.00	\$ 10,760.00
20	New 12" Steel Pipe Encasement	20	LF	\$ 118.71	\$ 2,374.20	\$ 107.00	\$ 2,140.00
21	12"x8" MJ Tapping Sleeve and Valve Assembly	2	EA	\$ 4,463.26	\$ 8,926.52	\$ 5,228.00	\$ 10,456.00
22	12"x6" MJ Tapping Sleeve and Valve Assembly	1	EA	\$ 3,957.56	\$ 3,957.56	\$ 5,285.00	\$ 5,285.00
23	8"x6" MJ Tee	1	EA	\$ 627.04	\$ 627.04	\$ 900.00	\$ 900.00
24	6"x6" MJ Tee	1	EA	\$ 554.24	\$ 554.24	\$ 840.00	\$ 840.00
25	6" MJ Gate Valve	3	EA	\$ 1,003.58	\$ 3,010.74	\$ 1,135.00	\$ 3,405.00
26	8" MJ 45 Degree Bend	8	EA	\$ 516.54	\$ 4,132.32	\$ 424.00	\$ 3,392.00
27	6" MJ 45 Degree Bend	12	EA	\$ 445.04	\$ 5,340.48	\$ 339.00	\$ 4,068.00
28	8"x6" MJ Reducer	1	EA	\$ 464.54	\$ 464.54	\$ 482.00	\$ 482.00
29	End of Line Flush Assembly	1	EA	\$ 2,036.78	\$ 2,036.78	\$ 2,930.00	\$ 2,930.00
30	New Standard Fire Hydrant Assembly	1	EA	\$ 5,306.52	\$ 5,306.52	\$ 5,860.00	\$ 5,860.00
31	Remove and Relocate Check Valve and Vault	1	EA	\$ 5,179.01	\$ 5,179.01	\$ 6,175.00	\$ 6,175.00
32	Remove and Relocate Existing Domestic Water Meter and Box and Provide New Connection to Existing Domestic Water	5	EA	\$ 2,576.45	\$ 12,882.25	\$ 3,050.00	\$ 15,250.00
33	New Water Service and Connection to Existing Water Main	10	EA	\$ 2,275.38	\$ 22,753.80	\$ 1,625.00	\$ 16,250.00
34	All Testing per TCEQ and City of Temple Requirements	100%	LS	\$ 7,377.99	\$ 7,377.99	\$ 7,400.00	\$ 7,400.00
Total Base Bid					\$ 297,456.61		\$ 274,462.00

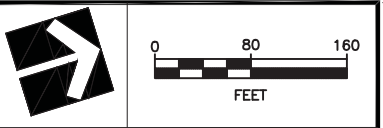
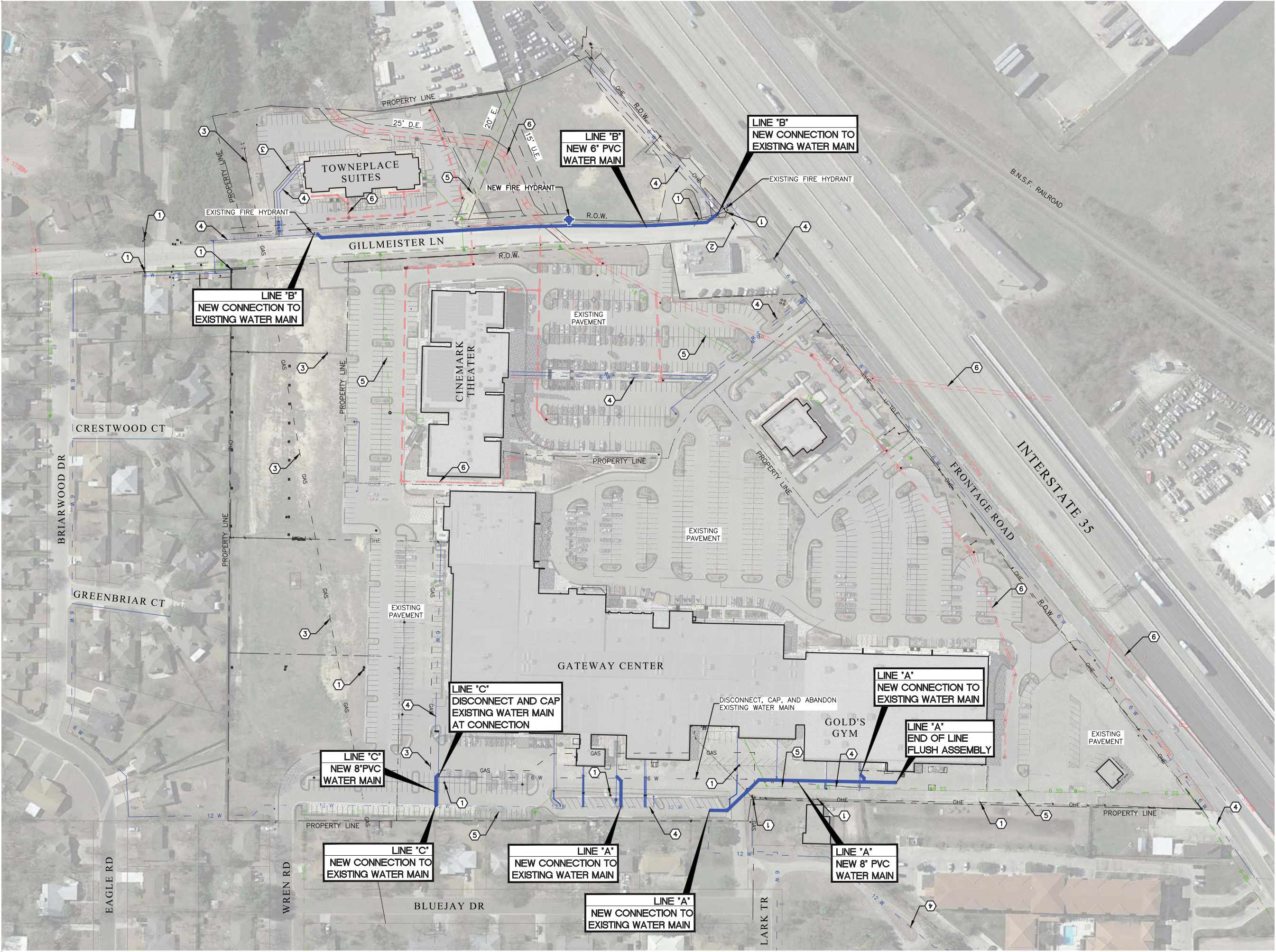


2018 CITY OF TEMPLE GATEWAY CENTER WATER MAIN REPLACEMENT PROJECT

Bid Date: March 21, 2019



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Total Base Bid					\$ 297,456.61		\$ 274,462.00



LEGEND

NEW PVC WATER MAIN

KEYED NOTES

1. CAUTION!!! EXISTING POWER POLE/LIGHT POLE
2. CAUTION!!! OVERHEAD ELECTRIC
3. CAUTION!!! EXISTING GAS MAIN/METER
4. EXISTING WATER MAIN/METER
5. EXISTING SANITARY SEWER
6. EXISTING STORM SEWER
7. NEW DOMESTIC WATER/FIRE SERVICE (REFER TO UTILITY/PLAN AND PROFILE SHEETS FOR CONSTRUCTION)

NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
2. EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.

PAVEMENT REPLACEMENT NOTES:

1. IT IS THE CONTRACTORS RESPONSIBILITY TO SAWCUT, REMOVE, AND REPLACE EXISTING PAVEMENT, AS REQUIRED, TO FACILITATE NEW UTILITY CONSTRUCTION.



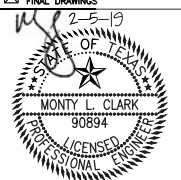
2018 CITY OF TEMPLE
GATEWAY CENTER
WATER MAIN
REPLACEMENT PROJECT
TEMPLE, TEXAS

CIVIL SITE PLAN

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK P.E. 90894, CLARK & FULLER, PLLC FIRM NO: F-10384.
☐ FOR REVIEW: THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.
☒ FOR CONSTRUCTION: FINAL DRAWING

Designed	MLC
Drafted	JRC
Project No	181905.00
Plot Date	2-5-19



C2.1

RESOLUTION NO. 2019-9607-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH EAGLE EYE CONSULTING AND CONSTRUCTION, LLC OF TEMPLE, TEXAS IN THE AMOUNT OF \$274,462, FOR CONSTRUCTION OF THE GATEWAY CENTER WATER MAIN REPLACEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project consists of approximately 1,210 linear feet of new 6-inch and 8-inch PVC water main to replace an aged water main that provides water to the Gateway Shopping Center and to complete a water main “loop” along Gillmeister Lane with a connection to the existing 6-inch water main along the Interstate Highway 35 access road;

Whereas, on August 16, 2018, Council authorized an agreement with Clark & Fuller, PLLC (Engineer) for professional services including design, bidding and construction administration of the Gateway Center Water Main Replacement Project;

Whereas, on March 21, 2019 two bids were received in the amounts of \$274,462.00 and \$297,456.61 - Eagle Eye Consulting and Construction, LLC (Eagle Eye) submitted the low bid in the amount of \$274,462.00;

Whereas, City Staff and the Engineer agree that Eagle Eye is qualified to complete this project and recommend Council authorize a construction contract with Eagle Eye Consulting and Construction, LLC in the amount of \$274,462.00;

Whereas, funding is available for this construction contract in Account No. 520-5900-535-6521, Project No. 101943; 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 Eagle Eye Consulting and Construction, LLC, of Temple, Texas in the amount of \$274,462, for construction of the Gateway Center Water Main Replacement Project.

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

PASSED AND APPROVED this the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Buford Craig, Director of Transform Temple
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Louie Minor Construction, LLC of Belton, for the asbestos abatement and demolition of the property located at 2 North 5th Street, in the amount of \$57,600.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City recently acquired the property located at 2 North 5th Street, the former Temple Chamber of Commerce, to make way for additional parking for the Santa Fe Plaza area. The proposed asbestos abatement and demolition contract will provide for the clearing of this property.

As shown on the attached bid tabulation, seven bids were received for the asbestos abatement and demolition project on March 21, 2019. Five of the seven bids were responsive, and the responsive bids ranged from \$57,600 to \$76,900. Staff is recommending award of the bid to the low bidder, Louie Minor Construction, LLC of Belton, in the amount of \$57,600.

Louie Minor Construction, LLC has proven to be a responsible vendor on previous demolitions performed for the City. The proposed contract indicates a completion date no later than June 30, 2019.

At its March 27th meeting, the Reinvestment Zone Board No. 1 unanimously recommended approval of this contract.

FISCAL IMPACT: Funding for the contract with Louie Minor Construction, LLC in the amount of \$57,600 for the asbestos abatement and demolition of the property located at 2 North 5th Street is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, Account 795-9500-531-6870, project 101008, as follows:

Project Budget	\$	15,112,538
Encumbered/Committed to Date		(14,870,532)
Louie Minor Construction, LLC		(57,600)
Remaining Project Funds	\$	<u>184,406</u>

ATTACHMENTS:

[Bid Tabulation](#)
[Resolution](#)

**Tabulation of Bids Received
on March 21, 2019 at 2:00 pm
Demolition with Asbestos Abatement of a Commercial Structure located at
2 N 5th St (Former Temple Chamber of Commerce Bldg)
Bid# 95-03-19**

	Bidders						
	AAR Incorporated Houston, TX	Building Abatement Demolition Co, Inc Liberty Hill, TX	Garrett Demolition, Inc Burleson, TX	Total Demolition, Inc West, TX	Bell County Iron Recycling Inc Temple, TX	Midwest Wrecking Co of Texas, Inc Fort Worth, TX	Louie Minor Construction, LLC Killeen, TX
Description							
Asbestos Abatement	\$24,789.00	\$28,900.00	\$41,257.50	Not Submitted	\$37,332.50	\$28,600.00	\$26,000.00
Demolition	\$34,700.00	\$48,000.00	\$19,562.50	Not Submitted	\$57,091.50	\$33,515.00	\$31,600.00
Total Base Bid	\$59,489.00	\$76,900.00	\$60,820.00	\$56,000.00	\$94,424.00	\$62,115.00	\$57,600.00
Abatement of Floor Tile (Cost per SF)	\$2.25 per sf	\$2.00 per sf	\$3.00 per sf	Not Submitted	\$2.50 per sf	\$5.00 per sf	\$2.00 per sf
Abatement of Mirror Mastic (Cost per SF)	\$2.25 per sf	\$1.90 per sf	\$3.25 per sf	Not Submitted	\$2.75 per sf	\$5.00 per sf	\$2.00 per sf
Acknowledge Addendum (1)	Yes	Yes	Yes	No	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	No	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	No	Yes	Yes
Credit Check Authorization	No	Yes	Yes	Yes	Yes	Yes	Yes
Exceptions	No	No	No	No	No	No	No

Recommended for Council Award
Non-Responsive Bid

RESOLUTION NO. 2019-9608-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEMOLITION CONTRACT WITH LOUIE MINOR CONSTRUCTION, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$57,600, FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF THE PROPERTY LOCATED AT 2 NORTH 5TH STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City recently acquired the property located at 2 North 5th Street, the former Temple Chamber of Commerce, to make way for additional parking for the Santa Fe Plaza area - the proposed asbestos abatement and demolition contract will provide for the clearing of this property;

Whereas, on March 21, 2019, seven bids were received for the asbestos abatement and demolition project, and five of the seven bids were responsive ranging from \$57,600 to \$76,900, with Louie Minor Construction, LLC providing the low bid in the amount of \$57,600;

Whereas, Louie Minor Construction, LLC has proven to be a responsible vendor on previous demolitions performed for the City and Staff recommends Council authorize a demolition contract with the low bidder, Louie Minor Construction, LLC of Belton, Texas, in the amount of \$57,600;

Whereas, funds are available for this demolition contract in Account No. 795-9500-531-6870, Project No. 101008; 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 demolition contract with Louie Minor Construction, LLC of Belton, Texas in the amount of \$57,600, for the asbestos abatement and demolition of the property located at 2 North 5th Street.

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

PASSED AND APPROVED this the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Buford Craig, Director of Transform Temple
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Garrett Demolition, Inc. of Burleson, for the asbestos abatement and demolition of the property located at 503 North General Bruce Drive, in the amount of \$110, 228.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City recently acquired the property located at 503 North General Bruce Drive, the former Johnson Brothers auto dealership, to make way for gateway improvements along I-35 and a new entrance into Temple High School. The proposed asbestos abatement and demolition contract will provide for the clearing of this property.

As shown on the attached bid tabulation, 11 bids were received for the asbestos abatement and demolition project on March 21, 2019. Eight of the 11 bids were responsive, and the responsive bids ranged from \$110,228 to \$253,389. Staff is recommending award of the bid to the low bidder, Garrett Demolition, Inc. of Burleson, in the amount of \$110,228.

Garrett Demolition, Inc. has proven to be a responsible vendor on previous demolitions performed for the City. The proposed contract indicates a completion date no later than June 30, 2019.

At its March 27th meeting, the Reinvestment Zone Board No. 1 unanimously recommended approval of this contract.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 602, Account 795-9500-531-6571, project 101798, for a contract with Garrett Demolition, Inc. for the asbestos abatement and demolition of the property located at 503 N. General Bruce Drive in the amount of \$110,228 as follows:

Project Budget	\$	2,552,000
Encumbered/Committed to Date		(2,327,526)
Garrett Demolition, Inc.		(110,228)
Remaining Project Funds Available	\$	<u>114,246</u>

ATTACHMENTS:

[Bid Tabulation](#)
[Resolution](#)

Tabulation of Bids Received
on March 21, 2019 at 2:30 pm
Demolition with Asbestos Abatement of a Commercial Structure located at
503 N General Bruce Dr (Former Auto Dealership Bldg)
Bid# 95-04-19

Description	Bidders			
	AAR Incorporated Houston, TX	Building Abatement Demo Co Inc Liberty Hill, TX	Grant Mackay Company, Inc Houston, TX	Garrett Demolition, Inc Burleson, TX
Asbestos Abatement	\$11,789.00	\$19,600.00	Not Submitted	\$13,620.50
Demolition	\$241,600.00	\$195,500.00	Not Submitted	\$96,607.50
Total Base Bid	\$253,389.00	\$215,100.00	\$214,000.00	\$110,228.00
Abatement of Floor Tile (Cost per SF)	\$3.40 per sf	\$2.00 per sf	Not Submitted	\$3.00 per sf
Abatement of Mirror Mastic (Cost per SF)	\$8.00 per sf	\$35.00 per sf	Not Submitted	\$4.75 per sf
Acknowledge Addendum (2)	Yes	Yes	No	Yes
Bid Bond	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	No	Yes	Yes	Yes
Exceptions	No	No	No	No

Description	Bidders			
	Total Demolition, Inc West, TX	Matrix Demolition, LLC Aledo, TX	Bell County Iron Recycling Inc Temple, TX	Midwest Wrecking Co of Texas, Inc Ft Worth, TX
Asbestos Abatement	Not Submitted	\$11,750.00	Not Submitted	\$11,300.00
Demolition	Not Submitted	\$108,000.00	Not Submitted	\$106,900.00
Total Base Bid	\$230,500.00	\$119,750.00	\$278,000.00	\$118,200.00
Abatement of Floor Tile (Cost per SF)	Not Submitted	\$2.25 per sf	Not Submitted	\$3.50 per sf
Abatement of Mirror Mastic (Cost per SF)	Not Submitted	\$4.65 per sf	Not Submitted	\$5.50 per sf
Acknowledge Addendum (2)	No	Yes	Only 1 Addenda Acknowledged	Yes
Bid Bond	Yes	Yes	No	Yes
Bond Requirement Affidavit	Yes	Yes	No	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes
Exceptions	No	No	No	No

Description	Bidders		
	Lloyd D Nabors Demolition, LLC Hutchins, TX	Robles 1, LLC Cibolo, TX	Louie Minor Construction, LLC Killeen, TX
Asbestos Abatement	\$13,800.00	\$12,000.00	\$12,000.00
Demolition	\$119,700.00	\$198,000.00	\$169,209.80
Total Base Bid	\$133,500.00	\$210,000.00	\$181,209.80
Abatement of Floor Tile (Cost per SF)	\$2.60 per sf	\$2.50 per sf	\$2.25 per sf
Abatement of Mirror Mastic (Cost per SF)	\$2.60 per sf	\$4.00 per sf	\$2.25 per sf
Acknowledge Addendum (2)	Yes	Yes	Yes
Bid Bond	Yes	Yes, not on City form	Yes
Bond Requirement Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes
Exceptions	No	No	No

Recommended for Council Award
Non-Responsive Bid

RESOLUTION NO. 2019-9609-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEMOLITION CONTRACT WITH GARRETT DEMOLITION, INC. OF BURLESON, TEXAS IN THE AMOUNT OF \$110,228, FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF THE PROPERTY LOCATED AT 503 NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City recently acquired the property located at 503 North General Bruce Drive, the former Johnson Brothers auto dealership, to make way for gateway improvements along I-35 and a new entrance into Temple High School - the proposed asbestos abatement and demolition contract will provide for the clearing of this property;

Whereas, on March 21, 2019, eleven bids were received for the asbestos abatement and demolition project, and eight of the eleven bids were responsive ranging from \$110,228 to \$253,389, with Garrett Demolition, Inc. providing the low bid in the amount of \$110,228;

Whereas, at its March 27, 2019 meeting, the Reinvestment Zone Board No. 1 unanimously recommended approval of this demolition contract;

Whereas, Garrett Demolition, Inc. has proven to be a responsible vendor on previous demolitions performed for the City, and Staff recommends Council authorize a demolition contract with the low bidder, Garrett Demolition, Inc. of Burleson, Texas in the amount of \$110,228;

Whereas, funding is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 602, Account No. 795-9500-531-6571, Project No. 101798; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a demolition contract with Garrett Demolition, Inc. of Burleson, Texas in the amount of \$110,228, for the asbestos abatement and demolition of the property located at 503 North General Bruce Drive.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, Interim Public Works Director
James Billeck, P.E., Sr. Project Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Yoko Excavating, LLC, of Belton, for the construction of a West Adams Avenue sidewalk from Woodbridge Boulevard to Olaf Drive, in the amount of \$81,866.50.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Summary.

ITEM SUMMARY: Included in the City's 2018-2019 Community Development Block Grant (CDBG) Action Plan is funding for a sidewalk along West Adams Avenue at Woodbridge Boulevard. The project includes installation of a five-foot wide sidewalk and necessary ADA ramps. See attached map.

As shown on the attached bid tabulation, two responsive bids were received for the project on March 21st with bids, including the add alternate bid, ranging from \$81,866.50 to \$82,798.19. Yoko Excavating, LLC submitted the low responsive total bid, comprised of a Base Bid of \$61,994.50 and add alternate bid of \$19,872. The add alternate allows for the reconstruction of two driveway entrances and necessary ADA ramps. A third bid was received from TCB Construction, Inc. in the amount of \$81,222.50, but TCB did not submit the required CDBG forms, and accordingly, their bid was deemed non-responsive.

Per the attached Recommendation Letter, the consultant and City Staff recommend that the Base Bid and Add Alternate be constructed at this time based on funds that are available in the CDBG program.

The proposed construction contract will provide for substantial completion of the project no later than June 14, 2019.

FISCAL IMPACT: Funding for the construction contract with Yoko Excavating, LLC for the construction of a West Adams Avenue sidewalk from Woodbridge Boulevard to Olaf Drive in the amount of \$81,866.50 is available in account 260-6100-571-6315, project 101711, as follows:

Project Budget	\$	107,361
Encumbered/Committed to Date		(19,979)
Yoko Excavating, LLC		(81,867)
Remaining Project Funds Available	\$	<u>5,515</u>

ATTACHMENTS:

[Project Map](#)
[Bid Tabulation](#)
[Recommendation Letter](#)
[Resolution](#)

FILE: P:\Temple\2018\2018-118\CAD\Exhibit\Overall.dwg LAST SAVED: 3/22/2019 10:42:30 AM LAYOUT: G-05 OVERALL MAP (2)



0 30 60

HORIZONTAL SCALE IN FEET

S80° 35' 21"E 12.76'

S72° 49' 10"E 791.71'

13'

ADD ALTERNATE BID
115'
(STA. 1+07.72 TO STA. 2+22.44)
SEE SHEET PP-01

BASE BID
(STA. 2+22.44 TO STA. 9+04.47)
SEE SHEETS PP-02 THROUGH PP-04

W ADAMS AVE.

W ADAMS AVE.

WOODBRIDGE BLVD.



SIDEWALK ALONG
ADAMS AVE. AT
WOODBRIDGE BLVD.

EXHIBIT A - PROJECT LIMITS

MARCH 2019

LEGEND

WORK AREA

BID TABULATION
CITY OF TEMPLE
SIDEWALK ALONG ADAMS AVE. AT WOODBRIDGE BLVD.
March 21, 2019; 3:00 PM

				BIDDER INFORMATION					
				Yoko Excavating, LLC 2608 N. Main St., Ste B282 Belton, Texas 76513		Lone Star Grading & Materials, LLC P.O. Box 1162 Salado, Texas 76571		TCB Construction, Inc. P.O. Box 81642 Austin, Texas 78708	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID									
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 2,700.00	\$ 2,700.00	\$ 1,592.65	\$ 1,592.65	\$ 10,000.00	\$ 10,000.00
2	9.18	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	500.00	* 4,590.00	700.00	6,426.00	1,200.00	11,016.00
3	100%	LS	Implement and Administer Barricade, Signing and Traffic Safety Plan (Vehicular and Pedestrian)	7,342.00	7,342.00	9,354.14	9,354.14	2,500.00	2,500.00
4			This Item Intentionally Left Blank		-		-		-
5	100%	LS	Provide DVD of right-of-way pre-construction and post construction site conditions for the total project	500.00	500.00	282.23	282.23	2,000.00	2,000.00
6	150	CY	Unclassified Excavation	22.50	3,375.00	32.31	4,846.50	20.00	3,000.00
7	400	SY	Furnish & Install Concrete Sidewalk	49.50	19,800.00	63.64	25,456.00	52.74	21,096.00
8	100%	LS	Furnish and Install Concrete Flume with Steel Diamond Plate	1,325.00	1,325.00	2,503.65	2,503.65	2,500.00	2,500.00
9	10	EA	Irrigation Line Relocation, and Adjustment along the Project Route as Shown on Sheet D-01	375.00	3,750.00	84.67	846.70	71.50	715.00
10	675	LF	Furnish, Install, Maintain and Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	3.50	2,362.50	3.50	2,362.50	2.00	1,350.00
11	1,000	SY	Furnish & Install St. Augustine Sod or Hydromulch with Flexible Growth Medium, Including Fertilizing & Watering to Promote and Establish Growth	16.25	16,250.00	4.31	4,310.00	2.50	2,500.00
TOTAL BASE BID AMOUNT - (Items 1 - 11)					\$ 61,994.50		\$ 57,980.37		\$ 56,677.00

* - Extended Amount did not equal product of Estimated Quantity and Unit Price.

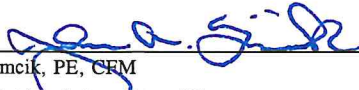
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE									
AA1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 575.00	\$ 575.00	\$ 1,200.00	\$ 1,200.00	\$ 100.00	\$ 100.00
AA2	1.5	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	500.00	750.00	1,207.59	1,811.39	1,200.00	1,800.00
AA3	75	SY	Furnish & Install Concrete Sidewalk	49.50	3,712.50	63.64	4,773.00	52.74	3,955.50
AA4	25	CY	Unclassified Excavation	22.50	562.50	32.31	807.75	20.00	500.00
AA5	210	LF	Sawcut Existing Driveway	3.75	787.50	3.97	833.70	10.00	2,100.00
AA6	176	SY	Concete Driveway Demolition and Removal	13.50	2,376.00	12.31	2,166.56	31.50	5,544.00
AA7	176	SY	Furnish & Install Concrete Driveway Section	58.50	10,296.00	73.92	13,009.92	58.50	10,296.00
AA8	50	SY	Furnish & Install St. Augustine Sod or Hydromulch with Flexible Growth Medium, Including Fertilizing & Watering to Promote and Establish Growth	16.25	812.50	4.31	215.50	5.00	250.00
TOTAL ADD ALTERNATE AMOUNT - (Items AA1 - AA8)					\$ 19,872.00		\$ 24,817.82		\$ 24,545.50

Did Bidder Acknowledge Addendum No. 1	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES
Did Bidder provide required documents?	YES	YES	NO

				BIDDER INFORMATION		
				Yoko Excavating, LLC 2608 N. Main St., Ste B282 Belton, Texas 76513	Lone Star Grading & Materials, LLC P.O. Box 1162 Salado, Texas 76571	TCB Construction, Inc. P.O. Box 81642 Austin, Texas 78708
TOTAL BASE BID AMOUNT -				\$ 61,994.50	\$ 57,980.37	\$ 56,677.00
TOTAL BASE BID PLUS ADD ALTERNATE AMOUNT -				\$ 81,866.50	\$ 82,798.19	\$ 81,222.50

☐ - Bidder did not submit required CDBG forms; accordingly, bid was determined non-responsive.

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


John A. Simcik, PE, CFM
Kasberg, Patrick & Associates, LP
3/22/19
Date



* Extended Amount did not equal product of Estimated Quantity and Unit Price. Extended Amount has been corrected.



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

March 25, 2019

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

Re: City of Temple
Sidewalk Along Adams Ave. at Woodbridge Blvd. (CDBG Project)

Dear Ms. Carlos:

On March 21, 2019, the City of Temple received bids from three (3) 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 approximately 800-feet of pedestrian improvements along W. Adams Avenue from approximately 75-feet east of Olaf Drive to Woodbridge Blvd. The pedestrian improvements consist of a 5-foot wide sidewalk and driveway improvements (Add Alternate) . Below is a summary and low bid price for each bid alternative for this project:

- **Base Bid (\$61,994.50)** – The Base Bid for this project consists of 5-foot wide sidewalk improvements from the east driveway of the Quick Shop N Go (Exxon gas station) to the existing curb ramp at Woodbridge Blvd.
- **Add Alternate (\$19,872.00)** – The Add Alternate consists of reconstructing the two driveways at Quick Shop N Go to be ADA compliant, including connecting sidewalk sections necessary to create a continuous ADA compliant path linking the Base Bid improvements to existing sidewalk.

Ms. Sharon Carlos, P.E.
March 25, 2019
Page 2

The Final Opinion of Probable Costs for Base Bid for this project was \$54,000.00. The Final Opinion of Probable Costs for Base Bid plus Add Alternate for this project was \$74,000.00. The attached Bid Tabulation shows Yoko Excavating, LLC of Belton, Texas as the lowest responsive bidder for the combination of the Base Bid plus the Add Alternate. TCB Construction, Inc. submitted a lower bid, but did not submit all required forms and therefore was deemed non-responsive. Yoko Excavating, LLC has successfully completed similar projects for the City of Temple. Additionally, we have contacted references for Yoko Excavating and received positive comments from each. Based on our understanding of the available budget from discussions with City Staff, we recommend that a contract be awarded to Yoko Excavating, LLC for the Sidewalk Along Adams Ave. at Woodbridge Blvd. (CDBG Project) Project for the Base Bid plus Add Alternate in the amount of **\$81,866.50**.

Sincerely,



John A. Simcik, P.E., CFM

JAS/

xc: Belinda Mattke, CPA, Director of Purchasing, City of Temple (Original)
Javier Alonzo, Yoko Excavating, LLC
2018-118-40

RESOLUTION NO. 2019-9610-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT, WITH YOKO EXCAVATING, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$81,866.50, FOR THE CONSTRUCTION OF A WEST ADAMS AVENUE SIDEWALK FROM WOODBRIDGE BOULEVARD TO OLAF DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, included in the City's 2018-2019 Community Development Block Grant (CDBG) Action Plan is funding for a sidewalk along West Adams Avenue at Woodbridge Boulevard - the project includes installation of a 5-foot wide sidewalk and necessary ADA ramps;

Whereas, on March 21, 2019, two bids were received for the project with bids, including the add alternate bid, ranging from \$81,866.50 to \$82,798.19 - Yoko Excavating, LLC of Belton, Texas submitted the low responsive total bid, comprised of the Base Bid of \$61,994.50 and Add Alternate bid of \$19,872.00;

Whereas, the Add Alternate allows for the reconstruction of two driveway entrances and necessary ADA ramps;

Whereas, Staff recommends Council authorize a construction contract accepting the Base Bid and Alternate No. 1 with Yoko Excavating, LLC of Belton, Texas in the amount of \$81,866.50, for the construction of a West Adams Avenue sidewalk from Woodbridge Boulevard to Olaf Drive;

Whereas, funding is available for this construction contract in Account No. 260-6100-571-6315, Project No. 101711; 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 Yoko Excavating, LLC of Belton, Texas in the amount of \$81,866.50, for the construction of a West Adams Avenue sidewalk from Woodbridge Boulevard to Olaf Drive.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY S. MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
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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 Neighborhood Districts for Downtown Temple and the connecting neighborhoods, in an amount not to exceed \$84,600.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Work to be performed under this contract consists of planning, landscape architecture and engineering services to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods. The planning studies will consist of neighborhood distinction, data collection, connectivity, identity classification, and production materials. The final product will be a complete mapping system for the Downtown Neighborhood Overlay as well as individual maps for each defined neighborhood.

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

Neighborhood Distinction	\$ 12,900
Data Collection	\$ 16,900
Connectivity	\$ 18,800
Identity Classification	\$ 19,100
Production Materials	<u>\$ 16,900</u>
TOTAL	<u>\$ 84,600</u>

Timeframe for design is three months from the Notice to Proceed.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 604, account 795-9500-531-2616, project 102019, to fund this professional services agreement with Kasberg, Patrick and Associates, LP, to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods, in an amount not to exceed \$84,600.

Project Budget	\$	100,000
Encumbered/Committed to Date		-
Professional Services Agreement - Kasberg, Patrick and Associates, LP		(84,600)
Remaining Project Funds Available	\$	<u>15,400</u>

ATTACHMENT:
[Engineer's 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

September 14, 2018

Erin Smith
Assistant City Manager
City of Temple
2 N Main Street
Temple, Texas 76501

Re: City of Temple
Downtown Neighborhood Overlay

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 Neighborhood Districts for Downtown Temple and the connecting neighborhoods. The final product will be a complete mapping system for the Downtown Neighborhood Overlay as well as individual maps for each defined neighborhood.

The work to be performed by KPA and Covey Landscape Architects under this contract consists of providing planning, landscape architecture and engineering services for design of the project described above. The timeframe for design of the project is three (3) months from the Notice to Proceed.

KPA and Covey Landscape Architects will perform all work and prepare all deliverables in accordance with the latest version of the 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:

I. PLANNING STUDIES

- A. Neighborhood Distinction – The first process for this project will be to define the specific areas and borders for the neighborhoods for the downtown and surrounding connective areas. It is anticipated there will be numerous meetings with City Staff and the designated sub-committee from the Temple Reinvestment Zone (TRZ). The goal of this phase of the project is to determine the number of defined neighborhoods and boundaries to assist in planning, inventories and neighborhood indemnity as well as prepare areas that City Staff can utilize for neighborhood enhancements and participation. It is anticipated that there will be in the range of fifteen (15) to twenty (20) defined neighborhoods.
- B. Data Collection – Once the neighborhoods are identified the data collection phase will begin. Inventory analysis will be conducted for each neighborhood to identify assets, need and challenges. All assets will be identified on each individual map/exhibit for individual neighborhoods. Assets shall include, but not be limited to:
 - 1. Streets
 - 2. Parks
 - 3. Churches
 - 4. Schools
 - 5. Other amenities
- C. Connectivity – With the neighborhood boundaries and assets identified, connectivity between the neighborhoods and with the Downtown District will be determined. Arterials, collectors, and local roadways providing connectivity will be identified. This will assist in identifying connection points for asset management.
- D. Identity Classification – After boundaries for each neighborhood have been set, the identification process will begin. Each neighborhood will receive a unique identity through naming. The process will involve City Staff and the TRZ committee.
- E. Production Materials – After all boundaries, assets, connectivity, identification, etc. are completed exhibits will be developed. There will be an overall exhibit to illustrate the extent of the Downtown Neighborhood overlays and the connectivity to gateways, downtown, major identifiers, etc. Individual maps will also be created for each individual neighborhood. All maps and exhibits will be plotted and delivered to City Staff.

The following scope of work for the Downtown Neighborhood Overlay can be completed for the lump sum price of \$84,600. 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.

	Neighborhood Distinction		\$	12,900.00
	Data Collection		\$	16,900.00
	Connectivity		\$	18,800.00
	Identity Classification		\$	19,100.00
	Production Materials		\$	16,900.00
	TOTAL		\$	84,600.00

Sincerely,



R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

**City of Temple
Downtown Neighborhood Overlay**

<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. 2019-9611-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 \$84,600, TO DEVELOP NEIGHBORHOOD DISTRICTS FOR DOWNTOWN TEMPLE AND THE CONNECTING NEIGHBORHOODS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, engineering services are needed to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods which will consist of planning, landscaping and architecture - these planning studies will consist of neighborhood distinction, data collection, connectivity, identity classification, and production materials;

Whereas, the final product will be a complete mapping system for the Downtown Neighborhood Overlay as well as individual maps for each defined neighborhood;

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP of Temple, Texas in the amount of \$84,600, to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods;

Whereas, funding for this professional service agreement is available in the Reinvestment Zone No. 1 Financing and Project Plan, Line 604, Account No. 795-9500-531-2616, Project No. 102019; 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 \$84,600, to develop Neighborhood Districts for Downtown Temple and the connecting neighborhoods.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
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Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Bates, Director of Engagement & Marketing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Slate Communications, LLC of Fort Collins, Colorado, for graphic design services required to complete branding and design of City of Temple plans in the amount of \$36,250.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Work to be performed under this professional services agreement consists of graphic design services for the City of Temple. Currently the City is working with Development Counsellors International (DCI) and other community partners to establish a cohesive community marketing strategy. This strategy will include a 12-month marketing plan. To further improve the internal marketing efforts of the City of Temple, as an organization, we are recommending to move forward with Slate Communications to establish a brand for all Master Plans.

Consultant services recommended under this professional services agreement include:

1. Brand Development- \$6,125
 - Understanding of existing brand, collateral, and communications.
 - Creative naming of engagement program and key plans
 - Logo/Icon development for key plans
 - Brand/Style guide with developed colors, fonts and graphic elements
2. Strategic Plan - \$5,125
 - Comprehensive Design to include two cover options, interior templated pages and full production of Strategic Plan.

3. Budget Book - \$13,000
 - Comprehensive Design to include two cover options, interior templated pages, creation of template for budget charts, production of budget book, and two rounds of revisions. This includes a four-page, highly visual summary of the budget.
4. Comprehensive Plan - \$7,500
 - Design of cover and separator pages. This includes a four-page, highly visual summary of key Comprehensive Plan concepts.
5. Parks & Trails Master Plan - \$4,500
 - Design of cover and separator pages. This includes a one-page, highly visual summary of key Parks & Trails Master Plan concepts.
6. Other Plans – Associated costs are included in the Brand Development fee
 - Downtown Master Plan
 - Water and Wastewater Master Plans
 - Drainage Master Plan
 - Quality of Life Plan
 - Library Master Plan
 - Sidewalks & Trails Master Plan
 - Airport Land Use Plan
 - Bend of the River Master Plan
 - Golf Course Master Plan
 - Summit Recreation Master Plan

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the professional services agreement with Slate Communications, LLC for graphic design services required to complete branding and design of several upcoming mater plans. Funding in the amount of \$36,250 is available as shown below:

Branding & Design Service	Account Number	Funding
Brand Development	110-1100-513-2616	\$ 6,125
Strategic Plan	110-1000-511-2616	\$ 5,125
Budget Book & Brief	110-1000-511-2616	\$ 13,000
Comprehensive Plan & Summary	110-1500-515-2616	\$ 2,500
	292-2900-534-2616	\$ 2,500
	520-5000-535-2616	\$ 2,500
PARD Plan & Executive Summary	110-4100-551-2616	\$ 4,500
Total Available Funding		\$ 36,250

ATTACHMENTS:
Budget Adjustment
Resolution

BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

+

—

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-1500-515-26-16		Contracted Srvcs / Professional	\$ 2,500	
110-1500-515-65-31		Capital / Contingency		2,500
TOTAL.....			\$ 2,500	\$ 2,500

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

To reallocate funding for graphic design services by Slate Communications for:

*Comprehensive Plan (Design of Cover & Separator Pages) - \$2,500

*Comprehensive Plan Summary - \$5,000

This will be split equally amongst the General Fund, Drainage Fund and Water/Wastewater Fund - similar to the actual comprehensive plan approved in the FY 2019 Budget. This budget adjustment is for General Fund's portion only.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x	Yes
----------	-----

☐ No

DATE OF COUNCIL MEETING 04/04/19

04/04/19

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2019-9612-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH SLATE COMMUNICATIONS, LLC OF FORT COLLINS, COLORADO IN THE AMOUNT OF \$36,250, FOR GRAPHIC DESIGN SERVICES REQUIRED TO COMPLETE BRANDING AND DESIGN OF CITY OF TEMPLE MASTER PLANS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently working with Development Counsellors International (DCI) and other community partners to establish a cohesive community marketing strategy and will include a 12-month marketing plan;

Whereas, to further improve the internal marketing efforts of the City, Staff recommends Council authorize a professional services agreement with Slate Communications, LLC of Fort Collins, Colorado in the amount of \$36,250, for graphic design services required to complete branding and design of City of Temple Master Plans;

Whereas, funds are available for this agreement, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to the following accounts:

Branding & Design Service	Account Number	Funding
Brand Development	110-1100-513-2616	\$ 6,125
Strategic Plan	110-1000-511-2616	\$ 5,125
Budget Book & Brief	110-1000-511-2616	\$ 13,000
Comprehensive Plan & Summary	110-1500-515-2616	\$ 2,500
	292-2900-534-2616	\$ 2,500
	520-5000-535-2616	\$ 2,500
PARD Plan & Executive Summary	110-4100-551-2616	\$ 4,500
Total Available Funding		\$ 36,250

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 Slate Communications, LLC of Fort Carson, Colorado in the amount of \$36,250, for graphic design services required to complete branding and design of City of Temple Master Plans.

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

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

PASSED AND APPROVED this the 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Dixon Resources Unlimited to provide parking consulting services in an amount not to exceed \$65,600.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As we prepare to construct a parking garage in our downtown, it is the City Manager's recommendation that we engage a professional consulting firm to assist us in the development of an overall parking strategy for the downtown area.

Work to be performed under this contract includes an on-site operational needs assessment, and ordinance review, and the development of a Parking Action Plan (PAP).

Dixon will meet with City staff and key stakeholders on-site to review current processes and identify future needs. They will evaluate the City's current parking operation, including time limits for on-street parking, management of downtown surface lots, enforcement practices, citation processing, and current parking technology and capabilities. The assessment will include a comparative review that will address technology, staffing, and organizational requirements across core functional areas such as finance, asset management, operations, maintenance, and workforce management.

Along with a review of current policy and strategy, information and feedback will be gathered during operational interviews with key staff and RZ Board members. Dixon will engage with KPA Engineering to recommend anticipated parking technology and equipment requirements that will impact the early stages of the current parking garage design.

During the on-site assessment, Dixon will also meet with key external stakeholder groups such as downtown business owners and downtown employees to understand stakeholder priorities and goals.

Dixon will conduct a thorough municipal ordinance review to determine adjustments that will "future-proof" the language to prepare the City for the implementation and management of future parking policies and technology.

Based on the results of the on-site evaluation and ordinance review, Dixon will prepare a Parking Action Plan (PAP) that presents a series of parking strategies broken down by short, medium, and long-term planning horizons. Recommendations will take into consideration stakeholder feedback and information gathered during the Operational Needs Assessment. Each recommendation will be

organized by phase with a list of detailed implementation steps, highlighting any required follow-up actions and specific cost estimates. Dixon will design the recommendations to address the City's specific parking challenges with the goal of having an immediate impact on the City's parking management operations. The PAP will address parking management strategies for the City's downtown area and may include, but are not limited to, the following areas:

- Parking Infrastructure and Technology
- Parking Demand Management
- Ongoing Outreach Plan
- Parking Enforcement
- Employee Parking
- Residential Parking
- Maintenance and Operations
- Loading Zones
- Special Event Management
- Staffing Resources
- TDM Measures
- Wayfinding Program
- Revenue Management Plan

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

Task	Description	Not to Exceed (NTE)
1	Project Management Support	\$9,440
2	Operational Needs Assessment (includes one 3 day on site)	20,510
3	Ordinance Review	5,910
4	Parking Action Plan (includes two, 2-day onsite for RZ and Council presentations)	29,740
TOTAL BUDGET		\$65,600

At its March 27th meeting, the Reinvestment Zone Board No. 1 unanimously recommended approval of this contract.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 52, account 795-9500-531-2616, project 102020, for a professional services agreement with Dixon Resources Unlimited to provide parking consulting services in the amount of \$65,600.

ATTACHMENTS:

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

Proposal for Parking Consultant Services

To: Brynn Myers, City of Temple
From: Dixon Resources Unlimited
Date: March 19, 2019
Subject: Proposed Scope of Work for the City of Temple
Task 1. Project Management Support
Task 2. Operational Needs Assessment
Task 3. Ordinance Review
Task 4. Parking Action Plan
Task 5. Implementation Support (Optional)

Proposed Scope of Work

Dixon Resources Unlimited (DIXON) is pleased to submit this proposal to provide parking consultant services to the City of Temple (City). Our uniquely-qualified firm specializes in supporting municipal parking and mobility programs across the country, consistently proving our ability to identify and implement operations, management, and technology recommendations to transition municipal parking operations to long-term, sustainable programs.

Task 1. Project Management Support

An initial project kickoff meeting will allow DIXON to prioritize objectives and tasks, finalize the schedule, and request background data from the City. During this phase, DIXON will achieve a thorough understanding of site context in order to clarify the City's short, medium, and long-term goals. The kick-off meeting will introduce key internal stakeholders to the DIXON team, allowing each member's role to be thoroughly communicated to all parties. DIXON will prepare and distribute an agenda and minutes for the kick-off meeting.

In coordination with City staff, DIXON will work to obtain all relevant data to assist us with the project including, but not limited to, prior parking-related studies (2009), parking counts, staffing reports, City Council agenda reports, and existing parking management strategies.

In addition, DIXON will schedule bi-weekly (every two weeks) reoccurring project update calls with designated staff to provide status updates and work through any issues that may arise. Project management support hours will capture any on-call work requested by City staff that does not fit into the Scoping Elements outlined in Tasks 2 through 5 below.

Task 2. Operational Needs Assessment

DIXON will meet with City staff and key stakeholders on-site to review current processes and identify future needs. We will evaluate the City's current parking operation, including time limits for on-street parking, management of downtown surface lots, enforcement practices, citation processing, and current parking technology and capabilities. The assessment will include a

comparative review that will address technology, staffing, and organizational requirements across core functional areas such as finance, asset management, operations, maintenance, and workforce management.

Along with a review of current policy and strategy, information and feedback will be gathered during operational interviews with key staff at the City. These stakeholder interviews will enable DIXON to identify areas for improvement and develop recommendations for future consideration in focus areas, such as addressing the need for additional parking supply, technology integration in consultation with the design work currently underway by KPA Engineering, and/or residential parking program(s). DIXON will engage with KPA Engineering to recommend anticipated parking technology and equipment requirements that will impact the early stages of the upcoming parking garage design.

During the on-site assessment, DIXON will also meet with key external stakeholder groups such as the Temple Tax Increment Reinvestment Zone (TIRZ) Board, downtown business owners, and downtown employees to understand stakeholder priorities and goals.

As part of this Task, DIXON envisions conducting a three-day site visit that will serve as the basis for the recommendations outlined in the Parking Action Plan (Task 4).

Task 3. Ordinance Review

DIXON will conduct a thorough municipal ordinance review to determine adjustments that will “future-proof” the language to prepare the City for the implementation and management of future parking policies and technology. Our extensive experience working with cities in Texas, California, and around the country will allow us to identify potential issues and address gaps in the existing codes. We will compile all relevant code sections and provide a revised version for consideration. This will include instances where the City may be able to simplify municipal language to improve program efficiency. Ordinance recommendations will be incorporated into the Parking Action Plan outlined in Task 4.

Task 4. Parking Action Plan

Based on the results of the on-site evaluation and ordinance review, DIXON will prepare a Parking Action Plan (PAP) that presents a series of parking strategies broken down by short, medium, and long-term planning horizons. Recommendations will take into consideration stakeholder feedback and information gathered during the Operational Needs Assessment (Task 2). Each recommendation will be organized by phase with a list of detailed implementation steps, highlighting any required follow-up actions and specific cost estimates. DIXON will design the recommendations to address the City’s specific parking challenges with the goal of having an immediate impact on the City’s parking management operations.

The PAP will address parking management strategies for the City’s downtown area and may include, but are not limited to, the following areas:

- Parking Infrastructure and Technology – The PAP will identify the recommended infrastructure and technology to support the overall parking system, including the RZB's new parking garage. This will include an overview of parking technology options such as digital signage, sensors, paid parking equipment, as well as the estimated costs (including installation and ongoing maintenance) and the proposed installation locations. In some cases, multiple options will be provided for consideration, along with a description of their costs and benefits. The PAP will also consider potential investments in additional parking supply or a future parking facility.
- Parking Demand Management – The PAP will make parking demand management recommendations to maximize the use of existing and future parking supply. Potential phased adjustments to time limits, hours of operation, operating days, and potentially paid parking rate models will be considered to address the City's overall objectives and priorities.
- Ongoing Outreach Plan – An ongoing education and outreach plan will allow the City to continually solicit stakeholder feedback and ensure that the community is adequately informed and prepared for upcoming and future program adjustments. The plan will include multiple levels of public outreach and marketing support. Successful campaigns in other municipalities have included social media pages, online video instructions, flyers, press releases, and field parking ambassadors to assist with education and demonstrations.
- Parking Enforcement – A parking program cannot be successful without adequate enforcement. The PAP will address the necessary enforcement staffing, beats/routes, policies, and technologies that may optimize the enforcement program. It is important to ensure consistency and compliance. The PAP will make recommendations for any citation and permit management enhancements and procedural adjustments to support current and future initiatives.
- Employee Parking – The PAP will address employee parking requirements, including considerations for unlimited parking supply, potential permit programs, affordable service worker permits, and other options for the overall management of employee parking.
- Residential Parking – The PAP will address residential parking management opportunities, including potential permit and incentive programs for the areas surrounding the downtown area.
- Maintenance and Operations Requirements – The PAP will include a detailed description of the necessary maintenance, collections, and adjudication requirements that come along with the potential implementation of future paid parking, as applicable.
- Loading Zones – The PAP will include recommendations for the placement, enforcement, and management of loading zone spaces, including commercial loading and passenger loading.
- Special Event Management – DIXON will consider the unique and peak parking demand impacts during special events and will include recommendations within the PAP to address parking and mobility challenges during special events.
- Staffing Resources – The PAP will address staffing needs to support the recommended implementation of recommendations. Staffing needs will vary depending on the City's

utilization of various technologies that can provide automation. The report will also make recommendations for overall departmental structure and management as necessary.

- TDM Measures – Recommendations in the PAP will be developed with the intention of a comprehensive approach to TDM and encouraging alternative modes of transportation, including walking, biking, public transit, and ridesharing. DIXON will explore and recommend a variety of incentive programs and strategies to maximize the use of alternative modes of transportation. The PAP will make clear connections between parking management and TDM, and it will outline strategies for the implementation of various TDM initiatives. Consideration will be made for different user groups, such as employees, visitors, and residents.
- Wayfinding Program – The PAP will make recommendations for a Wayfinding Program that will allow the City to better promote and direct drivers to designated parking locations. This will include consideration for signage branding, signage placement, and in-ground loop counters and/or sensors to display parking availability on signage or through a web application.
- Revenue Management Plan – In addition to the specific cost estimates that will be provided with each recommendation, the PAP will include a proposed revenue management plan and distribution schedule for any potential future parking revenue. This will include consideration for ongoing revenue management, review, and potential allocations.

Task 5. Implementation Support (Optional)

DIXON is available to assist with project implementation, including, but not limited to, writing specifications, running solicitations, managing vendors, coordinating pilots, and technology integrations. An integral component of this phase will be to implement a decision support system that provides the City with modular and flexible solutions capable of growing and expanding with the City's evolving needs.

DIXON has experience working with and amending existing vendor agreements to identify integration requirements and incorporate these priorities into any specification development. Additionally, DIXON can work with the City to define performance standards which could be incorporated into the vendor solicitation process and drafted into the final vendor agreement. These essential measures ensure vendor accountability and product reliability. DIXON always recommends that the community has the opportunity to provide feedback during any opportunities to pilot test technology solutions.

DIXON has the capacity to act as the Parking Project and Implementation Manager to guide the City through the preparation, procurement, implementation, and deployment of parking and transportation solutions. Similar to Seal Beach, this is a program management model that will provide the City with direct support needed to ensure an efficient and optimized parking operation, especially for the long term. This approach is based upon the flat monthly pricing option.

Cost Proposal

The budget amounts include all required travel or related expenses, which are based upon GSA standards and will be billed per City requirements and guidelines. The DIXON bill rate schedule for each job classification is provided below:

Classification	Labor Rate Per Hour
Principal Consultant	\$225/hour
Senior Associate	\$175/hour
Associate	\$145/hour
Junior Associate/Analyst	\$105/hour

DIXON offers payment options for the City's consideration:

Option 1. Time & Materials (T&M)

Option 1 is based upon a Time & Materials (T&M) approach to ensure that the projects are managed in the most cost-effective and efficient manner. Our Cost Proposal includes a Not-to-Exceed amount for the project and we will deliver within that budget, customizing our solution to focus on what the project needs to achieve its objectives and adapting in order to ensure that the project is completed within the agreed upon budget and timing.

Task	Description	Not to Exceed (NTE)
1	Project Management Support	\$9,440
2	Operational Needs Assessment (includes one 3 day on site)	\$20,510
3	Ordinance Review	\$5,910
4	Parking Action Plan (includes two 2 day onsite for Council/Commission presentations)	\$29,740
TOTAL BUDGET		\$65,600

Option 2. Flat Monthly Fee

Option 2 is a flat fee in which DIXON will support the City with all parking related tasks as they are presented rather than task specific estimates. This is a program management model that includes the Tasks described in Option 1 and will provide the City with direct support needed to ensure an efficient and optimized parking operation, especially for the long term. Option 2 allows for the flexibility, optimization and convenience regardless of the issue and DIXON will serve as your acting Parking Manager to transition and shape your parking operation similar to the California Cities of Seal Beach and San Leandro. This cost model option is a **flat monthly fee of \$10,500** for a minimum period of twelve (12) months, which includes twenty-four (24) days on-site.

RESOLUTION NO. 2019-9613-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH DIXON RESOURCES UNLIMITED IN AN AMOUNT NOT TO EXCEED \$65,600, TO PROVIDE PARKING CONSULTING SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has interest in constructing a parking garage in downtown – the work to be performed under this agreement includes an on-site operational needs assessment, and ordinance review, and the development of a Parking Action Plan (PAP);

Whereas, Dixon Resources Unlimited (Dixon) will meet with Staff and key stakeholders on-site to review current processes and identify future needs - they will evaluate the City's current parking operation, including time limits for on-street parking, management of downtown surface lots, enforcement practices, citation processing, and current parking technology and capabilities;

Whereas, the assessment will include a comparative review that will address technology, staffing, and organizational requirements across core functional areas such as finance, asset management, operations, maintenance, and workforce management;

Whereas, along with a review of current policy and strategy, information and feedback will be gathered during operational interviews with key staff and Reinvestment Zone Board members - Dixon will engage with Kasberg, Patrick and Associates to recommend anticipated parking technology and equipment requirements that will impact the early stages of the current parking garage design;

Whereas, during the on-site assessment, Dixon will also meet with key external stakeholder groups such as downtown business owners and downtown employees to understand stakeholder priorities and goals - Dixon will conduct a thorough Municipal Ordinance review to determine adjustments that will “future-proof” the language to prepare the City for the implementation and management of future parking policies and technology;

Whereas, based on the results of the on-site evaluation and Ordinance review, Dixon will prepare a PAP that presents a series of parking strategies broken down by short, medium, and long-term planning horizons - recommendations will take into consideration stakeholder feedback and information gathered during the Operational Needs Assessment and each recommendation will be organized by phase with a list of detailed implementation steps, highlighting any required follow-up actions and specific cost estimates;

Whereas, Dixon will design the recommendations to address the City's specific parking challenges with the goal of having an immediate impact on the City's parking management operations - the PAP will address parking management strategies for the City's downtown area and may include, but are not limited to, the following areas:

- Parking Infrastructure and Technology
- Parking Demand Management
- Ongoing Outreach Plan
- Parking Enforcement
- Employee Parking
- Residential Parking
- Maintenance and Operations
- Loading Zones
- Special Event Management
- Staffing Resources
- TDM Measures
- Wayfinding Program
- Revenue Management Plan

Whereas, at its March 27, 2019 meeting, the Reinvestment Zone Board No. 1 unanimously recommended approval of this contract;

Whereas, funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 52, Account No. 795-9500-531-2616, Project No. 102020; 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 Dixon Resources Unlimited, in the amount of \$65,600, to provide parking consulting services.

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 **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tara Raymore, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing a two-year agreement with Web Benefits Design Corporation of Orlando, FL, per year for providing online employee benefits enrollment and administration services along with Affordable Care Act reporting services, in estimated amount of \$45,000.

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

ITEM SUMMARY: Authorization of a two-year agreement with Web Benefits Design Corporation (Web Benefits) will provide for the continued use of Web Benefits' proprietary online employee benefits enrollment and administration system software along with Affordable Care Act (ACA) reporting services through June 30, 2021.

A few years ago, Staff evaluated various on-line benefit enrollment and administration systems. Web Benefits' online system was selected as providing the best solution for the City, and accordingly, a computer interface was written so payroll records could be updated based on entries in the Web Benefits system. With the system setup and interface already in place, Staff is recommending that the proprietary computer services provided by Web Benefits be exempt from competitive bidding based on the customized programming embedded in the system.

As outlined in the attached Web Benefits Renewal Contract and Service Agreement, the fees for using the Web Benefits online software along with the ACA reporting services are as follows:

Monthly Website Flat Fee	\$ 200
Monthly Fee per Benefit-Eligible Employee	\$ 4.00/employee

In addition to the above recurring monthly estimated costs of \$3,652, there is annual website and reconfiguration fee of \$1,100.

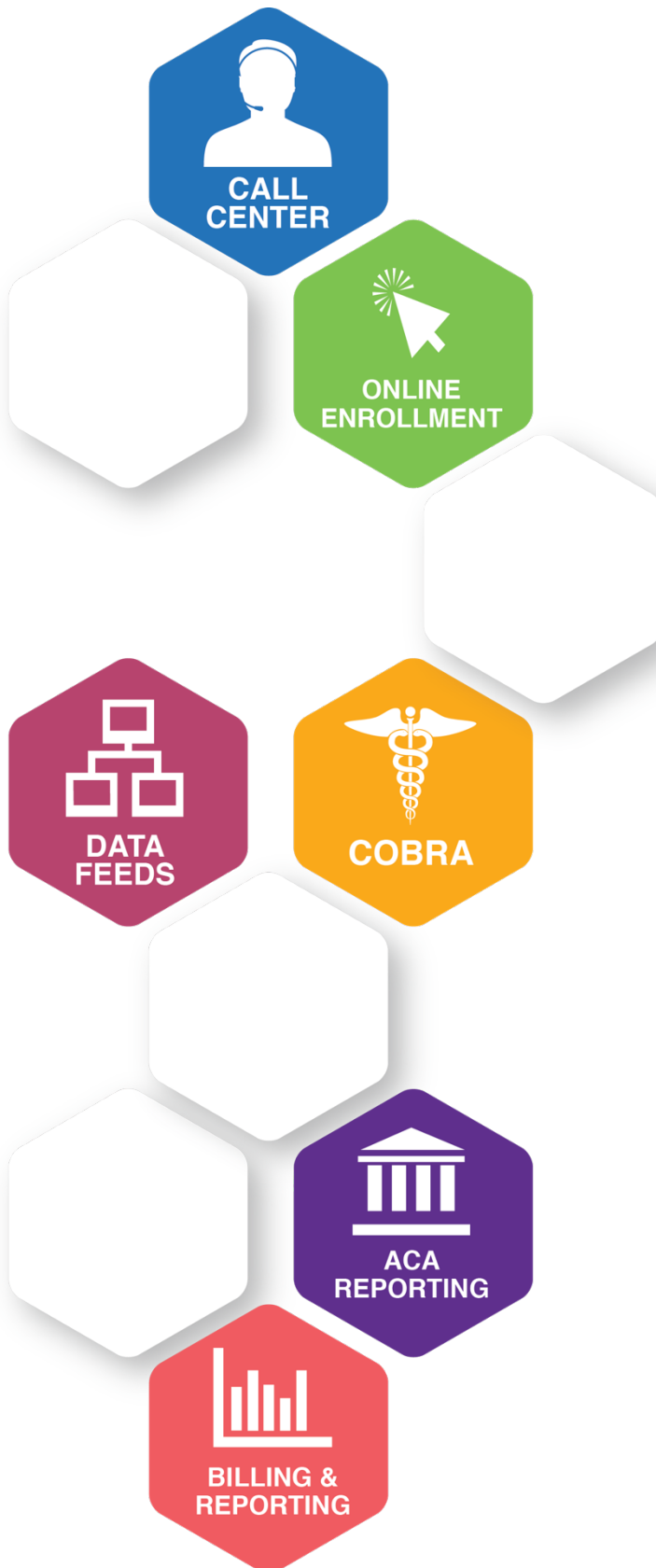
FISCAL IMPACT: Funding for the online employee benefits enrollment and administration services, along with the Affordable Care Act reporting services, is available in the FY 2019 Budget as shown below:

Account Number	Funding
110-2700-515-2616	\$ 37,902
240-4400-551-2616	\$ 854
292-2900-534-2616	\$ 808
520-5000-535-2616	\$ 5,436
Total Funding Available	\$ 45,000

Funding for forthcoming years will be included in future year budget requests. The services agreement will include a non-appropriation clause which will terminate the agreement should adequate funding not be appropriated by Council.

ATTACHMENTS:

[Renewal Contract and Service Agreement with Web Benefits Design Corporation Resolution](#)



RENEWAL CONTRACT AND SERVICE AGREEMENT

CITY OF TEMPLE

TECHNOLOGY & ADMINISTRATION CONTRACT FOR SERVICES

WELCOME TO WEB BENEFITS DESIGN

Thank you very much for allowing Web Benefits Design to deliver technology, communications and administrative services. We look forward to a mutually beneficial business relationship that will facilitate growth, progress, increased efficiencies and creative, cost-savings solutions for your benefits and human resources teams.

WBD Contact Information		General Contract Information	
Prepared by	Adam Jones	Contract Generation Date	1/30/2019
Title	Client Relationship Manager	Contract Effective Date	7/1/2019
Email	Adam.Jones@WBDCorp.com	Contract Duration	24
Phone	(407) 757-1510	Contract Termination	6/30/2021
Street Address	Web Benefits Design Corporation 4725 West Sand Lake Road Suite 300 Orlando, FL 32819	Contract Offer Expiration Date (30 days)	5/1/2019
		Carrier Subsidy Eligibility Date	In Effect

Client Contacts	Employer Information	Broker Information
Company Name	City of Temple	McGriff, Seibels & Williams, Inc.
Street Address	2 North Main Street Suite 209	5080 Spectrum Drive, Suite 900E
City State Zip	Temple, TX 76501	Addison , TX 75001
Website	www.ci.temple.tx.us/	
Primary Contact	Jennifer Jarosek	Kristen Ramos
Contact Title		Account Manager
Email	jjarosek@templetx.gov	kramos@mcgriff.com
Phone	(254) 298-5252	(703) 385-7200

This Contract incorporates all of the following:

Page 1: Technology & Administration Contract for Services
 Page 2 - Statement of Confidentiality and Non-Disclosure
 Page 3 - Terms of Success
 Page 4 - Implementation, Renewal or Project Set Up Costs (One-Time payments)
 Page 5 - Recurring Monthly Costs
 Page 6 - Billing and Payment Information & Authorization
 Pages 7 to 12 - Terms and Conditions
 Page 13 - Contract Signature and Authorization
 Pages 14 to 16 - Addendum 1 - COBRA Services
 Page 17 - Addendum 2 - ACA & Compliance Services
 Page 18 - Addendum 3 - Carrier Subsidy Discounts
 Page 19 - Addendum 4 - Carrier Contract for Employer Subsidy Discount
 Page 21- Addendum 5 - Broker Payment Authorization
 Pages 22 to 24 - Addendum 6 - Detailed Description of Web Benefits Design Services



STATEMENT OF CONFIDENTIALITY AND NON-DISCLOSURE

This document contains proprietary and confidential information of Web Benefits Design Corporation, hereinafter referred to as WBD. Confidential information includes the following:

- Technical and business information relating to WBD's proprietary ideas, patentable ideas, copyrights and/or trade secrets, existing and/or contemplated products and services, software, schematics, research and development, production, costs and pricing, profit and margin information, finances and financial projections, customers, clients, marketing, and current or future business plans and models, regardless of whether such information is designated as "Confidential Information" at the time of its disclosure.
- Technology demonstrations throughout the sales and implementation process including WBD's customized benefits websites, online enrollment system, benefits administration system, COBRA administration, customized reports, communications exchange, ACA capabilities and administrative tools.
- Written correspondence including emails, proposals, addendums, screen shots and/or hard copy communications providing information on our proprietary WBD systems and processes.
- All proposals, Contracts and renewal Contracts containing WBD proprietary and client-specific pricing, methodology, technology, processes and administrative solutions as it pertains to all services and proposed services for clients and prospective clients.
- WBD understands and acknowledges that client is a governmental entity subject to the Texas Public Information Act, Chapter 552, Texas Government Code. Client agrees to promptly notify WBD if a public information request is made for WBD's proprietary information to allow WBD to make any arguments necessary to the Texas Attorney General for non-disclosure.

By receipt of this document, intended recipient has a duty to protect WBD's confidential and/or sensitive information in good faith. In turn, the WBD team agrees to maintain 100% confidentiality of all client-specific information obtained throughout the duration of our business relationship.



TERMS OF SUCCESS

To make the implementation, ongoing service and renewal process successful, we will need the full cooperation of all parties involved to complete the projects and tasks as quickly and accurately as possible. While your WBD team will diligently manage the project, and take care of every aspect of implementation and ongoing support as possible, we **highly recommend weekly calls** and/or progress checks to ensure that all parties are communicating effectively. It is important to note the following:

COMPLETE INFORMATION AND SUFFICIENT LEAD TIME

- Client is responsible for completing the implementation and renewal worksheet.
- Census data must be received as per WBD client-specific data format.
- At renewal, additional fees may apply in the event there are plan, rate and/or carrier changes.
- For initial system launch, we recommend 6-8 weeks lead time to guarantee success.
- For renewal system configuration, we recommend 3 weeks lead time to guarantee success. If we are not given 3 weeks lead time for renewal, additional rush fees may apply.
- If WBD is loading current benefit elections or data from multiple sources, additional lead time may be required to guarantee accuracy and success.

CLIENT SYSTEM TESTING REQUIRED

- It is the responsibility of the employer to test the system prior to initial launch as well as prior to opening the system during each subsequent renewal period.
- An executed final authorization form will be required before system or changes can be launched.

WBD SUPPORT HOURS

- WBD team support hours are Monday - Friday 9 AM to 6 PM EST.
- Employee benefits hotline hours are Monday - Friday 9 AM to 6 PM EST.

DATA FEEDS

- Carrier feed sign-off forms must be approved and signed prior to WBD creating any carrier or payroll feed.
- Data feeds to carriers and payroll systems are processed weekly.
- If client adds new carrier, EDI set up fees will apply.
- Changes made after data feed sign off and after plan configuration sign off are charged at our custom programming rate of \$100 per hour.

CHANGES AFTER INITIAL IMPLEMENTATION AND SYSTEM LAUNCH

- Changes and updates to Benefits Website will be assessed based on complexity and programming resources. Fees range from \$9 to \$99 per change or set of changes depending on the complexity and time resources involved to process.
- If employee benefit plans change or if employer requests modifications to the system, set up or other fees may apply to new plans added or changed.
- If benefits, rates, employee classifications and/or benefit configuration changes occurs, additional set up and program reconfiguration fees may apply.

IMPLEMENTATION, RENEWAL OR PROJECT SET UP COSTS (ONE-TIME PAYMENTS)

1 Time Set Up Costs	Costs
\$500 Per Case *	
Case 1:	-
Case 2:	-
Case 3:	-
Case 4:	-
Case 5:	-
\$750 Per Carrier Feed	
Feed 1:	-
Feed 2:	-
Feed 3:	-
Feed 4:	-
Feed 5:	-
Feed 6:	-
Feed 7:	-
Feed 8:	-
All Miscellaneous Service Fees **	
Website Build Cost	-
Payroll Feed	-
Data Conversion Fee	-
ACA Set-Up Fee	-
ACA Historical Data Load	-
FMLA File Feed	-
COBRA Conversion & Set Up Fee	-
Single Sign On (SSO) Integration	-
Total 1X Set Up Costs	N/A

Annual Renewal Costs	Renewal Costs
Website Renewal Fee	\$100.00
Ben-Admin System Reconfiguration Fee	\$500.00
ACA Renewal Fee	\$500.00
COBRA Renewal Fee	N/A
Total Renewal Costs	\$1,100.00

Renewal fees are charged on an annual basis to support any change in benefit offerings from one plan year to the next. Renewal fees will ONLY apply when there are changes to benefit offerings, carrier changes, deduction changes or any other modification to your system.

* "Case" is defined as an employee classification that requires different programming of rates, benefits, eligibility rules, waiting periods, termination dates or other business rules.

All census and employee election data is required in the WBD format. In the event that you are **not able to provide the data in our preferred format, additional fees may apply (refer to page 3 for more information). WBD will help manage and merge up to two files at no charge. Any fees not outlined in your Contract will be discussed prior to performing the data merge. If you are able to provide your data in our exact file specifications, we will credit back your data conversion fee (excludes clean slate enrollment files).



RECURRING MONTHLY COSTS

Employee Demographics	Benefit Eligible EE's	Non-Eligible EE's	Total Employees
Employee Counts	863	-	863

Core Services	PEPM Cost
Benefit Admin: Benefits Eligible EE's	\$3.00
Benefit Admin: Non-Benefits Eligible EE's	-
Is there an expected carrier subsidy? If yes, see subsidy terms & conditions on the following page.	Yes
Monthly Website Fee (Flat monthly fee)	\$200.00
COBRA Administration	Service Declined
ACA 1094C & 1095C Reporting	\$1.00
Optional Signature Services	PEPM Cost
Call Center / Employee Benefits Hotline (Year-round)	Service Declined
ACA Variable Hours Tracking (VHT)	Service Declined
Discrepancy Report Management	Included
Evidence of Insurability Management (EOI)	Service Declined
Eligibility File Management	Service Declined
Qualifying Event Management	Service Declined
New Hire Management	Service Declined
Dependent Age Management	Service Declined
Dependent Documentation Management	Service Declined
Consolidated Billing and Reconciliation	Service Declined
Customized Billing and On-Call Report Analyst	Service Declined
Medical Waiver / Proof of Other Coverage Management	Service Declined
Beneficiary Management	Service Declined
Annual Domestic Partner Verification	Service Declined
Mailing & Fulfillment of Printed Communications (per unit)	Service Declined
Call Center for Open Enrollment (\$2,000 per week)	Service Declined

Total Recurring Monthly Pricing	# EE's *	PEPM Cost
Benefits Eligible Employees	863	\$4.00
Non-Benefits Eligible Employees		-
Sub-Total PEPM		\$4.00
Monthly Website Cost		\$200.00
Total Recurring Monthly Costs		\$3,652.00

**This Contract pricing is based on the “benefit-eligible” and “non-benefit eligible” employee counts listed above. Your minimum monthly bill will be determined by the initial employee census count loaded into the system. We reserve the right to alter your pricing if the actual census load is 10% lower than your employee counts listed above. You will be responsible for the minimum billing amount based on the initial census load for the duration of the Contract. You will be charged for the greater of 1) your actual system employee count each month or 2) the employee counts listed above*



BILLING AND PAYMENT INFORMATION & AUTHORIZATION

Billable Services	Employer Responsibility	Broker Responsibility	Carrier Responsibility
Description	Annual Renewal Fee, Website, Online Enrollment, ACA, Discrepancy Report Management	-	-
One-Time Setup Costs	\$1,100.00	No Subsidy	No Subsidy
Ongoing Monthly PEPM	\$4.00	No Subsidy	No Subsidy
Monthly Website Fee	\$200.00		
Recurring Monthly Fee	\$3,652.00	No Subsidy	No Subsidy
Notes	N/A	N/A	N/A
<ul style="list-style-type: none"> If the employer terminates the services of the broker or consultant or the broker or consultant discontinue payment to WBD or does not pay the full subsidy amounts listed above to WBD, the employer/client is financially responsible for the subsidy outstanding balance and all remaining subsidy payments for the duration of the Contract. The recurring monthly fee is based on benefit-eligible employee count unless noted otherwise. If the employer terminates 1 or more of the carrier lines of coverage that is subsidizing this Contract or, if the carrier discontinues payment or does not pay the full subsidy amounts listed above to WBD, the employer/client is financially responsible for the carrier subsidy outstanding balance and all remaining subsidy payments for the duration of the Contract. In some cases, due to administrative delays, subsidy payments to Web Benefits Design can be delayed as much as 6 months or more. To make sure all parties are aware of all financial obligations, Web Benefits Design may include all fees (regardless of the responsible party) on employer /client invoices so all parties are aware of any outstanding subsidy payment balances. Subsidy payments will be applied to outstanding invoices as they are received. 			

Billing & Payment	Employer
Company Name	City of Temple
Street Address	2 North Main Street Suite 209
City State Zip	Temple, TX 76501
Primary Billing & Payment Contact	Jennifer Jarosek
Contact Title	
Email	jjarosek@templetx.gov
Phone	(254) 298-5252

COBRA Reimbursement - For clients using WBD COBRA services, please indicate to whom reimbursement should be sent.	
Company Name	City of Temple
Street Address	2 North Main Street Suite 209
City State Zip	Temple, TX 76501
Contact Name	Jennifer Jarosek
Email	jjarosek@templetx.gov
Phone	(254) 298-5252



TERMS AND CONDITIONS

1. PERMITTED USE

Under this Terms and Use Contract (herein referred to as "Contract"), Web Benefits Design Corporation, (herein referred to as 'WBD'), agrees to provide an Employee Benefits Internet Service Application (herein referred to as 'EBISA') hosted by WBD, and set up a private employee benefits information system for the exclusive use by the broker/consultant and/or employer (herein referred to as 'Client').

The EBISA is to be used only by the Client and users authorized by the Client. The Client will have the ability to assign user logins and passwords to selected individuals. The Client will have full control over who is authorized to access/use this EBISA. All use of the EBISA is provided via the Internet through a standard Internet browser and/or email client. To use the EBISA, the Client and Client authorized users (herein referred to as 'Users') are responsible, at their own expense, to acquire access to the Internet and to provide all equipment and software needed.

2. CLIENT RESPONSIBILITIES AND WARRANTY

By entering data (herein referred to as 'Data') into the employee benefits information system, the Client warrants that: (1) the Client is authorized to submit the Data to the EBISA; and, (2) the storage of such Data by WBD and its affiliates will neither infringe on nor misappropriate the property rights of or otherwise violate the rights of any third party.

3. CLIENT PROPRIETARY DATA RIGHTS

The Data submitted to the EBISA is for the exclusive use of the Client. WBD agrees not to use, distribute or disclose any of the data maintained because of the Client using this EBISA. The Client agrees to evaluate and bear all risks associated with the use of any Data, including any reliance on the accuracy and usefulness of such data.

4. WBD ACCOUNT INFORMATION AND DATA

WBD does not own or have any rights to any Data that the Client submits because of using this EBISA. WBD will not monitor, edit, or disclose any information regarding the Client or Client's database without the Client's express written permission except in accordance with this Contract or as may be required by law. WBD may access the Client database to respond to service or technical problems when requested to do so by the Client.

5. WBD PROPRIETARY RIGHTS

The Client acknowledges and agrees that the EBISA contains proprietary and confidential methods and information that is protected by applicable intellectual property and other laws and agrees not to disclose such information to any third party without WBD's prior permission. The Client agrees not to copy, sell, rent, license or to redistribute any portion of the EBISA, use of the EBISA, or access to the EBISA to any individual or group. Standard WBD website Terms and Conditions for unauthorized use and access penalties apply to this EBISA. WBD understands and agrees that client is a governmental entity subject to the Texas Public Information Act, Chapter 552, Texas Government Code. Client agrees to take reasonable steps to promptly notify WBD if WBD's proprietary information is requested by a third party.

6. AVAILABILITY OF EBISA

WBD will make commercially reasonable efforts to ensure that the quality of the service we provide is of at least prevailing industry standards, and that access to the EBISA is available 24 hours a day, 7 days a week. However, although WBD will use all reasonable efforts in good faith to avoid interruption of the EBISA, the Client acknowledges and agrees that access to the EBISA may be unavailable from time to time for any reason, including without limitation, interruption of major network connectivity, network and server outages, and backup and regular maintenance by WBD and any operators of our servers.

7. CLIENT ASSIGNED ADMINISTRATOR(S)

The Client will select one or more WBD primary Administrators to manage the Client's use of the EBISA, to authorize users to access the EBISA, to access employee data records, and to serve as the primary technical interface with WBD Client Service Representatives.



8. CLIENT SUPPORT SERVICES

WBD will provide quality technical support to the Client. WBD's Client Support Representatives will be available to assist Clients Monday through Friday from 9:00 a.m. - 6:00 p.m., Eastern Standard Time.

9. USER CONDUCT

The Client agrees not to use the EBISA or information from the EBISA to (a) transmit any material that may infringe the intellectual property rights or other proprietary rights of third parties, including trademark, copyright or right of publicity; (b) interfere with or disrupt the integrity of any data or computer-based information or any servers or networks connected to the EBISA or violate the regulations, policies or procedures of such networks; (c) attempt to gain unauthorized access to the EBISA, other accounts, computer systems or networks connected to the EBISA, through password mining or any other means.

10. EMPLOYEE INFORMATION CONFIDENTIALITY

WBD follows and agrees to continue to follow as set forth herein policies and procedures to protect the confidentiality of member information. It is important to note that all records containing confidential medical and insurance data are handled and discarded in a way that is designed to protect the privacy and security of the information. Web Benefits Design respects the need for security regarding your personal information. Whenever you provide personal information, your information will be protected using Secure Sockets Layer (SSL) technology. SSL is an industry standard that encrypts the information you provide, to avoid the decoding of that information by anyone other than Web Benefits Design. Information you submit directly to us will remain on our servers, secured by various industry approved technologies to prevent unauthorized access to your personal information.

11. INFORMATION SECURITY, INTEGRITY AND RELIABILITY DISCLOSURE

Web Benefits Design uses and agrees to continue to use as set forth herein multi-layered security architecture to prevent unauthorized access to the building and data center. Formal security measures are in place to protect access to WBD systems and the corporate network. Users of networks and applications are provided a unique use name, and the use of a password is required for both network and application access. WBD employs a firewall, which control and limits access to the internal network. Logical access to the firewall is limited to authorized system administrators. All network access to WBD internal network is restricted to only specific ports that are necessary for application usage. Outbound access is also managed via the firewall. All Client data is stored behind the firewall on protected network segments.

WBD uses a multi-tiered approach for information Back-up and Recovery. Full server backups occur weekly with differential backups occurring nightly between each weekly backup session. Full backups of critical databases containing client data are executed on a nightly basis. Database transaction logs are backed up hourly to facilitate targeted rollback in the event of processing or database errors.

WBD uses both host based and centralized detection for protection against malware and unauthorized software action or activity. Updates are acquired nightly and are distributed across the network with no interaction from our end users. Authorized personnel monitor potential virus outbreaks and have monitoring software in place to accommodate any virus or security threat. WBD employs regular desktop operating systems updates and security patches at regular intervals to ensure all systems are protected.

12. SERVICE FEES

The Client agrees to pay all applicable fees as specified in the Client's signed Service Contract. Fees are invoiced on the first of the month for that month's services. Service fees are owed and paid monthly for the entire duration of the Contract. Billing commences on the effective date of the Contract. All service fees are prorated for a minimum of a 12-month period and are invoiced for the Contract period regardless of the system activation date. Set up and 1 time fees are invoiced in the first month of the Contract effective date. If the EBISA is terminated earlier than the Contract expiration date, the balance of the remaining Contract is due and payable upon termination. WBD reserves the right to suspend the EBISA of Clients who fail to make timely payments for their customized EBISA. Late fees may apply to accounts in arrears. Payments will be considered past due if not received within thirty (30) days from the invoice date.

As a courtesy to clients, WBD will invoice multiple parties on your behalf, however, in the event that any subsidizing partner identified on this Contract discontinues payment to WBD or does not pay the full subsidy amounts listed



above to WBD, the employer/client is financially responsible for the subsidy outstanding balance and all remaining subsidy payments for the duration of the Contract.

To make sure all parties are aware of all financial obligations, Web Benefits Design may include all fees (regardless of the responsible subsidizing party) on employer /client invoices so all parties are aware of any outstanding subsidy payment balances. Subsidy payments will be applied to outstanding invoices as they are received.

In the event that the Contract is in default for non-payment, non-standard default activities may be required (data storage, data conversion and secure distribution, early termination activities, or other activities resulting from non-payment) additional early termination fees may apply.

13. AUTO-RENEWAL / TERMINATION OF EBISA

The Contract and invoicing will remain in place unless WBD is notified by Client to terminate the EBISA within the termination guidelines. Unless terminated for cause pursuant to Section 14 of this Contract, this Contract will continue for the duration of the term as set forth in the Contract.

The Term of Service shall continue on an annual basis by auto-renewing a new 12-month Contract period beginning on the Contract end date unless written notification of intent to terminate the 12-month renewal period is given by either party 90 days prior to the end of the Contract period. Contract renewal and auto-renewal pricing is subject to change at each subsequent 12-month renewal period after the initial Contract period expires. You will be notified of any price change prior to the renewal period start date and 90 days prior to the end of the Contract period. If the auto-renewal provision is exercised, the renewal pricing will take effect as of the first billing cycle of the new Contract period.

The Client acknowledges and agrees that WBD, in its sole discretion, may suspend or terminate the EBISA and/or deny the Client access to, use of, or submission of Data for all or part of the EBISA, without prior written notice for the following reasons: (a) violation of any term or provision of the Contract, (b) violation of the rights of WBD or third parties, or (c) failure to meet payment terms outlined in this Contract. Upon termination, WBD will allow Client's files to be downloaded and, after this point, will bar any further access to the EBISA. Furthermore, the Client agrees that WBD shall not be liable to the Client or any third party for any modification of the Client's access to the EBISA pursuant to this section.

The payment of any funds in future budget years, as provided in this Agreement, shall be subject to annual appropriation by the City Council in the annual budget and the Client's obligations under this Agreement shall not constitute a general obligation of the Client or indebtedness under the constitution or laws of the State of Texas. Nothing contained herein shall ever be construed so as to require City to create a sinking fund or to assess, levy and collect any tax to fund its obligations under this Agreement.

Notwithstanding anything contained herein to the contrary, Client will have the right to withdraw from this Agreement on the last day of the Client's fiscal year if the Client's governing body fails to appropriate funds to cover the cost of this Agreement in the upcoming fiscal year budget. WBD will be under no obligation to Client in the event of such termination and services will terminate at the conclusion of the currently funded fiscal year.

14. TERMINATION FOR CAUSE

Any unauthorized access, copying, disclosure, distribution, or sublicensing by Client or with Client's aid or consent of the EBISA or Data or any related methods, techniques, or processes will be deemed a material breach of this Contract.

WBD will not share, rent, sell, or trade personal information (including email addresses) that identifies our Clients or users to third parties. Any intentional distribution of client data to a third party by WBD for profit or gain will be deemed a material breach of this Contract and constitute grounds for Client to terminate the Contract for cause.



Client must notify WBD within 30 days of any request for termination for cause and give WBD 120 days to resolve any issues relating to any claim of breach to justify termination for cause.

15. WARRANTIES, DISCLAIMERS AND REPRESENTATIONS

Subject to the terms set forth in the “Availability of EBISA” section, the Client expressly agrees that: (a) The use of the EBISA is at the sole risk of the Client and is provided on an ‘as is’ and ‘as available’ basis. WBD and its affiliates expressly disclaim all warranties of any kind, whether express or implied, including, but not limited to the implied warranties of merchantability, fitness for a purpose and non-infringement, (b) WBD makes no warranty that: (1) the EBISA will meet the Client’s requirements or result in revenues or profits; (2) the EBISA will be uninterrupted or error-free; and (3) the results that may be obtained from the use of the EBISA will be accurate or reliable. While WBD will use commercially reasonable efforts to prevent unauthorized access to data entered into the EBISA, WBD makes no warranty that such fields will be secure against such unauthorized access or other security breaches. WBD makes no representations or warranties of any kind whatsoever, express or implied, in connection with the Contract or the EBISA, including but not limited to, warranties of merchantability, fitness for a particular purpose and non-infringement.

16. DATA, CONTENT AND TERMS OF USE POLICIES

If this Contract is terminated for cause, expires, or is not renewed, all software and data within the EBISA will be deleted in its entirety on the termination date. You have an opportunity to export employee data prior to the formal termination date from within the EBISA. WBD does not create a backup data set for you. If you do not export your data, WBD will not have the ability to provide any data after the termination date and is not liable for any services after the termination date. This policy protects WBD and Client from any and all liability (HIPAA or otherwise) associated with potential breaches of data security, administrative actions, or technical safeguards.

Furthermore, only employee benefit data can be legally removed from our EBISA. You may not copy, re-use, or repost any intellectual property found on any WBD owned website or domain. This restriction applies to the Information and Communication Website, Employee Enrollment Section and System Administration Section of the EBISA. Once posted by WBD, all of the following are considered WBD property: all communication content, benefit website instructions and text, enrollment instructions, all graphics (excluding non WBD logos), introductory text, tables, pricing charts, all pdfs (excluding carrier or employer created forms and booklets), FAQs, all administrative content including healthcare reform content, COBRA content, FMLA content, HIPAA content, all assembled benefit summaries, benefit summary tables, and forms reposted with permission.

All users entering secure WBD EBISA products must read and accept WBD’s Employee Usage Agreement and Website Use Terms and Conditions upon system entry. These documents clarify specific limitations of use and penalties.

17. INDEMNITY

To the extent allowable under Texas law, the Client agrees to indemnify and hold harmless WBD, its subsidiaries and affiliates, and its and their directors, officers, agents and employees (“Indemnitees”) from any claim or demand, including reasonable attorney’s fees, made by any third party due to or arising out of the Data; the Client’s use of the EBISA; the Client’s connection to the EBISA; the Client’s violation of the contract; the Client’s violation of any proprietary rights of another; or the Client’s determination of COBRA or other insurance qualification status. The Client further agrees and acknowledges that the Indemnitees are not liable or responsible in any way for any errors, omissions, or any other action arising out of or related to the use of the EBISA. The Client further agrees, to the extent allowable under Texas law, to indemnify, defend, and hold harmless the Indemnitees from and against any and all claims, damages, liabilities, costs and expenses (including reasonable legal expenses, attorney’s fees and costs) arising out of, or related to, the Client’s use of the EBISA or the placement or transmission of any message, information, software, or other materials, through the EBISA by the Client or user of the Client’s account or related to any violation of any term of the Contract by the Client or users of the Client’s account.

WBD agrees to indemnify and hold harmless Client, its subsidiaries and affiliates, and its and their directors, officers, agents and employees from any claim or demand, including reasonable attorneys’ fees, made by any third party arising out of any disclosure or distribution of the Data as described in Section 14 of the Contract.



18. NONDISCLOSURE

By virtue of this Contract, Client and WBD may have access to information that is confidential ("Confidential Information"). Client and WBD agree not to make each other's Confidential Information available in any form to any third party or to use each other's Confidential Information for any purpose other than the implementation of the EBISA. Client and WBD agree to take all reasonable steps to ensure that Confidential Information is not disclosed or distributed by its employees or agents in violation of the provision of this Contract. WBD understands and agrees that client is a governmental entity subject to the Texas Public Information Act, Chapter 552, Texas Government Code. Client agrees to take reasonable steps to promptly notify WBD if WBD's proprietary information is requested by a third party.

19. INJUNCTIVE RELIEF

The parties acknowledge and agree that WBD shall be entitled to obtain, upon application to a court of competent jurisdiction and without the need to prove actual damages to WBD or to post bond, a preliminary restraining order, and such other temporary or permanent injunctive relief as may be appropriate, to enforce against Client the provisions of Sections 5 and 18, which injunctive relief shall be in addition to any other rights or remedies available to Company.

20. GOVERNING LAW

This Agreement has been entered into in the State of Texas. Except as otherwise provided herein, this Agreement shall be governed by the laws of the State of Texas without regard to its choice of law principles. The Client and WBD hereby agree to submit to the jurisdiction of any Texas or federal court situated in Bell County, Texas, in any action arising out of this Agreement and agree that all claims in any such action may be decided in either such court and waive, to the fullest extent that they may effectively do so, the defense of an inconvenient forum.

21. ATTORNEY'S FEES

If any action is brought to enforce this Contract, or is brought in connection with any dispute arising out of this Contract or the claims which are the subject of this Contract, the prevailing Party or Parties shall be entitled to recover damages, attorneys' fees and other costs incurred in such litigation which they may prove are the direct and proximate result of any breach hereof, in addition to any other relief to which that Party or Parties may be entitled by law.

22. LIMITATION OF LIABILITY

In no event shall WBD be liable for any direct and/or indirect, incidental, special, consequential or exemplary damages, including but not limited to damages for loss of profits, goodwill, use, data or other intangible losses incurred resulting from: (a) the use or the inability to use the EBISA; (b) transactions entered into through or from the EBISA; (c) unauthorized access to or alteration of the Client's transmissions or data; (d) statements or conduct of any third party on the EBISA; (e) any other matter relating to the EBISA; or (f) any insurance or COBRA claims.

In some installations, the EBISA will provide or feed data to external, non-WBD controlled software systems. These external systems include insurance carrier eligibility systems, payroll systems, HRIS systems, and others. Should the receiving system not be properly prepared to receive our system data feed, or has not provided the correct data feed structure, or is unprepared to process or interpret, in any way, transmitted WBD data, WBD cannot be held liable for the performance or data reliability of these external systems. It must be noted that WBD has no control over these external systems, policies, procedures, or controls and are considered to be events outside of WBD's control.

For all WBD services, the Client agrees that WBD will not be liable for any: (a) interruption of business; (b) access delays or access interruptions to the EBISA; (c) data non-delivery, corruption, destruction or other modification; (d) unauthorized access to data entered in, or breach of any security mechanisms utilized in, the EBISA or in any field or file therein; (f) insurance claim or reimbursement of insurance claim; or, (e) events beyond WBD's reasonable control. WBD's aggregate liability for damages hereunder shall in no event exceed three times the contract amount.

23. NOTICES

Notices to the Client may be made either via email, regular mail, overnight courier or facsimile at the contact address of record for the EBISA. If the Client provides notice to WBD, such notice should be sent to: Web Benefits Design Corporation, P.O. Box 1568, Windermere, FL 34786.



24. ENTIRE CONTRACT

This Contract constitutes the complete Contract between the parties and supersedes all previous Contracts or representations, written or oral, with respect to the Services described herein. Service addendums may be added for convenience as needed, will be governed by the terms of this Contract, and will become part of this Contract upon the receipt of all parties' written acknowledgement, consent, and signature.

25. RECORDS AND DOCUMENTS

WBD agrees that all forms, lists of names, journals, ledgers and all other recorded information and documents incidental to administration of this Plan are and shall remain the property of Client.

All data stored on data processing media pertaining to the Plan is the property of Client. In the event of termination of administrative services, WBD will assist the Client in identifying; understanding and decoding said information and data.

The following materials are property of WBD and Client agrees that it shall have no right to use such materials following termination of this Contract:

- Administrative procedure manuals
- Data processing systems
- Computer programs
- Notice forms
- Election forms
- Communication letters

26. FORCE MAJEURE

If by reason of causes beyond the control of either party hereto, including, but not limited to, strikes, failure of major subcontractors, fire or other intervening acts of God, accidents, act of war, governmental or legal restrictions, such party is delayed in its performance in whole or in part, of its obligations as set forth herein or in this Contract (other than payment of any amounts due under this Contract), then such party shall be excused for such delay and such delay will not make the party liable in damage to the other party.

27. GENERAL

The Contract does not limit any rights that WBD may have under trade secret, copyright, patent, trademark, or other laws. This Contract shall not be altered, amended or modified by oral representation made before or after the execution of this Contract. All modifications must be in writing and duly executed by all Parties. The failure of WBD to exercise or enforce any right or provision of this Contract shall not constitute a waiver of such right or provision. If any provision of the Contract is found by a court of competent jurisdiction to be invalid, the parties nevertheless agree that the court should endeavor to give meaning to the parties' intentions as reflected in the provision, and the other provisions of the Contract shall remain in full force and effect. The Client agrees that any claim or cause of action arising out of or related to the use of the EBISA or the Contract must be filed within two years after such claim or cause of action became known or should have become known or be forever barred. The Contract will inure to the benefit of WBD and its successors and assigns. WBD may freely assign its rights and obligations under this Contract; Client may not assign any of Client's rights or obligations under this Contract without the prior written consent of WBD. All representations, warranties, terms, disclaimers, and limitations in the Contract shall survive the termination of the Client's account or access to the EBISA.



CONTRACT SIGNATURE AND AUTHORIZATION BILLING AND PAYMENT CONTRACT

General Contract Information	
Contract Effective Date	7/1/2019
Contract Duration Period	24
Contract Renewal Date	6/30/2021
# of Enrollment Periods	2

- This constitutes a binding Contract (and a billing period) beginning **7/1/2019** (the Contract Effective date) and ending on **6/30/2021** (the Contract renewal date). In the event of early termination for any reason, the monthly fees are due and payable through the Contract renewal date, unless terminated for cause.
- The system must be active for 90 days in order to support annual renewal changes.
- Monthly fees are invoiced on the first of each month for the current month's services.
- Payments are due upon receipt of invoice and are considered late if not paid prior to the next month's billing cycle. Late fees may apply.
- Web Benefits Design accepts payment by credit card (we add a 2.5% processing fee for credit card payment), check or direct deposit.
- If subsidizing parties referenced on this Contract are not fulfilling their financial obligations, the employer/client will be liable for all past due balances and all required subsidies through the term of the Contract.
- If paying by check, please make checks payable to Web Benefits Design Corporation and mail to 4725 West Sand Lake Rd., Suite 300, Orlando, FL 32819
- Please direct all accounting questions to billing@wbdcorp.com or give us a call on (407) 757-1495.

SIGNATURE AND AUTHORIZATION

Your initials and signature indicate you have the authority to sign this Contract and have read and agree to the following.:

Acknowledgement of Understanding	Employer Initials
I have read and agree to the statement of confidentiality and non-disclosure.	
I have read and agree to the terms of success.	
I have read and understand the 1X implementation and renewal fees.	
I have read and understand the monthly recurring fees.	
I have read and agree to the terms and conditions.	
I have read and agree to the billing and payment authorization information.	
I have read and agree to Addendums 1 through 6	
I certify that I am authorized to sign this Contract and that my signature is legally binding.	

INITIAL HERE

Contract Signature	Employer Signature
Printed Name	Brynn Myers
Title	
Signature	
Date	

SIGN HERE



ADDENDUM 1 - COBRA SERVICES

For Clients NOT Using WBD COBRA Services: If you are not using WBD COBRA services, please acknowledge your understanding that WBD does not send COBRA eligibility file feeds to COBRA administrators.

For Clients Using WBD COBRA Services: In order to administer COBRA, you must implement EDI file feeds to each carrier with COBRA eligible lines of coverage. In the event that your online enrollment system launches prior to your EDI Files going into "production" with your carriers, it is City of Temple's responsibility to ensure that any COBRA participant's eligibility information is provided directly to the carriers until the EDI has been established. WBD does not have access to carrier systems and cannot perform this manual function.

WBD SCOPE OF SERVICES

NOTIFICATIONS AND COMMUNICATIONS (CUSTOMIZATION AVAILABLE) *

- Initial notification to new hires and new enrollees provided electronically to employer for distribution.
- Qualifying event election notice
- COBRA takeover as described on page 14
- Welcome letters
- Payment coupons
- Notice of unavailability
- Extension notice
- Late payment notifications
- Insufficient funds notification (bounced check)
- Early termination of COBRA notice
- Expiration notice
- Website access to notices, rights, rates, and general forms
- Maintain an archived record of notices and member correspondence.
- * WBD may communicate either by phone, email, fax or letter with the Employer and/or or Qualified Beneficiary.

REPORTS

- Premium remittance reports
- COBRA payment status reports
- Participant election reports
- Activity tracking reports

STATUS TRACKING

- Track 60-day initial election period
- Track 45 day initial payment grace period
- Track 30-day premium grace period
- Track COBRA eligibility periods

COBRA PREMIUM COLLECTION AND DISBURSEMENT

- Accurate rate calculations and billing
- COBRA payment coupons to members
- Quarterly disbursement to employer of COBRA funds received

ELIGIBILITY **

- Upon timely receipt of termination and/or qualifying event notification, will notify carrier(s) of eligibility status change
- Upon enrollment or change in COBRA benefit and/or eligibility status, will notify carrier(s) of eligibility status change.
- **Carriers file /programming may depend upon carrier requirements and additional fees may apply



CUSTOMER SERVICE

- Toll free telephone support for COBRA members and COBRA eligible members
- Web inquiries answered within 1 business day
- Dedicated account management team
- COBRA online access by employers
- Member customer service for enrollment assistance, COBRA enrollment, questions, etc.

COBRA - EMPLOYER PLAN ADMINISTRATOR RESPONSIBILITY

In order for WBD to perform the responsibilities of COBRA administration and guarantee compliance, certain eligibility notifications and information requirements must be upheld by the employer and/or plan administrator.

- The services to be provided by WBD are administrative in nature; Employer retains all authority and responsibility as plan sponsor.
- WBD will carry out its administrative functions with reasonable care using practices generally accepted by service organizations providing such functions to employee benefit plans.
- WBD is not the Insurer. Employer agrees that the sole function of WBD is to provide administrative services and that WBD shall have no liability for 1) COBRA participant eligibility status (enrolled or terminated as this is the insurer responsibility) or 2) payment or reimbursement of any participant claim under any circumstance.
- WBD is not responsible for any notifications that occurred prior to the start date of the Contract.
- WBD is not responsible for any current COBRA participant tracking, notifications or administration prior to the commencement of this Contract.

TIMELY NOTIFICATION OF ELIGIBILITY TO WBD (WITHIN 30 DAYS OF QUALIFYING EVENT)

- 1) WBD (EBISA) must be notified of any new hires or initial enrollment in COBRA eligible for benefits
- 2) WBD (EBISA) must be notified of any employment-related terminations wherein the employee would qualify for COBRA, including but not limited to:
 - Separation from the company
 - Substantial reduction of hours (full time to part time)
 - Voluntary termination (resignation)
 - Involuntary termination
 - Termination for gross negligence
 - Leave of absence
 - Any dependent terminations
 - Death of employee
- 3) WBD (EBISA) must be notified of any dependent-related terminations wherein the employee would qualify for COBRA, including but not limited to:
 - Divorce
 - Legal Separation
 - Child no longer eligible
- 4) Rehires and Return from Leave of Absence: When an employee has enrolled in COBRA (with an active or inactive status) and returns to work, the administrator must notify WBD (EBISA) of the change in status.

COBRA ONLINE ENROLLMENT RULES OF ENGAGEMENT

If terminations, changes and eligibility transactions are completed by the employee in the WBD EBISA enrollment system, the employer does not need to notify WBD separately.

Notifications are only required if changes are made to our system telephonically, via a non-standard method, an improper qualifying event code, or by use of the administrator override privileges in the administrator portal. WBD shall have no liability for any changes made by Client.



COBRA IMPLEMENTATION TIMELINE AND TAKEOVER ACTIVITIES

DATE	DESCRIPTION	RESPONSIBLE PARTY
45 Days Prior to Effective Date	WBD sends a Welcome email to the employer with a detailed request for information regarding COBRA eligible benefits, rates, the enrolled/eligible population and member payment status.	WBD
40 Days Prior to Effective Date	<ul style="list-style-type: none"> ▪ Employer provides requested information to WBD. ▪ WBD provide employer with a sample transition notification letter. ▪ Employer mails transition letter to all enrolled and eligible participants to inform of upcoming administration change. (This letter should also be provided to all newly eligible members prior to the effective date). 	Employer WBD Employer
35 Days Prior to Effective Date	Currently enrolled participants are mailed a Welcome Letter including COBRA premium payment coupons for the remainder of their eligibility period or plan year.	WBD
Contract Effective Date	WBD requests an updated detailed report of information regarding any changes to the enrolled/eligible population and member payment status.	WBD
Within 5 Days After Effective Date	<ul style="list-style-type: none"> ▪ Employer provides updated report. ▪ WBD will adjust and/or add any applicable member records. 	Employer WBD



ADDENDUM 2 - ACA & COMPLIANCE AND SERVICES

For Clients NOT Using WBD ACA Services: If you are not using WBD ACA & Compliance services, please acknowledge your understanding that you have full access to WBD system data and reports, however WBD does not provide formatted data for 3rd party ACA applications.

For Clients Using WBD ACA Services:

WBD RESPONSIBILITIES: 1094 AND 1095 REPORT AND FORM GENERATION SERVICES (ENHANCED)

- 1094C and 1095-C Forms (*Electronic master file of all employee and employer forms*)
- WBD will supply an electronic version of the master file of all employee and employer forms
- Form generation will be completed prior to annual IRS deadlines
- Form generation will include population of all data including lines 14, 15 and 16 of Part 2 on Form 1095C.
- Includes form generation for COBRA participants (*assuming client uses WBD integrated COBRA model*)
- Electronic filing with the IRS (*option provided at no additional cost, employer may choose to opt out*)
- Corrections and amended IRS filings
- Authorized administrators can access all 1094C and 1095C forms via HR Access
- Individual employees can access their personal 1095C form via the Total Access Exchange.
- WBD will provide telephonic support for questions or requests to re-issue forms.
- WBD will provide the following additional reports in Excel:
 - ✓ Year-end healthcare summary reports with data for Box 12 on W-2 forms. (*Reports include data from the effective date of system installation. WBD does not load historical data for W-2 reporting purposes.*)
 - ✓ Affordability Report (*illustrates affordability metrics comparing salary vs. coverage options*)
 - ✓ Reinsurance Assessment Fee Report

ACA - EMPLOYER PLAN ADMINISTRATOR RESPONSIBILITY

For WBD to provide ACA reporting, certain information requirements must be upheld by the employer and/or plan administrator.

- The services to be provided by WBD are administrative in nature; Employer retains all authority and responsibility as plan sponsor.
- Employer is ultimately responsible for all fiduciary responsibility associated with the 1094 and 1095 forms. WBD will not assume liability for fines, fees or financial penalties.
- WBD can only report on the data provided to us by the client. WBD's accuracy relies on the integrity of the data within our system. WBD does not create data, but uses data provided by the employer to process calculations and reports. The validity and accuracy of the data provided in the system is the employer's responsibility.
- To generate accurate series codes, the employer must provide system indicators differentiating benefits eligible vs. non-eligible employees.
- Historical data loads will be required for all time periods prior to the effective date of WBD's Total Access Exchange installation.
- Client is responsible for providing historical data within 30 days of the Contract effective date.
- For historical data loads, the client agrees to adhere to the file specifications provided by WBD.
- Client is responsible for physical distribution of employee forms and notifications unless WBD is Contracted for this additional service.
- Employer is responsible for collecting missing dependent information. If dependents are missing from the system or have missing information (SSN, date of birth, etc.), it is the employer or employee's responsibility to enter that information into the EBISA.
- If client wishes to refresh annualized salaries with final year end salaries, a complete salary file including employee name, SSN and employee ID# must be received no later than January 6, 2017.
- If employer chooses to modify the 1094 employer transmittal form, all modifications must be completed by the employer outside of the EBISA. If employer modifies the 1094 form, employer will be responsible for the electronic filing with the IRS.
- If employer does not use WBD's integrated COBRA services, WBD is not responsible for including COBRA participants in the 1094 and 1095 forms and electronic filings.

ADDENDUM 3 - CARRIER SUBSIDY DISCOUNTS

Web Benefits Design has Preferred Carrier Partnership discounts which can be applied to the overall price for the online enrollment / benefit administration platform. Contingent upon carrier authorization, pricing discounts apply to the following lines of coverage with our Preferred Partners:

- Dental
- Vision
- Limited Medical
- Life and AD&D
- Voluntary Life
- Short Term Disability
- Long Term Disability
- Voluntary Accident
- Critical Illness & Cancer

DISCOUNT PRICING TERMS AND CONDITIONS

- Pricing discounts are subject prior carrier approval and receipt of signed carrier-specific acknowledgement form.
- Carrier subsidy discounts will be applied during the month in which the subsidy begins.
- If client terminates one or all the Preferred Carrier Exchange Partners products' and/or lines of coverage, client pricing will revert to standard, non-discounted pricing terms immediately upon effective date of the change.
- If carrier(s) are not fulfilling their compensation obligations, employer / client will be liable for compensation in full through the duration of the Contract term.
- Employer is responsible for all fees until the employer is eligible for any carrier subsidy.

Line of Coverage	Carrier	Discount Amount
Medical		
Dental		
Vision		
Basic Life & AD&D		
Vol. Life		
STD		
LTD		
Total Discount		

Contract Signature	Employer Signature
Printed Name	Brynn Myers
Title	
Signature	
Date	

SIGN HERE



ADDENDUM 4 - CARRIER AUTHORIZATION FOR EMPLOYER SUBSIDY DISCOUNT

Web Benefits Design honors Preferred Carrier Partnership Exchange discounts that can be applied to the overall price for the employers' online enrollment / benefit administration platform. By completing and signing this authorization form, carrier is acknowledging financial responsibility for commission and/or subsidy compensation to Web Benefits Design identified on the Carrier Subsidy Discount page of this Contract. If employer terminates one or more lines of coverage, carrier will not be held responsible for terminated benefits.

Employer Information	
Company Name	City of Temple
Street Address	2 North Main Street Suite 209
City State Zip	Temple, TX 76501
Primary Contact	Jennifer Jarosek
Contact Title	
Email	jjarosek@templetx.gov
Phone	(254) 298-5252

Carrier Partner Information	
Name of Carrier	Guardian
Group Sales Rep Name	
Group Sales Rep Phone	
Group Sales Rep Email	
Authorized Carrier Payment Contact	
Authorized Contact Email	
Authorized Contact Phone	
Carrier Authorized Signature	
Date of Signature	

SIGN HERE



ADDENDUM 5 – BROKER PAYMENT AUTHORIZATION

Web Benefits Design honors our broker and consulting partners. By completing and signing this authorization form, broker of consultant is acknowledging financial responsibility for the Web Benefits Design technology platform and services as specified below. If employer terminates relationship with your broker or consulting firm, employer is responsible for payment in full for the duration of the agreed upon Contract.

Billable Services	Broker Responsibility
Description	
Set Up or 1X Costs	No Subsidy
Ongoing Monthly Fee (PEPM)	No Subsidy
Ongoing Monthly Costs Total	No Subsidy
Notes	N/A

Mutual Client / Employer Information	
Company Name	City of Temple
Street Address	2 North Main Street Suite 209
City State Zip	Temple, TX 76501
Primary Contact	Jennifer Jarosek
Contact Title	
Email	jjarosek@templetx.gov
Phone	(254) 298-5252

Broker / Consulting Partner Information	
Name of Broker Organization	McGriff, Seibels & Williams, Inc.
Broker Contact Name	Kristen Ramos
Broker Contact Title	Account Manager
Broker Phone	(703) 385-7200
Broker Email Address	kramos@mcgriff.com
Broker Payment Contact	Kristen Ramos
Broker Payment Phone Number	(703) 385-7200
Broker Payment Email Address	kramos@mcgriff.com
Broker Authorized Signature	
Date of Signature	

SIGN HERE



ADDENDUM 6 - DETAILED DESCRIPTION OF WEB BENEFITS DESIGN SERVICES

Web Benefits Design (WBD) brings together smart solutions for all aspects of your benefits technology and administrative needs. We combine state-of-the-art technology with helpful, friendly customer service. Even with an amazing technology—there is still enormous need for the human element and personal touch that is required with the high-transaction nature of employee benefits.

WBD offers the total package:

CUSTOMIZED BENEFITS WEBSITE

Web Benefits Design Corporation offers a highly customized, client specific employee benefits website for all clients. The benefits website can accommodate your company logo, style sheet, font, colors, navigation format, and overall “look and feel” (brand) of your corporate website. The website will include your benefit summaries, forms, side-by-side benefit comparisons, SPDs, SBCs, documents, calculators, flyers, educational materials, compliance information and links to your providers and/or 3rd party vendors.

ONLINE ENROLLMENT / BENEFITS ADMINISTRATION

Our goal is to streamline the entire HR, benefits enrollment, communication and payroll process. The technology was designed with the “non-techie” user in mind. As a result, our benefits administration system is intuitive and easy to use for employees, brokers, human resource professionals, and benefits administrators. The system includes employee online enrollment and an intuitive, guided benefit shopping experience for employees that show cost by pay period. The system is permission-driven and will only show that employee the options, costs and eligibility rules applicable (i.e. hourly EEs may differ from salaried EEs).

WBD builds, transmits and manages all carrier feeds and can connect to any payroll or HRIS system – thereby creating a “single source” data solution for HR. The administrator portal (HR Access) provides robust tools for billing, custom reports, communication templates, customized employee messaging, employee history, COBRA transparency, call center records, ACA reports and 1095 forms and complete benefits outsourcing tools.

COBRA ADMINISTRATION

WBD will provide COBRA administration services that are integrated and transparent within the WBD online enrollment / benefit administration platform. COBRA administration services include: initial notification to new hires and new enrollees; qualifying event election notice; monthly payment coupons; notification of late payment or insufficient funds; notification of upcoming expiration and termination; and open enrollment communications.

All COBRA packets are processed within 48-hours of termination notification. Member packets are customized based on the plans and election options available based on the member’s coverage status. Members have access to WBD toll-free customer service for help with benefit eligibility, payment status, payment options, or enrollment assistance. WBD will provide premium remittance reports, payment status reports, participant election reports, and activity tracking reports. Employers will be reimbursed on a quarterly basis.

ACA 1094C & 1095C FORM GENERATION AND REPORTING

WBD will generate the 1094-C and 1095-C forms for both active and terminated employees, including COBRA participants (assuming client uses WBD’s integrated COBRA administration). WBD will populate the line 14, 15, and 16 series codes using system logic and historical data information. WBD will file electronically with the IRS and will provide a master file for employer records. Historical data loads are included in set up fees. Hard copy distribution of forms to employee is available for \$3 per mailing.

All forms will be generated and available for review at least 10 days prior to IRS deadline on an annual basis. Employees and employers will be able to access forms online through the WBD benefits website and HR Access. WBD is also responsible for any corrections and re-filings as per IRS specifications and applicable deadlines. WBD provides telephonic support for questions or requests to re-issue forms. WBD ACA reporting services also includes the following reports in Excel format: employers W-2 Healthcare Report in excel format: Year-end Healthcare Summary Reports with data for Box 12 on W-2 forms and Affordability Report.



ADDENDUM 6 - DETAILED DESCRIPTION OF WEB BENEFITS DESIGN

CALL CENTER / EMPLOYEE BENEFITS HOTLINE (YEAR-ROUND)

WBD offers a full service, year-round Call Center for client employees and HR professionals. Each client receives a specific benefits hotline number that is answered "ABC client benefits hotline, how may I help you today?" WBD benefits experts are available to provide technical assistance, password reset, telephonic enrollment, assistance with benefit and eligibility questions, as well as general benefits assistance. Call center also includes outbound individual and automated bulk calls. Text messaging is also available. All calls are recorded and documented for 100% client transparency. Call center metrics and reports are available to our clients.

ACA VARIABLE HOURS TRACKING (VHT)

This service is separate from 1094C/1095C reporting. WBD provides year-round variable hours tracking for clients' variable hours population in order to remain ACA compliant. Current benefit administration system data is integrated with additional payroll data to complete the data requirements necessary to track and report hours worked for clients' variable hours population. WBD's robust variable hours tracking tool provides new hire and ongoing measurement capabilities. The client is required to provide their employee hours report in the WBD template on a frequent basis. Upon eligibility status change, WBD will communicate to employers (and employees assuming the client uses WBD's Employee Call Center service) and track benefits offer date, acceptance date, and/or waiver date.

DISCREPANCY REPORT MANAGEMENT

WBD team will obtain all carrier discrepancy reports within 24 hours after processing of each carrier data feed. WBD team will review, correct, and communicate all corrective action as necessary to ensure consistent, clean, accurate data management processes.

- If WBD is contracted to manage discrepancy reports, there is a \$.25 PEPM charge. Reports outlining and correcting differences in the carrier system vs. the WBD system will be reviewed on a weekly basis (assuming carriers are able to provide the reports to us on a weekly basis). Client is required to respond to WBD inquiries in a timely manner and help resolve questions as needed.
- If WBD is **not contracted** to manage discrepancy reports, client is required to assume full responsibility for all carrier discrepancy reports, default cancel reports or eligibility clarification issues from each carrier.

EVIDENCE OF INSURABILITY MANAGEMENT (EOI)

New Hires, Qualifying Events and Open Enrollment: WBD will follow up weekly with all employees that are pending voluntary life approval based on completion of EOI form / process. Services includes full scope of EE communications, monitoring vendor system for completion, follow up communication to EE after request is approved, denied or closed out due to lack of response.

ELIGIBILITY FILE MANAGEMENT

Customize system to "pend" new hires, qualifying events and/or open enrollment for all EE records. WBD team is responsible for processing all status changes (based on a weekly file) including LOA's, PT to FT, Hourly to Salary, and terminations.

For QE and new hire changes, WBD will be responsible for reviewing transactions, monitoring effective dates and approving / declining each employee election with appropriate electronic employee communications and BCS.

QUALIFYING EVENT MANAGEMENT

WBD will manage, make outreach, follow through and close the loop on all qualifying events and requests for benefit changes. The system will can be automatically set to "pend" change requests, but WBD will work with your employees to gather the required documentation (i.e. birth and marriage certificates, proof of lost coverage, court order documents, etc.) and will validate accordingly. WBD will be responsible for reviewing all qualifying events and new hire changes transactions, monitoring effective dates, and approving/declining each employee election with appropriate electronic employee communications and BCS. All correspondence and documentation is tracked, dated and stored in HR Access.



ADDENDUM 6 - DETAILED DESCRIPTION OF WEB BENEFITS DESIGN

NEW HIRE MANAGEMENT

WBD team will generate weekly reports for new hires who are within their 30 day window to enroll – reminding them of their benefits and eligibility rules (message can be customized by client). WBD is responsible for ensuring that each member has been adequately notified of enrollment opportunity. Upon enrollment, WBD will email confirmation to employee. If employee is unresponsive, WBD will follow up with email and Benefit Confirmation Statement with cc to HR contact. If employer has default medical option, WBD will administer accordingly.

DEPENDENT AGE MANAGEMENT

WBD will monitor upcoming dependent “age-outs” in accordance with client eligibility rules. WBD will notify employee and HR of any dependents that are approaching their loss of eligibility status within the next 60 days. WBD will proactively process COBRA and employee communications to ensure client termination rules are maintained without employer manual intervention.

DEPENDENT DOCUMENTATION MANAGEMENT

Customize system to “pend” new hires, qualifying events and/or open enrollment for all EE records that include dependent enrollments. New Hires, Qualifying Events and Open Enrollment: Web Benefits will follow up after each transaction to collect and store dependent documentation. Web Benefits will release or close each EE record as appropriate to ensure proper eligibility information transfer. WBD will handle all employee communications and correspondence and record all information in the administration portal.

CONSOLIDATED BILLING AND RECONCILIATION

For most clients, our highly efficient and accurate carrier file feeds and custom billing and report capabilities eliminate the need for 3rd party reconciliation billing. However, if clients need the additional service of consolidated billing and line-by-line reconciliation services, WBD offers this service through our preferred partner at a discounted rate. The service includes collection of all insurance carrier bills on the client’s behalf and confirmation of each billing transaction against enrollment data in the WBD system. Payments will be remitted to each carrier once acquiring billing statements and payment from the client. Monthly audits resolve any discrepancies identified between WBD and the carrier’s system (if any). Summary and detailed reports are generated for the self-reported plans.

CUSTOMIZED BILLING AND ON-CALL REPORT ANALYST

Dedicated WBD report analyst will customize reports for bills, budget, dependent age tracking, open enrollment activities, eligibility audits or other client needs. Reports will be generated and emailed to designated client contact within 2 business days of request or less. Reports can also be set up to automatically generate and be emailed to client on a regularly scheduled basis. Your WBD report analyst is essentially your “on-call” report specialist for any and all “on-demand” reporting needs.

MEDICAL WAIVER / PROOF OF OTHER COVERAGE MANAGEMENT

Customize system to “pend” new hires, qualifying events and/or open enrollment for all EE’s that are waiving medical coverage. For new hires, qualifying events and open enrollment: Web Benefits will follow up after each transaction to collect and store proof of other medical coverage. Web Benefits will release or close each EE record as appropriate to ensure proper administration of client procedures.

BENEFICIARY MANAGEMENT

WBD team will generate monthly reports for employees who are missing beneficiary information or who have not updated beneficiary information within the past 12 months. WBD team will email and make outbound reminder phone calls to employees prompting them to update beneficiary records.



ADDENDUM 6 - DETAILED DESCRIPTION OF WEB BENEFITS DESIGN

ANNUAL DOMESTIC PARTNER VERIFICATION

WBD will verify domestic partner status and collect current domestic partner documents (as per client requirements) on an annual basis.

MAILING & FULFILMENT OF PRINTED COMMUNICATIONS

Whether you need your pre or post enrollment benefit conformation statements, take over benefit confirmation statements or your ACA 1095 employee reports mailed, we've got your covered. As an additional service, we can help you get important hard copy communications in the hands of your employees.

SINGLE SIGN ON (SSO) OR API WITH 3RD PARTY

Through an integrated third party validation we are able to link your WBD benefits administration platform to a number of existing client applications (such as payroll or HRIS system) using a SAML assertion to validate the users identity. With this capability, the user is authenticated by logging into WBD or the employer's system to gain access to both the WBD system and the desired SAML enabled client applications without being prompted to login multiple times. SSO increases productivity along with information security and should be considered for any company with more than 500 employees.

DECISION SUPPORT VIDEOS

Web Benefits Design now offers a wide selection of creative, engaging videos and decision support tools to help explain group benefits and drive employee participation. Ask your regional sales director for more details and pricing options.

- **Value Package**
Provides benefit information and explains complicated terminology while providing useful tips to help employees become savvy consumers. Videos are embedded throughout the Benefits Supersite and online shopping experience. Choose 10 from the library of topics.
- **Branded Package**
Provides benefit information and explains complicated terminology while providing useful tips to help employees become savvy consumers. Videos are embedded throughout the Benefits Supersite and online shopping experience. Choose 10 from the library of topics.
- **Customized Package**
A highly effective option for employers offering multiple medical options and/or Wellness & Incentive programs. WBD will create a series of branded videos with custom storyboarding and voiceover to provide information on the group's specific benefits.

RESOLUTION NO. 2019-9614-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO-YEAR SERVICES AGREEMENT WITH WEB BENEFITS DESIGN CORPORATION OF ORLANDO, FLORIDA IN THE ESTIMATED AMOUNT OF \$45,000 PER YEAR FOR ONLINE EMPLOYEE BENEFITS ENROLLMENT AND ADMINISTRATION SERVICES ALONG WITH AFFORDABLE CARE ACT REPORTING SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, authorization of a two-year Services Agreement with Web Benefits Design Corporation (Web Benefits) will provide for the continued use of Web Benefits' proprietary online employee benefits enrollment and administration system software along with Affordable Care Act (ACA) reporting services through June 30, 2021;

Whereas, previously, Staff evaluated various on-line benefit enrollment & administration systems and Web Benefits' online system was selected as providing the best solution for the City, and a computer interface was written so payroll records could be updated based on entries in the Web Benefits system;

Whereas, with the system setup and interface already in place, Staff is recommending that the proprietary computer services provided by Web Benefits be exempt from competitive bidding based on the customized programming embedded in the system;

Whereas, Staff recommends Council authorize a two-year agreement with Web Benefits Design Corporation in the estimated amount of \$45,000 per year for online employee benefits enrollment and administration services, along with the Affordable Care Act reporting services;

Whereas, in addition to the recurring monthly estimated costs of \$3,652, there is annual website and reconfiguration fee of \$1,100;

Whereas, funding for this Services Agreement is available in Account No. 110-2700-515-2616, Account No. 240-4400-551-2616, Account No. 292-2900-534-2616, and Account No. 520-5000-535-2616 - funding for forthcoming years will be included in future year budget requests; 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 two-year Services Agreement with Web Benefits Design Corporation of Orlando, Florida in an estimated amount of \$45,000 per year for online employee benefits enrollment and administration services along with Affordable Care Act reporting services.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Economic Development Agreement with TRIO Central Texas Chapter, Inc. for the construction of a care facility to provide housing to family members of organ transplant patients.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY TRIO Central Texas Chapter, Inc. ("TRIO") is a local chapter of Transplant Recipients International Organization, Inc. which is a non-profit organization committed to improving the quality of lives touched by organ transplantation through support, advocacy, education and awareness. TRIO is planning to construct a facility in Temple (the "Facility") to provide housing and care to family members of organ transplant patients receiving treatment in the Central Texas area. TRIO desires to construct the Facility on property currently owned by the City.

The City owns three tracts located at 2122 South 15th Street, 2118 South 15th Street, and 2114 South 15th Street. The City also owns an adjacent tract of excess right-of-way that is a remnant of the Avenue U construction and expansion. TRIO has asked that the City convey all of the property in exchange for TRIO's agreement to construct the Facility. TRIO's estimated capital investment in the Facility is \$1,000,000. TRIO will be obligated to obtain a building permit for construction of the Facility no later than 18 months from the date the properties are conveyed to TRIO and to complete the construction no later than three years from the date the properties are conveyed.

The City is authorized to participate in the proposed agreement under Article III, Section 52(a) of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and under City Ordinance Number 2018-4922. The City's participation is also authorized by Chapter 272 of the Texas Local Government Code, specifically Section 272.001, because the properties that are subject to the Agreement are located in the City's Tax Increment Financing Reinvestment Zone #1 and the City desires that the properties be developed under the Zone's adopted project plan.

FISCAL IMPACT: At the present time, the property is exempt from property taxes. Since TRIO Central Texas Chapter, Inc. is a non-profit organization, the property will remain exempt from property taxes under their ownership.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9615-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH TRIO CENTRAL TEXAS CHAPTER, INC. FOR THE CONSTRUCTION OF A CARE FACILITY TO PROVIDE HOUSING TO FAMILY MEMBERS OF ORGAN TRANSPLANT PATIENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, TRIO Central Texas Chapter, Inc. (“TRIO”) is a local chapter of Transplant Recipients International Organization, Inc. which is a non-profit organization committed to improving the quality of lives touched by organ transplantation through support, advocacy, education and awareness;

Whereas, TRIO is planning to construct a facility in Temple (the “Facility”) to provide housing and care to family members of organ transplant patients receiving treatment in the Central Texas area, and TRIO desires to construct the Facility on property currently owned by the City;

Whereas, the City owns three tracts located at 2122 South 15th Street, 2118 South 15th Street, and 2114 South 15th Street, as well as an adjacent tract of excess right-of-way that is a remnant of the Avenue U construction and expansion - TRIO has asked that the City convey all of the property in exchange for TRIO’s agreement to construct the Facility;

Whereas, TRIO’s estimated capital investment in the Facility is \$1,000,000 and TRIO will be obligated to obtain a building permit for construction of the Facility no later than 18 months from the date the properties are conveyed to TRIO, and complete the construction no later than 3 years from the date the properties are conveyed;

Whereas, the City is authorized to participate in the proposed agreement under Article III, Section 52(a) of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and under City Ordinance Number 2018-4922;

Whereas, the City’s participation is also authorized by Chapter 272 of the Texas Local Government Code, specifically Section 272.001, because the properties that are subject to the agreement are located in the City’s Tax Increment Financing Reinvestment Zone No. 1 and the City desires that the properties be developed under the Zone’s adopted project plan;

Whereas, at the present time, the property is exempt from property taxes - since TRIO Central Texas Chapter, Inc. is a non-profit organization, the property will remain exempt from property taxes under their ownership; 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 TRIO Central Texas Chapter, Inc. for the construction of a care facility to provide housing to family members of organ transplant patients.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, in the amount of \$50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase will allow for the continued use of Environmental Systems Research Institute's (ESRI's) Geographical Information Systems (GIS) software from May 7, 2019 to May 6, 2020. The GIS software is used to integrate hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information by the following departments: Information Technology, Public Works, Parks, Police, Police, and Fire. GIS allows staff to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts.

GIS is used for many purposes such as crime analyses, water/wastewater, transportation, parcel studies, 911, planning, zoning, parks, infrastructure, political boundary, topographical, hydrological and census analysis and management. In addition, the GIS software is used for information sharing on our City website.

This Enterprise Licensing Agreement allows the City to take advantage of unlimited licensing and maintenance which will provide the following benefits:

- A lower cost per unit for the licensed software,
- Substantially reduced administrative and procurement expenses,
- Maintenance on all ESRI software deployed under this agreement, and
- Complete flexibility to deploy software products when and where needed.

ESRI is the sole provider of maintenance for the ArcGIS applications software, which the City has been using for three years. Changing GIS software would be cumbersome and expensive; therefore, staff is requesting that this purchase be made from ESRI as the sole source provider.

FISCAL IMPACT: Funding for the Geographical Information System (GIS) license agreement and maintenance contract with Environmental Systems Research Institute, Inc. in the amount of \$50,000 is available in account 110-1900-519-2515.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9616-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GEOGRAPHICAL INFORMATION SYSTEM LICENSE AGREEMENT AND MAINTENANCE CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. OF SAN ANTONIO, TEXAS IN THE AMOUNT OF \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Geographical Information System (GIS) software is used to integrate hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information throughout various departments within the City;

Whereas, GIS software allows Staff to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts;

Whereas, GIS software is used for many purposes, to include crime analyses, water/wastewater, transportation, parcel studies, 911, planning, zoning, parks, infrastructure, political boundaries, topographical, hydrological and census analysis and management, and, in addition, the GIS software is used for information sharing on our City website;

Whereas, the Enterprise Licensing Agreement will allow the City to take advantage of unlimited licensing and maintenance which will provide the following benefits:

- A lower cost per unit for the licensed software;
- Substantially reduced administrative and procurement expenses;
- Maintenance on all ESRI software deployed under this agreement; and
- Complete flexibility to deploy software products when and where needed;

Whereas, Environmental Systems Research Institute (ESRI) is the sole provider of maintenance for the ArcGIS applications software, which the City has been using for three years - changing this software would be cumbersome and expensive, and therefore, Staff recommends Council authorize this purchase from ESRI as the sole source provider;

Whereas, authorization of this purchase will allow for the continued use of ESRI's GIS software from May 7, 2019 to May 6, 2020;

Whereas, funding for the GIS license agreement and maintenance contract is available in Account No. 110-1900-519-2515; 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 City Attorney, to execute a Geographical Information System license agreement and maintenance contract with Environmental Systems Research Institute, Inc., of San Antonio, Texas in the amount of \$50,000.

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

PASSED AND APPROVED this the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the annual Microsoft Software Enterprise Renewal with SHI Government Solutions of Austin, in the amount of \$222,568.11.

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

ITEM SUMMARY: Authorization of this software agreement will provide for the continued use of Microsoft office applications from May 1, 2019 through April 30, 2020.

The City currently uses Microsoft for all of our office applications, as well as database servers, throughout the City. The primary Microsoft applications currently used include the following: Microsoft Word, PowerPoint, Excel, Sharepoint, Outlook, and Publisher, as well as Enterprise solutions for servers and operating systems.

After reviewing some of the volume licensing programs that were presented, we decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers.

We would like to continue with Office 365 so that all employees have the ability to work across multiple devices, from anywhere, and have a consistent, clean, and fast experience. It will enable staff to establish settings that roam with the employee so files are up to date and ready to pick up right where the employee left the file, no matter what device is being used. This also will give us new access for online collaboration and meeting tools instead of having to go through a hosted service such as Webex or Go-To-Meeting. In addition, Office 365 will provide for simplified legal compliance by using in-place legal holds which will be hosted by Microsoft, allowing our staff more time to concentrate on security compliance.

In summary, Office 365 provides the following:

Advanced email	Use archiving and legal hold capabilities, plus unlimited storage, for compliance needs. And use data loss prevention (DLP) policies and policy tips that educate your users for additional compliance enforcement in email.
Microsoft Office Suite	Includes Word, Excel, Powerpoint Outlook, OneDrive, Microsoft Teams and Sharepoint for all users
Online conferencing	Host online meetings with audio and video using one-click screen sharing and HD video conferencing using Microsoft Teams
Instant messaging and Teams connectivity	Connect with other Team users via instant message, voice calls, and video calls, and let people know your availability with your online status. Share presence, IM, and audio calling with Team users.
File storage and sharing	OneDrive for Business gives each user 1 TB of personal cloud storage that can be accessed from anywhere and that syncs with their PC for offline access. Easily share documents with others inside and outside the organization and control who can see and edit each file.
Teams	Teams is where employees - including people outside your organization - can actively connect and collaborate in real time to get things done. Have a conversation right where the work is happening, whether coauthoring a document, having a video meeting, or working together in other apps and services. Teams is the place to have informal chats, iterate quickly on a project, work with team files, and collaborate on shared deliverables.
Site mailboxes	Make it easier for teams to collaborate. Store and share email and documents in project-specific folders, so everyone on the team can find the information they need fast.
Office Online	Create and edit Word, OneNote, PowerPoint, and Excel documents from a browser.
Mobility	Sync email, calendar, and contacts; access SharePoint sites; view and edit Office documents with Office Online using a browser on Windows Phone, iOS, and Android devices.

This is the tenth year of the City's Enterprise Agreement and through the Enterprise Agreement we are able to more effectively standardize software across all desktops and take advantage of many of the included software assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's. The pricing has increased by \$40,000 based on the fact that our original license agreement was based on 500 users, but we now have close to 750 users citywide.

Prior to 2010, it was the Information Technology Department's practice of purchasing new licenses every three to four years through a select agreement program because we felt the Enterprise Agreement was more expensive over the three to four year period, but the pricing now has reversed in the sense that it is less costly to go through a yearly Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every three to four years but that has changed in the past four years in that software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

SHI Government Solutions has been awarded a Texas Department of Information Resources (DIR) contract #DIR-SDD-2503, which this purchase is recommended for awarded under. Contracts awarded by DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: A budget adjustment is presented for Council's approval to appropriate \$222,569 of Technology Funds to account 351-1900-519-2515, for the annual Microsoft Software Enterprise Renewal with SHI Government Solutions.

ATTACHMENTS:

[Budget Amendment
Resolution](#)

FY 2019

BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
351-1900-519-25-15		Dues & Subscriptions	\$ 222,569			
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 222,569			
110-0000-351-09-43		Designated Capital - Technology Funds			222,569	
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	222,569			
		Do Not Post				
TOTAL.....			\$ 667,707		\$ 222,569	

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

2019 Microsoft Annual EA Agreement

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

04/04/19

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

☐ Approved
☐ Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

☐ Approved
☐ Disapproved

RESOLUTION NO. 2019-9617-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT RENEWAL WITH SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS IN THE AMOUNT OF \$222,568.11, FOR MICROSOFT SOFTWARE ENTERPRISE LICENSING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Microsoft for all office applications, as well as database servers throughout the City - the primary Microsoft applications currently used include Microsoft Word, PowerPoint, Excel, Sharepoint, Outlook, and Publisher, as well as Enterprise solutions for servers and operating systems;

Whereas, after reviewing the volume of licensing programs presented, Staff decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License Suite, including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server, for all the City computers;

Whereas, the agreement will also cover a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers;

Whereas, Staff wishes to continue with Office 365 so that all employees have the ability to work across multiple devices, from anywhere, and have a consistent, clean, and fast experience;

Whereas, this agreement will enable Staff to establish settings that roam with the employee so files are up to date and ready to pick up right where the employee left the file, no matter what device is being used – this agreement will also give the City new access for online collaboration and meeting tools instead of having to go through a hosted service such as Webex or Go-To-Meeting;

Whereas, Office 365 will also provide for simplified legal compliance by using in-place legal holds which will be hosted by Microsoft, allowing our staff more time to concentrate on security compliance;

Whereas, this will be the tenth year of the City's Enterprise Agreement and through the Enterprise Agreement, the City is able to more effectively standardize software across all desktops and take advantage of many of the included software assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's;

Whereas, the pricing has increased by \$40,000 based on the fact that the original license agreement was based on 500 users, however, the City now has close to 750 users citywide;

Whereas, SHI Government Solutions has been awarded Texas Department of Information Resources (DIR) Contract No. DIR-SDD-2503 - contracts awarded by DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, authorization of this purchase will allow for the continued use of Microsoft office applications from May 1, 2019 through April 30, 2020;

Whereas, a budget adjustment is being presented for Council's approval to appropriate \$222,569 of Technology Funds to Account No. 351-1900-519-2515; 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 annual contract renewal with SHI Government Solutions of Austin, Texas in the amount of \$222,568.11, for Microsoft Software Enterprise licensing.

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

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

PASSED AND APPROVED this the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(M)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: Consider adopting the following resolutions:

- (1) Authorizing staff to apply for and accept funding from the Texas Department of Transportation for the Georgetown Railroad Trail – Phase 1, to be funded through the Safe Routes to School Program.
- (2) Authorizing staff to apply for and accept funding from the Texas Department of Transportation for the Georgetown Railroad Trail – Phase 2, to be funded through the Transportation Alternatives Program.

STAFF RECOMMENDATION: Adopt the resolutions as described.

ITEM SUMMARY: The Texas Department of Transportation (TxDOT) has announced a statewide Call for Projects for two non-motorized infrastructure funding sources: The Transportation Alternatives Set-Aside (TA) program and available Safe Routes to School (SRTS) infrastructure funding. For the 2019 TA/SRTS Call for Projects, the department is particularly interested in projects that reflect a high degree of collaboration and community consensus while directly contributing to the department's safety, mobility, and connectivity goals.

This project will be submitted to TxDOT and funded in two phases:

- 1) Phase 1 will be submitted for Safe Routes to School funding. SRTS funds are eligible for any project within two miles of a school serving school serving students in Kindergarten through 8th grade and this phase will be 1.7 miles long. Phase 1 begins at Raye Allen Elementary and ends after crossing at South 31st Street.
- 2) Phase 2 will be submitted for TA funding. It will begin on the West side of 31st Street, at the terminus of Phase 1, and complete the remaining 2.4 miles of trail, ending at the historic MK&T bridge. Phase 2 includes both the trail construction and the bridge renovation.

The Georgetown Railroad Trail project would create a 10' wide, four mile long shared-use path along the right-of-way of the former 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 and neighboring communities. The design will include safety lighting and signage at all street crossings to minimize risk to pedestrians and cyclists and encourage use by students. 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. The trail will connect Raye Allen Elementary School, South Temple Community Park, and ultimately reach the historic MK&T bridge over the Leon River.

TxDOT's 2019 TA/SRTS Call for Projects features a new, two-step application process shown below:

Milestones	Application Pool			
	Available Funds		Anticipated Future Funds	
	Non Urban TA*	SRTS	Non Urban TA*	Small Urban TA*
Step 1	TxDOT's 2019 TA/SRTS Call for Projects opens	February 8, 2019	February 8, 2019	
	Workshops	February 12 - March 13, 2019	February 12 - March 13, 2019	
	Preliminary Application (PA) deadline	April 12, 2019	April 12, 2019	
	District coordination	before June 7, 2019	before June 7, 2019	before Aug. 2, 2019**
	TxDOT PA Review complete	June 14, 2019	June 14, 2019	before Aug. 15, 2019**
	TxDOT notifies sponsors of application pool	June 18, 2019	June 18, 2019	
Step 2	Detailed Application (DA) deadline	August 15, 2019	October 30, 2019**	
	TxDOT DA Review complete	Fall 2019	Winter 2020**	
	Final project award	December 2019**		
	Conditional Project List		Winter 2020**	

* TxDOT administers TA funds for Nonurban (populations of 5,000 or less) and Small Urban (populations of 5,001 to 200,000) areas located outside the smoothed boundaries of Census Urbanized Areas of 200,000 or greater, known as TMAs.

** target dates

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 TxDOT grant program, upon receiving a grant award.

FISCAL IMPACT: Project phase construction estimates are as shown. Each funding source requires a 15% TxDOT administrative fee calculated from the construction estimate. Twenty percent of this 15% fee is payable upon award, with the remaining paid at the end of the project.

1. Phase 1: Funding program guidelines for SRTS provide a federal reimbursement of 100%. If awarded the SRTS grant for the trail to Raye Allen Elementary School, the City will receive \$1,725,000. The City will also incur design costs in the estimated amount of \$225,000.

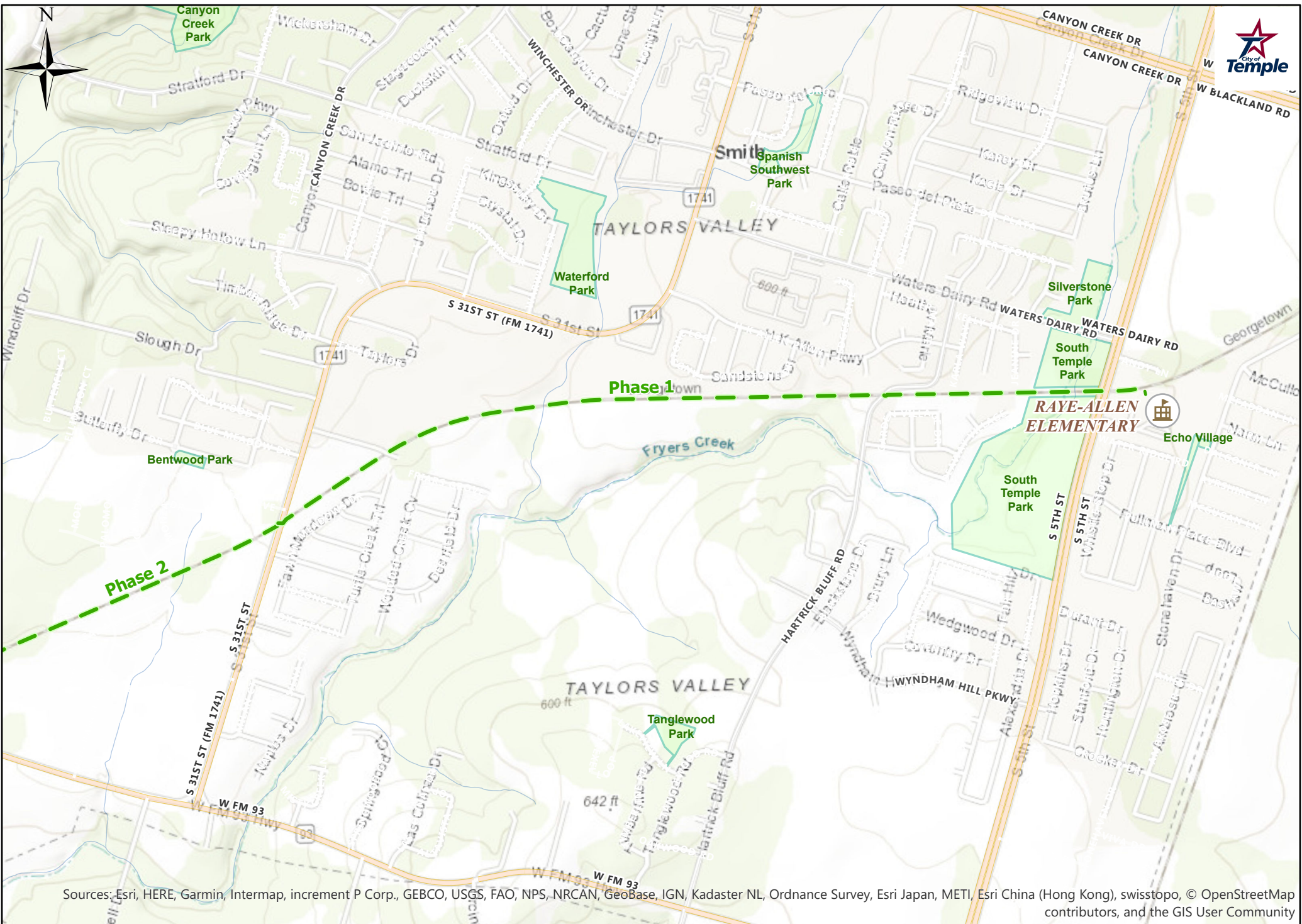
Description	Total Estimated Cost	Federal Participation		Local Participation	
		%	Cost	%	Cost
Construction (By Local Government)	\$ 1,500,000	100%	\$ 1,500,000	0%	\$ -
TxDOT Admin Costs	225,000	100%	225,000	0%	-
Grant Subtotal	1,725,000	100%	1,725,000	0%	-
Engineering (By Local Government)	225,000	0%	-	100%	225,000
TOTAL	\$ 1,950,000	\$	1,725,000	\$	225,000

2. Phase 2: Funding program guidelines for TA provide a maximum federal reimbursement of 80%, with the City providing a minimum 20% match. If awarded the TA grant for the trail to the MK&T bridge, the City will receive \$1,380,000 and be required to provide a \$345,000 cash match (20%). The City will also incur design costs in the estimated amount of \$225,000.

Description	Total Estimated Cost	Federal Participation		Local Participation	
		%	Cost	%	Cost
Construction (By Local Government)	\$ 1,500,000	80%	\$ 1,200,000	20%	\$ 300,000
TxDOT Admin Costs	225,000	80%	180,000	20%	45,000
Grant Subtotal	1,725,000	80%	1,380,000	20%	345,000
Engineering (By Local Government)	225,000	0%	-	100%	225,000
TOTAL	\$ 1,950,000	\$	1,380,000	\$	570,000

ATTACHMENTS:

[Project Map](#)
[Concept Renderings](#)
[Consultant OPC](#)
[Resolution](#)

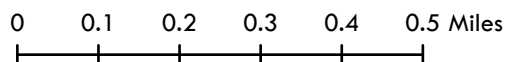


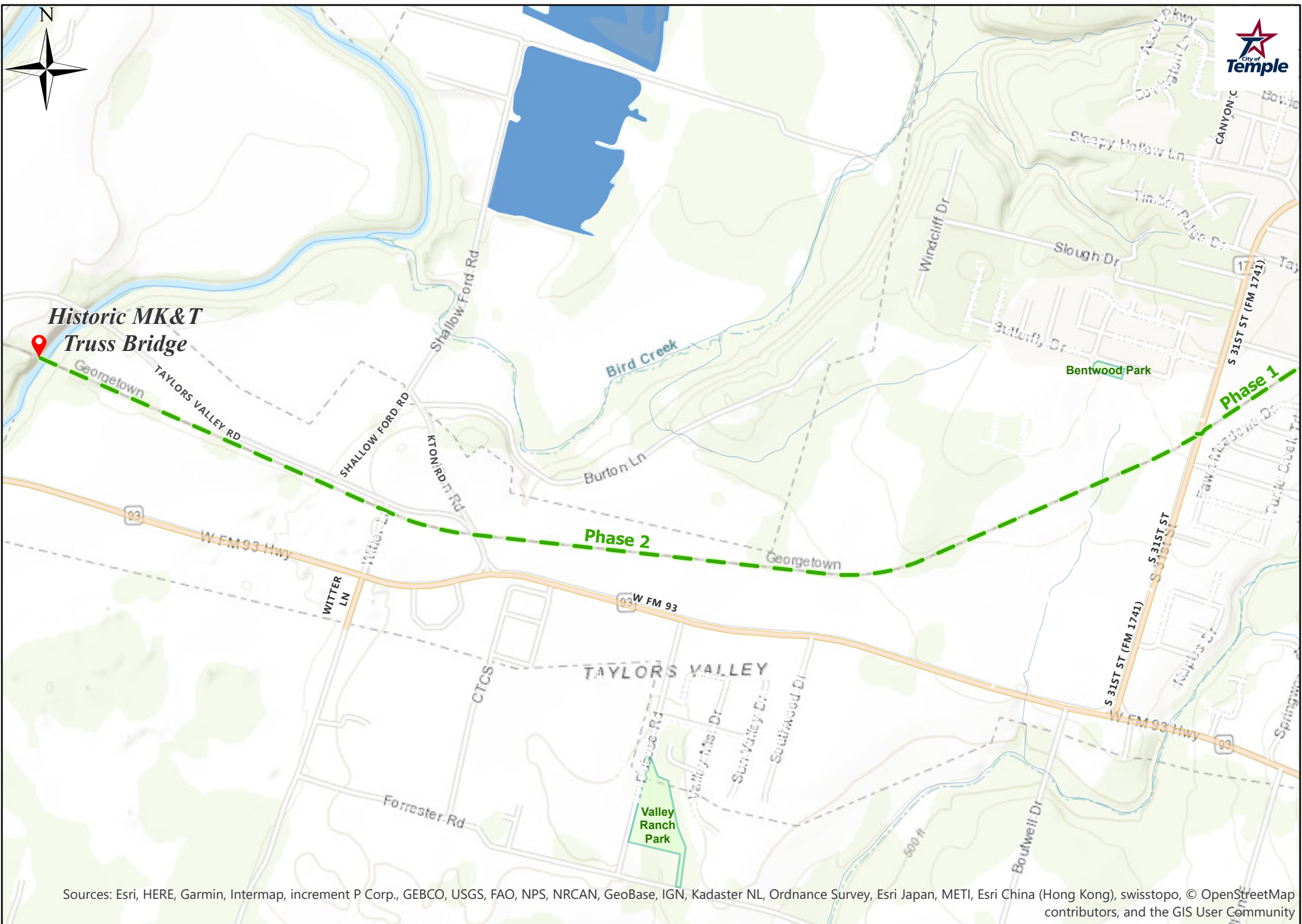
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Georgetown Railroad Trail - Phase 1

Construct 1.7 mile long, 10 foot wide, shared-use path from Raye Allen Elementary to 31st Street with lighting and crosswalks

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.





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

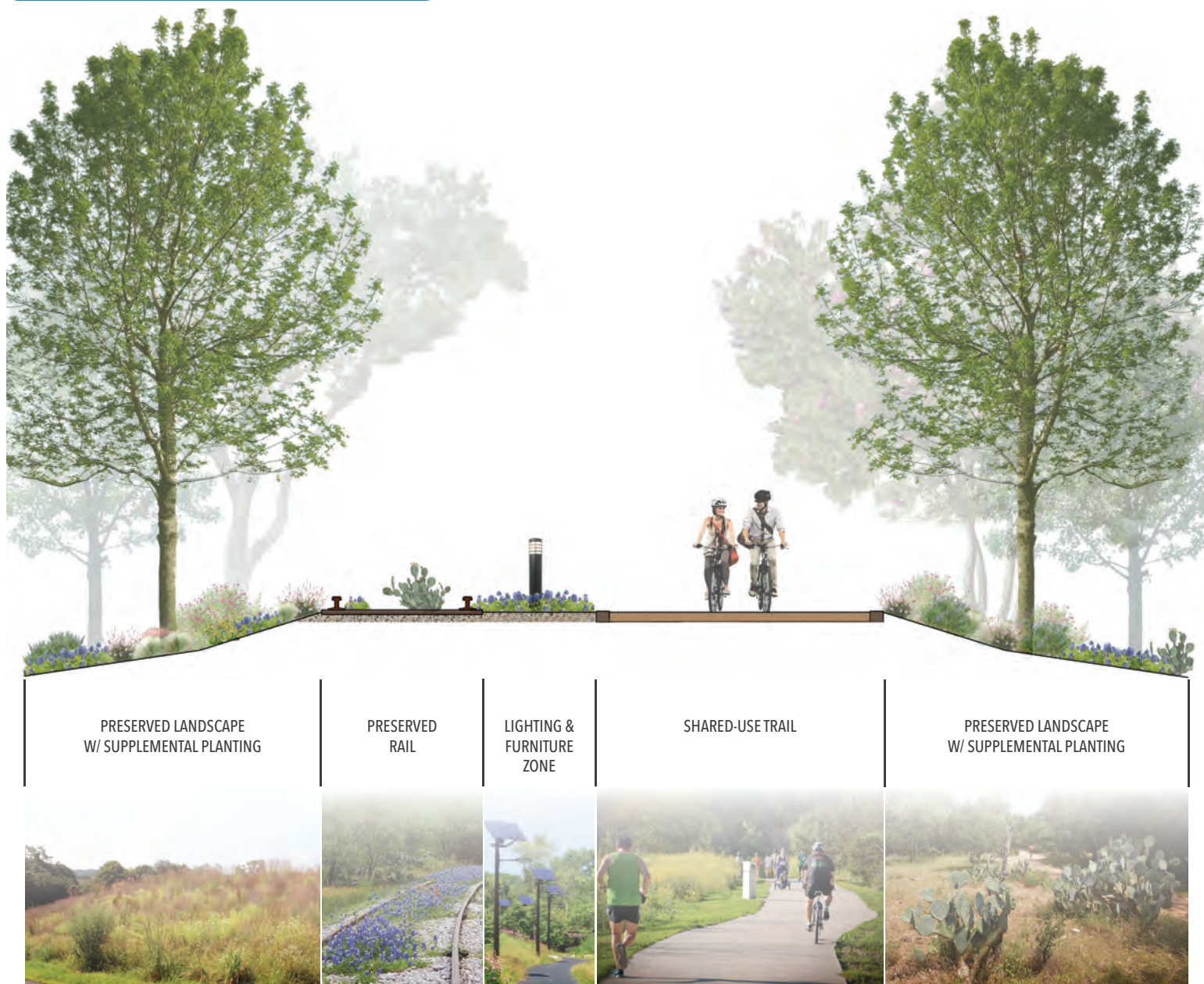
Georgetown Railroad Trail - Phase 2

0 0.1 0.2 0.3 0.4 0.5 Miles

Construct 2.4 mile long, 10 foot wide, shared-use path from 31st Street to MK&T bridge with lighting and crosswalks

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.

TRAIL SECTION (NATURAL)



TRAIL SECTION (NATURAL)

TRAIL SECTION (DUAL TRAILWAY)

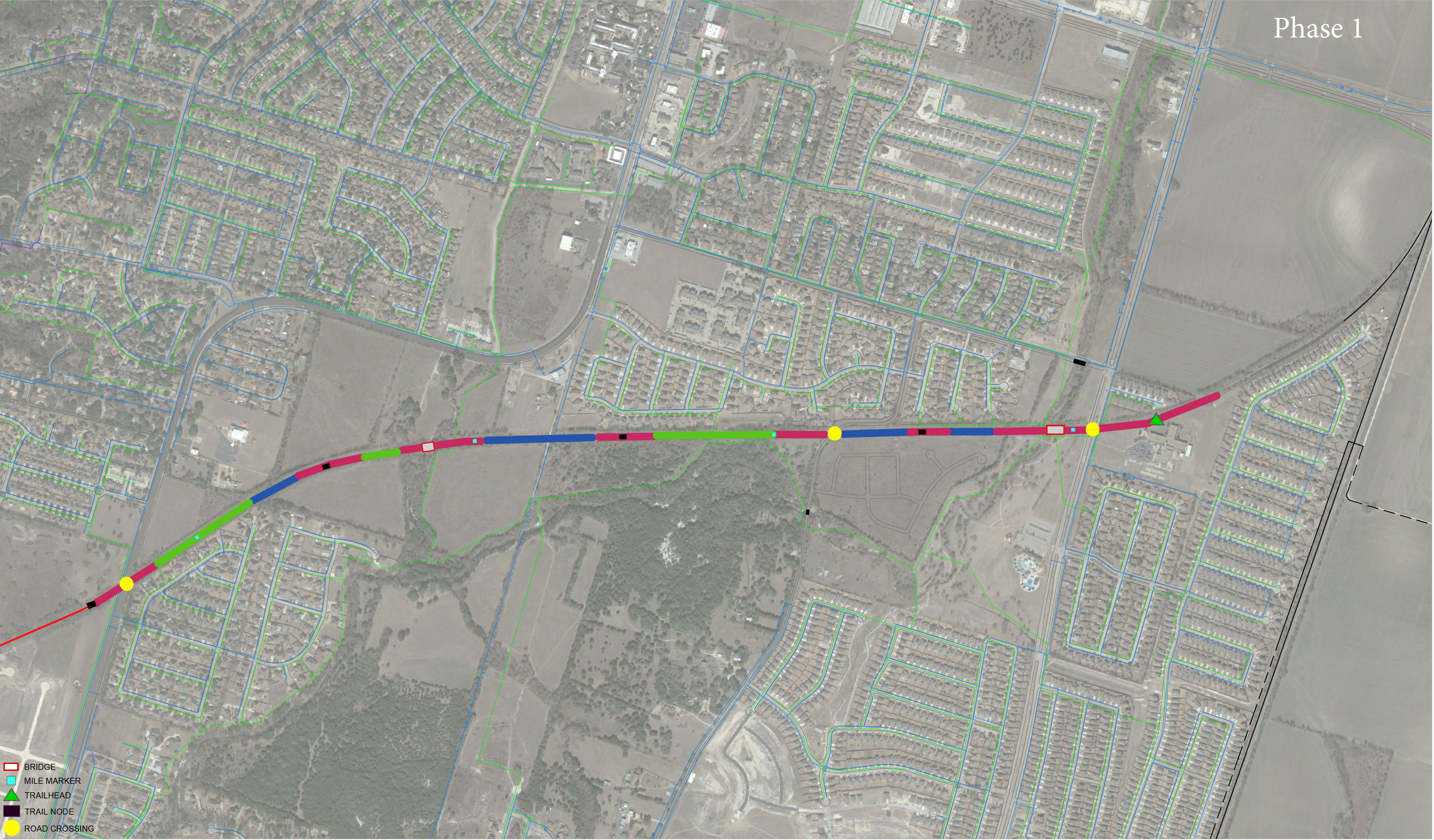


TRAIL SECTION (TYPICAL)

TRAIL SECTION (TYPICAL)



TRAIL SECTION (TYPICAL)



GEORGETOWN RAIL TO TRAIL
Scale: 1"= 400'

Temple, Texas



GEORGETOWN RAIL TO TRAIL

Temple, Texas

Scale: 1"= 400'

Kasberg, Patrick & Associates, LP

OPINION OF PROBABLE COST

City of Temple

Client: City of Temple
Project: Rails to Trails Hike and Bike Trail
Raye Allen Elementary School to 31st Street

SRTS Grant Application
Date: March 19, 2019
By: ARS

Item No.	Description	Quantity	Unit	Price	Amount
I. PROJECT CONTROL					
1	Mobilization Bonds and Insurance	100%	LS	\$ 120,000.00	\$ 120,000.00
2	Preparation of Right-of-Way	95	STA	500.00	47,500.00
3	Final Clean-up and Grading Along Trail	9,500	LF	2.00	19,000.00
4	Prepare & Administer SW3P	100%	LS	7,500.00	7,500.00
5	Prepare & Imp. Traffic & Pedestrian Safety Plan	100%	LS	25,000.00	25,000.00
6	Prepare Trench Safety Plan	100%	LS	2,500.00	2,500.00
7	Implement Trench Safety (Pipe Ditches)	100	LF	5.00	500.00
SUBTOTAL					\$ 222,000.00
II. CIVIL					
8	Unclassified Excavation for Trail	2,500	CY	\$ 10.00	\$ 25,000.00
9	Compacted Fill (On-Site Materials)	2,500	CY	8.00	20,000.00
10	Compacted Fill (Import Materials)	1,250	CY	15.00	18,750.00
11	10-foot Wide Concrete Trail Outside Rail Bed	4,900	SY	60.00	294,000.00
12	10-foot Wide Concrete Trail Inside Rail Bed	5,200	SY	80.00	416,000.00
12	5-foot Wide Concrete Sidewalk Inside Rail Bed	1,000	SY	80.00	80,000.00
12	Pedestrian Ramps	8	EA	2,500.00	20,000.00
13	Rectangular Rapid Flashing Beacon (RRFB)	2	EA	25,000.00	50,000.00
SUBTOTAL					\$ 923,750.00
III. DRAINAGE					
14	Drainage Improvements - Pipe	100%	LS	\$ 20,000.00	\$ 20,000.00
15	Drainage Improvements - Channel	100%	LS	15,000.00	15,000.00
16	4-inch Concrete Rip Rap	150	SY	60.00	9,000.00
17	Install 12-inch Rock Rip Rap	2,500	SF	10.00	25,000.00
SUBTOTAL					\$ 69,000.00
IV. STRUCTURAL					
18	Concrete Retaining Walls	500	SF	95.00	47,500.00
19	Limestone Rock Face for Retaining Walls	500	SF	10.00	5,000.00
20	Miscellaneous Class A Concrete	100	CY	100.00	10,000.00
SUBTOTAL					\$ 62,500.00

Kasberg, Patrick & Associates, LP

OPINION OF PROBABLE COST

City of Temple

Client: City of Temple
Project: Rails to Trails Hike and Bike Trail
Raye Allen Elementary School to 31st Street

SRTS Grant Application
Date: March 19, 2019
By: ARS

V. LANDSCAPE ARCHITECTURE					
21	Landscape & Irrigation	100%	LS	\$ 75,000.00	\$ 75,000.00
22	42-inch Pedestrian Rail	500	LF	100.00	50,000.00
23	Removable Bollards	6	EA	750.00	4,500.00
24	Call Stations	2	EA	3,500.00	7,000.00
25	Benches w/ Concrete Slab	3	EA	2,000.00	6,000.00
26	Multi Use Water Stations	3	EA	3,500.00	10,500.00
27	Trash Receptacles w/Concrete Slab	6	EA	2,250.00	13,500.00
28	Pet Waste Stations	6	EA	950.00	5,700.00
29	Mile Markers	6	EA	2,500.00	15,000.00
30	Bicycle Service Stations	2	EA	3,750.00	7,500.00
SUBTOTAL				\$	119,700.00
VI. ELECTRICAL					
31	Electrical Conductors	9,500	LF	\$ 10.00	\$ 95,000.00
32	Trail Lighting Pole Bases	160	EA	1,000.00	160,000.00
33	Trail Lighting Poles & Fixtures with Lamps	160	EA	3,500.00	560,000.00
34	Electrical Service with Lighting Controls	3	EA	10,000.00	30,000.00
35	Ground Boxes	10	EA	500.00	5,000.00
36	2-inch Schedule 40 PVC Conduit (Elec)	9,500	LF	15.00	142,500.00
SUBTOTAL				\$	992,500.00
VIII. INCIDENTAL CONSTRUCTION					
37	Silt Fence	9,000	LF	\$ 2.00	\$ 18,000.00
38	Rock Berm	125	LF	75.00	9,375.00
39	Striping	100%	LS	5,000.00	5,000.00
40	Directional Signs, Poles and Assemblies	100%	LS	10,000.00	10,000.00
41	Hydromulch Seeding	20,000	SY	2.00	40,000.00
SUBTOTAL				\$	82,375.00

Subtotal Construction \$ 2,471,825.00

Professional Services, Environmental Documentation, Contingencies (25%) \$ 617,956.25

Total \$ 3,089,781.25

USE \$ 3,090,000.00

Kasberg, Patrick & Associates, LP

OPINION OF PROBABLE COST

City of Temple

Client: City of Temple
Project: Raye Allen Elementary Connection

Date: March 19, 2019
By: ARS

Item No.	Description	Quantity	Unit	Price	Amount
I. PROJECT CONTROL					
1	Mobilization Bonds and Insurance	100%	LS	\$ 2,750.00	\$ 2,750.00
2	Preparation of Right-of-Way	8	STA	500.00	4,000.00
3	Final Clean-up and Grading Along Trail	800	LF	2.00	1,600.00
4	Prepare & Administer SW3P	100%	LS	1,250.00	1,250.00
5	Prepare & Imp. Traffic & Pedestrian Safety Plan	100%	LS	-	-
6	Prepare Trench Safety Plan	100%	LS	-	-
7	Implement Trench Safety (Pipe Ditches)	100	LF	-	-
				SUBTOTAL	\$ 9,600.00
II. CIVIL					
8	Unclassified Excavation for Trail	250	CY	\$ 10.00	\$ 2,500.00
9	Compacted Fill (On-Site Materials)	0	CY	8.00	-
10	Compacted Fill (Import Materials)	100	CY	15.00	1,500.00
11	10-foot Wide Concrete Trail Outside Rail Bed	0	SY	60.00	-
12	10-foot Wide Concrete Trail Inside Rail Bed	0	SY	80.00	-
12	6-foot Wide Concrete Sidewalk	550	SY	55.00	30,250.00
12	Pedestrian Ramps	0	EA	2,500.00	-
13	Rectangular Rapid Flashing Beacon (RRFB)	0	EA	25,000.00	-
				SUBTOTAL	\$ 34,250.00
III. DRAINAGE					
14	Drainage Improvements - Pipe	0%	LS	\$ 20,000.00	\$ -
15	Drainage Improvements - Channel	100%	LS	2,500.00	2,500.00
16	4-inch Concrete Rip Rap	50	SY	60.00	3,000.00
17	Install 12-inch Rock Rip Rap	50	SF	10.00	500.00
				SUBTOTAL	\$ 6,000.00
IV. STRUCTURAL					
18	Pedestrian Bridge Crossing	0%	LS	\$ 695,000.00	\$ -
19	Concrete Retaining Walls	0	SF	95.00	-
20	Limestone Rock Face for Retaining Walls	0	SF	10.00	-
21	Miscellaneous Class A Concrete	25	CY	100.00	2,500.00
				SUBTOTAL	\$ 2,500.00

Kasberg, Patrick & Associates, LP

OPINION OF PROBABLE COST

City of Temple

Client: City of Temple
Project: Raye Allen Elementary Connection

Date: March 19, 2019
By: ARS

<i>V. LANDSCAPE ARCHITECTURE</i>					
22	Landscape & Irrigation	0%	LS	\$ 75,000.00	\$ -
23	42-inch Pedestrian Rail	0	LF	100.00	-
24	Removable Bollards	0	EA	750.00	-
25	Call Stations	0	EA	3,500.00	-
26	Benches w/ Concrete Slab	0	EA	2,000.00	-
27	Multi Use Water Stations	0	EA	3,500.00	-
28	Trash Receptacles w/Concrete Slab	0	EA	2,250.00	-
29	Pet Waste Stations	0	EA	950.00	-
30	Bicycle Service Stations	0	EA	3,750.00	-
SUBTOTAL					\$ -
<i>VI. ELECTRICAL</i>					
31	Electrical Conductors	0	LF	\$ 10.00	\$ -
32	Trail Lighting Pole Bases	0	EA	1,000.00	-
33	Trail Lighting Poles & Fixtures with Lamps	0	EA	3,500.00	-
34	Electrical Service with Lighting Controls	0	EA	10,000.00	-
35	Ground Boxes	0	EA	500.00	-
36	2-inch Schedule 40 PVC Conduit (Elec)	0	LF	15.00	-
SUBTOTAL					\$ -
<i>VIII. INCIDENTAL CONSTRUCTION</i>					
37	Silt Fence	800	LF	\$ 2.00	1,600.00
38	Rock Berm	25	LF	75.00	1,875.00
39	Striping	0%	LS	5,000.00	-
40	Directional Signs, Poles and Assemblies	0%	LS	10,000.00	-
41	Hydromulch Seeding	1,800	SY	2.00	3,600.00
SUBTOTAL					\$ 7,075.00

Subtotal Construction \$ 59,425.00

Professional Services & Contingencies (25%) \$ 14,856.25

Total \$ 74,281.25

USE \$ 75,000.00

Kasberg, Patrick & Associates, LP

OPINION OF PROBABLE COST

City of Temple

Client: City of Temple
Project: Rails to Trails Hike and Bike Trail
31st Street to MKT Rail Bridge

Transportation Alternatives Program (TA)
Date: March 19, 2019
By: ARS

Item No.	Description	Quantity	Unit	Price	Amount
I. PROJECT CONTROL					
1	Mobilization Bonds and Insurance	100%	LS	\$ 185,000.00	\$ 185,000.00
2	Preparation of Right-of-Way	123	STA	500.00	61,500.00
3	Final Clean-up and Grading Along Trail	12,300	LF	2.00	24,600.00
4	Prepare & Administer SW3P	100%	LS	7,500.00	7,500.00
5	Prepare & Imp. Traffic & Pedestrian Safety Plan	100%	LS	15,000.00	15,000.00
6	Prepare Trench Safety Plan	100%	LS	2,500.00	2,500.00
7	Implement Trench Safety (Pipe Ditches)	100	LF	5.00	500.00
SUBTOTAL					\$ 296,600.00
II. CIVIL					
8	Unclassified Excavation for Trail	2,750	CY	\$ 10.00	\$ 27,500.00
9	Compacted Fill (On-Site Materials)	2,750	CY	8.00	22,000.00
10	Compacted Fill (Import Materials)	2,000	CY	15.00	30,000.00
11	10-foot Wide Concrete Trail Outside Rail Bed	5,925	SY	60.00	355,500.00
12	10-foot Wide Concrete Trail Inside Rail Bed	7,700	SY	80.00	616,000.00
12	5-foot Wide Concrete Sidewalk Inside Rail Bed	1,475	SY	80.00	118,000.00
12	Pedestrian Ramps	2	EA	2,500.00	5,000.00
13	Rectangular Rapid Flashing Beacon (RRFB)	0	EA	25,000.00	-
SUBTOTAL					\$ 1,174,000.00
III. DRAINAGE					
14	Drainage Improvements - Pipe	100%	LS	\$ 35,000.00	\$ 35,000.00
15	Drainage Improvements - Channel	100%	LS	25,000.00	25,000.00
16	4-inch Concrete Rip Rap	250	SY	60.00	15,000.00
17	Install 12-inch Rock Rip Rap	4,500	SF	10.00	45,000.00
SUBTOTAL					\$ 120,000.00
IV. STRUCTURAL					
18	Pedestrian Bridge Crossing	100%	LS	\$ 695,000.00	\$ 695,000.00
19	Concrete Retaining Walls	1,000	SF	95.00	95,000.00
20	Limestone Rock Face for Retaining Walls	1,000	SF	10.00	10,000.00
21	Miscellaneous Class A Concrete	200	CY	100.00	20,000.00
SUBTOTAL					\$ 820,000.00

Kasberg, Patrick & Associates, LP

OPINION OF PROBABLE COST

City of Temple

Client:	City of Temple	Transportation Alternatives Program (TA)
Project:	Rails to Trails Hike and Bike Trail	Date: March 19, 2019
	31st Street to MKT Rail Bridge	By: ARS

V. LANDSCAPE ARCHITECTURE					
22	Landscape & Irrigation	100%	LS	\$ 125,000.00	\$ 125,000.00
23	42-inch Pedestrian Rail	750	LF	100.00	75,000.00
24	Removable Bollards	4	EA	750.00	3,000.00
25	Call Stations	3	EA	3,500.00	10,500.00
26	Benches w/ Concrete Slab	6	EA	2,000.00	12,000.00
27	Multi Use Water Stations	6	EA	3,500.00	21,000.00
28	Trash Receptacles w/Concrete Slab	8	EA	2,250.00	18,000.00
29	Pet Waste Stations	8	EA	950.00	7,600.00
30	Mile Markers	9	EA	2,500.00	22,500.00
31	Bicycle Service Stations	2	EA	3,750.00	7,500.00
SUBTOTAL				\$	177,100.00
VI. ELECTRICAL					
32	Electrical Conductors	12,300	LF	\$ 10.00	\$ 123,000.00
33	Trail Lighting Pole Bases	205	EA	1,000.00	205,000.00
34	Trail Lighting Poles & Fixtures with Lamps	205	EA	3,500.00	717,500.00
35	Electrical Service with Lighting Controls	4	EA	10,000.00	40,000.00
36	Ground Boxes	20	EA	500.00	10,000.00
37	2-inch Schedule 40 PVC Conduit (Elec)	12,300	LF	15.00	184,500.00
SUBTOTAL				\$	1,280,000.00
VIII. INCIDENTAL CONSTRUCTION					
38	Silt Fence	12,300	LF	\$ 2.00	\$ 24,600.00
39	Rock Berm	175	LF	75.00	13,125.00
40	Striping	100%	LS	-	-
41	Directional Signs, Poles and Assemblies	100%	LS	15,000.00	15,000.00
42	Hydromulch Seeding	27,500	SY	2.00	55,000.00
SUBTOTAL				\$	107,725.00

Subtotal Construction \$ 3,975,425.00

Professional Services, Environmental Documentation, Contingencies (25%) \$ 993,856.25

Total \$ 4,969,281.25

USE \$ 4,970,000.00

RESOLUTION NO. 2019-9618-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO, AND ACCEPTANCE OF, FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE GEORGETOWN RAILROAD TRAIL – PHASE 1, TO BE FUNDED THROUGH THE SAFE ROUTES TO SCHOOL PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) has announced a statewide Call for Projects for two non-motorized infrastructure funding sources: the Transportation Alternatives Set-Aside (TA) program, and available Safe Routes to School (SRTS) infrastructure funding;

Whereas, for the 2019 TA/SRTS Call for Projects, the department is particularly interested in projects that reflect a high degree of collaboration and community consensus while directly contributing to the department’s safety, mobility, and connectivity goals;

Whereas, this project will be submitted to TxDOT and funded in two phases:

A. Phase 1 will be submitted for Safe Routes to School funding. SRTS funds are eligible for any project within 2 miles of a school serving school serving students in Kindergarten through Eighth grade and this phase will be 1.7 miles long. Phase 1 begins at Raye Allen Elementary and ends after crossing at South 31st Street;

B. Phase 2 will be submitted for TA funding. It will begin on the west side of 31st Street, at the terminus of Phase 1, and complete the remaining 2.4 miles of trail, ending at the historic MK&T bridge. Phase 2 includes both the trail construction and the bridge renovation;

Whereas, the Georgetown Railroad Trail project would create a 10-foot wide, 4-mile long shared-use path along the right-of-way of the former 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 and neighboring communities;

Whereas, the design will include safety lighting and signage at all street crossings to minimize risk to pedestrians and cyclists and encourage use by students - 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;

Whereas, the trail will connect Raye Allen Elementary School, South Temple Community Park, and ultimately reach the historic MK&T bridge over the Leon River;

Whereas, Staff recommends Council authorize the submission of an application to, and acceptance of funding from, the Texas Department of Transportation, as well as authorize the City Manager to execute necessary documents associated with the grant program, upon receipt of a grant award;

Whereas, the funding source requires a 15% TxDOT administrative fee calculated from the construction estimate – 20% of the administrative 15% fee is payable upon award, with the remaining paid at the end of the project;

Whereas, Phase 1 funding program guidelines for SRTS provide a federal reimbursement of 100% - if awarded, the SRTS grant for the trail to Raye Allen Elementary School, the City will receive \$1,725,000 and will incur design costs in the estimated amount of \$225,000; 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 submit a grant application to the Texas Department of Transportation, Safe Routes to School Program, for the Georgetown Railroad Hike/Bike Trail Project, and accept any funds that may be received from this grant.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

RESOLUTION NO. 2019-9619-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO, AND ACCEPTANCE OF, FUNDING FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE GEORGETOWN RAILROAD TRAIL – PHASE TWO, TO BE FUNDED THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (TxDOT) has announced a statewide Call for Projects for two non-motorized infrastructure funding sources: the Transportation Alternatives Set-Aside (TA) program and available Safe Routes to School (SRTS) infrastructure funding;

Whereas, for the 2019 TA/SRTS Call for Projects, the department is particularly interested in projects that reflect a high degree of collaboration and community consensus while directly contributing to the department’s safety, mobility, and connectivity goals;

Whereas, this project will be submitted to TxDOT and funded in two phases:

A. Phase 1 will be submitted for Safe Routes to School funding. SRTS funds are eligible for any project within 2 miles of a school serving school serving students in Kindergarten through Eighth grade and this phase will be 1.7 miles long. Phase 1 begins at Raye Allen Elementary and ends after crossing at South 31st Street;

B. Phase 2 will be submitted for TA funding. It will begin on the west side of 31st Street, at the terminus of Phase 1, and complete the remaining 2.4 miles of trail, ending at the historic MK&T bridge. Phase 2 includes both the trail construction and the bridge renovation;

Whereas, the Georgetown Railroad Trail project would create a 10-foot wide, 4-mile long shared-use path along the right-of-way of the former 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 and neighboring communities;

Whereas, the design will include safety lighting and signage at all street crossings to minimize risk to pedestrians and cyclists and encourage use by students - 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;

Whereas, the trail will connect Raye Allen Elementary School, South Temple Community Park, and ultimately reach the historic MK&T bridge over the Leon River;

Whereas, Staff recommends Council authorize the submission of an application to, and acceptance of funding, from the Texas Department of Transportation, as well as authorize the City Manager to execute necessary documents associated with the grant program, upon receipt of

a grant award;

Whereas, the funding source requires a 15% TxDOT administrative fee calculated from the construction estimate – 20% of the administrative 15% fee is payable upon award, with the remaining paid at the end of the project;

Whereas, Phase 2 of the funding program guidelines for TA will provide a maximum federal reimbursement of 80%, with the City providing a minimum 20% match;

Whereas, if awarded the TA grant for the trail to the MK&T bridge, the City will receive \$1,380,000 and be required to provide a \$345,000 cash match (20%) - the City will incur design costs in the estimated amount of \$225,000; 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 submit a grant application for the Texas Department of Transportation, Transportation Alternatives Program, for the Georgetown Railroad Hike/Bike Trail Project, and accept any funds that may be received from this grant.

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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of ten mobile vehicle radios from Dailey-Wells Communications, Inc. of San Antonio in the amount of \$36,556.

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

ITEM SUMMARY: The Police Department seeks approval to purchase Mobile (Vehicle) Radios to go into ten replacement vehicles. The ten radios will have the same functionality as the Police Department's current radios.

Dailey-Wells Communications has offered a trade-in value for the in-car radios that have reached the end of their useful lives in the amount of \$6,000, which Staff believes to be a good value. Accordingly, Staff is recommending that Council authorize the trade-in of the old in-car radios with the purchase of the ten new mobile vehicle radios.

This purchase is being recommended utilizing Houston-Galveston Area Council (H-GAC) Cooperative contract #RA-05-18. All contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate the trade in value to be received for the in-car radios that have reached the end of their useful lives in the amount of \$6,000. Funding for the purchase of 10 mobile vehicle radios from Dailey-Wells Communications in the amount of \$36,556 will be available in account 110-2031-521-6213, project 101892, as follows:

Project Budget	\$	30,556
Budget Adjustment - Trade In Value		6,000
Encumbered/Committed to Date		-
Dailey-Wells Communications		(36,556)
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	
110-2031-521-62-13	101892	Capital Eqpt / Rplc Marked Units - FY 19	\$ 6,000		
110-0000-461-04-24		Sale of Fixed Assets / Sale of Assets	6,000		
TOTAL.....			\$ 12,000	\$ -	

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

To appropriate the trade in value of \$6,000 for in-car radios that have reached the end of their useful lives.

Total purchase price of the radios (taking in consideration the trade-in) will be \$30,556.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

04/04/19

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

☐ Approved

	Disapproved
--	-------------

Finance

Date _____

☐ Approved

	Approved
	Disapproved

City Manager

Date _____

☐ Approved

	Disapproved
--	-------------

RESOLUTION NO. 2019-9620-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TEN MOBILE VEHICLE RADIOS IN THE AMOUNT OF \$36,556, FROM DAILEY-WELLS COMMUNICATIONS, INC. OF SAN ANTONIO, TEXAS FOR THE POLICE DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department desires to purchase ten mobile vehicle radios to be installed in ten replacement vehicles which will have the same functionality as the Police Department's current radios;

Whereas, Dailey-Wells Communications has offered a trade-in value for the in-car radios that have reached the end of their useful lives in the amount of \$6,000, which Staff believes to be a good value;

Whereas, Dailey-Wells Communications has been awarded Contract No. RA-05-18 through the Houston-Galveston Area Council Cooperative (HGAC) - contracts awarded through HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities and Staff recommends the use of this HGAC contract for the trade-in of the old in-car radios and the purchase of ten new mobile vehicle radios;

Whereas, a budget adjustment is being presented to Council for approval to appropriate the trade-in value to be received and funding is available in Account No. 110-2031-521-6213, Project No. 101892; 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 ten mobile vehicle radios in the amount of \$36,556, from Dailey-Wells Communications, Inc. of San Antonio, Texas, for the Police Department, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents 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 **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(O)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$138,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

The project design required approximately one acre for the new tank. The property best suited for the location of the new tank was identified. An appraisal was conducted on the property and an offer was made to the property owner based on that appraisal. The owner accepted the City's offer.

At this time, Staff is asking for authorization to purchase the of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$138,000.

The address and Bell County Appraisal District ID Number of the property is FM 2305 Temple, Texas, Bell CAD ID 75018.

FISCAL IMPACT: Funding for the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$138,000 is available in account 520-5900-535-6110, project 101944.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9621-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTY NECESSARY FOR THE CONSTRUCTION OF THE PEPPER CREEK ELEVATED STORAGE TANK; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN A TOTAL ESTIMATED AMOUNT OF \$138,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in April 2017, Council authorized a professional services agreement with Kasberg, Patrick & Associates (KPA) to analyze and update Temple's Water Master Plan - the results of this study concluded that replacement of the existing 250,000-gallon elevated storage tank (EST) located on FM 2305 west of FM 2271 with a new 1.0-MG EST located in the same general vicinity, will address the low pressure and water quality concerns in the area;

Whereas, the project design required approximately one acre for the new tank and the property best suited for the location of the new tank was identified, an appraisal was conducted on the property and an offer was made to the property owner based on that appraisal - the owner accepted the City's offer;

Whereas, Staff recommends Council authorize the purchase of the property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorize closing costs associated with the purchase in a total estimated amount of \$138,000;

Whereas, the property is located at FM 2305 Temple, Texas, Bell CAD ID 75018;

Whereas, funding for the purchase of this property is available in Account No. 520-5900-535-6110, Project No. 101944; 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 property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizes closing costs associated with the purchase in a total estimated amount of \$138,000.

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

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

PASSED AND APPROVED this the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

04/04/19
Item #6(P)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-6-ZC: Consider adopting an ordinance authorizing a rezoning with a site/development plan, from Commercial district to Planned Development Multi-Family Two district, with conditions and requiring a site development plan, on 9.055 +/- acres, and 0.433 +/- acres, out of and a part of Block One, Temple Commercial Park, Section 1, Bell County, Texas, as 2602 South 39th Street, Temple.

STAFF RECOMMENDATION: Based on the following, staff recommends approval with conditions for a rezoning from the current C zoning district to the PD-MF-2 zoning district for the following reasons:

1. The proposed Site/Development Plan reflects compliance with the provisions of the Planned Development Criteria as required by Unified Development Code (UDC) Section 3.4.5;
2. The request complies with the Thoroughfare Plan and Trails Master Plan; and
3. Public facilities are available to serve the subject property.

PD Conditions:

1. Granting an exception to the required parking ratios for multi-family residential to match the number of spaces shown on the attached site development plan. (363 spaces)
2. Requiring a four foot sidewalk to be constructed by the applicant in the public right-of-way along South 39th Street from the apartment entrance to the existing sidewalk along Everton Drive.
3. Compliance with the attached site development plan.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their February 19, 2019 meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the rezoning to PD MF-2 with development/site plan per staff's recommendation.

ITEM SUMMARY: The existing apartment complex at The Glen is being sold. The use table in Article 5.1 of the UDC does not permit multi-family residential uses in a Commercial (C) district. The buyer asked about rebuilding in the event the complex was destroyed, which would not be allowed under the current zoning. For that reason, the applicant has requested to be rezoned in order to bring the property into compliance with the UDC. During follow-up discussions, the rezoning request was modified to a Planned Development Multi-Family Two (PD-MF-2) district, with conditions, in order to address current issues and future connectivity.

As currently built, the property does not meet required parking ratios per UDC Article 7.5.B, see table below:

Specific Use	Minimum Required Parking Spaces
Multiple-family dwelling (Apartment)	(a) 1.75 per dwelling unit with 1 bedroom (b) 2 per dwelling unit with 2 or more bedrooms (c) 1 per dwelling unit designed exclusively for elderly or low-income persons (d) 2 per dwelling unit if less than 3 units (e) 0.75 per dwelling if units designed exclusively for handicapped residents

Staff proposes to grant an exception to the UDC that will reduce the requirement to the exact number of spaces shown on the attached site development plan (363 spaces).

In order to provide better pedestrian connectivity, the city will require a four foot sidewalk to be constructed within the public right-of-way along South 39th Street from the entrance to the apartment complex to the existing sidewalk on Everton Drive. The applicant has agreed to construct the sidewalk.

PLANNED DEVELOPMENT: UDC Section 3.4.1 defines a PD as:

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

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council.

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

Future Land Use Map (CP Map 3.1)

The subject property is within the Auto-Urban Multi-Family Future Land Use Map (FLUM) designation. The designation allows for a stand-alone district to accommodate multi-family development, subject to minimum site area and open space ratio requirements, and subject to increased bufferyards and building design standards. The existing apartment complex meets the requirements for building coverage and setbacks. However, it does not meet the required parking ratios, which are addressed in the Planned Development Conditions. The property is therefore in *partial compliance* with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from South 39th Street, a local street. The property is not located on or a collector or arterial street, and does not connect to any trails shown on the Trails Master Plan. The subject property is therefore in **compliance** with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available via eight-inch and six-inch sewer lines running through the property. Water is available from an 18 inch line located along the eastern property line and generally following South 39th Street.

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

Direction	FLUP	Zoning	Current Land Use
Subject Property	Auto-Urban Multi-Family	C	Multi-Family
North	Parks and Open Space	2F	Jaycee Park
South	Auto-Urban Commercial	C	Undeveloped
East	Auto-Urban Commercial	C	Commercial
West	Auto-Urban Commercial	C, O-1	Ronald McDonald House

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

DEVELOPMENT REVIEW COMMITTEE: As required by UDC Section 3.4.2 B, the Development/Site Plan for the proposed PD was reviewed by the Development Review Committee (DRC) on January 24, 2019. Staff discussed the parking and proposed sidewalk with the applicant.

PUBLIC NOTICE: Twenty-five 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 Thursday February 14, 2019 at 12:00 PM, six notices in agreement and one notice in disagreement from adjacent property owners have been received. Staff met with the property owner who disagreed; his concerns have been resolved and his disagreement has been rescinded.

The newspaper printed notice of the public hearing on February 7, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Development Site Plan

Aerial Map

Utility Map

Zoning Map

Site Photos

Future Land Use and Character Map

Thoroughfare & Trails Map

Notification Map

Returned Property Notices

Ordinance

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property owner has advised the surveyor that it is to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48022, Panel No. 0350 E, which is dated 05/26/2006. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) _____. Because this is a boundary survey, the surveyor does not have any authority to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA FIRM, as described above. This surveyor does not certify the accuracy of this interpretation of the Flood Zone(s), which may not agree with the interpretation of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/floodmaps>.

SURVEY CERTIFICATE

TO LURIN MULTIFAMILY ACQUISITION GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, & FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6a, 6b, 7a, 7b, 7c, 8, 9, 10a, 11, 13, 16, 19, 20 (\$1,000,000) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 7, 2019.

DATE OF PLAT OR MAP: JANUARY 9, 2019

NOTE:
Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, Central Zone, Grid.

PRELIMINARY,
this document shall not be
recorded for any purpose.

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

NOTE: NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

PROPERTY IS ZONED COMMERCIAL.

NOTES:

1. DETERMINATION OF THE RELATIONSHIP AND LOCATION OF CERTAIN DIVISION OR PARTY WALLS DESIGNATED BY THE CLIENT WITH RESPECT TO ADJOINING PROPERTIES (CLIENT TO OBTAIN NECESSARY PERMISSIONS). (PLOTTED ON SURVEY)

2. NO EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WERE PRESENT.

3. THERE ARE NO CURRENT PROPOSED CHANGES IN STREET RIGHT OF WAY AND NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS PRESENT.

4. NO OBSERVED EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

5. UTILITIES SHOWN HEREON WERE VISIBLE ON GROUND AT THE TIME OF SURVEY. NO MARKINGS OF UNDERGROUND UTILITIES WERE PRESENT AT THE TIME OF SURVEY. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.

6. THE SURVEYOR WAS NOT PROVIDED A ZONING REPORT AT THE TIME OF ISSUANCE OF SURVEY. (SUBJECT TO CHANGE UPON RECEIPT OF REPORT)

SCHEDULE B ITEMS:

10a. EASEMENT MENTIONS OF UNDERMINED WIDTH ALONG THE EAST PORTION OF PLAT OF RECORD IN CABINET 1, SLIDE 25-C IS REFLECTED IN VOLUME 915, PAGE 395 SHOWN HEREON, ALONG WITH THE 20' SANITARY SEWER EASEMENT.

10i. EASEMENT TO LONE STAR GAS COMPANY, DATED APRIL 10, 1942, FILED JUNE 23, 1942, EXECUTED BY J. F. PARKER, RECORDED IN VOLUME 496, PAGE 472, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10j. EASEMENT TO LONE STAR GAS COMPANY, DATED AUGUST 22, 1952, FILED DECEMBER 5, 1952, EXECUTED BY JOE EVERTON AND GRACE EVERTON, RECORDED IN VOLUME 683, PAGE 203, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10k. EASEMENT TO CITY OF TEMPLE, DATED DECEMBER 3, 1963, FILED DECEMBER 4, 1963, EXECUTED BY JOE EVERTON, RECORDED IN VOLUME 894, PAGE 113, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10l. EASEMENT TO CITY OF TEMPLE, DATED OCTOBER 23, 1964, FILED OCTOBER 23, 1964, EXECUTED BY JOE EVERTON, RECORDED IN VOLUME 915, PAGE 395, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10m. EASEMENT TO TEXAS POWER & LIGHT COMPANY, FILED DECEMBER 23, 1963, EXECUTED BY JOE EVERTON, RECORDED IN VOLUME 881, PAGE 543, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10n. EASEMENT TO TEXAS POWER & LIGHT COMPANY, DATED JULY 10, 1963, FILED JULY 10, 1963, EXECUTED BY JOE EVERTON AND GRACE EVERTON, RECORDED IN VOLUME 910, PAGE 311, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10o. EASEMENT TO TEXAS POWER & LIGHT COMPANY, DATED FEBRUARY 18, 1969, FILED APRIL 16, 1969, EXECUTED BY JOE EVERTON AND GRACE EVERTON, RECORDED IN VOLUME 1046, PAGE 289, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10p. EASEMENT TO CITY OF TEMPLE, DATED MAY 1, 2001, FILED MAY 2, 2001, EXECUTED BY THE TEMPLE GLEN APARTMENTS, LTD., RECORDED IN VOLUME 4399, PAGE 545, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10q. MEMO OF AGREEMENT BETWEEN TIME WARNER CABLE ENTERTAINMENT-ADVANCE-NEWHOUSE PARTNERSHIP, D/B/A TIME WARNER CABLE AND THE TEMPLE GLEN APARTMENTS, LTD., BY INSTRUMENT RECORDED UNDER INSTRUMENT 2009-00042640, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS. (PROPERTY IS SUBJECT TO EASEMENT AND LEASE AGREEMENT)

10r. EASEMENT AND MEMORANDUM OF AGREEMENT GRANTED TO TIME WARNER ENTERTAINMENT-ADVANCE-NEWHOUSE PARTNERSHIP, D/B/A TIME WARNER CABLE BY INSTRUMENT RECORDED UNDER INSTRUMENT 2009-00042640, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS. (PROPERTY IS SUBJECT TO EASEMENT AND LEASE AGREEMENT)

10s. MEMORANDUM OF LEASE DATED 12-22-10, RECORDED UNDER INSTRUMENT #2011-0001958, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS, EXECUTED BY AND BETWEEN BELL CO. LG. LESSOR, AND COMMACH CORPORATION, LESSEE. (PROPERTY IS SUBJECT TO LEASE AGREEMENT)

10t. EASEMENT TO CITY OF TEMPLE, TEXAS, DATED MAY 1, 2001, FILED MAY 2, 2001, EXECUTED BY THE TEMPLE GLEN APARTMENTS, LTD., RECORDED IN VOLUME 4399, PAGE 545, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

10u. MEMO OF AGREEMENT BETWEEN TIME WARNER CABLE ENTERTAINMENT-ADVANCE-NEWHOUSE PARTNERSHIP, D/B/A TIME WARNER CABLE AND THE TEMPLE GLEN APARTMENTS, LTD., BY INSTRUMENT RECORDED UNDER INSTRUMENT 2009-00042640, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS. (PROPERTY IS SUBJECT TO EASEMENT AND LEASE AGREEMENT)

10v. EASEMENT TO CITY OF TEMPLE, TEXAS, DATED MAY 1, 2001, FILED MAY 2, 2001, EXECUTED BY THE TEMPLE GLEN APARTMENTS, LTD., RECORDED IN VOLUME 4399, PAGE 545, DEED RECORDS, BELL COUNTY, TEXAS. (PLOTTED ON SURVEY)

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LOT 1, BLOCK 1
RONALD McDONALD SUBDIVISION
CABINET B, SLIDE 17-B

RONALD McDONALD HOUSE
OF CHARITIES OF TEMPLE, TEXAS
1.172 ACRES
VOL. 3704, PG. 102

RONALD McDONALD HOUSE
OF CHARITIES OF TEMPLE, TEXAS
0.075 ACRES
VOL. 4353, PG. 68

NIEN-JEN LEE
0.654 ACRES
VOL. 8470, PG. 450

LOT 2, BLOCK 1
COOPERIAL SUBDIVISION
LOOP 363 SECTION 1
CAB. A, SLIDE 14-D

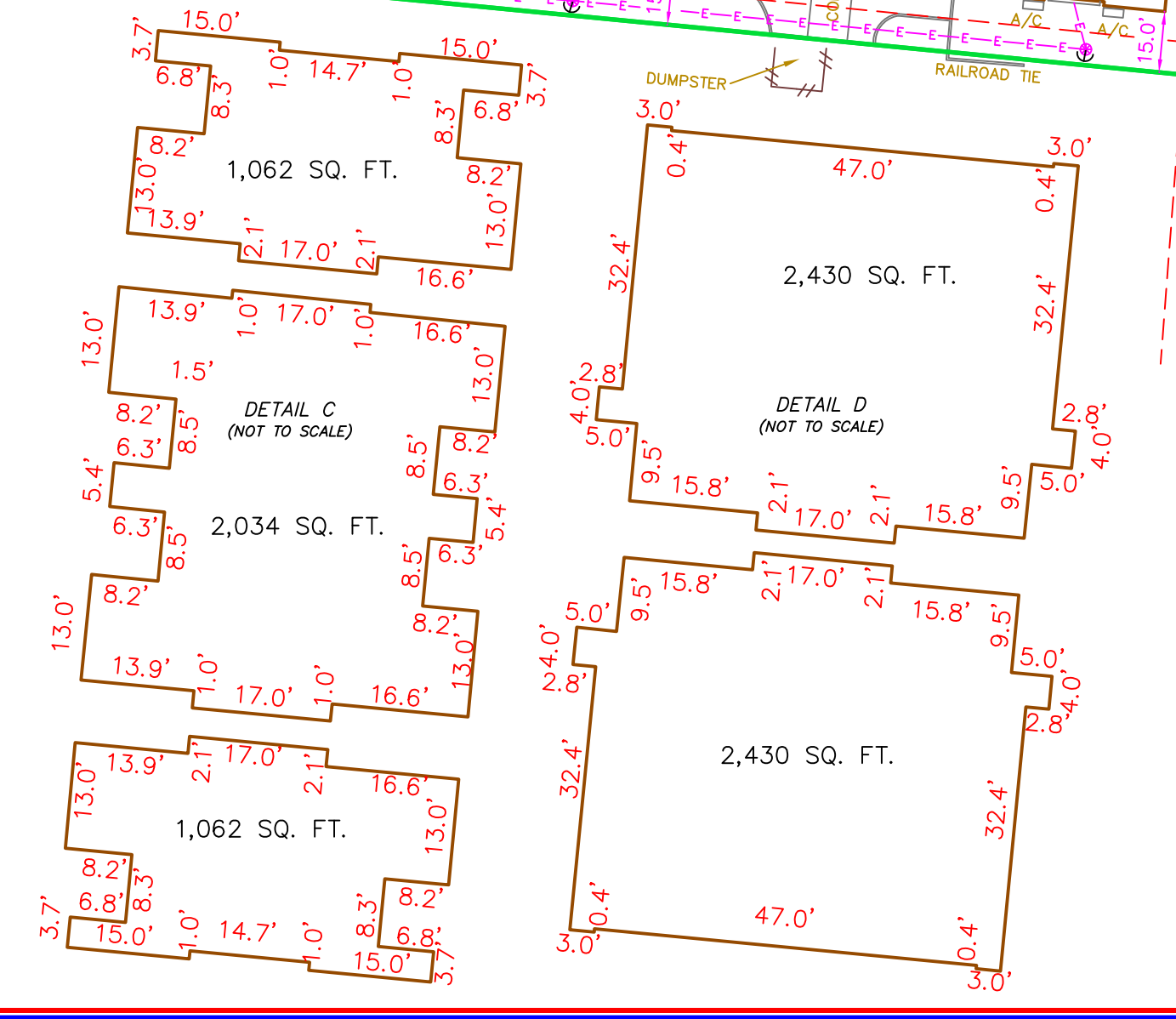
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	370.00	176.22	174.56	N 45°16'04" W	27°17'20"
C2	430.00	174.15	172.96	S 51°39'57" E	23°12'18"
L1	0.510477" W	0.70452" W	29.17	(30.00")	
L2	0.536477" W	0.71035" W	50.23	(49.98")	

ALTA/ACSM LAND TITLE SURVEY FOR THE GLENN APARTMENTS

2602 S. 39TH ST.
TEMPLE, TEXAS 76504

Tract 1: Being 9.062 acres of land, more or less, out of Block 1, Temple Commercial Park, Section One, according to plat recorded in Cabinet A, Slide 25-C; Plat Records of Bell County, Texas, and being that same tract of land described in Special Warranty Deed recorded in Volume 9524, Page 112, Deed Records of Bell County, Texas, said 9.062 acres being more particularly described by metes and bounds attached hereto.

Tract 2: Being 0.433 acres of land, more or less, out of Block 1, Temple Commercial Park, Section One, according to plat recorded in Cabinet A, Slide 25-C; Plat Records of Bell County, Texas, and being that same tract of land described in Special Warranty Deed recorded in Volume 9524, Page 112, Deed Records of Bell County, Texas, said 0.433 acres being more particularly described by metes and bounds attached hereto.



PARKING	
TYPE	NUMBER OF SPACES
HANDICAPPED	8
REGULAR	351

LEGEND	
●	FIN 1" PIPE
○	FIN 12" IRON ROD
()	RECORD INFORMATION
⊙	POWER POLE
⊕	OUT WIRE
⊖	UTILITIES BOX
⊗	WROUGHT IRON FENCE
⊘	CLEANOUT
⊙	HANDICAP STATIONING
⊕	WATER VALVE
⊖	WATER METER
⊗	FIRE HYDRANT
⊘	TELEPHONE PEDESTAL
⊙	CABLE TELEVISION
⊕	LIGHT POST
⊖	ELECTRIC METER
⊗	OVERHEAD ELECTRIC
⊘	SEWER MANHOLE
⊙	QUADRANT
COV.	COVERED
CONC.	CONCRETE
B.S.	BUILDING SETBACK
E.M.	ELECTRIC METER
C.C.	COVER CONC.

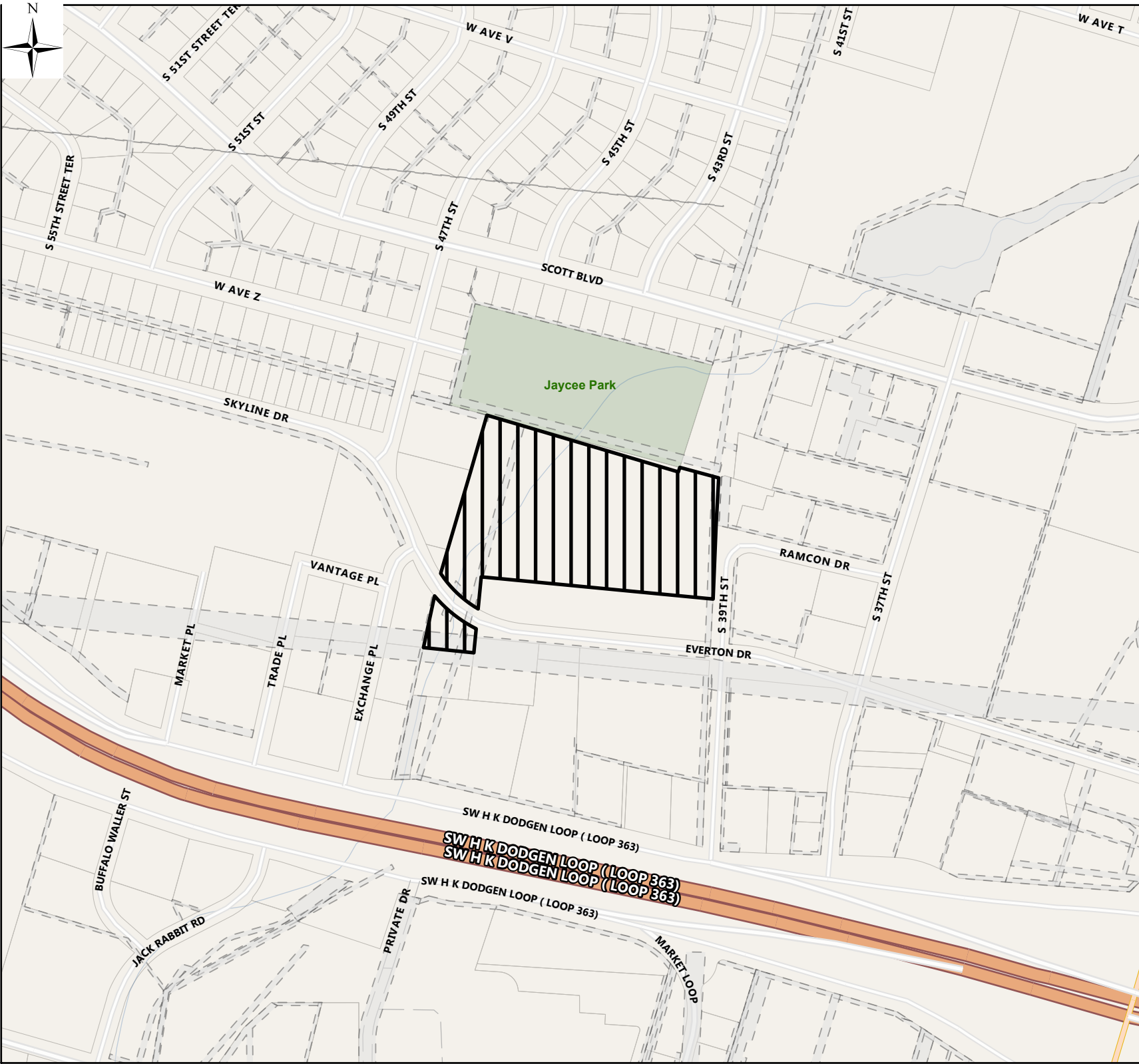
GF # 1002-26811-RTT DRAWN BY: RBA
JOB NO. 86999
DATE 01/07/2019

FIRM REGISTRATION NO.
1011700
Westar Alamo
LAND SURVEYORS, LLC.
P.O. BOX 1036 HELOTES, TEXAS 78023-1036
PHONE (210) 372-9500 FAX (210) 372-9999









C to PD-MF-2

OVERVIEW MAP

Zoning Case :
FY-19-6-ZC

Address :
2602 S. 39th St.

Transportation

Streets

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

Temple Municipal Boundary

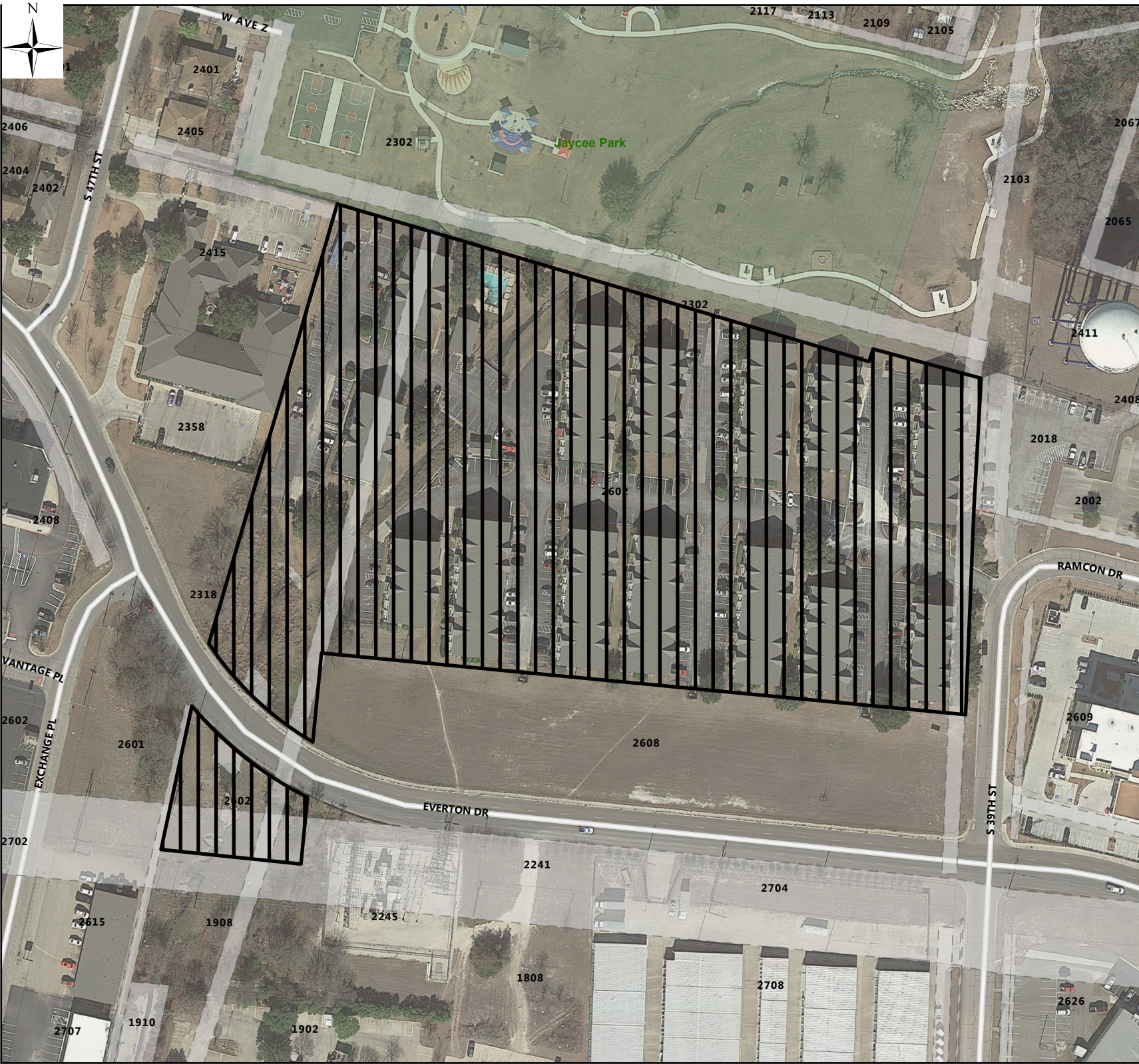
Parcel Features

- Parcels
- Easement

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

jdeckman
Date: 1/25/2019





C to PD-MF-2

AERIAL MAP

Zoning Case :
FY-19-6-ZC

Address :
2602 S. 39th St.

Transportation

Streets

- LOCAL STREET
- Temple Municipal Boundary

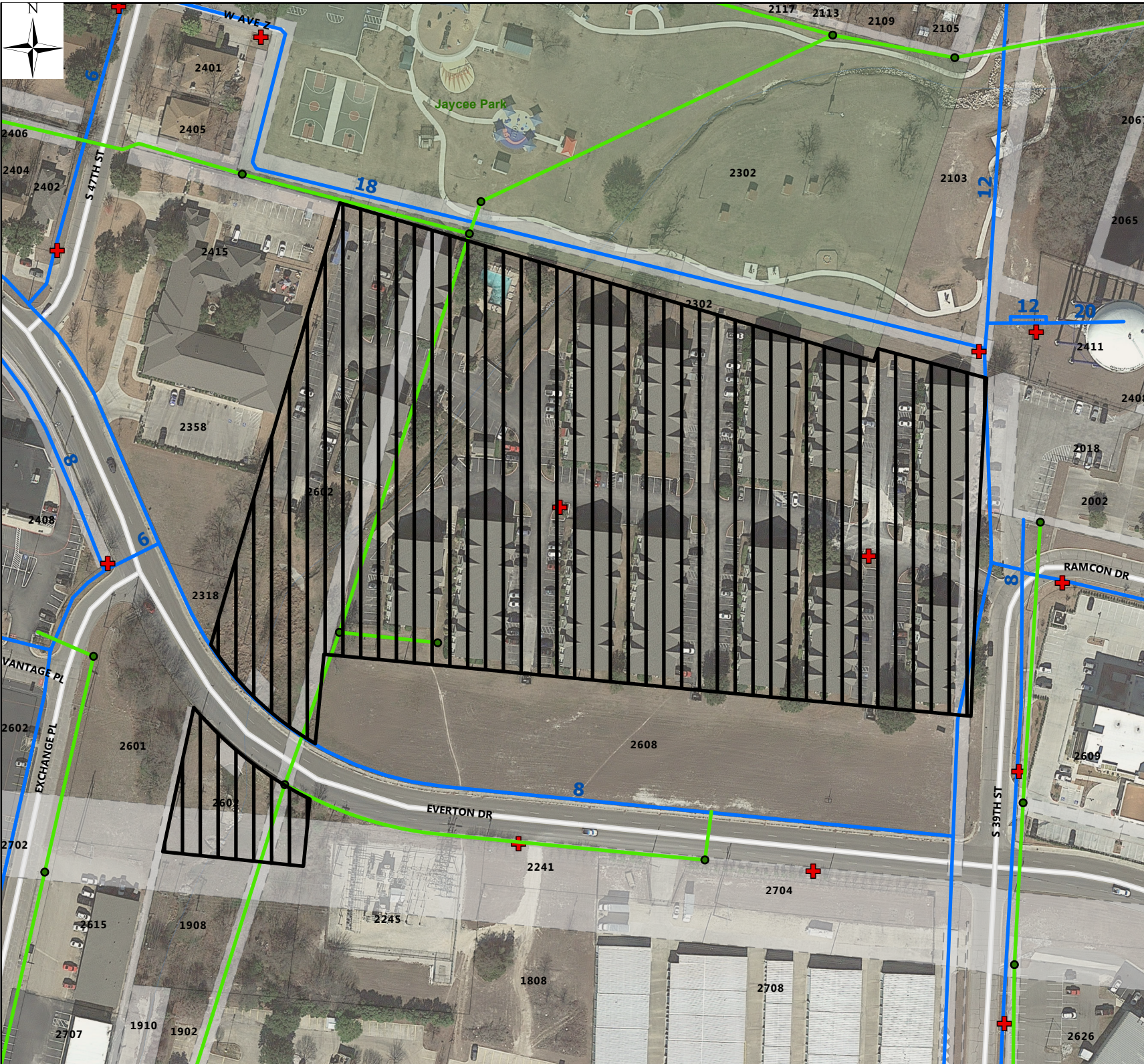
Parcel Features

- Parcels
- Easement

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jdeckman
Date: 1/25/2019





C to PD-MF-2

UTILITY MAP

Zoning Case :
FY-19-6-ZC

Address :
2602 S. 39th St.

Sewer

- Manhole
- Gravity Main

WaterDistribution

- ✚ Hydrant
- Main

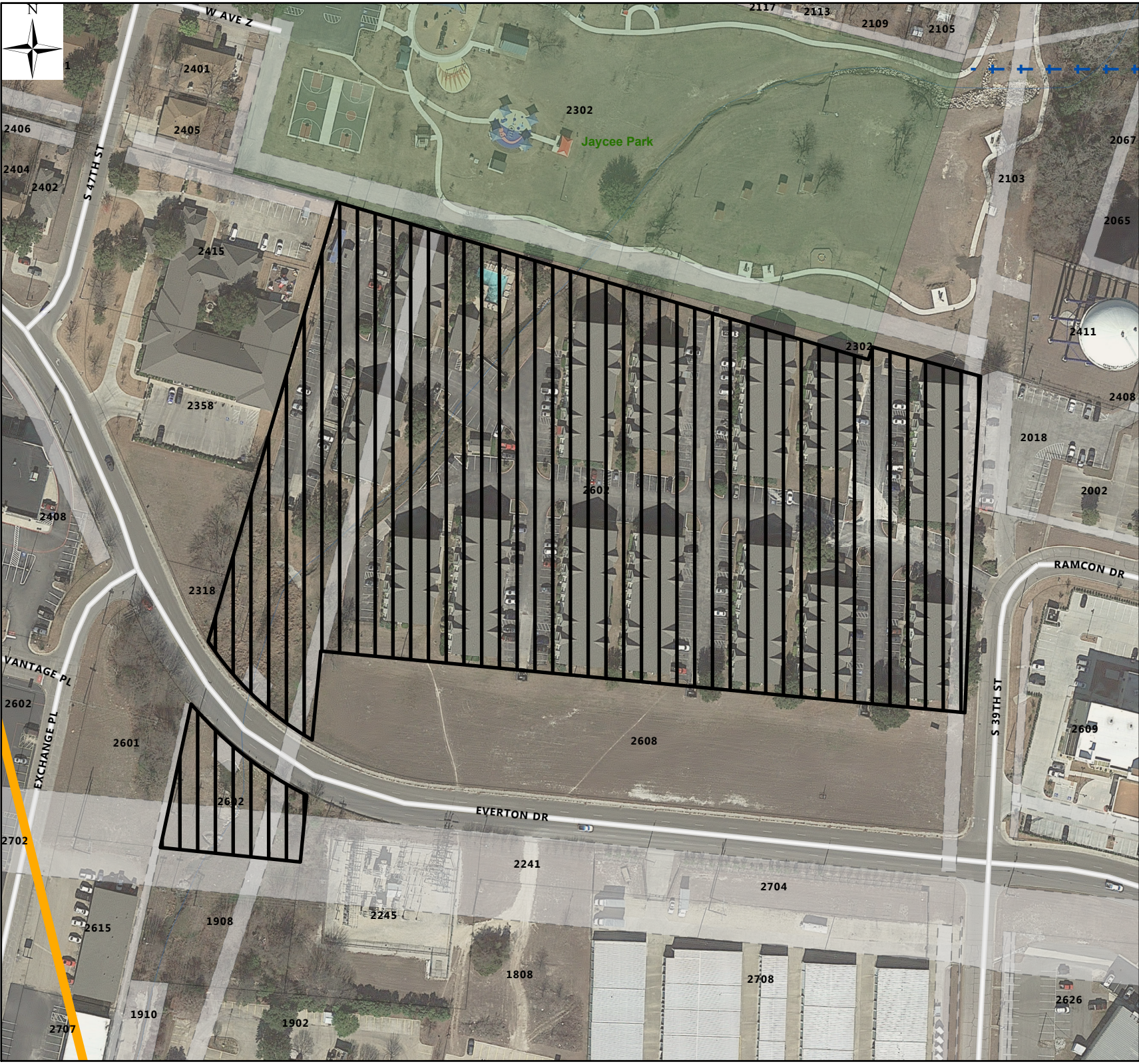
Parcel Features

- Parcels
- Easement

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

jdeckman
Date: 1/25/2019





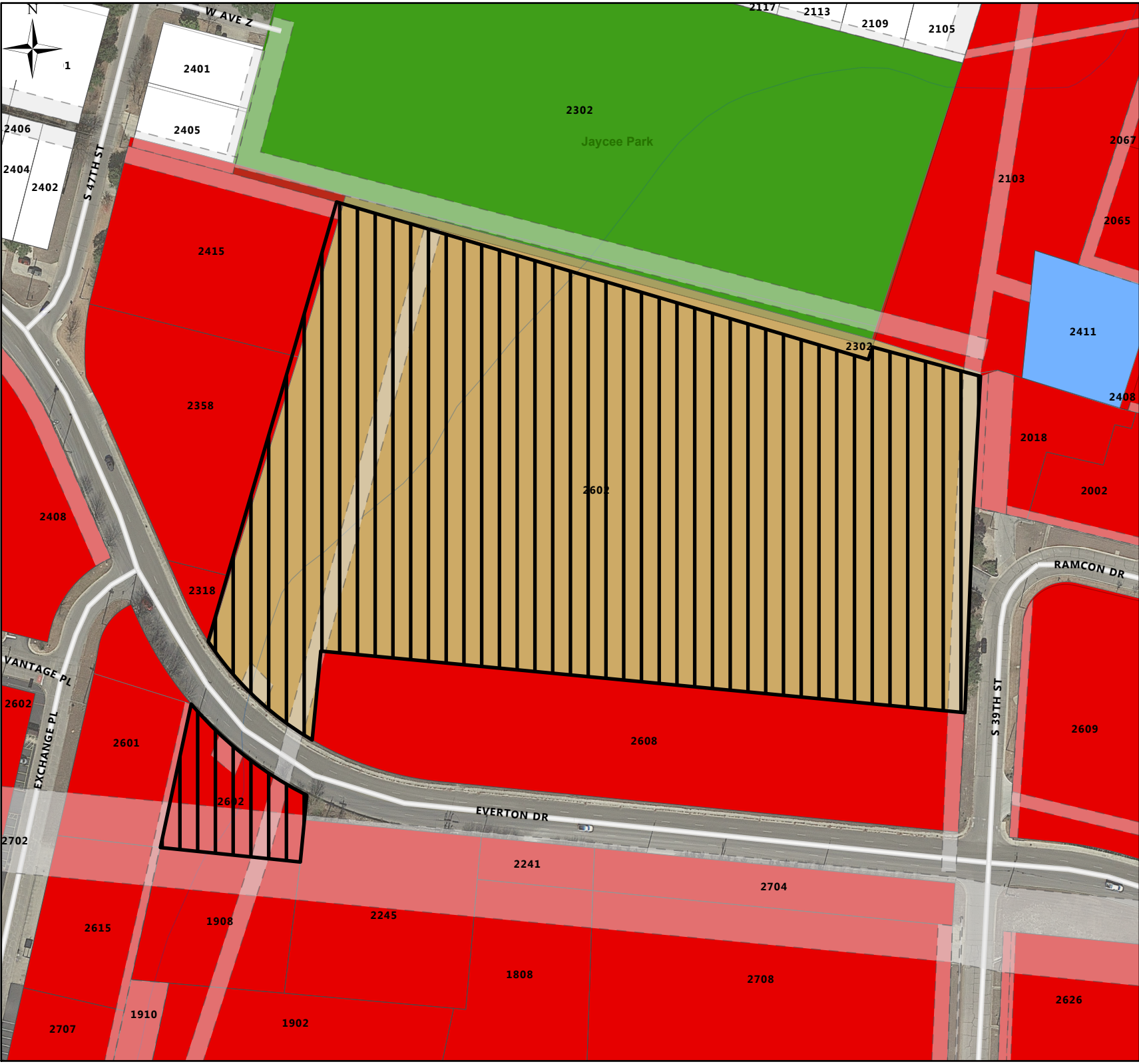
C to PD-MF-2
**THOROUGHFARE
AND TRAILS MAP**
Zoning Case :
FY-19-6-ZC
Address :
2602 S. 39th St.

- Parcel Features**
- Parcels
- Thoroughfare Plan**
- Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan**
- EXISTING, CITY WIDE SPINE
- Legend**
- EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
 - PROPOSED, COMMUNITY WIDE CONNECTOR
 - PROPOSED, LOCAL CONNECTOR
 - Easement

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jdeckman
Date: 1/25/2019





C to PD-MF-2
FUTURE LAND
USE MAP

Zoning Case :
FY-19-6-ZC

Address :
2602 S. 39th St.

Transportation

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

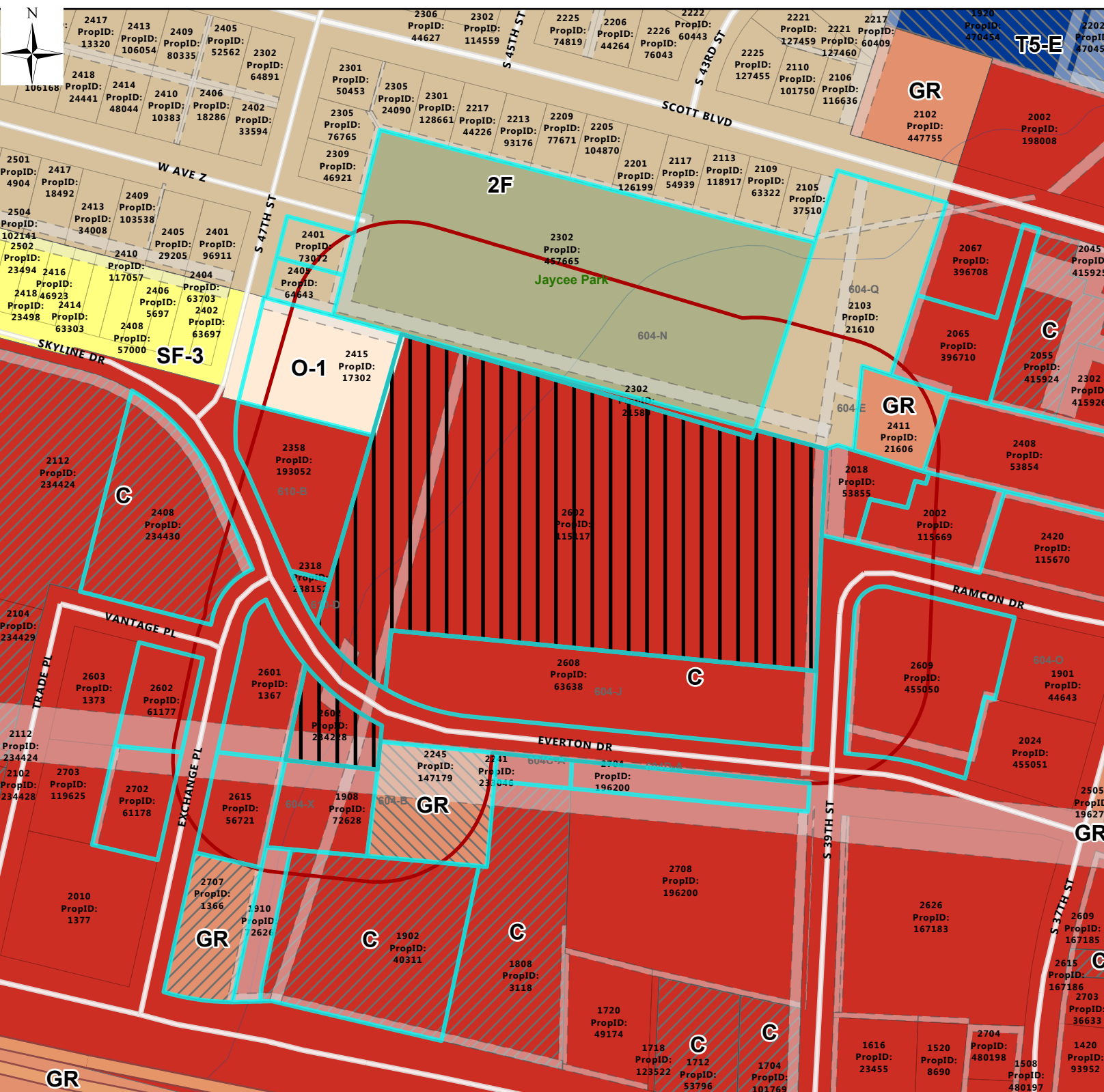
Parcel Features

- 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
 - Easement

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jdeckman
Date: 1/25/2019





C to PD-MF-2
200'
NOTIFICATION MAP

Zoning Case :
FY-19-6-ZC

Address :
2602 S. 39th St.

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

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jdeckman
Date: 1/25/2019





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

63638
LEBAY, JOE E JR
10422 COLERIDGE ST
DALLAS, TX 75218-2232

RECEIVED
FEB 19 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-6-ZC

Case Manager: Jason Deckman

Location: 2602 South 39th Street, Temple, Texas

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

I () agree

(X) disagree with this request

Comments:

See attachment

Joe E. LaBay, Jr.
Signature

Joe E. LaBay, Jr.
Print Name

*214-384-5642 (C)

Joe.LaBay@SBCglobal.net

214-327-3623

(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, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 25

Date Mailed: February 6, 2019

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**

234430
G3C TEMPLE LLC
2121 N AKARD STE 250
DALLAS, TX 75201

Zoning Application Number: FY-19-6-ZC

Case Manager: Jason Deckman

Location: 2602 South 39th Street, Temple, Texas

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I ☒ agree

() disagree with this request

Comments:

Signature

Print Name

Michael Starcher, President

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, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 25

Date Mailed: February 6, 2019

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

115669
CENTRAL COUNTIES CENTER FOR
MENTAL HEALTH & MENTAL RETARDATION SERVICES
304 S 22ND ST
TEMPLE, TX 76501

RECEIVED
FEB 15 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-6-ZC

Case Manager: Jason Deckman

Location: 2602 South 39th Street, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

[Signature]
Signature

RAY HELMCHAMP
Print Name
CCO-CCS

(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, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

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



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**

238152
RONALD MCDONALD HOUSE
CHARITIES OF TEMPLE
2415 S 47TH ST
TEMPLE, TX 76504-7003



Zoning Application Number: FY-19-6-ZC

Case Manager: Jason Deckman

Location: 2602 South 39th Street, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

Susan Bolton
Signature

Susan Bolton
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, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 25

Date Mailed: February 6, 2019

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**

17302
CARING HOUSE, THE
2415 S 47TH ST
TEMPLE, TX 76504-7003

RECEIVED
FEB 11 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-6-ZC

Case Manager: Jason Deckman

Location: 2602 South 39th Street, Temple, Texas

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I ☒ agree

() disagree with this request

Comments:

Susan Bolton
Signature

Susan Bolton
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, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 25

Date Mailed: February 6, 2019

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

ORDINANCE NO. 2019-4958
(FY-19-6-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM COMMERCIAL ZONING DISTRICT TO PLANNED DEVELOPMENT MULTI-FAMILY TWO ZONING DISTRICT WITH CONDITIONS AND REQUIRING A SITE DEVELOPMENT PLAN, ON APPROXIMATELY 9.055 ACRES, AND APPROXIMATELY 0.433 ACRES, OUT OF AND A PART OF BLOCK ONE, TEMPLE COMMERCIAL PARK, SECTION 1, BELL COUNTY, TEXAS, ADDRESSED AS 2602 SOUTH 39TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the existing apartment complex at The Glen is being sold and the use table in Article 5.1 of the UDC does not permit multi-family residential uses in a Commercial zoning district;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, recommends approval of the rezoning from Commercial zoning district to Planned Development Multi-Family Two zoning district, on approximately 9.055 acres and approximately 0.433 acres, out of and a part of Block One, Temple Commercial Park, Section 1, Bell County, Texas, addressed as 2602 South 39th Street, Temple, Texas, as outlined in the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

1. Granting an exception to the required parking ratios for multi-family residential to match the number of spaces shown on the attached site development plan (363 spaces);
2. Requiring a 4-foot sidewalk to be constructed by the applicant in the public right-of-way along South 39th Street, from the apartment entrance to the existing sidewalk along Everton Drive;
3. Compliance with the attached site development plan;

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

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

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

Part 2: The City Council approves a rezoning from Commercial zoning district to Planned Development Multi-Family Two zoning district, on approximately 9.055 acres and approximately 0.433 acres, out of and a part of Block One, Temple Commercial Park, Section 1, Bell County, Texas, addressed as 2602 South 39th Street, Temple, Texas, as outlined in the site development plan attached hereto as Exhibit 'A,' and made a part hereof for all

purposes, and subject to the following conditions:

1. Granting an exception to the required parking ratios for multi-family residential to match the number of spaces shown on the attached site development plan (363 spaces);
2. Requiring a 4-foot sidewalk to be constructed by the applicant in the public right-of-way along South 39th Street from the apartment entrance to the existing sidewalk along Everton Drive;
3. Compliance with the attached site development plan.

Part 3: The City Council approves the Site Development Plan attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **March**, 2019.

PASSED AND APPROVED on Second Reading on the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

04/04/19
Item #6(Q)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Lynn Barrett, Assistant Planning Director

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-7-ZC: Consider adopting an ordinance authorizing a rezoning request from Agricultural zoning district to Planned Development-General Retail zoning district, on 54.592 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 West Adams Avenue.

STAFF RECOMMENDATION: Based on the following, staff recommends approval with conditions for a rezoning from the current AG zoning district to Planned Development—General Retail (PD-GR) zoning district for the following reasons:

1. This large property is at a highly visible intersection of two major arterials.
2. The request is in compliance with UDC Section 3.4.5A-J Planned Development Criteria;
3. The request is consistent with Future Land Use Map designation of Suburban Commercial at the corner of SH 317 and West Adams Avenue, with Suburban Residential on eastern portion;
4. Public facilities are present or nearby to serve the property; and
5. The request, conditioned as a Planned Development, would help ensure compatibility with surrounding uses and the anticipated and potential growth of retail and multi-family uses along these two important corridors and assure connectivity to neighboring residential development.

As a Planned Development with General Retail base zoning, (PD-GR), staff recommends the following:

PD Conditions: (Applicant in agreement)

1. PD-GR on entire property, allowing GR uses by right with the following exceptions;
 - a. Any GR development having a building in excess of 50,000 square feet (typical “big-box”) will require an additional site development plan PD rezoning case and,
 - b. Council site plan approval showing landscaping and parking lot design, as well as building elevations prior to construction
2. Multi-family development will be allowed on up to 15 acres, with the requirement of an additional development site plan approval by City Council showing landscaping and parking lot design, as well as building elevations prior to construction
3. Free standing signage bases to primarily consist of masonry and/or decorative metal elements
4. An improved trail along the drainage area bisecting the property and landscaped greenspace is required at development of adjacent areas to implement the Trails Master Plan
5. Screening and buffering a minimum of 20 feet in width required along neighboring properties with residential uses
6. Minimum four foot sidewalk along South Cedar Road at development

PLANNING & ZONING COMMISSION RECOMMENDATION: At their February 19, 2019, meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the rezoning to PD-GR per staff's recommendation.

ITEM SUMMARY: The applicant, WBW, is proposing to rezone the subject tract to allow for future retail and originally asked for multi-family uses and the possibility of several Commercial type uses at the property. Subsequently, after the DRC process, the applicant requested the zoning change to straight General Retail zoning for the entire site. Staff has continued with its recommendation for a Planned Development General Retail on the property to include additional site review for any big box type of development (above 50,000 square feet), interior trail along the drainage area, sidewalk on South Cedar Road (which would not be required otherwise), sign masonry and buffering requirements and has also retained the applicant's original request for multi-family on a portion of the property, with site development plan approval prior to development. Staff analysis is that the location, phasing and size of this proposed mixed-use project warrants the extra conditions. Site plan review by the Planning and Zoning Commission and approval by City Council would be required prior to development of a big box or multi-family use. Across West Adams, for example, Wapiti Business Park was rezoned and developed through a PD-GR in 2016, also cited as being such a visible property on this important corridor.

Planned Development

UDC Section 3.4.1 defines a PD as: "A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

Per UDC Section, 3.4.3.A, a PD is subject to review and approval by City Council and requires a binding site plan. In this case, the proposal would include a future site plan review and amendment prior to development of the property for big box retail or multi family.

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

Direction	FLUP	Zoning	Current Land Use
Subject Property	Suburban Commercial/ Suburban Residential	AG	Vacant
North	Suburban Commercial	PD-GR	Commercial development
South	Suburban Residential	SF-2	Residential Subdivision
East	Auto Urban Residential	SF-2	Residential Subdivision
West	Suburban Commercial	AG	Quarry

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

Future Land Use Map (CP Map 3.1)

In the FLUM, the subject property is designated as Suburban Commercial and to the east Suburban Residential. The proposal is partially in compliance with the FLUM as the PD-GR zoning is compatible with the Suburban Commercial designation and serves to support the Suburban Residential designation.

Thoroughfare and Trails Plan (CP Map 5.2)

The subject property takes access along two sides designated as Major Arterials in the Thoroughfare Plan, and along South Cedar Road, which is designated as a local street. Staff has proposed a condition to require a sidewalk with development of the property to assist pedestrian access from surrounding subdivisions. A proposed local connector trail is shown traversing the property along the Floodplain area. The developer agreed to a staff condition to install a trail at that location upon development.

Availability of Public Facilities (CP Goal 4.1)

Water and sewer are available to service the subject property.

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

PUBLIC NOTICE: Sixty-six notices were mailed to property owners within a 200 foot buffer area of the property. The notices included information on the public hearing as required by State Law and City Ordinance. As of noon on Thursday, March 14th, 2019, one notice was received in disagreement; and six notices in agreement (three from owner) were received, with two notices returned undeliverable. The newspaper printed notice of the public hearing on February 7, 2019 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location and Other Maps
Site Photos
Tables
Returned Property Notices
P & Z Meeting Excerpts
Site Development Plan
Ordinance



AG TO PD-GR


AERIAL MAP

Zoning Case :
FY-19-7-ZC

Address :
8901 W ADAMS AVE

Transportation

Streets

 MAJOR ARTERIAL

 LOCAL STREET

 Temple Municipal Boundary

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

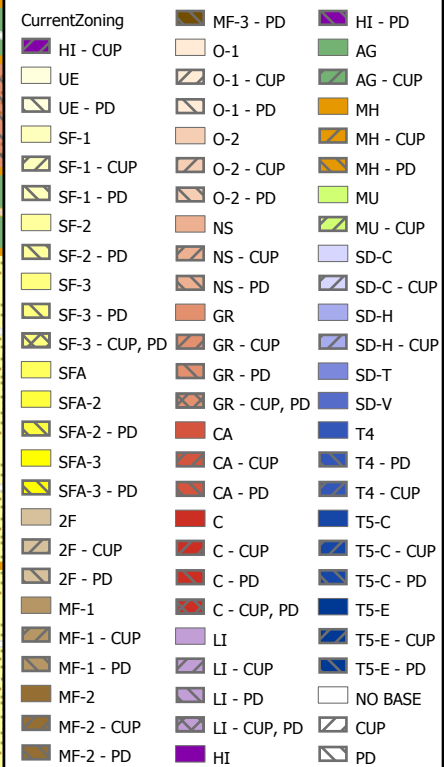
Irbarrett
Date: 2/2/2019





200'
NOTIFICATION MAP

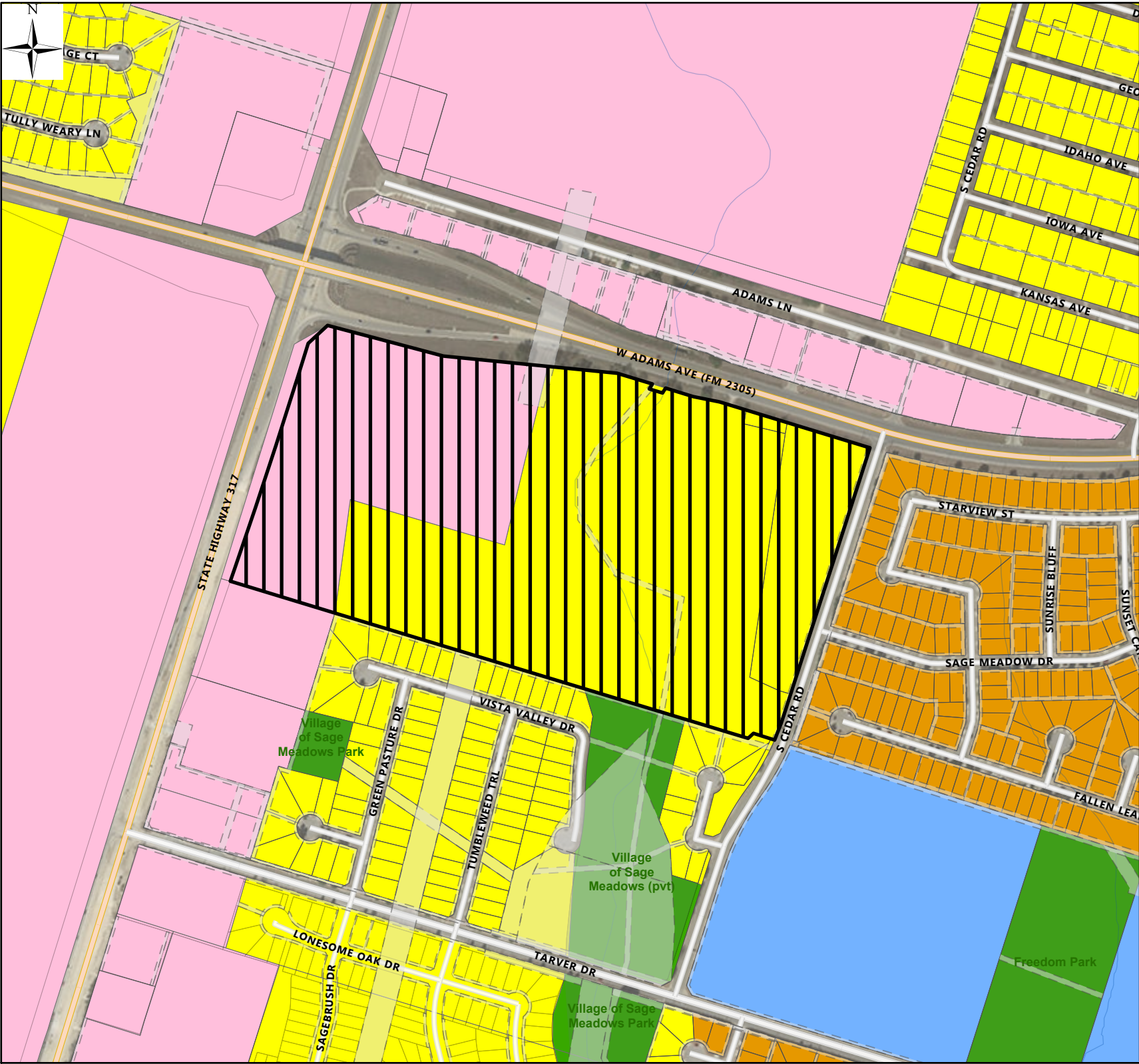
Zoning Case :
FY-19-7-ZC
Address :
8901 W Adams



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Irbarrett
Date: 2/2/2019





AG TO PD-GR FUTURE LAND USE MAP

Zoning Case :
FY-19-7-ZC

8901W ADAMS AVE

Transportation

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

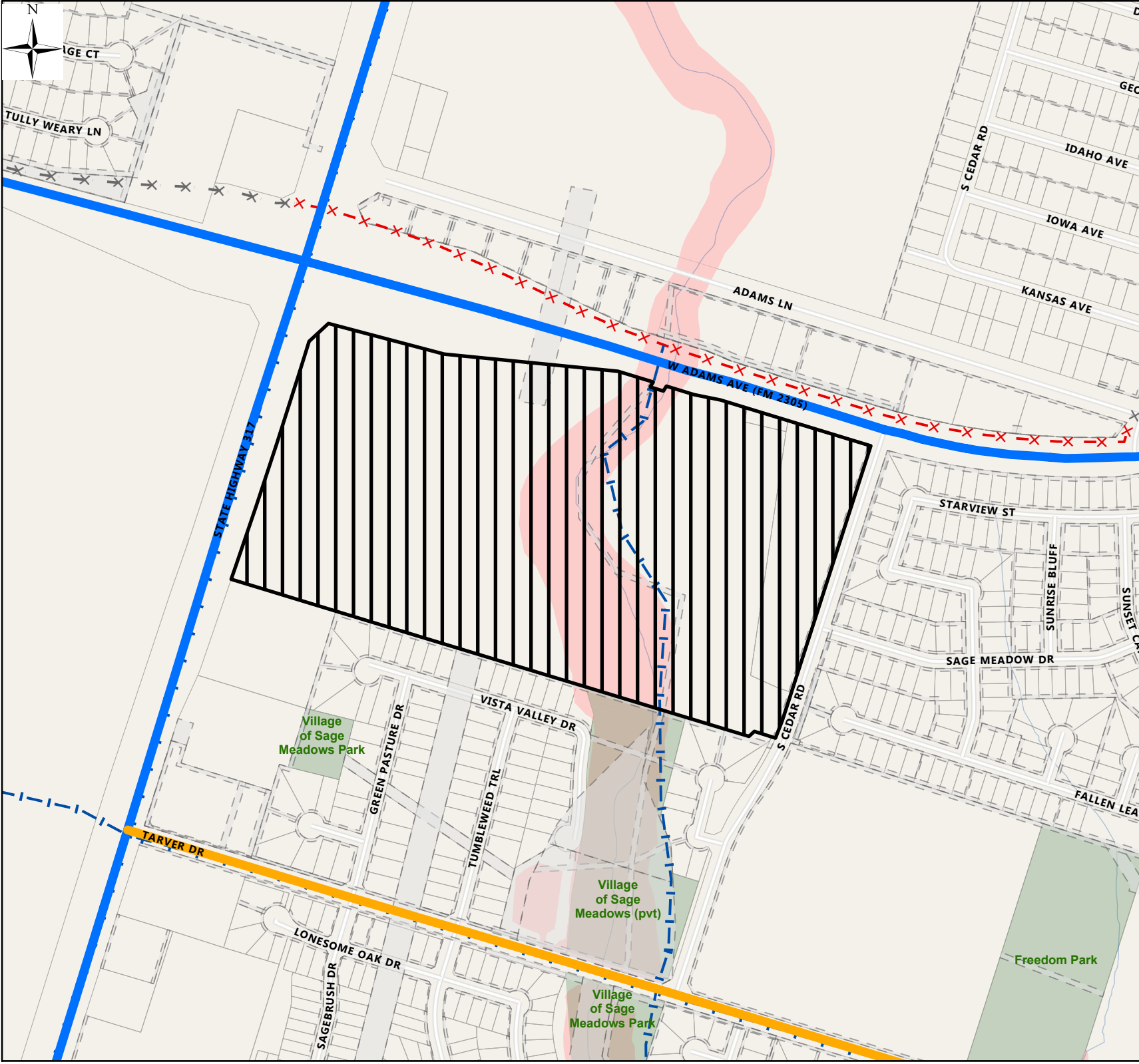
Parcel Features

- 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

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Irbarrett
Date: 2/2/2019





AG TO PD-GR THOROUGHFARE AND TRAILS MAP

Zoning Case :
FY-19-7-ZC

8901 W ADAMS AVE

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

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Irbarrett
Date: 2/2/2019





AG TO PF-GR

UTILITY MAP

Zoning Case :
FY-19-7-ZC

Address :
8901 W ADAMS AVE

Sewer

- Manhole
- Gravity Main

WaterDistribution

- ✚ Hydrant
- Main

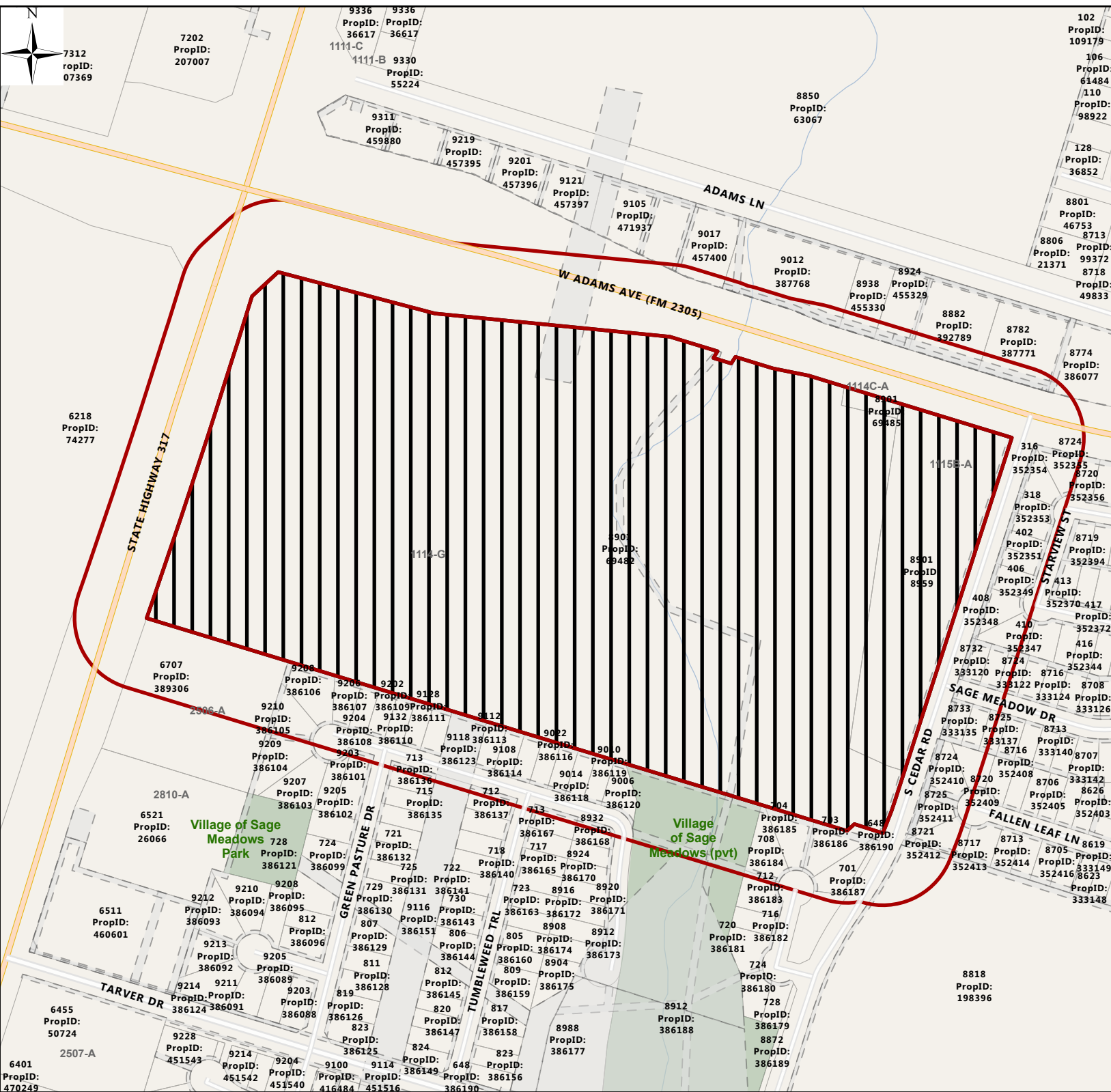
Parcel Features

- ▭ Parcels
- ▭ Production.SDE.Easement

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Irbarrett
Date: 2/2/2019





AG TO PD-GR

200' NOTIFICATION MAP

Zoning Case :

FY-19-7-ZC

Address :

8901 W Adams

Production.SDE.Easement

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

Irbarrett

Date: 2/2/2019



SITE PHOTOS



Frontage Along 317





Frontage along West Adams





Development Standards

	<u>Current (AG)</u> <u>Residential</u>	<u>Proposed</u> <u>(PD-GR)</u> <u>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:

* landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),

*

NOTE: A 20-FOOT PERIMETER LANDSCAPE STRIP IS PROPOSED

Permitted & Conditional Uses Table

Comparison between AG & NS

Use Type	Agricultural (AG)	General Retail (GR)
Agricultural Uses	Farm, Ranch or Orchard	Same as AG
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family / Group Home (CUP)	Single Family Detached & Attached Only Industrialized Housing Townhouse Family /Group Home (CUP)
Retail & Service Uses	None	Most Retail & Service Uses Restaurants; Beer & Wine Sales, off-premise consumption (CUP)
Commercial Uses	None	Contractor Storage, Print Shop, Plumbing and Upholstery shop
Office Uses	None	Office Uses
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Same as AG Laboratory, medical, dental, scientific or research (CUP)
Recreational Uses	Park or Playground	Indoor and Outdoor Amusements
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Halfway House (CUP)	Church, hospital, museum, school
Vehicle Service Uses	None	Fuel Sales, Auto leasing, carwash, auto sales, motorcycle/scooter sales and service
Restaurant Uses	None	Restaurant and with drive through
Overnight Accommodations	RV Park (CUP)	Hotel and RV Park (CUP)



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

386106
LIZAMA, TONI R ETVIR JACKARY PAUL
9208 VISTA VALLEY
TEMPLE, TX 76502

RECEIVED

FEB 22 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

Location: 8901 West Adams Avenue, Temple, Tx

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

I () agree

☒ disagree with this request

Comments:

I am concerned about my property value
going down and the over crowding of the
area / Neighborhood

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, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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**

386119
LARKIN, MITZIE A & RANDALL P
9010 VISTA VALLEY DR
TEMPLE, TX 76502-3158

RECEIVED
FEB 19 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

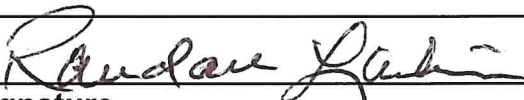
Location: 8901 West Adams Avenue, Temple, Tx

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I ☒ agree

() disagree with this request

Comments:


Signature

RANDALL LARKIN
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, lbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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**

455329
SWEET, DAVID
1605 FOREST TRL
TEMPLE, TX 76502

RECEIVED

FEB 15 2019

CITY OF TEMPLE
PLANNING DEPARTMENT

Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

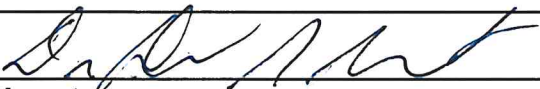
Location: 8901 West Adams Avenue, Temple, Tx

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I ☒ agree

() disagree with this request

Comments:


Signature

David C. Sweet
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, lbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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**

455330
SWEET, DAVID
16775 DEER RIDGE RD
MOODY, TX 76557

RECEIVED

FEB 15 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

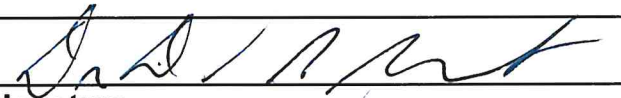
Location: 8901 West Adams Avenue, Temple, Tx

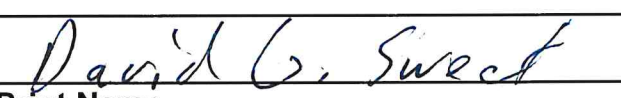
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I ☒ agree

() disagree with this request

Comments:


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, lbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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**

8959
KINNISON, PAUL JR ETAL
418 W FRENCH PL
SAN ANTONIO, TX 78712



Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

Location: 8901 West Adams Avenue, Temple, Tx

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:

Paul Kinnison Jr. EXE
Signature

PAUL KINNISON, JR., EXE
Print Name

PAULKINNISON@GMAIL.COM 1-210-852-1831 (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, lbarrett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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**

69485
KINNISON, PAUL JR ETAL
418 W FRENCH PL
SAN ANTONIO, TX 78712

Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

Location: 8901 West Adams Avenue, Temple, Tx

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:

Paul Kinnison, Jr. EXE
Signature

PAUL KINNISON, JR. EXE
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, lrbartlett@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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**

69482
KINNISON, PAUL JR ETAL
418 W FRENCH PL
SAN ANTONIO, TX 78712

RECEIVED
CITY OF TEMPLE
PLANNING & DEVELOPMENT
FEB 16 2019

Zoning Application Number: FY-19-7-ZC

Case Manager: Lynn Barrett

Location: 8901 West Adams Avenue, Temple, Tx

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:

Paul Kinnison, Jr. EXE
Signature

PAUL KINNISON, JR., EXE
Print Name

(Optional)

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

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

Number of Notices Mailed: 66

Date Mailed: February 6, 2019

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
TUESDAY, FEBRUARY 19, 2019

ACTION ITEMS

Item 3: FY-19-7-ZC - Hold a public hearing to discuss and recommend action for a rezoning request from Agricultural (AG) zoning district to Planned Development-General Retail (PD-GR) zoning district, on 54.592 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 W. Adams Avenue.

Ms. Lynn Barrett, Assistant Director of Planning, stated this rezoning is scheduled to go forward to City Council for first reading on March 21, 2019 and second reading on April 4, 2019.

Aerial map of subject property is shown, and an enlarged location map is also shown.

The subject property is bordered on two sides by Sage Meadows Subdivision, and developer proposed retail uses. Developer is requesting an option to add multi-family to no more than 15 acres in the site.

Ms. Barrett stated that applicant, Josh Welch for WBW, and owner, Paul Kinnison, proposes a mix of various retail uses including a strip center and out parcels on the property. Planned Development conditions would apply due to the size and visibility of property and include additional site development plan review for big box retail or multi-family uses prior to development, for landscaping and buffering/sidewalk provisions, and sign design elements.

Originally, developer was interested in a Commercial (C) rezoning, but after working with staff the PD-GR zoning was decided to be best suited for their needs.

On-site and surrounding property photos are shown.

Current zoning map is shown.

The Future Land Use map is shown identifying the Suburban-Commercial zoning areas as well as Suburban-Residential areas found to be in partial compliance. Regarding surrounding areas: Suburban-Commercial, Suburban-Residential, and Auto-Urban Residential zoning areas were found to be in partial compliance.

The utility map is shown and found to be in compliance. Water and sewer are available to serve the subject property. Due to drainage area, part of the property cannot be developed.

Thoroughfare and Trails map is shown and found to be in compliance. The two major arterials are State Highway 317 and West Adams. An existing sidewalk is already in place along State Highway 317 and a sidewalk will be required per ordinance along Adams at development with a four-foot sidewalk recommended as a PD condition on South Cedar Road at development. There is also a PD condition to build a trail along the drainage area.

Ms. Barrett reviewed the definition of a PD and the PD conditions are:

1. PD-GR on the entire property, allowing GR uses by right with the following exceptions;

- a. Any GR development having a building in excess of 50,000 square feet will require an additional site development plan PD rezoning case and;
 - b. Site plan approval prior to construction for structure elevations, landscaping, and parking lot design.
2. Multi-family development will be allowed on up to 15 acres, with the requirement of an additional development site plan approval as a PD amendment prior to construction for structure elevations, landscaping, and parking lot design;
3. Free standing signage bases to contain masonry and/or decorative metal element;
4. An improved trail along the drainage area bisecting the property and landscaped greenspace is required at development of adjacent areas to implement the Trails Master Plan;
5. Screening and buffer a minimum of 20-feet in width required along neighboring properties with residential uses; and
6. Minimum four-foot sidewalk along South Cedar Road at development.

Sixty-six notices were mailed in accordance with all state and local regulations with six notices returned in agreement, 3 from the property owner and 3 from other owners, and zero notices returned in disagreement.

Staff recommends approval of the rezoning request to PD-GR with the previously mentioned conditions and with Site Development Plans to follow as specified prior to development.

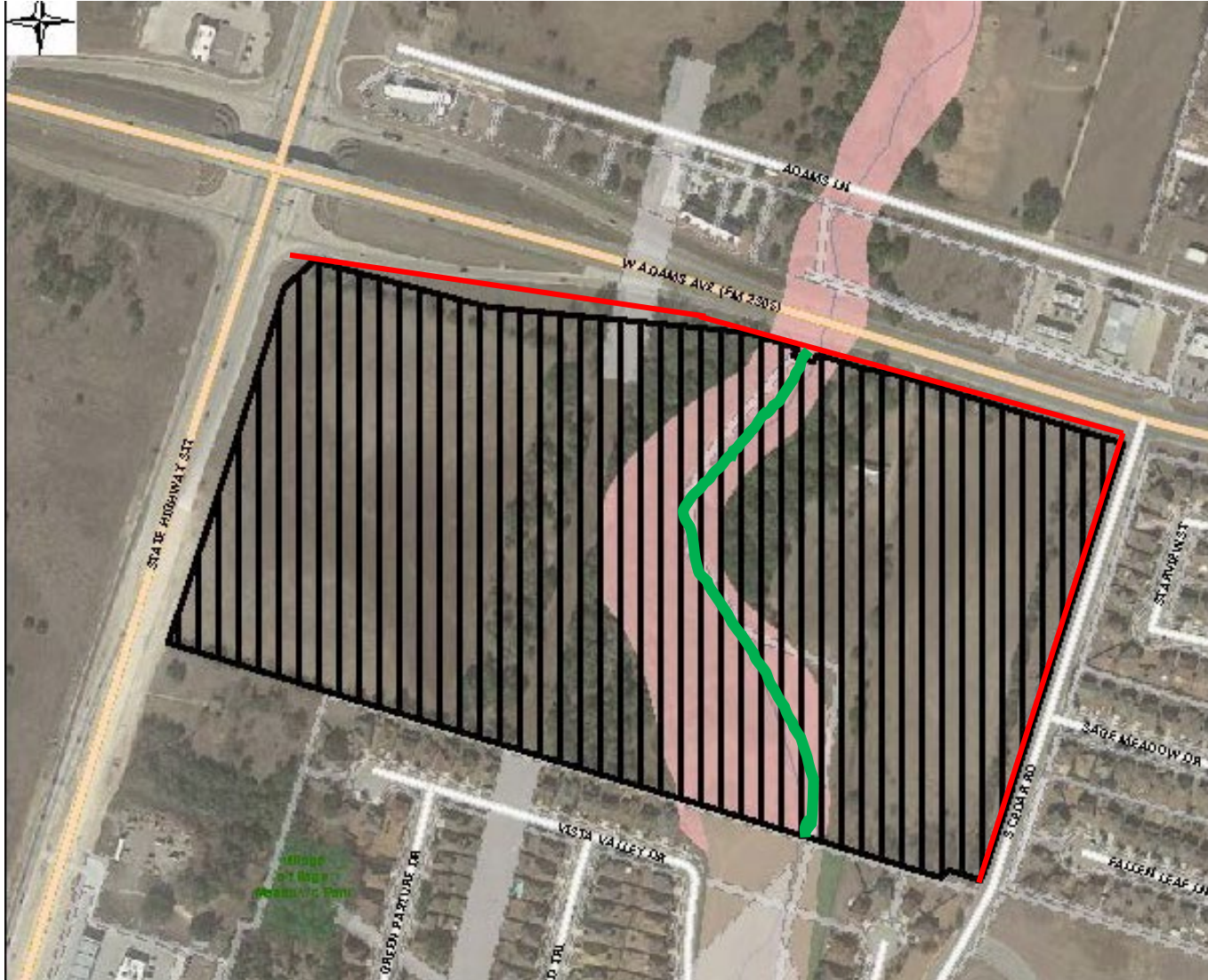
Chair Langley opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Armstrong made a motion to approve Item 3, **FY-19-7-ZC**, per staff recommendation, and Vice-Chair Ward made a second

Motion passed: (9:0)

Site Plan 8901 W Adams Ave



-  Required sidewalk
-  Required trail

Conditions

1. PD-GR on entire property, allowing GR uses by right with the following exceptions;
 - a. Any GR development having a building in excess of 50,000 square feet (typical "big-box") will require an additional site development plan PD rezoning case and,
 - b. Council site plan approval showing landscaping and parking lot design, as well as building elevations prior to construction
2. Multi-family development will be allowed on up to 15 acres, with the requirement of an additional development site plan approval by City Council showing landscaping and parking lot design, as well as building elevations prior to construction
3. Free standing signage bases to primarily consist of masonry and/or decorative metal elements
4. An improved trail along the drainage area bisecting the property and landscaped greenspace is required at development of adjacent areas to implement the Trails Master Plan
5. Screening and buffering a minimum of 20 feet in width required along neighboring properties with residential uses
6. Minimum 4' sidewalk along S Cedar Road at development
7. Six foot sidewalk required along West Adams Ave.

ORDINANCE NO. 2019-4959
(FY-19-7-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT, ON APPROXIMATELY 54.592 ACRES, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, ADDRESSED AS 8901 WEST ADAMS AVENUE, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, WBW, desires to rezone approximately 54.592 acres from Agricultural zoning district to General Retail zoning district to allow for future retail;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the conditions, recommends approval of the rezoning from Agricultural zoning district to Planned Development-General Retail zoning district, on approximately 54.592 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 West Adams Avenue, as outlined in the map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

- Planned Development-General Retail zoning on entire property, allowing General Retail uses by right with the following exceptions;
 - Any General Retail development having a building in excess of 50,000 square feet (typical “big-box”) will require an additional site development plan Planned Development rezoning case; and
 - Council site plan approval showing landscaping and parking lot design, as well as building elevations prior to construction;
- Multi-family development will be allowed on up to 15 acres, with the requirement of an additional development site plan approval by City Council showing landscaping and parking lot design, as well as building elevations prior to construction;
- Free standing signage bases to primarily consist of masonry and/or decorative metal elements;
- An improved trail along the drainage area bisecting the property and landscaped greenspace is required at development of adjacent areas to implement the Trails Master Plan;
- Screening and buffering a minimum of 20 feet in width required along neighboring properties with residential uses;
- Minimum 4-foot sidewalk along South Cedar Road at development; and

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

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

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

Part 2: The City Council approves of the rezoning from Agricultural zoning district to Planned Development-General Retail zoning district, on approximately 54.592 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8901 West Adams Avenue, as outlined in the map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

- Planned Development-General Retail zoning uses by right with the following exceptions;
 - Any General Retail development having a building in excess of 50,000 square feet (typical "big-box") will require an additional site development plan Planned Development rezoning case; and
 - Council site plan approval showing landscaping and parking lot design, as well as building elevations prior to construction;
- Multi-family development will be allowed on up to 15 acres, with the requirement of an additional development site plan approval by City Council showing landscaping and parking lot design, as well as building elevations prior to construction;
- Free standing signage bases to primarily consist of masonry and/or decorative metal elements
- An improved trail along the drainage area bisecting the property and landscaped greenspace is required at development of adjacent areas to implement the Trails Master Plan;
- Screening and buffering a minimum of 20 feet in width required along neighboring properties with residential uses;
- Minimum 4' sidewalk along South Cedar Road at development; and

Part 3: The City Council approves the Site Development Plan attached hereto as Exhibit 'B,' and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **March**, 2019.

PASSED AND APPROVED on Second Reading on the **4th** day of **April**, 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

04/04/19
Item #6(R)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-8-ZC: Consider adopting an ordinance authorizing rezoning from Light Industrial zoning district to Single-Family One zoning district, on 0.189 +/- acres, being Lot 7, Block 5, Rylander Addition, addressed as 14 North 12th Street.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from LI to SF-1 district for the following reasons:

1. The proposed SF-1 zoning coupled with issued building permits will bring the subject property into conformance with zoning;
2. The proposed SF-1 zoning is compatible with surrounding and existing residential uses in the same street block;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their February 19, 2019 meeting, The Planning & Zoning Commission voted 9 to 0 to recommend approval per staff's recommendation.

ITEM SUMMARY: The applicant and property owner, Lonnie Gruner, requests rezoning of 0.189 +/- acres (8,232 +/- square feet) from Light Industrial (LI) zoning district to Single-Family 1 (SF-1) zoning district in order to bring a non-conforming use and two structures into conformance and allow expansion of living space, which is currently not allowed in the LI district. The property is currently platted and occupied by an existing non-conforming single-family residence, which is over 100 years old. The applicant desires to convert an accessory structure into living space as well as a remodeling of attic space into living space for the existing residence. While single-family residential uses are prohibited in the LI zoning district, rezoning to SF-1 would allow conversion for additional living space, subject to City Council approval of the rezoning. A second residential unit is still prohibited with SF-1 zoning.

Per UDC Section 9.2, non-conforming uses and structures cannot be increased, enlarged or expanded. Further, per UDC Section 9.2.5, if destroyed by fire, a non-conforming structure cannot be rebuilt.

The requested zoning to SF-1 coupled with the following building permits meeting all dimensional standards and with the front building used as a residence only, will bring the property into conformance:

- **Single Family Residence (Front)** – Permit number FY-19-40-BDRR – Interior remodel (only) to bring residence up to code and allow conversion of attic space to living space. (Issued January 23, 2019)
- **Accessory Building (Rear)** – Permit number FY-19-2-ACRL – Exterior & interior remodel to bring structure up to code with no provisions as a residence (Issued January 16, 2019)

ZONING: As the property is currently zoned LI, single-family residences are not permitted as well as expansion of existing single-family residences, as discussed earlier in this report. The character of the west side of this block of North 12th Street is primarily single-family in nature. The new Comprehensive Plan & East Temple revitalization efforts will want to take a closer look at preservation of this neighborhood.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is within the Auto-Urban Commercial Future Land Use Map (FLUM) designation. The Auto-Urban Commercial designation is appropriate for a majority of the areas identified for commercial use. The designation also lends itself to the more intense general retail uses. Single family uses alone are not consistent with the designation.

However, the subject property is adjacent to the Auto-Urban Residential designation which does support residential uses. Additionally, there is an existing lot in the same block that is zoned 2F, which is occupied by a residential use and there are existing residential uses within the same street block. Therefore, the proposed SF-1 zoning district is in **PARTIAL** compliance with the FLUM.

Thoroughfare Plan (CP Map 5.2)

Twelfth (12th) Street is a local street requiring a minimum 50-foot right-of-way (ROW). The existing ROW is approximately 60 feet and therefore, there are no impacts to the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Waste water is available from a 12-inch sewer line in the alley as well as from a six-inch sewer line on the opposite side of North 12th Street. Water is available from a two-inch water line in the alley as well as from a six-inch waterline on the opposite side of North 12th Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no trails, as identified by the Temple Trails Master Plan, impacted by this rezoning request. Since North 12th Street is a local street, no sidewalks are required.

DEVELOPMENT REGULATIONS: The attached tables compare and contrast, the current development standards for LI with the proposed SF-1 standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

PUBLIC NOTICE: Sixteen 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 March 12, 2019 at 9:00 AM, four notices, two of which are from the same owner relating to six properties, represent a total of eight properties have been received in agreement.

The newspaper printed notice of the public hearing on February 7, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Boundary Map \(Exhibit A\)](#)

[Photos](#)

[Tables](#)

[Maps](#)

[Returned Property Notices](#)

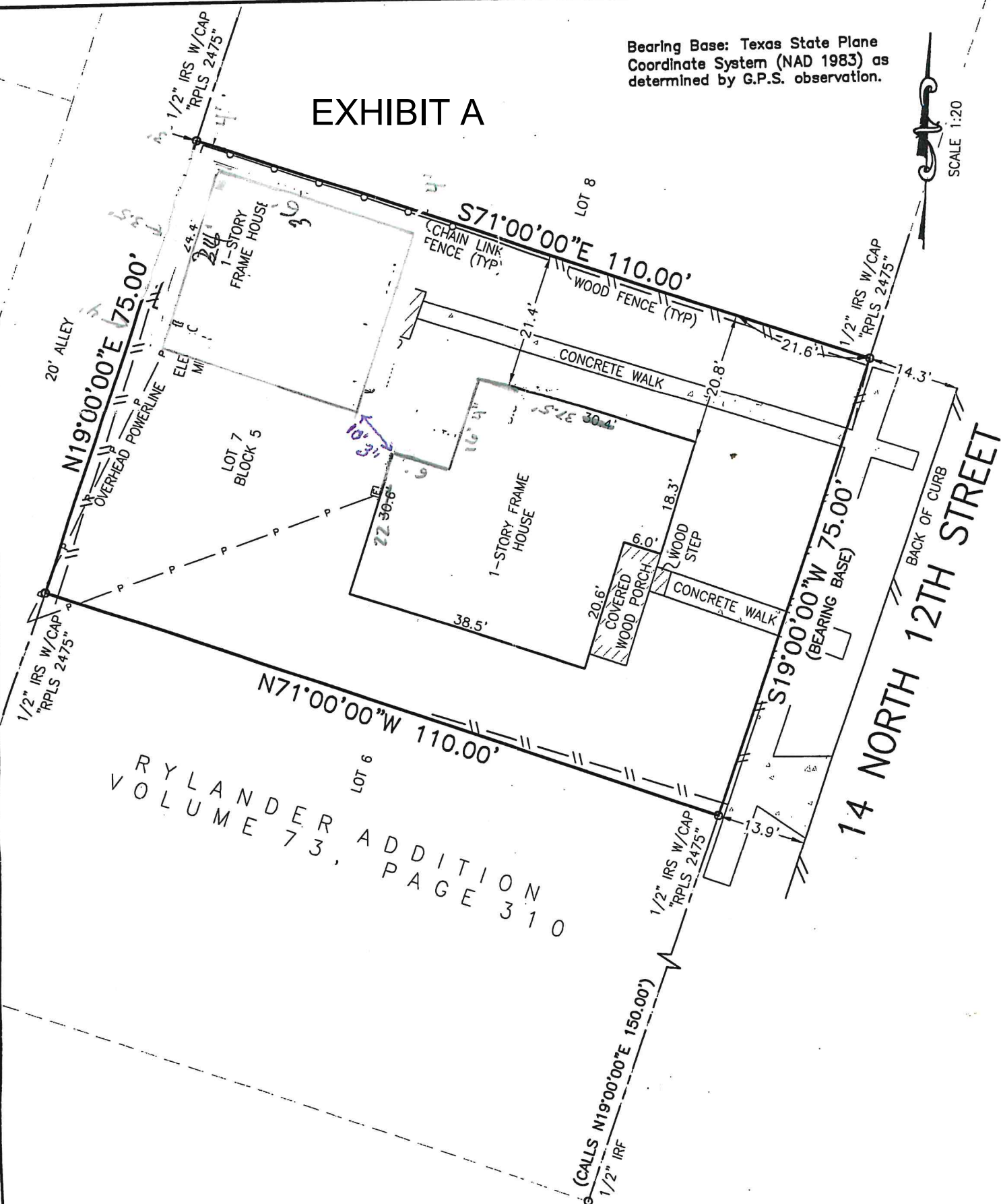
[Planning Excerpts \(February 19, 2019\)](#)

[Ordinance](#)

Bearing Base: Texas State Plane
Coordinate System (NAD 1983) as
determined by G.P.S. observation.

EXHIBIT A

SCALE 1:20



Being Lot 7 in Block 5 of Rylander Addition to the City of Temple, Bell County, Texas, according to the Plat of record in Volume 73, page 310, Deed Records of Bell County, Texas.



STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis,
COUNTY OF BELL } a Registered Professional Land Surveyor in the State of Texas,
do hereby certify that this survey was this day made
on the ground of the property described herein and
is correct and that there are no discrepancies, conflicts, shortages in the
area, easements, and right-of-ways except as shown hereon, that this tract
of land has access to and from a public road, and I have marked all corners
with monuments.

This Property is not within the Special Flood Hazard Area as per the Federal
Emergency Management Agency Federal Insurance Administration Map No.
48027C0355E, dated September 26, 2008.

IN WITNESS THEREOF, my hand and seal, this the 19th day of June 2018.

Michael E. Alvis

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



301 N. 3rd St.
TEMPLE, TEXAS 76501

ENGINEERING • PLANNING • SURVEYING

TBPE No. F-1658 • TBPLS No. 10056000

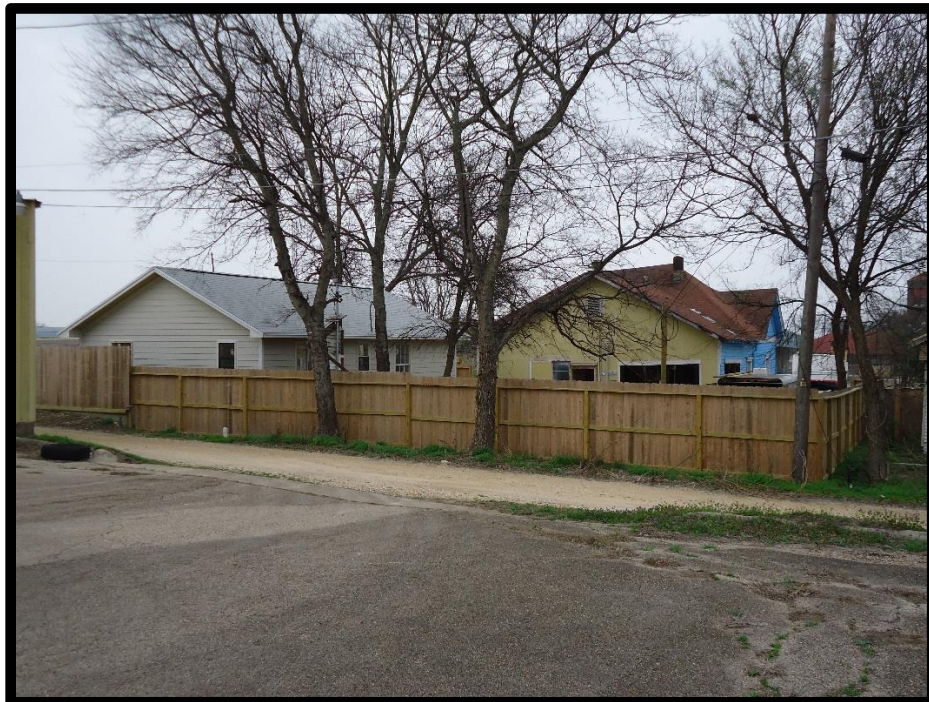
254.773.2400
www.turley-inc.com

18-1099
SKETCH
MGM

Site & Surrounding Property Photos



Site (Front): Existing Single-Family Residential Uses (LI)



Site (Rear): Existing Single-Family Residential Uses (LI)



South: Existing Single-Family Residential Uses (LI)



West (Looking toward Subject Property): Existing Commercial Uses (C)



East – Existing Commerical & Industrial Uses (LI)



North: Below Grade Photo showing East Adams Ave (SH 53) ROW (LI)



Aerial – 3D Google Earth Street Image of Immediate Neighborhood (2F & LI)

Tables

Permitted & Conditional Uses Table
Comparison between LI & SF-1

Use Type	Light Industrial (LI)	Single Family-1 (SF-1)
Agricultural Uses	Farm, Ranch or Orchard Animal Shelter	Farm, Ranch or Orchard
Residential Uses	Boarding or Rooming House No – SF Residence (Detached & Attached) Family or Group Home (CUP) Home for the Aged	Single Family (Detached Only) Industrialized Housing
Retail & Service Uses	Most Retail & Service Uses	None
Office Uses	Office Uses	None
Commercial Uses	All Commercial Uses	None
Industrial Uses	Most Industrial Uses Temporary Asphalt & Concrete Batching Plat (CUP)	Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	Alcoholic Beverage Sales, beer & wine only < 75% All Alcoholic sales - >50% - < 75% or more (CUP)	None
Educational & Institutional Uses	Cemetery (CUP) Place of Worship Social Svc. Shelter (CUP) Child Care Day Care – No Family	Same as LI Child Care: Family Home Only (Up to 6 Children, including host family children)
Vehicle Service Uses	Most vehicle & Service Uses	None
Restaurant Uses	Restaurant - Drive-In	None
Overnight Accommodations	Hotel / Motel RV Park (CUP)	None
Transportation Uses	All Transportation Uses	None

Surrounding Property Uses

	<u>Surrounding Property & Uses</u>		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	LI	SF Residential Uses
North	Parks & Open Space / Auto-Urban Commercial	LI	Undeveloped & E. Adams Ave (SH 53 ROW)
South	Auto-Urban Residential	LI & 2F	Residential Uses
East	Auto-Urban Commercial	LI	Industrial Uses
West	Auto-Urban Commercial	C & GR	Retail & Commercial Uses

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	PARTIAL
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 (LI) Non-Residential</u>	<u>Proposed (SF-1) Residential</u>
Minimum Lot Size	N/A	7,500 Square Feet
Minimum Lot Width	N/A	60 Feet
Minimum Lot Depth	N/A	100 Feet
Front Setback	* UDC Sec. 4.4.4F.1d	25 Feet
Side Setback	0 Feet	10% Lot Width 6 Ft Min
Side Setback (corner)	10 Feet	15 Feet
Rear Setback	0 Feet	10 Feet
Max Building Height	ALH	2 Stories

ALH – Any Legal Height not prohibited by other laws

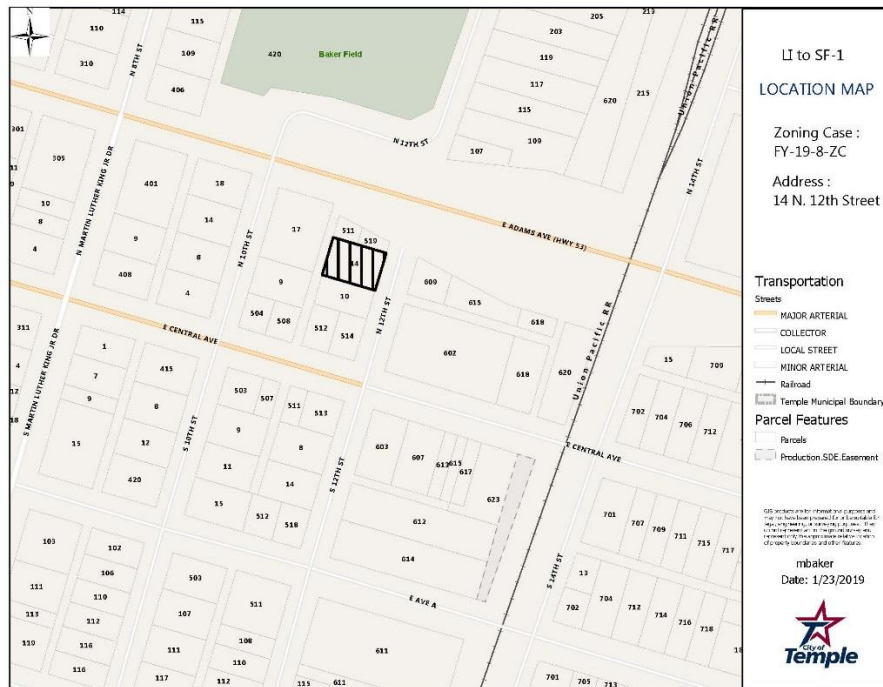
* UDC Sec. 4.4.4F.1d: In the C, CA, LI & HI districts, a structure may not be erected nearer than 30 feet to the centerline of any street on which such structure fronts

Traffic Count Information

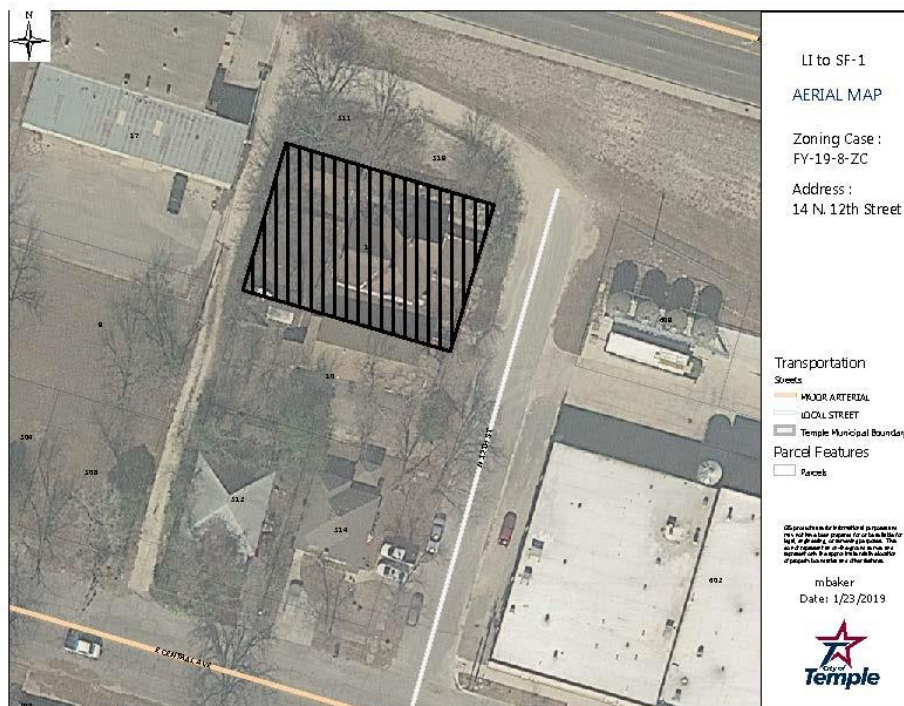
Select - NS Permitted & Conditional Uses

Peak Hour Trip Rates Table (9th Ed. ITE Manual)	
Use	Peak Hour Trip Rate
Single Family (Detached) Residence	1.00 (per Dwelling Unit)
Townhouse	0.52 (per Dwelling Unit)
Assisted Living Facility	0.22 (per Bed)
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)
Arts & Crafts Store	6.21 (per 1,000 S.F.)
Fast Food Restaurant (No Drive-Thru)	26.15 (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.)

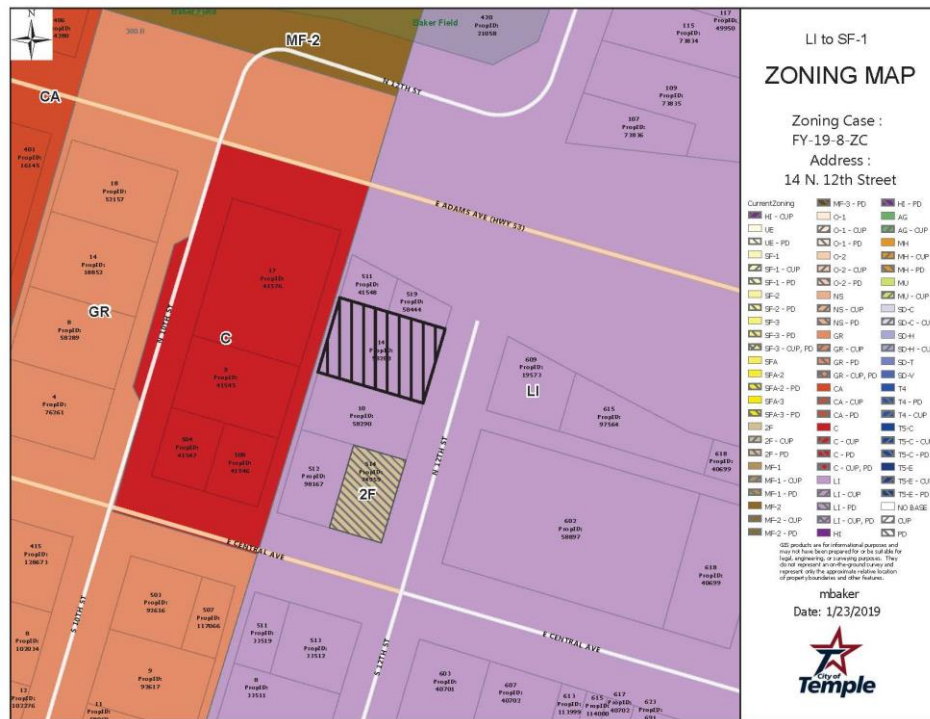
Maps



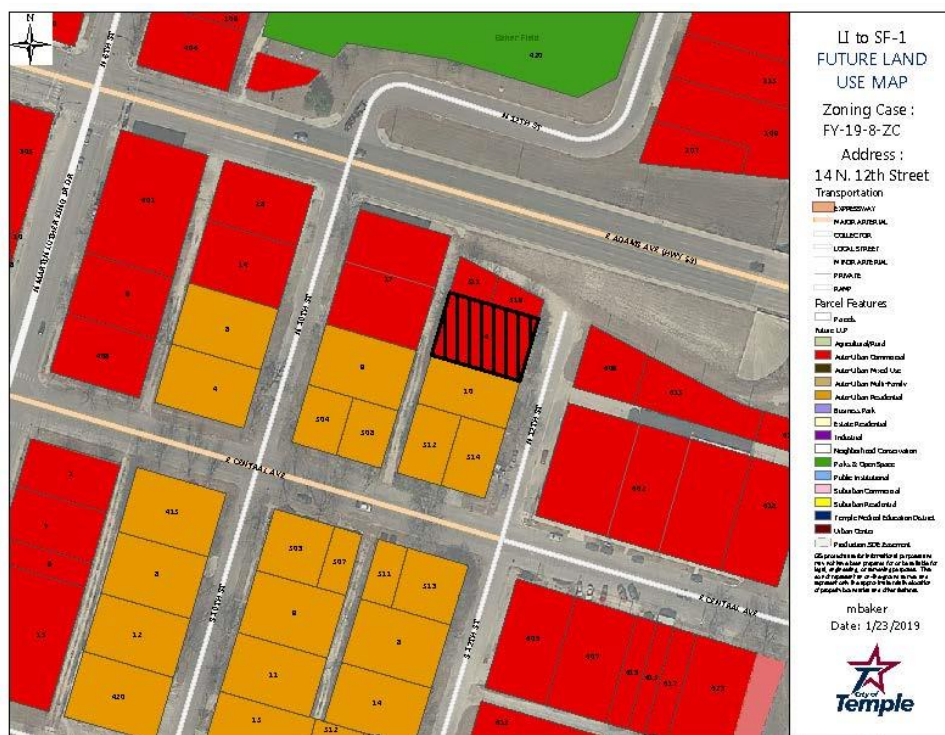
Location Map



Aerial Map



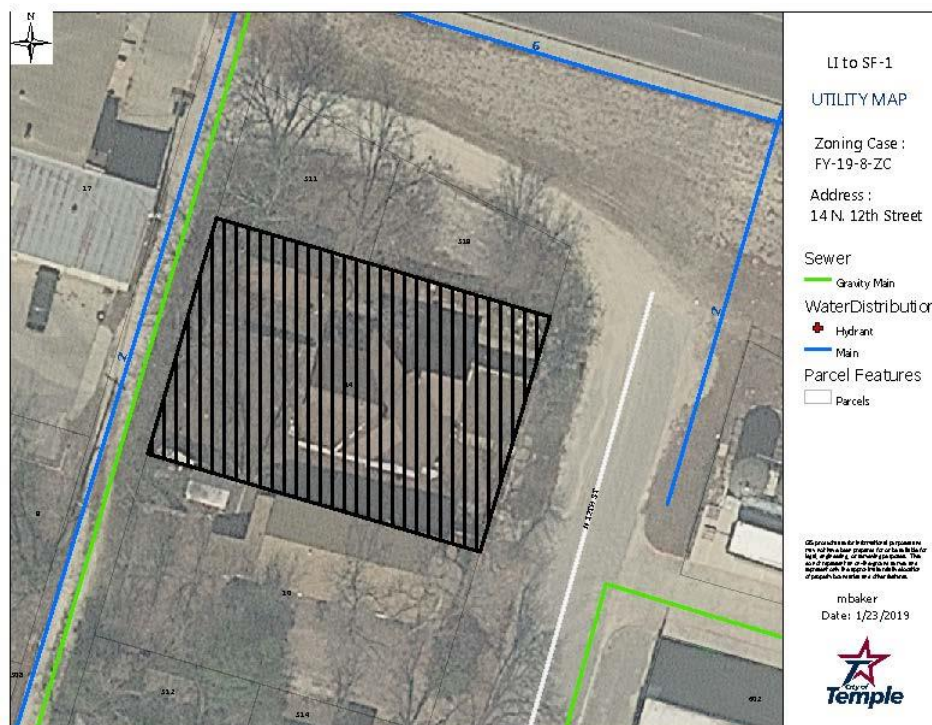
Zoning Map



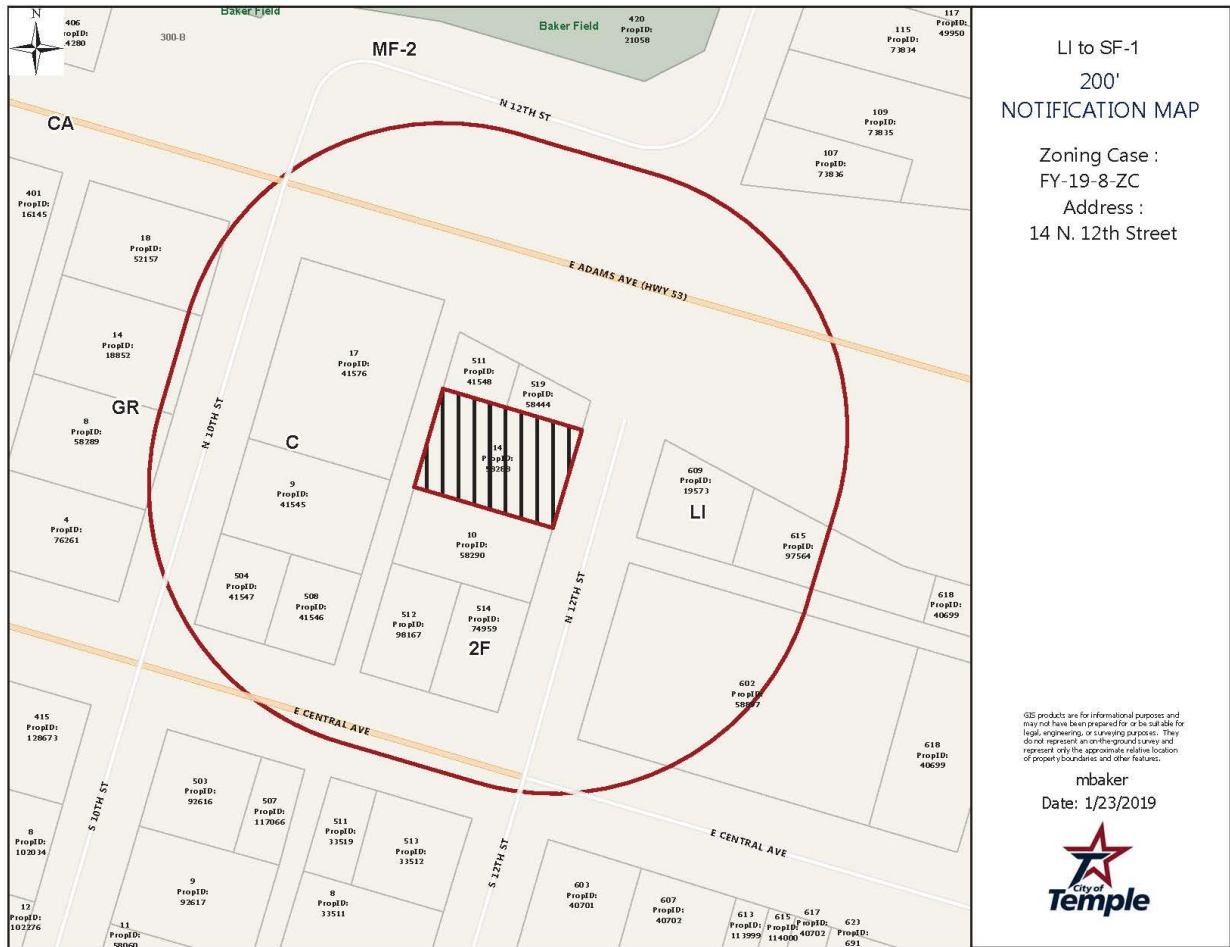
Future Land Use Map



Thoroughfare & Trails Map



Utility Map



Notification Map



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

41576
GOLDMAN, MARK L ETUX SHARON
3306 MEADOW CREEK LN
TEMPLE, TX 76504-2160

RECEIVED
FEB 11 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-8-ZC

Case Manager: Mark Baker

Location: 14 North 12th Street

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

I ☒ agree

() disagree with this request

Comments:

Mark Goldman
Signature

MARK GOLDMAN
Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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



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

41545
GOLDMAN, MARK
17 N 10TH ST
TEMPLE, TX 76501-4331



Zoning Application Number: FY-19-8-ZC

Case Manager: Mark Baker

Location: 14 North 12th Street

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

I ☒ agree

() disagree with this request

Comments:

Mark Goldman
Signature

MARK GOLDMAN
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, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

Number of Notices Mailed: 16

Date Mailed: February 6, 2019

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



**Properties Owned within
200 Feet of Requested Rezoning**

Zoning Application Number: FY-19-8-ZC

Case Manager: Mark Baker

GOLDMAN, MARK			
#	Property ID #	Address	City
1	41545	9 N 10 TH STREET	Temple, TX
2	41547	504 E CENTRAL AVE	Temple, TX
3	41546	508 E CENTRAL AVE	Temple, TX
4	58444	519 E ADAMS AVE	Temple, TX
5	41548	511 E ADAMS AVE	Temple, TX



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

74959
PEP RESIDENTIAL INVESTMENTS LTD
3144 S 31ST ST
TEMPLE, TX 76502-1803

Zoning Application Number: FY-19-8-ZC

Case Manager: Mark Baker

Location: 14 North 12th Street

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

I ☒ agree

() disagree with this request

Comments:

W. C. Patterson
Signature

W C Patterson
Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 19, 2019**.

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

RECEIVED
FEB 26 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 16

Date Mailed: February 6, 2019

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
TUESDAY, FEBRUARY 19, 2019

ACTION ITEMS

Item 4: FY-19-8-ZC - Hold a public hearing to consider and recommend action on a rezoning from Light Industrial (LI) zoning district to Single-Family One (SF-1) zoning district, on 0.189 +/- acres, being Lot 7, Block 5, Rylander Addition, addressed as 14 North 12th Street.

Mr. Mark Baker, Principal Planner, stated this rezoning is scheduled to go forward to City Council for first reading on March 21, 2019 and second reading on April 4, 2019.

This rezoning is to allow property owner, Mr. Lonnie Gruner, to bring an accessory building up to code standards and convert attic space into living area for the existing residence in the front of the lot.

Residential uses are not permitted in Light Industrial (LI)

- Nonconforming uses/structures cannot be increased, expanded or enlarged (UDC Sec. (9.2)
- Nonconforming structures cannot be rebuilt if destroyed by fire (UDC Sec. 9.2.5)

Currently, building permits have been issued for:

- Accessory Building (rear) exterior and interior remodel to bring structure up to code with no provisions as a residence
- Single Family Residence (front) interior remodel work only which includes conversion of attic space to living space (*Subject to rezoning approval*)

Aerial site image and map with location is shown.

Zoning map is shown and found to be in compliance. Existing single-family residential uses are non-conforming. This rezoning along with issued permits would bring the property into compliance.

The Future Land Use Map is shown and found to be in partial compliance due to adjacent Auto-Urban Residential zoning, which does not support single-family residential uses.

The existing water and sewer map is shown and found to be in compliance. Water is available through a two-inch line in the alley and sewer is available through a 12-inch line also in the alley.

The Thoroughfare Plan and Trails map is shown and found to be in compliance with no impacts.

Aerial photo image of subject property is shown.

On-site and surrounding property photo images are shown.

Comparison of LI and SF-1 use tables are shown.

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

Compliance Summary chart is shown with all areas found in compliance except Future Land Use Map found to be in partial compliance.

Staff recommends approval of the request for a rezoning from LI district to SF-1 district.

Chair Langley opened the public hearing.

Mr. Lonnie Gruner, applicant, 3910 Shallow Ford Road, Temple, Texas, stated he was available to answer any questions the Commission might have.

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

Commissioner Fetting made a motion to approve Item 4, **FY-19-8-ZC**, per staff recommendation, and Vice-Chair Ward made a second

Motion passed: (9:0)

ORDINANCE NO. 2019-4960
(FY-19-8-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM LIGHT INDUSTRIAL ZONING DISTRICT TO SINGLE FAMILY ONE ZONING DISTRICT ON APPROXIMATELY 0.189 ACRES, BEING LOT 7, BLOCK 5, RYLANDER ADDITION, ADDRESSED AS 14 NORTH 12TH STREET, TEMPLE, TEXAS; 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: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves a rezoning from Light Industrial zoning district to Single Family One zoning district on approximately 0.189 acres, being lot 7, block 5, Rylander Addition, addressed as 14 North 12th Street, as illustrated by 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 **21st** day of **March**, 2019.

PASSED AND APPROVED on Second Reading on the **4th** day of **April**, 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

04/04/19
Item #6(S)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – Consider adopting an ordinance granting to Oncor Electric Delivery Company LLC an electric power franchise to use the present and future streets, alleys, highways, public utility easements, public ways, and public property of the City of Temple.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in item description and conduct a public hearing. Second reading will be scheduled for the April 4, 2019 City Council meeting.

ITEM SUMMARY: Oncor Electric Delivery Company LLC (“Oncor”) has a current franchise with the City of Temple for the delivery of electric power. The franchise expires on June 30, 2019 and Oncor has reached out to the City for renewal. The proposed ordinance would adopt a new franchise agreement with Oncor under the same terms that currently exist. The proposed franchise would expire on March 31, 2035. If neither party gives notice of cancellation earlier than 60 days before the expiration date, the franchise will automatically renew for an additional five-year period until March 31, 2040.

Under the terms of the franchise agreement, Oncor will have the right to construct, extend, maintain and operate in, along, under and across the present and future streets, alleys, highways, public utility easements, public ways and other public property (“Public Rights-of-Way”) of the City. Oncor may install electric power lines, with all necessary appurtenances, for the purpose of delivering electricity to the City and the citizens of Temple. The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater and other pipe lines or other improvements in the Public Rights-of-Way.

Franchise fees will be paid to the City in accordance with current practice and State law.

FISCAL IMPACT: The City receives a franchise fee from Oncor. The amount of the franchise fee is calculated by a franchise fee factor of 0.002652 multiplied by each kilowatt hour of electricity delivered within the City on a quarterly basis. The quarterly payments are made as follows:

Basis Period	Privilege Period (Following Year)	Payment Due Date
January 1 - March 31	January 1 - March 31	May 1
April 1 - June 30	April 1 - June 30	August 1
July 1 - September 30	July 1 - September 30	November 1
October 1 - December 31	October 1 - December 31	February 1

In addition, the City receives 4% of gross revenues received by Oncor from services identified as discretionary service charges. This is paid annually to the City by April 30 of each year. The amount received in FY 2018 for this component of the franchise fee was \$12,595.

The total collected in FY 2018 was \$3,249,425 for electric franchise fee revenue. The FY 2019 electric franchise fee revenue for all franchisees is budgeted at \$3,445,000 and will be recognized in account 110-0000-413-0132.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2019-4961

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF TEMPLE, TEXAS; PROVIDING FOR COMPENSATION THEREFOR; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; 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: That there is hereby granted to Oncor Electric Delivery Company LLC, its successors and assigns (herein called "Company"), the right, privilege and franchise to construct, extend, maintain and operate in, along, under and across the present and future streets, alleys, highways, public utility easements, public ways and other public property (Public Rights-of-Way) of the City of Temple, Texas (herein called "City") electric power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines, telephone and communication lines, and other structures for Company's own use), (herein called "Facilities") for the purpose of delivering electricity to the City, the inhabitants thereof, and persons, firms and corporations beyond the corporate limits thereof, for the term set out in Section 7.

Part 2: Poles, towers and other structures shall be so erected as not to unreasonably interfere with traffic over streets, alleys and highways.

Part 3: The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater and other pipe lines, cables, and conduits, or other improvements and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under Public Rights-of-Way occupied by Company. The City also reserves the right to change in any manner any curb, sidewalk, highway, alley, public way, street, utility lines, storm sewers, drainage basins, drainage ditches, and the like. City shall provide Company with at least thirty (30) days' notice when requesting Company to relocate facilities and shall specify a new location for such facilities along the Public Rights-of-Way. Company shall, except in cases of emergency conditions or work incidental in nature, obtain a permit, if required by City ordinance, prior to performing work in the Public Rights-of-Way, except in no instance shall Company be required to pay fees or bonds related to its use of the Public Rights-of-Way, despite the City's enactment of any ordinance providing the contrary. Company shall construct its facilities in

conformance with the applicable provisions of the National Electrical Safety Code. City-requested relocations of Company facilities in the Public Rights-of-Way shall be at the Company's expense; provided however, if the City is the end use Retail Customer (customer who purchases electric power or energy and ultimately consumes it) requesting the removal or relocation of Company Facilities for its own benefit, or the project requiring the relocation is solely aesthetic/beautification in nature, it will be at the total expense of the City. Provided further, if the relocation request includes, or is for, the Company to relocate above-ground facilities to an underground location, City shall be fully responsible for the additional cost of placing the facilities underground.

If any other corporation or person (other than City) requests Company to relocate Company facilities located in City Rights-of-Ways, the Company shall not be bound to make such changes until such other corporation or person shall have undertaken, with good and sufficient bond, to reimburse the Company for any costs, loss, or expense which will be caused by, or arises out of such change, alteration, or relocation of Company's Facilities. City may not request the Company to pay for any relocation which has already been requested, and paid for, by any entity other than City.

If City abandons any Public Rights-of-Way in which Company has facilities, such abandonment shall be conditioned on Company's right to maintain its use of the former Public Rights-of-Way and on the obligation of the party to whom the Public Rights-of-Way is abandoned to reimburse Company for all removal or relocation expenses if Company agrees to the removal or relocation of its facilities following abandonment of the Public Rights-of-Way. If the party to whom the Public Rights-of-Way is abandoned requests the Company to remove or relocate its facilities and Company agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Rights-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

Part 4: A. In consideration of the granting of this Franchise, Company shall, at its sole cost and expense, indemnify and hold the City, and its past and present officers, agents and employees harmless against any and all liability arising from suits, actions or claims regarding injury or death to any person or persons, or damages to any property arising out of or occasioned by the intentional and/or negligent acts or omissions of Company or any of its officers, agents, or employees in connection with Company's construction, maintenance and operation of Company's system in the City Public Rights-of-Way, including any court costs, reasonable expenses and reasonable defenses thereof.

B. This indemnity shall only apply to the extent that the loss, damage or injury is attributable to the negligence or wrongful act or omission of the Company or its officers, agents or employees, and does not apply to the extent such loss, damage or injury is attributable to the negligence or wrongful act or omission of the City or the City's officers, agents, or employees or any other person or entity. This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of Company and the City.

C. In the event of joint and concurrent negligence or fault of both Company and the City, responsibility and indemnity, if any, shall be apportioned comparatively between the City and Company in accordance with the laws of the state of Texas without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. Further, in the event of joint and concurrent negligence or fault of both Company and the City, responsibility for all costs of defense shall be apportioned between the City and Company based upon the comparative fault of each.

D. In fulfilling its obligation to defend and indemnify City, Company shall have the right to select defense counsel, subject to City's approval, which will not be unreasonably withheld. Company shall retain defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this franchise. If Company fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Company shall be liable for all reasonable defense costs incurred by City, except as otherwise provided in section 4.B and 4.C.

Part 5: This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights, privileges and franchises to any other person, firm, or corporation. Any Franchise granted by the City to any other person, firm, or corporation shall not unreasonably interfere with this Franchise.

Part 6: In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said Public Rights-of-Way, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements, Company shall pay to the City the following:

- A. Final quarterly payment will be made on or before May 1, 2019 for the basis period of January 1, 2019 through March 31, 2019 and the privilege period of January 1, 2020 through March 31, 2020 in accordance with the provisions in the previous franchise.
- B. As authorized by Section 33.008(b) of PURA, the original franchise fee factor calculated for the City in 2002 was 0.002526 (the "Base Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries for determining franchise payments going forward.

Due to a 2006 agreement between Company and City the franchise fee factor was increased to a franchise fee factor of 0.002652 (the "Current Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries on a quarterly basis.

However, consistent with the 2006 agreement, should the Public Utility Commission of Texas at any time disallow Company's recovery through rates of the higher franchise payments made under the Current Factor as compared to the Base Factor, then the franchise fee factor shall immediately revert to the Base Factor of 0.002526 and all future payments, irrespective of the time period that is covered by the payment, will be made using the Base Factor.

Company shall make quarterly payments as follows:

<u>Payment Due Date</u>	<u>Basis Period</u>	<u>Privilege Period (Following Year)</u>
August 1	Apr. 1 - Jun. 30	Apr. 1 - Jun. 30
November 1	Jul.1 - Sept. 30	Jul.1 - Sept. 30
February 1	Oct. 1 - Dec. 31	Oct. 1 - Dec. 31
May 1	Jan. 1 - Mar. 31	Jan. 1 - Mar. 31

1. The first quarterly payment hereunder shall be due and payable on or before August 1, 2019 and will cover the basis period of April 1, 2019 through June 30, 2019 and the privilege period of April 1, 2020 through June 30, 2020. If this franchise is not effective prior to the first quarterly payment date, Company will pay any payments due within 30 days of the effective date of this agreement. The final payment under this franchise is due on or before May 1, 2034 and covers the basis period of January 1, 2034 through March 31, 2034 and the privilege period of January 1, 2035 through March 31, 2035; and
 2. After the final payment date of May 1, 2034, Company may continue to make additional quarterly payments in accordance with the above schedule. City acknowledges that such continued payments will correspond to privilege periods that extend beyond the term of this Franchise and that such continued payments will be recognized in any subsequent franchise as full payment for the relevant quarterly periods.
- C. A sum equal to four percent (4%) of gross revenues received by Company from services identified as DD1 through DD24 in Section 6.1.2 "Discretionary Service Charges," in Oncor's Tariff for Retail Delivery Service (Tariff), effective 1/1/2002, that are for the account and benefit of an end-use retail electric consumer. Company will, upon request by City, provide a cross reference to Discretionary Service Charge numbering changes that are contained in Company's current approved Tariff.
1. The franchise fee amounts based on "Discretionary Service Charges" shall be calculated on an annual calendar year basis, i.e. from January 1 through December 31 of each calendar year.
 2. The franchise fee amounts that are due based on "Discretionary Service Charges" shall be paid at least once annually on or before April 30 each year based on the total "Discretionary Service Charges", as set out in Section 6C, received during the

preceding calendar year. The initial Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2019 and will be based on the calendar year January 1 through December 31, 2018. The final Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2036 and will be based on the calendar months of January 1, 2035 through March 31, 2035.

3. Company may file a tariff or tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges.
4. City agrees (i) to the extent the City acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100% recovery of the franchise fee on Discretionary Service Charges; (ii) in the event the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such Discretionary Service Charges is an issue, the City will take an affirmative position supporting the 100% recovery of such franchise fees by Company and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Company.
5. City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Company.
6. In the event of a regulatory disallowance of the recovery of the franchise fees on the Discretionary Service Charges, Company will not be required to continue payment of such franchise fees.

Part 7: The City receives a franchise fee from Oncor and the amount of the franchise fee is calculated by a franchise fee factor of 0.002652 multiplied by each kilowatt hour of electricity delivered within the City on a quarterly basis. The quarterly payments are made as follows:

<u>Basis Period</u>	<u>Privilege Period (Following Year)</u>	<u>Payment Due Date</u>
January 1 – March 31	January 1 – March 31	May 1
April 1 – June 30	April 1 – June 30	August 1
July 1 – September 30	July 1 – September 30	November 1
October 1 – December 31	October 1 – December 31	February 1

In addition, the City receives 4% of gross revenues received by Oncor from services identified as discretionary service charges. This is paid annually to the City by April 30 of each year. The amount received in FY 2018 for this component of the franchise fee was \$12,595.

The total collected in fiscal year 2018 was \$3,249,425 for electric franchise fee revenue. The fiscal year 2019 electric franchise fee revenue for all franchisees is budgeted at \$3,445,000 and will be recognized in Account No. 110-0000-413-0132.

Part 8: This Ordinance shall become effective upon Company's written acceptance hereof, said written acceptance to be filed by Company with the City within sixty (60) days after final passage and approval hereof by City. The right, privilege and franchise granted hereby shall expire on March 31, 2035; provided that, unless written notice of cancelation is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of (five) 5 years from such expiration date.

Part 9: This Ordinance shall supersede any and all other franchises granted by the City to Company, its predecessors and assigns.

Part 10: The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any portion of this Ordinance is declared illegal or unconstitutional by the valid final non-appealable judgment or decree of any court of competent jurisdiction, such illegality or unconstitutionality shall not affect the legality and enforceability of any of the remaining portions of this Ordinance.

Part 11: In order to accept this franchise, Company must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City.

Part 12: 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 **21st** day of **March**, 2019.

PASSED AND APPROVED on Second Reading on the **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Commented [KL1]: Need to add a signature line for Oncor. The ambulance franchise ordinance have signature lines at the end you can copy. Thanks!

Agreement of Franchisee

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

The franchisee, Oncor Electric Delivery Company, LLC, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. 2019-4961 granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this ____ day of _____, 2019

Oncor Electric Delivery Company, LLC

By:



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #6(T)
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 \$157,124.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
April 4, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2100-529-2122		Supplies / Other	\$ 3,630	
110-0000-461-0841		Other / Donations/ Gifts		\$ 3,630
To appropriate donations received for the Animal Shelter.				
110-0000-352-1345		Unallocated Fund Balance	\$ 150,000	
110-0000-461-0865		Other / Miscellaneous Reimbursement		\$ 150,000
To appropriate reimbursement from TEDC for Fikes Whole Sale, Inc. economic development agreement that termed.				
110-3500-552-2516		Other Services / Judgments & Damages	\$ 3,494	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 3,494
To appropriate reimbursement for damages sustained to the Municipal Building when being pressured washed by Texas Pro Wash.				
TOTAL AMENDMENTS			\$ 157,124	\$ 157,124
GENERAL FUND				
Beginning Contingency Balance			\$ 100,000	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ 100,000	
Beginning Judgments & Damages Contingency			\$ 279,725	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			(6,801)	
Net Balance of Judgments & Damages Contingency Account			\$ 272,924	
Beginning Compensation Contingency			\$ 285,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(285,000)	
Net Balance of Compensation Contingency Account			\$ -	
Net Balance Council Contingency			\$ 372,924	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
WATER & WASTEWATER FUND				
Beginning Contingency Balance			\$ 219,446	
Added to Contingency Sweep Account			-	
Taken From Contingency			(91,243)	
Net Balance of Contingency Account			\$ 128,203	
Beginning Compensation Contingency			\$ 54,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(54,000)	
Net Balance of Compensation Contingency Account			\$ -	
Net Balance Water & Wastewater Fund Contingency			\$ 128,203	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
April 4, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency	\$	16,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,279)
		Net Balance of Compensation Contingency Account	\$	3,221
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 3,221
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	336,406
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	336,406
		Beginning Compensation Contingency	\$	10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(9,520)
		Net Balance of Compensation Contingency Account	\$	980
		Net Balance Drainage Fund Contingency		\$ 337,386
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		34,641
		Added to Contingency Sweep Account		9,024
		Taken From Contingency		(43,665)
		Net Balance Fed/State Grant Fund Contingency	\$	-

RESOLUTION NO. 2019-9622-R

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

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

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

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

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

Part 2: The City Council hereby amends 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 4th day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
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Regular Agenda
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DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with VKDM Investment, LLC for an amount not to exceed \$115,000 for Tier III category improvements for 103 East Central within the Downtown Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with VKDM Investment, LLC that would provide a matching grant for a maximum amount of \$115,000 of an estimated total project cost of \$3.8 million for the rehabilitation of the historic Professional/SPJST building and conversion to ground level retail and apartments on floors two through six. This Tier III project scope consists of interior renovation, including fire suppression, façade improvements, and an elevator installation. Fee waivers up to \$2,000 are also requested. While the applicant also requested an additional \$30,000 of CDBG funding for downtown mixed-use projects, the SIZ Committee is recommending that City Council not fund that portion due to the overall demand of the SIZ grant program.

FISCAL IMPACT: The total maximum grant match by the City is \$115,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available for Strategic Investment Zone grants as follows:

	795-9500-531-2695	110-1500-515-2695	Total
Available Funding	\$ 525,000	\$ 259,335	\$ 784,335
Encumbered/Committed to Date	(400,000)	(185,519)	(585,519)
GZ Properties, Inc	(10,000)	(24,717)	(34,717)
VKDM Investment, LLC	(115,000)	-	(115,000)
Remaining Funds Available	\$ -	\$ 49,099	\$ 49,099

ATTACHMENTS:

[Cost Estimates](#)
[Architectural Renderings](#)
[Resolution](#)

VKDM Investment, LLC

Temple Texas Investment / Construction Cost

List Price			\$ 350,000.00
Offer if Accepted			\$ 350,000.00

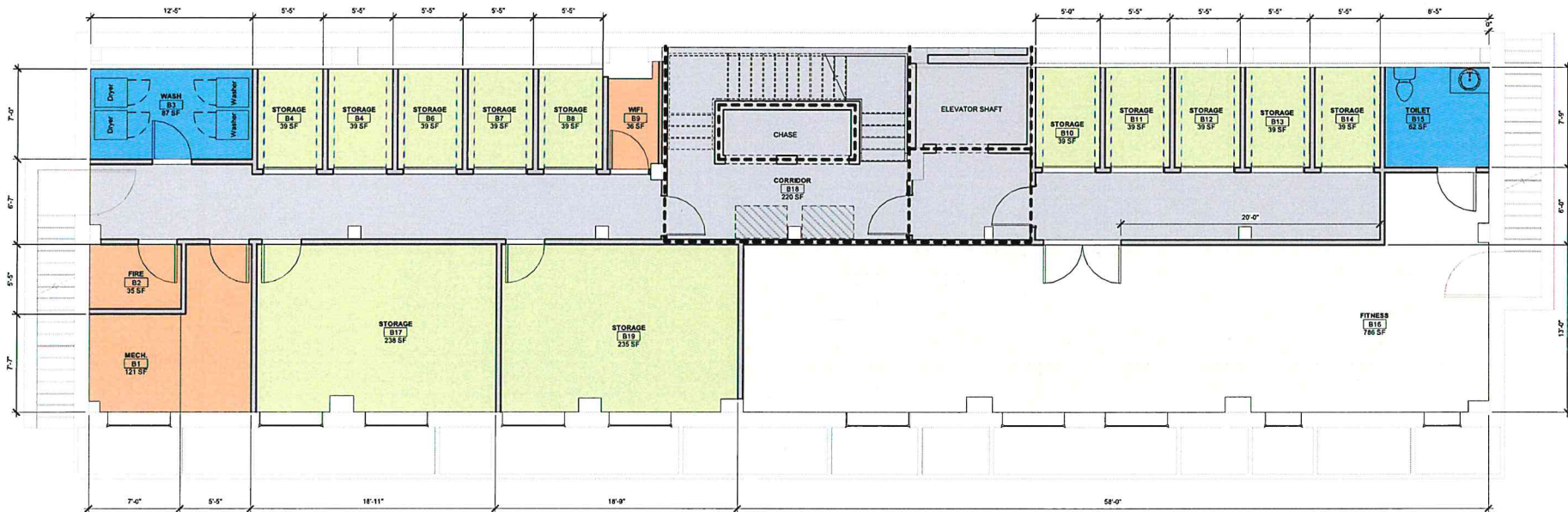
Improvement Expenses:	Qty/Yrs	Cost	
Infrastructure Improvements \$105/SF	1	\$ 2,772,000.00	\$ 2,772,000.00
Marketing	2	\$ 30,000.00	\$ 60,000.00
Entitlements, Plans	6	\$ 40,000.00	\$ 240,000.00
Historic Improvements (Contingency)	1.2	\$ 138,600.00	\$ 166,320.00
Total Improvement			\$ 3,238,320.00

Total Construction Cost Plus Purchase cost			\$ 3,588,320.00
--	--	--	-----------------

Development Fees 6% (VMR Properties Group, LLC)			\$ 215,299.20
--	--	--	---------------

Total Development Cost			\$ 3,803,619.20
------------------------	--	--	-----------------

Equity	1		\$ 3,803,619.20
Debt	0		\$ -
			\$ 3,803,619.20



① BASEMENT - PROPOSED
1/4" = 1'-0"

No.	Revisions and Descriptions	By	Date

Project Title:
**MONARCH APARTMENTS
103 EAST CENTRAL AVE
TEMPLE, TX.**

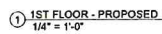
Drawing Title:
CONCEPTUAL BASEMENT PLAN

Drawn By:
Checked By:
Scale:
Date:
Project No.:

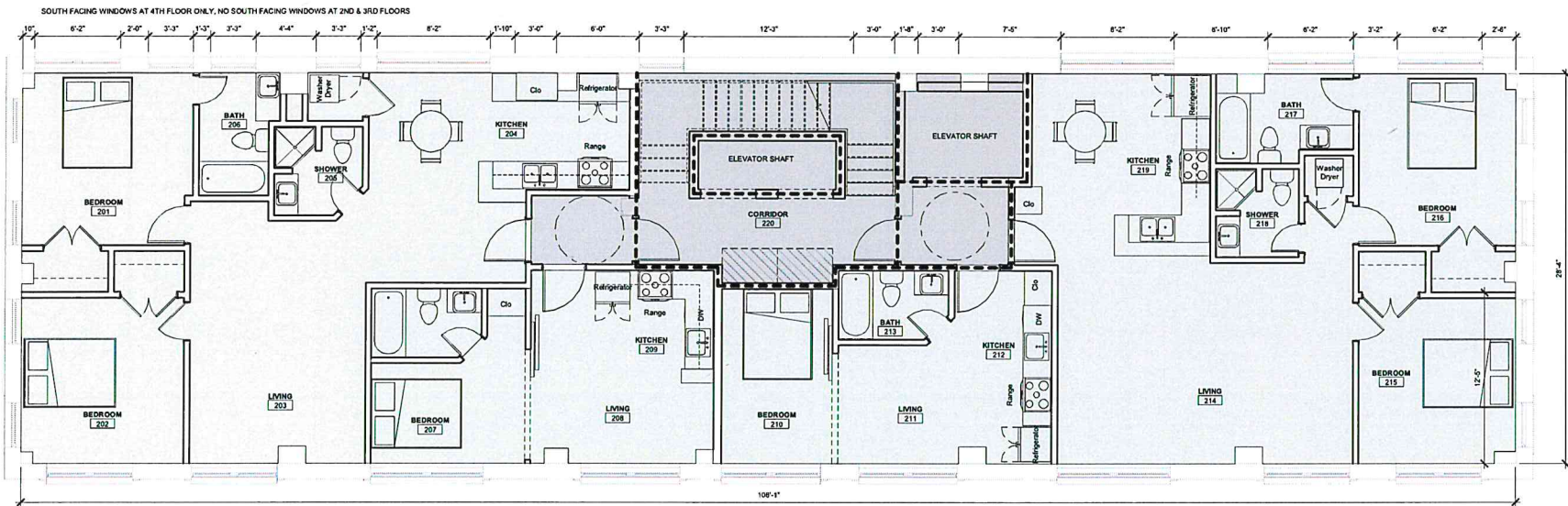
MRB group
Engineering, Architecture & Interiors
1100 East Central Ave., Suite 100
Temple, TX 76788
www.mrbgroup.com

Sheet No.
A1.06
1 of 5
Project No.
4824.18001

3/12/2019 2:12:25 PM



12/12/2019 2:23:11 PM



2-A
2-BED/2 BATH
530 SF

1-A
B1-BED/1 BATH
329 SF

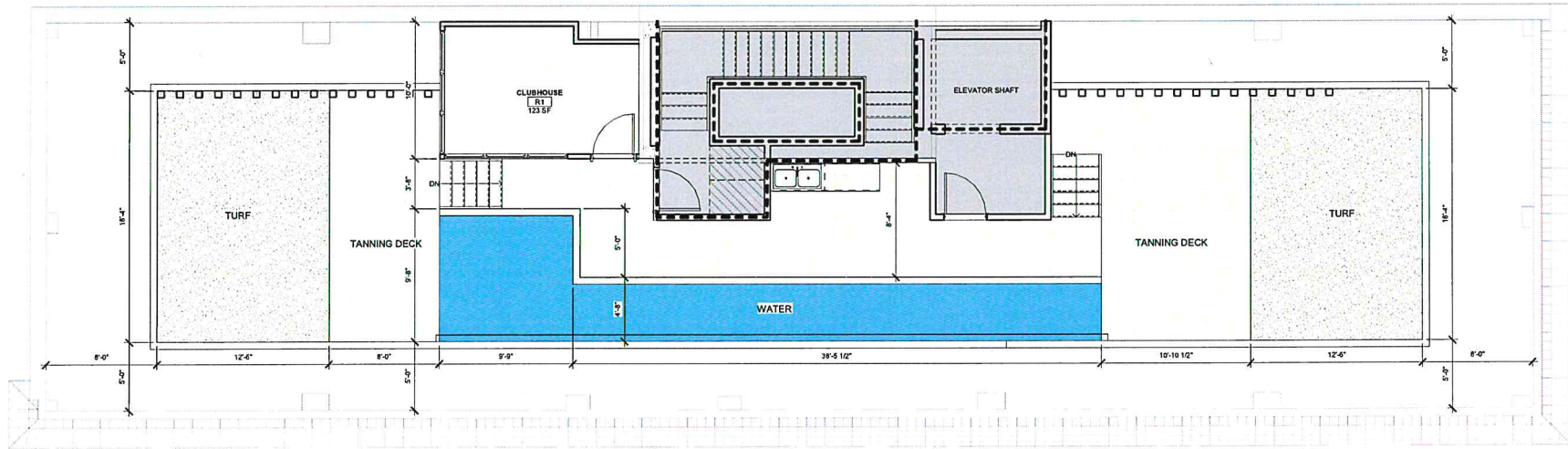
1-B
B1-BED/1 BATH
321 SF

2-B
2-BED/2 BATH
954 SF

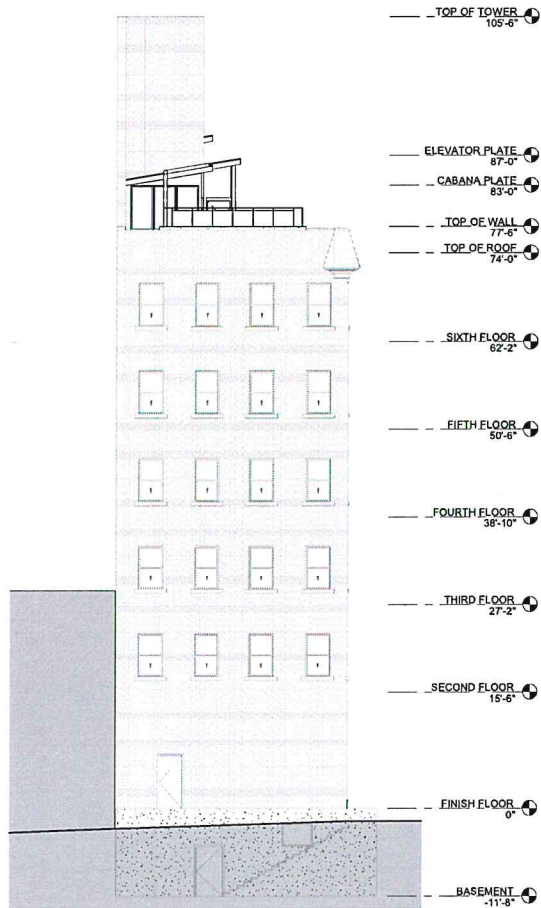
① 2ND, 3RD, & 4TH FLOOR - PROPOSED
1/4" = 1'-0"

Project Title		MONARCH APARTMENTS 103 EAST CENTRAL AVE TEMPLE, TX.	
Drawn By	Checked By	Scale	Date
as a server	1/4"	1/4" = 1'-0"	03/12/19
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<p>MRB group Partnership, Architecture & Interiors 2000 North Loop West, Suite 1100, Fort Worth, Texas 76102 Phone: 817.338.1100 Fax: 817.338.1101 Email: info@mrbgroup.com</p>			
Sheet No.		A1.08	
Project No.		4824.18001	
3 of 5		3/12/2019 2:28:31 PM	

① ROOF LEVEL - CONCEPTUAL
1/4" = 1'-0"



MRB group Engineering, Architecture & Surveying 1215 West 19th Street, Suite 100, Fort Worth, Texas 76102 Phone: (817) 331-1111 Fax: (817) 331-1112 www.mrbgroup.com		Project Title: MONARCH APARTMENTS 103 EAST CENTRAL AVE TEMPLE, TX. Project No: 4824.18001		Drawn By: JAC Checked By: JAC Scale: 1/4" = 1'-0" Date: 3/12/2019		Project Title: CONCEPTUAL ROOF PLAN Project No: 4824.18001		Revision and Description: 1. 3/12/2019 2. 3/12/2019 3. 3/12/2019 4. 3/12/2019 5. 3/12/2019 6. 3/12/2019 7. 3/12/2019 8. 3/12/2019 9. 3/12/2019 10. 3/12/2019		Date: 3/12/2019	
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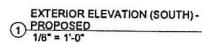


② EXTERIOR ELEVATION (EAST) - PROPOSED
1/8" = 1'-0"



① EXTERIOR ELEVATION (NORTH) - PROPOSED
1/8" = 1'-0"

Project Title:		MONARCH APARTMENTS 103 EAST CENTRAL AVE TEMPLE, TX.	
Drawn By:	Checked By:	Scale:	Date:
1/8"	1/8"	1/8" = 1'-0"	2/28/19
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Sheet No.		A2.01	
Project No.		4824.18001	
Revisions and Descriptions		By:	Date:
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[illegible]

RESOLUTION NO. 2019-9623-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH VKDM INVESTMENT, LLC IN AN AMOUNT NOT TO EXCEED \$115,000 FOR TIER III CATEGORY IMPROVEMENTS FOR 103 EAST CENTRAL WITHIN THE DOWNTOWN STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, VKDM Investment, LLC has approached the City requesting to enter into a Chapter 380 Development Agreement that would provide a matching grant for a maximum amount of \$115,000 of an estimated total project cost of \$3.8 million for the rehabilitation of the historic Professional/SPJST building and conversion to ground level retail and apartments on floors 2 through 6;

Whereas, this Tier III project scope consists of interior renovation, including fire suppression, façade improvements, and an elevator installation - fee waivers up to \$2,000 are also requested;

Whereas, Staff recommends Council authorize a Chapter 380 Development Agreement with VKDM Investment, LLC in an amount not to exceed \$115,000 for Tier III (double façade) category improvements for 103 East Central (Professional/SPJST building) within the Downtown Strategic Investment Zone Corridor;

Whereas, the total maximum grant match by the City is \$115,000 and payment of the grant matching funds will not be made until work and inspections are complete, and receipts are received by the City - funding for this Strategic Investment Zone grant is available in Account Nos. 795-9500-531-2695, and 110-1500-515-2695; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with VKDM Investment, LLC in an amount not to exceed \$115,000 for Tier III (double façade) category improvements for 103 East Central (Professional/SPJST building) within the Downtown Strategic Investment Zone corridor.

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 **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/04/19
Item #8
Regular Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with GZ Properties, Inc. for an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue within the Commercial Strategic Investment Zone corridor.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with GZ Properties, Inc. for an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue (Express Employment building also addressed as 304 North 3rd Street). Fee waivers up to \$2,000 are also requested. The proposed façade enhancements and landscaping are consistent with the objectives of the SIZ program and the concept design was provided at no charge by the Main Street Program's architectural design services.

FISCAL IMPACT: The total maximum grant match by the City is \$34,717. 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 for Strategic Investment Zone grants as follows:

	795-9500-531-2695	110-1500-515-2695	Total
Available Funding	\$ 525,000	\$ 259,335	\$ 784,335
Encumbered/Committed to Date	(400,000)	(185,519)	(585,519)
GZ Properties, Inc	(10,000)	(24,717)	(34,717)
VKDM Investment, LLC	(115,000)	-	(115,000)
Remaining Funds Available	\$ -	\$ 49,099	\$ 49,099

ATTACHMENTS:

[Cost Estimates](#)
[Architectural Renderings](#)
[Resolution](#)



PROPOSAL

March 13, 2019

Deborah Zembo
Express Employment Professionals
200 W Calhoun Ave.
Temple, TX 76501

Work to be performed at: same as above

Drews/Hunt Builders hereby proposes to furnish all the materials and perform all the labor necessary for the completion of the work described on the attached page(s) for the total sum of \$89,759 with payments as follows:

20% Upon execution of contract - PAID
Progress Payments
Balance upon completion

Any alteration or deviation from the attached page(s) involving extra costs or credits will be performed only with a written change order and will become an extra charge or credit to the contract price above.

All labor is guaranteed to be completed in a workmanlike manner with a one year warranty on materials and labor. Work will be scheduled and performed as diligently as possible, with the objective to minimize the impact of construction to the homeowner and completion of the project in a timely manner. However, Drews/Hunt Builders will not be responsible for uncontrollable delays such as strikes, accidents, shortages, unavailable homeowner selections, and acts of God including, tornadoes, floods, and extended periods of rain.

Respectfully submitted,

Derrick Hunt

Derrick Hunt
Drews/Hunt Builders, LLC

This proposal may be withdrawn if not accepted within 10 days.

Acceptance of Proposal

The above prices, specifications, and conditions are satisfactory and are hereby accepted. Drews/ Hunt Builders, LLC. is authorized to perform the work referenced above. Payment will be made as outlined above.

Signature_____ Date_____

Signature_____ Date_____

1023 Canyon Creek Drive, Suite 100, Temple, TX 76502

(254)-773-1067

Express Employment Professionals - Exterior Renovations

COST BREAKDOWN:

- Total Project Investment - \$89,759
- Cost of Grant Eligible Improvements - \$69,433
 - Exterior Façade Improvements (3rd Street Elevation) - \$36,401
 - Sign, landscaping, asbestos survey, sidewalk work - \$33,032
- Non Grant Eligible Cost - \$20,326

PROJECT DETAILS:

- Obtain all necessary permits and inspect for asbestos
- Reference proposed elevation rendering below
- **Grant Eligible Scope - \$69,433**
 - **East Elevation – Facing 3rd St.**
 - Remove existing mansard awnings
 - Remove existing shutters
 - Fix/replace existing scupper as needed
 - Remove existing light and exposed wiring on the face of the building
 - Install fiber mesh and apply stucco skim coat over entire façade to seamlessly cover existing cracks
 - Paint new stucco – verify color selection
 - Install new metal tie rod canopy to run the entire length of the east side - canopy to turn the corner and meet south side canopy at a 45 degree angle
 - Install new company signage – new signage to be individual metal letters mounted on top of the canopy
 - Install lighting on the canopy to shine on the new signage
 - **Landscaping & Sidewalk – Along 3rd St.**
 - NOTE: Parallel parking must remain due to limited parking – existing sidewalk along 3rd street is approximately eleven (11) feet wide which allows room for both sidewalk space and landscaping
 - NOTE: The existing sidewalk has cracked, shifted, and created negative drainage toward the building
 - NOTE: The existing ramp at the corner of 3rd street and Calhoun has deteriorated and does not appear to be ADA compliant – verify
 - **Option 1 – Included in Price**
 - Remove existing side walk next to parallel parking as needed (approx. 5 feet)
 - Install five (5) planter boxes running alongside of the parallel parking with gaps between to allow people to walk through once they park
 - Pour back concrete side walk around new planter boxes and tie in to existing sidewalk
 - Install plants in planter boxes

- Install plants at both existing grass medians on either side of the 3rd Street parking entrance
- NOTE: This option does not include pricing to fix the drainage or ADA ramp
- **Option 2 – Additional \$9,500**
 - Completely remove existing sidewalk along 3rd street
 - Install five (5) planter boxes running alongside of parallel parking with gaps between to allow people to walk through once they park
 - Pour back completely new concrete sidewalk up to building with positive drainage and new ADA ramp
 - Install plants in planter boxes
 - Install plants at both existing grass medians on either side of the 3rd Street parking entrance
- **Non Grant Eligible Scope - \$20,326**
 - **South Elevation – Facing W Calhoun Ave**
 - Remove existing mansard awnings
 - Remove existing shutters
 - Remove existing lights
 - Patch all cracks in existing stucco
 - Repaint entire side to match east elevation – verify color selection
 - Install new metal tie rod canopy to run the entire length of the south elevation – canopy to turn the corner and meet east side canopy at a 45 degree angle
 - **North & West Elevations**
 - Patch all cracks in existing stucco
 - Repaint both sides to match east elevation
 - Punch-out / Touch-up as needed
 - Final clean-up

General

- 1) Maintain safe and clean job site at all times.
- 2) Keep materials stored in orderly fashion.
- 3) Daily cleanup.
- 4) Dispose of all debris.
- 5) Minimize impact of construction to owner.
- 6) Maintain in full force a one million-dollar general liability insurance policy.
- 7) Maintain in full force all appropriate Worker's Compensation policies.
- 8) Ensure all subcontractors are fully insured with liability and Worker's Compensation coverage, or appropriate waivers are signed and in effect.
- 9) Allowances: N/A

Changes

Deviations in the above-described work will only be performed with a written change order describing the change and its cost, and executed by the owner. Changes may increase or decrease the contract price.

Add an additional tie rod canopy to match front facade - both canopies to turn the corner and meet at a 45 degree angle



Add an additional tie rod canopy to match front facade - both canopies to turn the corner and meet at a 45 degree angle



PROJECT: 308 N. 3rd Street
CITY: Temple, Texas
DRAWN BY: M. Gehring
DATE: 11.27.2018
ARCHITECT: Not for regulatory approval, permitting, or construction



RESOLUTION NO. 2019-9624-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH GZ PROPERTIES, INC. IN AN AMOUNT NOT TO EXCEED \$34,717 FOR TIER II CATEGORY FAÇADE AND LANDSCAPING IMPROVEMENTS, FOR 200 WEST CALHOUN AVENUE WITHIN THE COMMERCIAL STRATEGIC INVESTMENT ZONE CORRIDOR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, GZ Properties, Inc. has approached the City and has requested to enter into a Chapter 380 Development Agreement in an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue (Express Employment building also addressed as 304 N. 3rd Street) - fee waivers up to \$2,000 are also requested;

Whereas, the proposed façade enhancements and landscaping are consistent with the objectives of the Strategic Investment Zone program and the concept design was provided at no charge by the Main Street Program's architectural design services;

Whereas, Staff recommends Council authorize a Chapter 380 Development Agreement with GZ Properties, Inc. in an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue within the Commercial Strategic Investment Zone Corridor;

Whereas, the total maximum grant match by the City is \$34,717 and payment of the grant matching funds will not be made until work and inspections are complete, and receipts are received by the City - funding for this Strategic Investment Zone grant is available in Account No. 795-9500-531-2695, and Account No. 110-1500-515-2695; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with GZ Properties, Inc. in an amount not to exceed \$34,717 for Tier II category façade and landscaping improvements for 200 West Calhoun Avenue (Express Employment building also addressed as 304 N. 3rd Street) within the Commercial Strategic Investment Zone corridor.

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 **4th** day of **April**, 2019.

THE CITY OF TEMPLE, TEXAS

JUDY MORALES, Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney