



MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JULY 18, 2019

1:00 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 18, 2019.
2. Discuss possible amendments to the City's Code of Ordinances, Chapter 26 "Peddlers Solicitors and Itinerant Vendors".
3. Receive a presentation regarding the fiscal year 2020 Proposed Business Plan including, but not limited to, presentations on the proposed work and financial plans for Performance Excellence, Marketing and Communications, Planning and Development, Information Technology, Facility Services, and Fleet Services.
4. Discuss the employment, duties, and work plans of the City Manager, City Attorney, and the Finance Director.

Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Manager, City Attorney, and the Finance Director. No final action will be taken.

5. Enter into closed session under Texas Government Code Section 551.071(2) to consult with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

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

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 & PROCLAMATIONS

3. Presentation of Certificates of Appreciation from the Temple Junior Fire Cadets.
4. Recognize Sammie Marshall as a 50-year member of the Daughters of the American Revolution.

IV. PUBLIC APPEARANCE

5. Receive comments from June Cummings regarding property lines and fence locations in the Stoneridge Phase 1 subdivision.

V. PUBLIC HEARING

6. FIRST PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2019/20 Annual Action Plan and Budget, including the funding recommendations.

VI. CONSENT AGENDA

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

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

Minutes

(A) July 11, 2019 Special & Regular Called Meeting

Contracts, Leases, & Bids

- (B) **2019-9722-R:** Consider adopting a resolution authorizing a professional services agreement with SCS Engineers of Bedford for a Solid Waste Management Plan and Rate Study in an amount not to exceed \$199,552.
- (C) **2019-9723-R:** Consider adopting a resolution authorizing a services agreement for the mowing and maintenance of areas in the Santa Fe Plaza and Temple Medical & Educational District with Heart of Texas Landscape & Irrigation Co., Inc. of Belton in the estimated annual amount of \$45,000.
- (D) **2019-9724-R:** Consider adopting a resolution authorizing a one-year lease agreement with William T. Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (E) **2019-9725-R:** Consider adopting a resolution authorizing a one-year renewal to a wrecker service contract with Cen-Tex Wrecker Association, LLC of Temple.
- (F) **2019-9726-R:** Consider adopting a resolution authorizing a renewal to the services agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.
- (G) **2019-9727-R:** Consider adopting a resolution authorizing the engagement of Steptoe & Johnson, LLP to serve as railroad regulatory counsel for the City of Temple.
- (H) **2019-9728-R:** Consider adopting a resolution authorizing change order #5 to the construction contract with Archer Western Construction, LLC, of Irving, to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion in the amount of \$99,827.96.
- (I) **2019-9729-R:** Consider adopting a resolution in support of The Salvation Army in its application for grant funding through the U.S. Housing and Urban Development Emergency Shelter Grant Program.
- (J) **2019-9730-R:** Consider adopting a resolution authorizing a reimbursement to Temple & Central Texas Railway, a subsidiary of Patriot Rail Company, LLC, for rail maintenance expenses in an amount not to exceed \$50,000.
- (K) **2019-9731-R:** Consider adopting a resolution authorizing the purchase of an open records request software subscription and implementation services with SHI Government Solutions of Austin in the amount of \$28,591.
- (L) **2019-9732-R:** Consider adopting a resolution authorizing the purchase of a legislative management software subscription and implementation services with SHI Government Solutions of Austin in the amount of \$35,966.

- (M) [2019-9733-R](#): Consider adopting a resolution authorizing the purchase of two rights-of-way and two permanent utility easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$15,500.

Ordinances – Second & Final Reading

- (N) [2019-4975](#): SECOND READING – FINAL HEARING – FY-19-16-ZC: Consider an ordinance adopting a rezoning from Agricultural to Single Family Attached Three zoning district on 2.089 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8355 Tarver Drive.
- (O) [2019-4976](#): SECOND READING – FINAL HEARING – FY-19-3-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, and 3.950 acres of right-of-way of Old Highway 95 in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.
- (P) [2019-4977](#): SECOND READING – FINAL HEARING – FY-19-4-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt Road, and 2.371 acres of right-of-way of Barnhardt Road in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.

Misc.

- (Q) [2019-9734-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

VII. REGULAR AGENDA

ORDINANCES – FIRST READING/ PUBLIC HEARING

8. [2019-4979](#): FIRST READING – PUBLIC HEARING – FY-19-12-ZC: Consider an ordinance adopting a rezoning with a site/development plan from Single Family Three to Planned Development Single Family Three for Lots 2 and 3, Block 1, Coles Factory Addition, addressed as 205, 207, and 209 North 21st Street.
9. [2019-4980](#): FIRST READING – PUBLIC HEARING – FY-19-4-AB: Consider adopting an ordinance authorizing abandonment and conveyance of 39.96 square feet of public right-of-way situated along West Calhoun Avenue, Lot Three, Block One, Barton Business Park, Phase One, an addition to the City of Temple, Bell County, Texas.

ORDINANCES – SECOND & READING

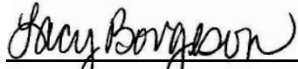
10. (A) **2019-4978:** SECOND READING – FINAL HEARING – Consider adopting an ordinance amending City Code of Ordinances, Chapter 6, "Animals and Fowl," to bring this chapter into compliance with state regulations, simplify and clarify language and terms, and provide more effective enforcement tools.
- (B) **2019-9735-R:** Consider adopting a resolution setting various fees established in Chapter 6 of the Code of Ordinances related to the regulation and care of animals and delegating authority to the City Manager to adjust such fees as necessary in the future.

RESOLUTIONS

11. **2019-9736-R:** Consider adopting a resolution authorizing the engagement of Naman, Howell, Smith & Lee, PLLC to provide interim city attorney services for the City of Temple.

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 xx:xx pm, on Friday, July 12, 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

07/18/19
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Timothy A. Davis, Mayor

ITEM DESCRIPTION: Receive comments from June Cummings regarding property lines and fence locations in the Stoneridge Phase 1 subdivision.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Ms. Cummings submitted a Request for Placement on the City Council Agenda, please see the attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Requests for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

RECEIVED

JUL 11 2019

CITY OF TEMPLE
CITY SECRETARY

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER:

June Cummings

ADDRESS:

4802 Ridge Way Drive, Temple 76502

TELEPHONE NO.

(254) 598-2265

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.)

July 18, 2019

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)

Boundary lines for 54

homes for plat of record in Cabinet A, Slide 372-D,
plat records of Bell County, Texas. We purchased property
#5 as "O Lot line" (as other's in our neighborhood
did.) Request fences to remain the same - Not

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

June C. Cummings 7/11/19
SIGNATURE OF PRESENTER DATE

every home
have the option
of
putting
a new fence
4 1/2 ft. to
the north
of each
home.

For Office Use:

Also, would the media be able to be present
to tape my presentation?

Please call: (254) 598-2265 Thank you!



COUNCIL AGENDA ITEM MEMORANDUM

07/18/19
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager

ITEM DESCRIPTION: FIRST PUBLIC HEARING – Presentation of the proposed Community Development Block Grant 2019/20 Annual Action Plan and Budget, including the funding recommendations.

STAFF RECOMMENDATION: Receive presentation as indicated in item description and conduct public hearing. No action is required.

ITEM SUMMARY:

2019–2020 Annual Action Plan and Budget

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple was notified by HUD on April 15, 2019, that we will receive \$588,159 for our 2019/20 CDBG allocation. These funds reflect a 9.68% increase from the prior year and will further enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$220,000 from the 2018 Action Plan to assist us with meeting the goals identified in the 2015-2019 Consolidated Plan.

<i>2019-20 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$588,159	\$0	\$220,000	\$808,159

The proposed allocation of funds is as follows:

Infrastructure Improvements	\$130,000
Housing Improvements	\$218,800
Crime Prevention Program	\$ 88,223
Demolition	\$100,000
Code Enforcement	\$153,505
Administration	\$117,631
Total	<u>\$808,159</u>

Infrastructure Improvements - \$130,000

Infrastructure improvements will focus on sidewalk/transportation enhancements. Projects will address objectives outlined in the five-year Consolidated Plan.

Housing - \$218,800

Housing improvements will include minor and major repairs. Projects will address objectives in the five-year Consolidated Plan.

Crime Prevention Program - \$88,223

Crime prevention is a new program to engage the community and develop proactive responses to reduce and eliminate crime in the identified low-moderate income areas.

Demolition - \$100,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is an on-going program that will address objectives outlined in the five-year Consolidated Plan.

Neighborhood Revitalization – Code Enforcement - \$153,505

Active revitalization of neighborhoods with the coordinated establishment of Neighborhood Associations to enhance the respective neighborhoods, improve quality of life, develop community partnerships, and empower neighborhoods by engaging volunteers in the neighborhood improvement process. This is an on-going program that will address objectives outlined in the five-year Consolidated Plan.

Administration - \$117,631

It is recommended that \$117,631 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2019/20 Annual Action Plan and Budget will be held in conjunction with a 30-day public comment period that began on July 1, 2019. A final public hearing and action on the 2019/20 Annual Action Plan and Budget will occur at the August 1, 2019 Council Meeting.

FISCAL IMPACT: The allocation amount of \$588,159 in FY 2019/20 CDBG funds along with the reprogramming of \$220,000 in additional funds available for a total of \$808,159, are to be allocated as recommended.

ATTACHMENTS:

[2019-2020 Annual Action Plan](#)



Collaborate • Participate • Engage



2019-2020

Annual Action Plan

Executive Summary

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

1. Introduction

The City of Temple is an entitlement community recipient of the Community Development Block Grant (CDBG), defined by Title 1 of the Housing and Community Development Act of 1974. Annually, Temple receives Federal funding that is used to address unmet community needs that primarily benefit low- to moderate-income persons. Grants are allocated by the U.S. Department of Housing and Urban Development (HUD) on a formula basis. The Consolidated Plan is a planning document that CDBG community recipients are required to submit every five years. The Five-Year Consolidated Plan is designed to help communities work to access homeless and non-homeless community development needs; affordable housing and market conditions, set goals and objectives and develop funding priorities for CDBG. The most recent Consolidated Plan covers program years 2015-2019. Each year, CDBG grant recipients must submit an Annual Plan to identify proposed activities and projects that will be carried out during the particular year. This Annual Action Plan covers the program year 2019, beginning October 1, 2019 through September 30, 2020, which is the fifth year of the current Five-Year Consolidated Plan. At least one of the three national objectives listed below must be met before CDBG funds can be expended.

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

Temple's current CDBG allocation for PY 2019-20 is **\$588,159**. During the last year of this current Consolidated Plan period, the City expects to focus its HUD entitlement funds primarily on the first two national objectives by improving the quality of life for those low- to moderate-income individuals and households throughout the City of Temple, and in neighborhoods with more than 51% of low- to moderate-income residents. Selection of the neighborhood is dependent upon the quality of the housing stock, public facilities/infrastructure and the economic opportunities. Temple is unique in that it augments its CDBG allocation with general funds and hotel/motel tax revenue dollars leveraged to ensure that the public service agencies, housing providers, and homeless shelter/service providers have adequate funds to meet the area needs. Should the actual allocation amount increase or decrease from the anticipated funding level, the City will ensure to adjust funding allocation appropriately in the 2019-2020 Annual Action Plan.

The following is a summary of City objectives and outcomes for the 2019-2020 Annual Action Plan, **1. Decent Housing:** provide housing improvements for up to 20 housing units; **2. Suitable Living Environment:** Fund a new program to engage the community and develop pro-active responses to

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

2. Summarize the objectives and outcomes identified in the Plan

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

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

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

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

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

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

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

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

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

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

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

3. Evaluation of past performance

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

2018 was a program re-building and re-evaluation year for the Community Development program. Staff took a broad and comprehensive look at the programs that were adopted and effectiveness of those programs.

As a result of the Housing Improvement Program analysis, the City chose to hire a firm to conduct a housing strategy for the City. One of the main goals of this strategy is to identify what other organizations are doing in the City to address housing area. Knowing this information will allow the City to develop a housing program that will provide better outcomes and more comprehensive collaborations with other partners. This City intends to begin implementation of a new program on January 1, 2020.

In 2018 the City continued to the Spot Blight Demolition program by demolishing structures that were deemed unsafe. The West Adams sidewalk installation was completed, providing safe access for the families that live in the area.

Due to staff limitations, the Crime Prevention program was not implemented for 2018. However, it is on track to be implemented in 2019.

The Housing Improvement Program (HIP) that was developed in 2017 was defunded and a substantial amendment was conducted to use those funds for a street and sidewalk project in another LMI area. The project was completed and allows safe pedestrian and vehicle access for the residents as well as safe sidewalk access for the students of the adjacent school.

The City of Temple will continue to focus on a variety of activities that help to support the National CDBG objectives and improve the local community. By implementing activities that primarily impact lower-income residents, barriers are removed to increase opportunities as well as create healthier communities.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The public participation process in the development of the City's 2019-2020 Annual Plan proved to be very beneficial this year. Two public meetings were held on June 12th at the Historic Post Office during the development phase. It was also advertised that citizens who were unable to attend these meetings could download comment forms from the City's website and send to the Grant Coordinator.

Two public hearings were held during City Council Meetings on July 18, 2019 and August 1, 2019. Citizens also could obtain access to the draft version of the Annual Plan, which was posted to the City of Temple's website, and a copy accessible in the Public Library in downtown Temple.

5. Summary of public comments

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

During the two public meetings held on June 12, 2019 the City received numerous oral and written comments for the PY 2019 Annual Action Plan and comments were accepted through June 21, 2019. Most of these comments were focused on the designated NRSA area of Temple.

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

All comments are taken into consideration and are submitted with this plan.

7. Summary

A draft of the PY 2019-2020 Annual Participation Plan was made available to the general public at the following locations: The Temple Public Library, the Historic Post Office, the City Secretary's office, and the City of Temple website, for viewing and perusing electronically. The review period was from July 1, 2019 to August 1, 2019.

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

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

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

Agency Role	Name	Department/Agency
CDBG Administrator	TEMPLE	Transform Temple

Table 1 – Responsible Agencies

Narrative (optional)

The City of Transform Temple Department is the lead agency for the preparation of the Annual Action Plan and the administration of the CDBG program. The Annual Plan's 30-day Public Comment Period was held July 1, 2019 through August 1, 2019, and adoption of the 2019-2020 Annual Action Plan was done during the official City Council Meeting on August 1, 2019.

Consolidated Plan Public Contact Information

Denny Hainley, Grant Coordinator

101 North Main Street

Temple, Texas 76501

245.298.5456

dhainley@templetx.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

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

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

City Staff not only attend area-wide meetings and forums on housing, fair housing, public services, economic development, and other area issues, but staff hosts a number of meetings, forums, neighborhood engagement and workshops throughout the year. During the past year, the division has worked diligently to identify and involve more stakeholders and to be integral members of area coalitions.

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

The Central Texas Homeless Alliance is a group of local and regional non-profit organizations, governmental entities, and faith-based entities serving the Temple-Killeen-Belton and Bell County areas by providing support services, emergency shelter, and housing. The Central Texas Homeless Alliance joined the Texas Balance of State (BoS) Continuum of Care (CoC) in 2010. The Texas Homeless Network (THN) is a non-profit membership organization that serves as the lead agency for Continuum of Care, planning and management of the Homeless Management Information System for the 213 Texas counties in the Texas Balance of State Continuum of Care. THN assists in developing awareness and formulating strategies concerning statewide issues in the prevention and elimination of homelessness that require a comprehensive approach using a community-based planning structure.

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

The Salvation Army received Emergency Solutions Grant Program (ESGP) funding) and Continuum of Care (CoC) Rapid Rehousing (RRH) funds beginning on November 1, 2018. The Salvation Army is utilizing the Homeless Management Information System (HMIS) as well as Coordinated Entry (CE) that is administered by Texas Homeless Network (THN).

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

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

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

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

Table 2 – Agencies, groups, organizations who participated

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

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

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

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

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

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

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

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

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

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

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearings & Meetings	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p> <p>Low-Mod distressed areas</p>	<p>Notice of public hearings and public meetings was published in the daily newspaper of general circulation in advance of the public meeting, public hearing, and to announce the opening of the Public Comment Period and the availability of the draft versions of the AAP with request for comments. Two public meetings were held on June 12th and two public hearings were held in conjunction with City Council Meeting. One on July 18th and one on August 1st. The adoption of the final Annual Plan was made by City Council on August 1st.</p>	<p>Public Meeting Comments: Streetlights along S 14th Street; Sidewalk in Crestview Area and 30th & Heritage; Sidewalk reconstruction along Adams and MLK; Economic development on the East Side (markets); Crosswalk Ave H & 34th Street; Street signage; Speed bumps; Curb cuts in East Temple for parking; Industrial Park bus routes at shift change for workers with out vehicles to get to work</p> <p>Public Hearing Comments:</p>	All comments are accepted	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	News-paper Ad	Non-targeted/broad community	Notice of the public meetings was published in the local daily newspaper of general circulation on June 9, 2019 and notice of the public hearing was published in the local daily newspaper of general circulation on June 30, 2019 in advance of each hearing and meeting.		All comments are accepted	
3	Internet Outreach	Non-targeted/broad community	Information about the meetings, the draft of the Annual Plan, and public comment forms were made available on the City of Temple's website. This information was posted throughout the thirty-day period.		All comments are accepted	http://www.templetx.gov/DocumentCenter/View/24881

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

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

Table 4 – Citizen Participation Outreach

Expected Resources

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

Introduction

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

The City anticipates receiving \$588,159 in CDBG funds for PY 2019 and anticipates carryover funds not committed from previous year(s) to be used toward housing improvements, code enforcement, demolition, infrastructure improvements, and other community development activities. These activities will be addressed and completed only if sufficient CDBG funds are allocated. Due to the uncertainty of the Federal Budget, the City's assumption for preparation of this financial section that funding in this Consolidated Plan will remain at the current level. If there is an increase or decrease in funding allocations from HUD, then the financials will be adjusted accordingly. Administrative expenses are estimated at 20 percent.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	588,159	0	220,000	808,159	808,159	CDBG funds will be used for administration and planning, housing improvements, crime prevention, code enforcement, spot blight reduction, and public facilities improvements.

Table 5 - Expected Resources – Priority Table

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

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

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

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

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

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

Discussion

The City of Temple uses Federal, State and local resources to address the needs identified by residents for improved services and infrastructure modernization. The City uses CDBG funding to achieve the goals outlined in the five-year Consolidated Plan. The City is expected to receive \$588,159 in FY 2019-20 CDBG funds to address those needs during this annual action plan cycle. Goals and objectives have been adjusted based on the substantial amendment that was made this past year to address the needs and desires expressed verbally by citizens. Additional local, State and Federal funding will be used to make needed improvements to streets, parks, infrastructure, and facilities that serve to promote economic attainment as well as social and environmental justice for all residents of the City of Temple. These Capital Improvement Projects have a direct and positive impact on LMA neighborhoods and residents. Additional General Fund monies are allocated every year for projects that range from funding non-profit agencies to blight demolition. The City of Temple has a grant writer that works to leverage local, state, federal and private funds in order to maximize the potential impact of programmatic funding for City services. The Finance Department works with the City Manager's Office, to support programs and projects at the City of Temple and to increase the impact of taxpayer funded work for the community. The staff works cooperatively with all departments within the City to increase efficiency and alleviate waste, helping to ensure wise-use of public resources and supporting a more resilient City for future generations.

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

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Improvements	2017	2019	Affordable Housing		Accessibility Improvements in Housing Owner-Occupied Housing Improvements	CDBG: \$218,799	Homeowner Housing Improvements: 5 Household Housing Unit
2	Public Facility and Infrastructure Improvements	2019	2019	Non-Housing Community Development		Sidewalk Improvements	CDBG: \$130,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 525 Persons Assisted
3	Spot Blight Demolition	2017	2019	Demolition and Clearance		Demolition and Clearance Neighborhood Revitalization	CDBG: \$100,000	Buildings Demolished: 12 Buildings
4	CDBG Program Administration	2017	2019	Administration			CDBG: \$117,632	

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Crime Prevention Program	2018	2019	Non-Housing Community Development		Crime Prevention Program	CDBG: \$88,224	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
6	Neighborhood Revitalization - Code Enforcement	2017	2019	Non-Homeless Special Needs Non-Housing Community Development		Accessibility Improvements in Housing Code Enforcement Neighborhood Revitalization	CDBG: \$153,504	Other: 1200 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Housing Improvements
	Goal Description	Provide minor repairs to owner-occupied homes to address necessary repairs, prevent deferred maintenance and property deterioration. Minor improvements will provide, energy efficiency, improved accessibility, and enhance the neighborhoods.
2	Goal Name	Public Facility and Infrastructure Improvements
	Goal Description	Installation of sidewalk in a neighborhood along South 14 th Street between Central Avenue and Jeff Hamilton Park to improve pedestrian mobility and safety, particularly among children and the disabled, as well as those without vehicles.
3	Goal Name	Spot Blight Demolition
	Goal Description	Clearance and demolition of 12 structures to address spot blight conditions.
4	Goal Name	CDBG Program Administration
	Goal Description	General Administration to carry out all CDBG activities.
5	Goal Name	Neighborhood Revitalization - Code Enforcement
	Goal Description	Active revitalization of neighborhood with the coordinated establishment of Neighborhood Associations in order to enhance the respective neighborhoods, improve quality of life, develop community partnerships, and empower neighborhoods by engaging volunteers in the neighborhood improvement process.
6	Goal Name	Crime Prevention Program
	Goal Description	Community engagement to eliminate and/or reduce crime.

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Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Temple will use the 2019/20 CDBG allocation of \$588,159, plus \$220,000, in reprogrammed funds from prior years, for a total of \$808,159 in activity funding. These activities will include:

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

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

Public Facilities Infrastructure Improvements: Installation and repair of sidewalks in qualified low income neighborhoods to enhance mobility of pedestrian traffic, and to link neighborhoods for economic, wellness and social opportunities that enhance neighborhood quality. Installation of sidewalk in a neighborhood along South 14th Street between Central Avenue and Jeff Hamilton Park to improve pedestrian mobility and safety, particularly among children and the disabled, as well as those without vehicles.

Neighborhood Revitalization/Code Compliance: initiative is to build healthy, safe, and vibrant neighborhoods using approaches that foster the long-term, positive, and sustainable changes. This can include neighborhood cleanup, facilities improvements to sidewalks, parks, neighborhood beautification and landscaping, repairs to fences, homes, yards, and removal of neighborhood eye sores. Improvement with signage, lightning, establishing pocket parks, and creating community gardens. Included with be the establishment and maintaining of Neighborhood Associations throughout the City. The goal is intended to provide an integrated approach to community redevelopment by 1) building connections between our Code Compliance and Community Development programs and 2) fostering collaboration with our many community partners.

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

The City is identifying “Alternate Projects” in the action plan. If at anytime during program year 2019 a project or activity is slow to spend funds, has delays, or has surplus funds at the project completion, The

City will allocate those funds to one of the alternate projects below. This approach will ensure the timely expenditure of funds a Substantial Amendment will not need to be conducted for re-allocation of surplus funds.

Alternate Projects:

1. Connectivity trail between Wilson Park Recreation Center and Ferguson Park
2. Additional funding for the Housing Program
3. Additional funding for an approved existing infrastructure project to help with additional construction, engineering or testing costs.

Projects

#	Project Name
1	Housing Improvements
2	Spot Blight Demolition
3	Infrastructure Improvements
4	CDBG Administration
5	Neighborhood Revitalization
6	Crime Prevention

Table 7 - Project Information

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

The priorities were determined based on:

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

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

The primary obstacle to addressing the underserved needs in Temple is lack of adequate funding. Without adequate financial resources, the City and its partners are not able to address all of

the identified needs. Although the CDBG funds are leveraged at a rate exceeding 1:1; the funds are still insufficient to meet the needs of the underserved in the community. Additionally, there is a shortage of high capacity subrecipients and public service agencies. The City encourages CDBG applicants to seek additional resources from other public and private entities in an effort to leverage the limited amount of available CDBG funds.

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AP-38 Project Summary

Project Summary Information

1	Project Name	Housing Improvements
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$218,799
	Description	Provide minor improvements to owner-occupied homes to address and prevent deferred maintenance and property deterioration. Minor improvements will provide housing improvements, energy efficiency, improved accessibility, and enhance the neighborhoods.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
2	Project Name	Spot Blight Demolition
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$100,000
	Description	Demolition and Clearance of 12 substandard structures.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
	Project Name	Infrastructure Improvements

3	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$130,000
	Description	Installation of sidewalks in neighborhood
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
4	Project Name	CDBG Administration
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$117,632
	Description	General Administration to carry out the CDBG activities
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
5	Project Name	Neighborhood Revitalization
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$153,504

	Description	Active revitalization of neighborhood with the coordinated establishment of Neighborhood Associations in order to enhance the respective neighborhoods, improve quality of life, develop community partnerships, and empower neighborhoods by engaging volunteers in the neighborhood improvement process.
	Target Date	9/30/19
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
6	Project Name	Crime Prevention
	Target Area	
	Goals Supported	Crime Prevention Program
	Needs Addressed	Crime Prevention Program
	Funding	CDBG: \$88,224
	Description	Provide a dedicated and consistent law enforcement presence to work within the low-to-moderate income area with objectives and benchmarks to engage the community for the purpose of eliminating and reducing crime.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	500 persons
	Location Description	low-moderate area
	Planned Activities	Increase citizen engagement in the target area and establish Neighborhood watches to reduce crime

AP-50 Geographic Distribution – 91.220(f)

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

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

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

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

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

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

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

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

Geographic Distribution

Target Area	Percentage of Funds
EAST TEMPLE REVITALIZATION STRATEGY	

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

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

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

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

Discussion

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

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

During the 2019-2020 plan year, the City of Temple proposes to provide home improvements to 5 LMI homeowner/occupants through the City's Housing Program. This program is designed to serve LMI residents city-wide who have clear title and proven ownership to their homes, and who desperately need repairs to their home that will improve the health and safety of their living environment. Also, this helps to improve the housing stock of substandard structures in the city.

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

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

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

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

Discussion

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

AP-60 Public Housing – 91.220(h)

Introduction

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

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

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

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

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

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

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

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

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

Discussion

The federally subsidized housing programs in Temple are split between the Central Texas Housing Consortium, a political subdivision of the State charged with supplying public housing units and managing the public housing developments and residents; multiple other owners of subsidized housing, i.e. tax credit properties, and the Central Texas COG, a Council of Governments responsible for managing the Section 8 HCV program. Though the owners and organizations work independently, they do collaborate and coordinate with each other and with the City of Temple. During PY 2019-20, no significant modifications are expected to the public housing program. The COG will work with the City and other entities to educate landlords on voucher programs and the benefits; such as the payments of rent by the 5th of every month through the COG not the tenant; and helping tenants through education and training on how to avoid eviction, understand that their behaviors not only can result in eviction but loss of vouchers. These two are the most commonly discussed misconceptions/areas of concern.

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

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

Introduction

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

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

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

In PY 2019/20 the City will participate and support the Point in Time Count as performed by the local homeless coalition. The City will identify and work with agencies providing emergency shelter and other housing options in Bell County to determine the number of individuals and families who are in need of receiving assistance. Additionally, the City will build awareness around information in the CDBG Consolidated Plan, data from HUD, and the American Community Survey to determine numbers and types of households and individuals (veterans, elderly, disabled, youth) who may be at risk of homelessness due to being extremely low income, having housing problems, lack of employment, poor transportation options, and/or lack of benefits. This information will be used in conjunction with the Central Texas Housing Coalition to help identify those agencies who can provide assistance and resources to intervene and help their needs to prevent homelessness.

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

Addressing the emergency shelter and transitional housing needs of homeless persons

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

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

The City of Temple does not have an official emergency shelter center, nor does the City directly fund transitional housing. The Salvation Army has recently completed construction of a shelter center in

Temple and is receiving ESG and RRH funding. It specifically provides emergency shelter for women only. A separate shelter for men is desperately needed and the City is working with the local Salvation Army in this cause. Particularly encouraging the new Salvation Army administration to apply for the ESG grant that would provide assistance for emergency shelter operations, which will help them provide this essential service for the area.

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

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

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

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

Within the City of Temple, multiple non-profit agencies, and public offices (Temple Community Clinic, Workforce, United Way, MHMR, etc.) provide services to help prevent homelessness. City staff will collaborate closely with and regularly with these groups to leverage outcomes for those most at risk of homelessness.

Discussion

Though the City of Temple has a small visible homeless population, officials are aware that the loss of

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

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

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

Introduction:

During the 2019-2020 Annual Action Plan period, the City will continue to implement and support the following actions to overcome the impediments identified in the Fair Housing Plan:

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

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

In the development of the Fair Housing Plan, it was identified that the City's zoning regulations and

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

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

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

Discussion:

During PY 2019, the City plans to continually address the barriers that are impediments to affordable housing through owner-occupied housing improvements. The City will fund improvements to homes owned and occupied by low- to moderate-income households. The improvements will include repairs/rehabilitation, energy efficiency improvements that will reduce the homeowners' utility costs, and accessibility improvements for the disabled. These efforts are available through the **Housing Program (HIP)** and **Neighborhood Association** programs as well as through a partnership with the local agency funded to administer the **Weatherization Program** in Bell County.

Through non-CDBG City funds, the City provides a **Tool Trailer Program** and a Tool Lending Program that provides a neighborhood association, a group of homeowners or individuals, a trailer filled with tools to maintain yards or to access select tools. The trailer and tools are provided on a first-come, first-served basis and can be reserved in advance. The trailer is made available for specific lengths of time, agreed upon in advance by both the City and the group doing the service work. The trailer may be requested multiple times by one group if needed. Additionally, an individual tool can be checked out through the **Temple Tool Library**. This program provides residents with the necessary tool(s) for home repairs or modification enabling them to do it themselves. This is a concept similar to that of checking out a book in the library, but instead of books, the resident can check-out a tool(s). By providing accessibility to quality and costly tools, the Tool Library gives ALL Temple residents the opportunity to repair, enhance,

and beautify their homes, allowing them to maintain a sense of independence and dignity.

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

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

AP-85 Other Actions – 91.220(k)

Introduction:

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

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

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

Actions planned to address obstacles to meeting underserved needs

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

The Community Enhancement Grants, funded through general funds and hotel/motel taxes, will assist a number of non-profits serving the low-income population. During PY 2019, the City will use its CEGs to fund The HOP (public transit), Hill Country Community Action Association, Temple Housing Authority, Bell County Human Services (Temple HELP Center), NeighborWorks, and Habitat for Humanity, all of which address the housing, employment, education, or social service needs of the most underserved

residents in the community.

Actions planned to foster and maintain affordable housing

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

Actions planned to reduce lead-based paint hazards

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

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

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

Actions planned to reduce the number of poverty-level families

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

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

Actions planned to develop institutional structure

The City of Temple will continue the collaborations and technical assistance that was developed during the Consolidated Planning process. Meetings with community partners to address various programmatic areas, shared knowledge, and integrated programs will continue in PY 2019 and on through the 5-Year Consolidated Planning period. City staff will continue to attend HUD-sponsored trainings, NCTA and NeighborWorks trainings. Inter-departmental collaborations will continue and expand, particularly related to the multi-faceted improvements, in CDBG qualified census tract areas and programs for LMI residents.

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

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

Discussion:

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

Program Specific Requirements

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

Introduction:

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

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

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

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

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

3. The amount of surplus funds from urban renewal settlements

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

5. The amount of income from float-funded activities

Total Program Income:

Other CDBG Requirements

1. The amount of urgent need activities
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income (##.##)

Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum

Annual Action Plan
2019

overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.

Discussion:

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



COUNCIL AGENDA ITEM MEMORANDUM

07/18/19
Item #7(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) July 11, 2019 Special & Regular Called 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:

[July 11, 2019 Special & Regular Called Meeting Minutes / Video \(to be provided\)](#)



COUNCIL AGENDA ITEM MEMORANDUM

07/18/19
Item #7(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Don Bond, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with SCS Engineers of Bedford for a Solid Waste Management Plan and Rate Study in an amount not to exceed \$199,552.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: The City owns a landfill, operates a recycling transfer facility, and provides collection of solid waste, recyclables, brush, and bulk waste. A comprehensive plan is required for managing an aging solid waste fleet, City-wide residential and commercial routes, providing adequate facilities for solid waste staff, and providing a safe recycling transfer facility.

Under this professional services agreement SCS will provide the following services:

- Prepare waste projections based on population projections,
- Review and analyze the current solid waste management system,
- Evaluate siting, space needs, and conceptual design for a new recycling staging and transfer facility,
- Identify key issues, goals, and objectives for the Plan,
- Evaluate future Solid Waste management system alternatives and capital improvements,
- Fiscal assessment,
- Development of an implementation schedule, budget, and administrative requirements, and
- Finalize management plan and rate study.

Time required for the proposed work is 277 calendar days.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the Solid Waste Management Plan and Rate Study in account 110-2310-540-2616, Professional Services, in the amount of \$199,552.

ATTACHMENTS:

[SCS Proposal](#)

[Budget Adjustment](#)

[Resolution](#)

Statement of Services

City of Temple

Solid Waste Management Plan and Rate Study

Task 1 - Data Request and Kick off Meeting

1. **Prepare data request to the City to support the study.** The data request will include including fleet, life-of-vehicle maintenance, financial, residential and commercial customer, route GIS data and performance statistics, operational, and solid waste and recycling statistical information relating to the City's solid waste system. The data request will be submitted to the City prior to the project kickoff meeting. The goal is to have as much information compiled and reviewed prior to the kickoff meeting.
2. **Participate in a kickoff meeting with the City and key stakeholders in the project.** The purpose of the meeting is to introduce the project team, review the scope of services, project schedule and deliverables, and discuss data gaps and approach to resolving data gaps. Several other separate meetings may be held following the kickoff meeting with individual departments (e.g., Finance to address discuss key issues, near and long-term goals, and metrics that you consider being most important to your financial performance).
3. **Prepare memorandum (TM-1)** summarizing kickoff meeting and submit to the City.

Deliverables

- a. Initial data request.
- b. TM-1 summarizing kickoff meeting discussions.

Task 2 - Prepare Waste Projections (City to provide population projections)

1. Obtain the historical tonnage information from the City and evaluate the trends in both solid waste and recycling quantities.
2. Review the City's Comprehensive Plan and demographic projections to identify the appropriate population escalation factors. The Comprehensive Plan would be expected to provide information relative to the City's planned growth areas, which is important in assessing solid waste generation trends, population centroids, routing needs, and other facility needs. Solid waste generation generally follows population growth.
3. Review the City's historical municipal solid waste and recycling tonnage. To the extent practical, identify residential and commercial quantities, and project future quantities based on demographic or other growth factors the City deems appropriate.
4. Identify daily and seasonal quantity trends that may impact future facility designs (e.g., heaviest collection day(s) per week, seasonal increases or decreases in certain waste streams like yard waste, or other known reoccurring trends).
5. Prepare technical memorandum (TM-2) summarizing the demographic, solid waste, and recycling projections, including data sources, growth assumptions, and other factors considered in developing the projections and submit to the City.

Deliverables

- a. TM-2 summarizing demographic projections. The intent is that the TM would be incorporated into the final report. Any comments from the City on the TM will be incorporated into the final report.

Task 3 - Review and Analysis of Current Solid Waste Management System

1. Conduct collection system review:

- a. Conduct a two to three-day field review of the City's collection operations. This will include on-route observations of residential, commercial, multi-family, bulky waste, yard waste, roll-off, and recycling collection, and interviews with truck operators and route supervisors. We understand the City collects on Monday, Tuesday, Thursday and Friday as shown on Exhibit 1, with specific route boundaries in Exhibit 2. The City runs 10 routes.

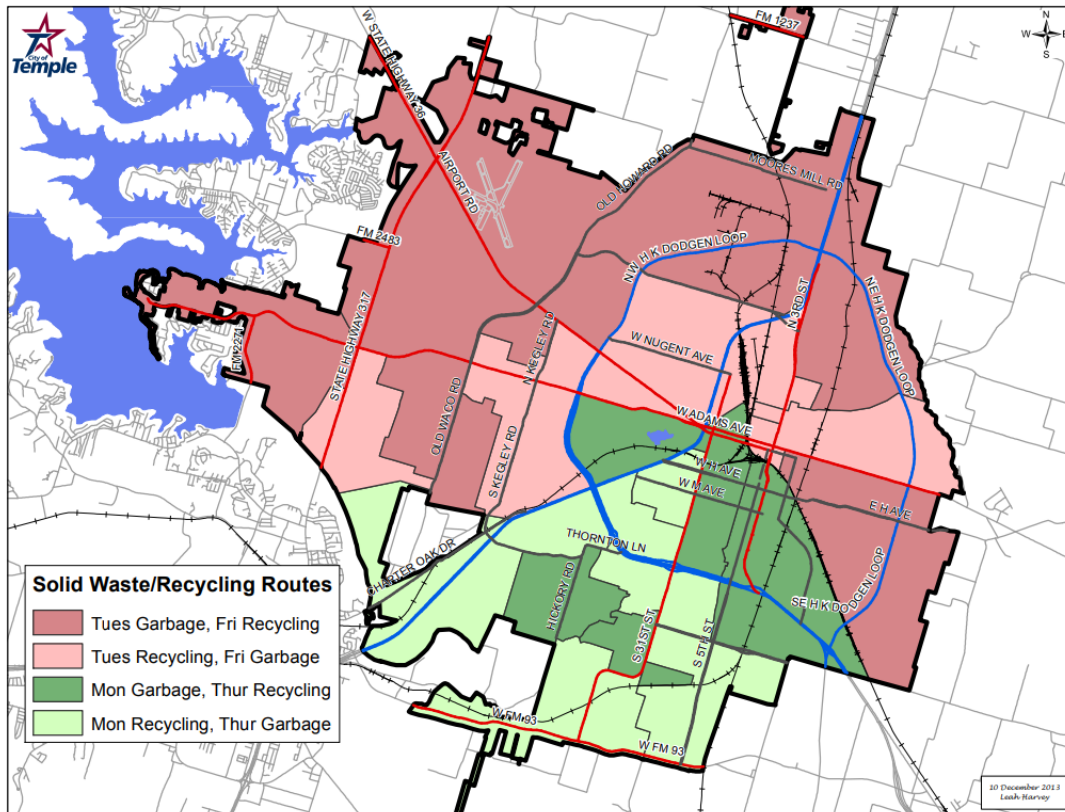


Exhibit 1. City of Temple Solid Waste and Recycling Route Areas

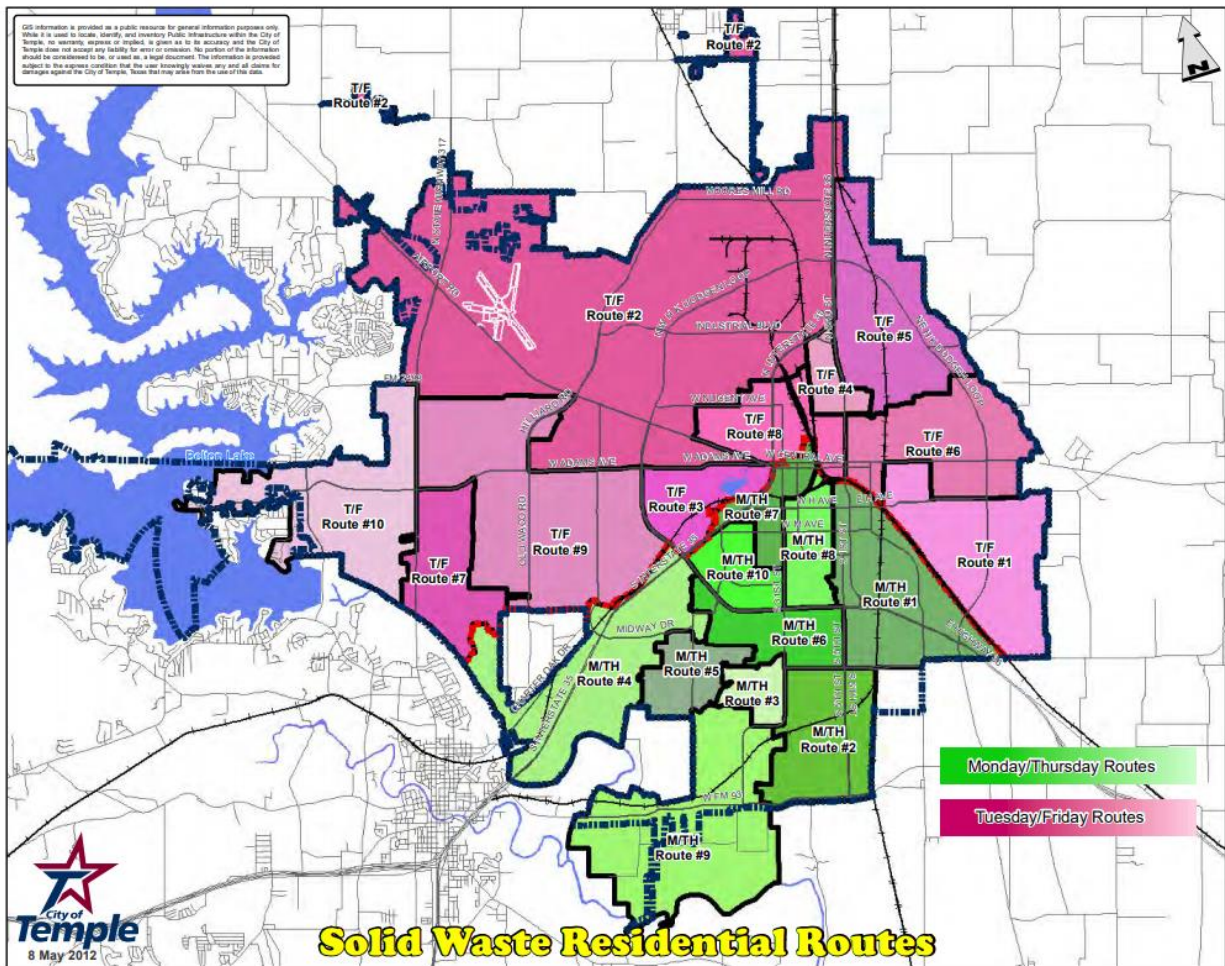


Exhibit 2. City of Temple Route Boundaries Plus Route Identifiers

- b. Review route collection productivity information, including the number of stops per day per route, time on and off route and total route time, tonnage information from scale records showing truck capacity per dump (if available), number of dumps per day, route data in GIS, and special route information. Evaluate the routes and assess whether re-routing is warranted to improve the efficiency of collection.
 - c. Review collection equipment assets, including average age of equipment, life-of-equipment maintenance records, and the City's replacement policy (if any).
 - d. CNG Operations. We will review the City's current fleet operations with regard to CNG with a particular focus on fueling practices. Our analysis will include a review of the increased efficiencies and associated costs associated with implementing a fueling station that will enable overnight fueling, thereby minimizing the need for use of commercial fast-fill stations.
2. **Conduct Recycling Program Review.** The recycling program review will include reviewing the City's education and outreach program, recycling quantities, contracts for handling or selling recyclables, and future plans for program enhancements.

3. **Conduct Disposal Review.** The disposal review will include reviewing the City's solid waste quantities, visiting the landfill that the City uses, and understanding any issues associated with disposal of the municipally collected solid waste. The Temple Landfill is operated by Waste Management under a lease agreement with the City of Temple. We understand the landfill receives approximately 900 tons of waste daily, and customers come from throughout the Central Texas Council of Governments 7-county region.
4. **Conduct administrative review.** The administrative review will include the following:
 - a. Evaluate the City's Solid Waste and Recycling Division organization
 - b. Reviewing the job descriptions and responsibilities of the key management staff, including customer service, financial controls, collections, recycling, composting fleet, and maintenance operations
 - c. documenting key processes that govern the workflow within the Division
 - d. identifying any organizational and process improvements that could improve the efficiency and effectiveness of the City's operations. The administrative review will also include the City's solid waste ordinances.
5. **Prepare technical memorandum (TM-3)** summarizing the administrative review and submit to the City.

Deliverables

- a. TM-3 summarizing the recycling staging and transfer facility siting and conceptual design. The intent is that the TM would be incorporated into the final report. Any comments from the City on TM will be incorporated into the final report.

Task 3B – Routing Study (Optional)

If the findings from Task 3 indicate a routing study is needed to improve the efficiency of the City's collection operations, the following efforts will be initiated upon authorization from the City.

Subtask 3B-1: Task Initiation (Optional)

The routing planning will be initiated with a subtask consisting of a kick-off meeting and stakeholder participation planning effort that will transition into the safety and productivity assessments under subtask 2.

1. **Hold kick-off meeting.** The kick-off meeting will be held in person and formally kick-off the RO task. At the meeting, we will review the project approach, schedule and additional data needs for curbside waste collection (10 trucks per day, 20 individual day routes). Although much of the data will have already been provided in task3, additional data may be requested, such as: GIS data layers and customer database with lat/long coordinates, route number, collection days, number of containers, special collection needs for handicap/backdoor, alley versus front of house collection identified in the data. Also requested will be current scale ticket/time/tonnage data, along with route performance data (breakdown frequency, route logs, tonnage summaries and other data). Our tentative schedule includes the City providing the data within two weeks of the kick-off meeting. After the meeting, it may be requested that the City provide a tour of their facilities for select SCS Team members if one has not already been performed.

2. **Participate in stakeholder participation planning.** The SCS Team believes that merely creating routes is not enough to consider a project a success. Our philosophy is that a project is a success when, and only when, these activities are accomplished with the support of the solid waste management employees, especially the crew staff and supervisors. The Project Team recognizes the value of up-front investment in project quality through the early engagement of these stakeholders.

Through more than 60 route optimization implementations nationwide in over 20 years, Kevin Callen (ROC) has evolved a methodology of engagement and participation in the route development process. At the kick-off meeting, the stakeholders and their points of contact will be identified. We will discuss the City's desires on the level, timing, and information that will be disclosed to stakeholders (crews and supervisors). The ultimate goal is to have the crews get behind the project (or at least avoid a state of upheaval), have the supervisors promoting the project to the crews, and have the appropriate stakeholders made aware of the project as it progresses. We do not want any surprises. Stakeholders concerns and suggestions are heard and incorporated, as feasible.

Our unique methodology has been developed through extensive project experience to engage stakeholder participation. The following are the touchpoints with crews and supervisors, as seen in Exhibit 3. Potential efforts for involving Stakeholders (including those which are optional) include:

- a. Initial presentation overviewing the project to the crews;
- b. Going out with crews on the routes to record times and issues, either in the cab with the driver or following behind;
- c. Driver Route Safety Survey to the crews for them to identify route issues, especially safety issues, such as streets that must be backed down, as there is no way to turn around, and streets that require a smaller sized truck to safely maneuver;
- d. In-person meetings with the drivers to review safety issues. This also involves highlighting on the map the "problem" streets or areas identified in the Driver Survey;
- e. Submission of draft map designs and requesting their input on modifying the map design to meet their needs;
- f. Presentation of the draft route maps and reports with training on how to utilize the outputs;
- g. Feedback on draft routes is requested;

Deliverables

- a. Data request.

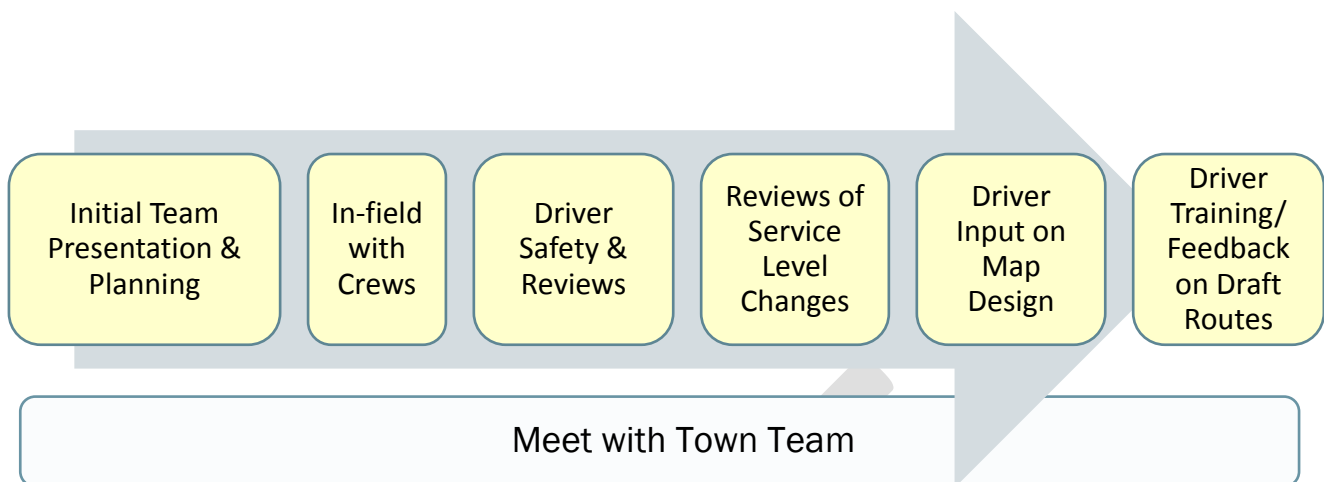


Exhibit 3. Involving Stakeholders

Subtask 3B-2: Safety and Productivity Assessments (Optional)

These tasks entail conducting onsite field time and motion studies, surveys of staff, discussions with City staff and Managers, and data reviews to assess the productivity and workloads. Among the issues that will be addressed in order to generate parameters for the route optimization model (and integrate them into the routes) are current route times, collection productivity rates, varying set-out rates and varying weights by neighborhood, vehicle pack out issues and equipment constraints, set-out issues that vary pull times, impacts of breakdowns, vehicle driving and access restrictions, etc.

1. **Conduct field reviews and crew/stakeholder presentations.** This task involves initial meetings with management and infield reviews of their route areas escorted by the Supervisors. This task also involves presentations to crews introducing the project.
2. **Conduct time and motion studies.** This task involves one man-day in the field to follow route drivers. Data will be assessed for stop times, dump wait times, dump travel times and traffic, out of container frequency and collection times, extra bag frequency and collection times, handicap locations and collection times. Data will then be normalized and averaged for use in the route optimization model parameters and as verification against other sources of parameters. This task is optional, because typically the normalized and averaged dump times from the scale tickets provides more accurate productivity rates.
3. **Perform driver survey and route safety analysis.** This task involves developing together with management review, a written survey that will be distributed to drivers to assess areas and streets in their routes that have safety issues, such as back-down streets, customers with access restrictions, streets that could have automated collection, and streets that should not be automated. Although many drivers will not contribute, the goal of this task is to provide an opportunity for drivers/crews to express their concerns and to highlight issues with their routes that can be incorporated into the route modelling.
4. **Identify streets with safety issues and vehicle types to service streets.** After the Driver Survey, the SCS Team will spend one man-day to meet with drivers and Supervisors to review the issues identified in the Survey and to mark on the map the exact streets where these issues occur. In addition to engaging the stakeholders to improve the safety of their routes, the objective of this task is to identify, in the GIS street data, the streets that can and cannot be collected by automated collection and streets that have other service issues, such as alley collection and other access restrictions.

Subtask 3B-3: System Set-up and Verification (Optional)

1. **Develop route specifications and draft model set-up.** This entails finalizing the parameters for the route optimization model. The City's GIS data and customer database will be reviewed to review that there are lat/long coordinates for each customer location. Once the services are verified, the next step will entail setting up the route optimization model and routing parameters. We have assumed that the City will provide guidance and review the data, as requested by the SCS Team and in a timely manner. Route and facility specifications will be set up, such as the maximum weight capacity for each vehicle, wait times at the City's landfill, weights collected per route, and other information. A Route Design Specifications Form will be finalized prior to any routes being developed.
2. **Completed set-up of route modelling.** The current routes will be modelled for a baseline. A review of the current routes and potential optimization strategies will be identified. A review of the findings of this step will be conducted via an online meeting with the City. The times in the routing model will be calibrated against the times from the City's route performance data, such as the scale ticket logs. A Route Design Specifications Form will be finalized and approved prior to any routes being developed.

The evaluation does not envision adding missing alleyways or other data that is not provided with the street data. Using the City's street data and adding missing alleyways could be conducted (as an optional task not budgeted for), but it is not critical thanks to our methodology. Our approach to route productivity rates in any given area relies on the historical route times. The time to current time to service areas is used regardless of whether the service is in an alley or front of the house. A memorandum will be prepared summarizing the pre-analysis meeting discussions.

Deliverables

- a. Finalized Route Design Specifications.

Subtask 3B-4: Service Level Modelling (Optional)

1. **Review optimization strategies.** After the current waste routes are modelled for a baseline, a review of the potential optimization strategies will be further elaborated on from Task 3.
2. **Consider growth projections.** Route development will consider future growth. We will utilize parcel data to identify newly defined parcels as the basis of future developments. The City will be requested to assist in identifying redevelopments, which are converting from residential curbside service to commercial service as the property is developed as a multi-family property.

Deliverables

- a. **Draft TM-RO1** - A draft technical memorandum (TM-RO1) will be prepared and submitted to the City summarizing key parameters and assumptions. The issues to be addressed will include households/miles served, mileage, workloads per collection day, and an analysis of productivity impacts from the scenario(s). Planning for staff, equipment and future growth will be presented, if the optional task is selected.
- b. **Final presentation of scenarios:** A presentation of the scenario(s) will be developed and presented to the City.

Subtask 3B-5: Design Customized Route Map Templates (Optional)

1. **Develop customized route maps.** Review the current route maps used by the City will be reviewed with Solid Waste and GIS staff, in order to develop a customized route map that will improve new route adoption by drivers. This task will entail generating highly customized route maps that meet the City's preferences.
2. **Develop a template for a 3' x 4' wall map** and individual route maps. Examples are provided at: <http://routeoptimizationconsultants.com/maps>.
3. Generate a format, capable of loading data attributes into ESRI's GIS for use in creating the draft and final route maps.
4. Develop a wall map template to be provided in the final map outputs. Data will be integrated into the customer shapefiles. It is expected that these services shapefiles will allow for creating customer service profiles that identify with yard routes, recycling routes, identify unique service areas, identify handicap service, and identify premise types (commercial/residential/multi-family). These service profiles are dependent on the data that is available from the City. Sample maps will be provided to crews and comments and improvements will be solicited via an online meeting with Supervisors.

Deliverables

- a. A 3' x 4' wall map template and Sample maps will result from this optional subtask.

Subtask 3B-6: Residential Waste Route Development

1. **Draft Residential Waste Route Development.** Workshops over a period of 2-3 days will be conducted with City staff to develop the routes. This approach significantly reduces the time and cost to develop the new routes. Together with staff, we will redefine the routes based on the varying productivity rates. Staff will acknowledge that the routes are final in the workshop. Given that the drivers rarely use the customer sequence, this project does not entail providing a customer sequence, which also reduced the project cost.
2. **Final Route Maps.** Route maps will be created using the templates developed in the previous task. The Project Team will coordinate with the City to provide data output from the re-routing modeling effort that can be input into the City's ESRI GIS system. Maps will be provided to the City in digital format to be printed by the City.

Deliverables

Deliverables are listed below and will vary depending on selection of optional tasks as applicable.

- a. Final route maps

Task 4 - New Recycling Staging and Transfer Facility Siting and Conceptual Design

1. **Meet with the City to discuss transfer station design.** Meet with the City recycling and solid waste staff to discuss the recycling material staging and municipal solid waste transfer needs. At this time, it is our understanding that, in view of the relatively close proximity of the City's landfill, the use of this transfer station will be limited to recyclables. This will

include reviewing and confirming the quantities and types of recyclable materials collected, the daily, weekly and other seasonal fluctuations in recycling and municipal solid waste collection quantities as summarized in TM-2, alternative locations for processing the recyclables, and the facility design criteria such as the type of transfer station, configuration, floor staging area, on-site processing (if any), load out, traffic flow considerations, scales.

2. **Preliminary review of suitable sites.** Based on our discussions, it is assumed that the City will identify candidate sites for further evaluation. In turn, we will discuss with the City staff these potential sites within the City that would be appropriate for siting a transfer station that would serve to improve the efficiency of the City's solid waste collection system and be compatible with the City's land uses and zoning, and criteria for evaluating/ranking the areas or sites. Identify one to two potential locations for siting a transfer station based on the evaluation criteria developed above. These locations would be used for evaluating the performance of a transfer station relative to hauling and transfer of recyclables and impacts on the City's collection system.
3. **Prepare a conceptual design for transfer station.** The facility will include a recycling staging area and transfer station. The conceptual design will include the general sizing of the facility and facility construction, building configuration, traffic flow, and estimated capital construction costs for the facility and supporting equipment.
4. **Identify alternative material recovery facilities (MRFs).** Through communications with the City, we will identify alternative MRFs to be used in the evaluation and the destination of the recyclables that are aggregated at the facility. We understand that some recyclable materials may be processed at the facility, but others will need to be transferred to a larger MRFs.
5. **Estimate operational costs.** Estimate the operational costs of the facility, labor, materials, and consumables for the transfer station and fleet transfer costs.
6. **Prepare pro forma model.** The pro forma model will estimate the financial performance of the transfer station, include the capital and operational costs for the transfer station and transfer fleet, and identify potential impacts to the City's collection system.
7. **Meet with the City** to discuss the preliminary findings of the transfer station evaluation.
8. **Prepare memorandum (TM-4)** summarizing the recycling staging and transfer facility siting and conceptual design and submit to the City.

Deliverables

- a. TM-4 summarizing the recycling staging and transfer facility siting and conceptual design (TM-4). The intent is that the TM would be incorporated into the final report. Any comments from the City on TM will be incorporated into the final report.

Task 5 - Identify Key Issues and Define Goals and Objectives for the Plan

1. Prepare summary of findings of Task 1 – 4.

2. Identify key issues from the solid waste system evaluation, including areas where the City might consider diversion of other solid waste streams from disposal (e.g., food waste organics).
3. Identify general facility needs to address existing and future solid waste management requirements for collection, recycling, processing, disposal, maintenance and administration.
4. Identify and review key statutory and regulatory requirements governing the City's solid waste operations and any future solid waste facilities or operations.
5. Meet with the City to review the findings and establish overall goals and objectives for the solid waste plan. We anticipate this would be a half to full-day meeting, and would include various levels of City Government. This effort will include preparing presentation materials to guide the discussions.
6. Prepare technical memorandum (TM-5) summarizing the goals and objectives for the solid waste plan and submit to the City.

Deliverables

- a. TM-5 summarizing the goals and objectives for the solid waste plan. Any comments from the City on TM will be incorporated into the final report.

Task 6 - Assess Future Solid Waste Management System Alternatives and Capital Improvements

Task 5 will identify the key facility needs to support the City's future solid waste operations. The purpose of Task 6 is to evaluate the solid waste management system alternatives and capital improvements and costs to support the City's future solid waste system needs. Task 6 will include the following efforts:

1. **Estimate capital needs.** Prepare an estimate capital needs to enhance the operational efficiencies of the City's recycling system, including improvements to brush collection and management, if desired. This may include collection modifications, construction of a material processing facility(s) or transfer station of combination of both, and contracting certain recycling processing and handling requirements.
2. **Incorporate capital requirements for new administrative/maintenance facility.** Review and incorporate into this analysis of capital requirements for new administrative and/or equipment maintenance facilities. We assume the estimates for these facilities would be developed by others (e.g., architect).
3. **Review the City's equipment replacement plan** and estimate the capital requirements based on an agreed to replacement schedule.
4. **Prepare a summary projected capital expenditures** schedule for the next 10 years, including facilities and equipment.
5. **Prepare Technical Memorandum (TM-6)** summarizing the projected capital expenditure schedule and submit to the City.

Deliverables

- a. TM-6 summarizing the projected capital expenditure schedule. Any comments from the City on TM will be incorporated into the final report.

Task 7 - Fiscal Assessment

1. **Conduct initial review of financial data.** Based on the received the data, we will begin an in-depth review of the City's historical and budgeted revenues and expenses, cost centers, debt service schedules and coverage requirements, capital improvement program, regulatory and policy restrictions, financing for closure and post closure costs, and the current rate structures for solid waste, tipping, and host fees.
2. **Review any other data** provided by City staff and coordinate with the City if we need clarification on the data prior to our first interactive work session.
3. **Develop Rate Structure.** The City's new rate structure will be developed using the following three-part process:
 - a. **Analyze revenue sufficiency.** The revenue sufficiency analysis will determine the long-term financial sustainability of the City's solid waste operations, including a financial management plan and associated plan of rate adjustments. We will accomplish this by reviewing the City's historical budgeted and executed operations, maintenance and capital costs, the planned capital improvement program and associated funding sources, projected vehicle and equipment replacement needs, existing debt service and coverage ratios, available operating, capital, and debt service reserves, and any financial policies and reserve requirements dictated by policies of the City.

We will also consider the City's growth and assess how this will affect the number of accounts and tonnage projections. We will apply escalation factors to costs/revenues and identify any other issues or questions affecting financial performance to be discussed with the City during our first interactive meeting. Our model will utilize the above-mentioned data and assumptions to create projections of revenues, operating expenses, capital spending, and fund balances.

During our first interactive meeting, we will discuss the preliminary results of the analysis with key staff. We will project our financial model onto a monitor or screen and review the data and assumptions used in the analysis. We will then present the results using a simple, graphical interface and work with staff to develop a long-term financial management plan. As part of this process, we will consider alternative revenue strategies and reserve policies.

Task 6 of the solid waste management plan for the City will identify specific operational and capital improvements that the City may wish to consider modeling. At that point we will have a meeting to identify possible scenarios and test the sensitivity of the financial outcomes to these variables. The model allows us to test the impact of project costs, timing, and funding sources. Where necessary, the model can calculate the amount and timing of borrowing. With each scenario considered, we can review the annual rate adjustments that would be required on a just-in-time basis, as well as create a plan of rate adjustments that could satisfy the revenue requirements over the projection period and maintain the City's credit rating while minimizing the impact to the City's ratepayers.

- b. **Prepare cost of service analysis.** Once the revenue sufficiency analysis is complete, we will analyze the City's costs to provide various services to its customers. We will look at the costs of facility operations and the costs of providing collection and disposal of household waste to the City's residents by examining each line item in the solid waste budget. Where possible, items will be directly allocated. Where items cannot be directly allocated, they are indirectly allocated using various allocation factors such as number of accounts, number of containers, or tonnage. If an item cannot be directly allocated and staff has specific information that is helpful in allocation of costs, we will base the allocation on staff input. Lastly, costs that are general or administrative overhead costs are allocated on a weighted basis.

We will then compare the collection, disposal, and other costs for each class and service to the revenues generated by each respective class and service. The outcome of this analysis then becomes the basis for determining the net revenue requirement used in the rate structure analysis.

- c. **Evaluate rate structure.** To begin the rate analysis, we will examine the City's current utility rates and identify any structural adjustments to consider in developing the City's new rates. We will obtain historical billing data and/or property data and analyze current billing practices. We will identify the revenue requirement based on the results of the revenue sufficiency analysis and use this revenue requirement and the results of the billing data analysis in the development of an updated rate structure. In developing this structure, we will consider the cost of the various services you provide and your desire to encourage reduction and diversion.

During an interactive meeting with staff, we will calculate rates based on the current structure and recommended adjustments. We will discuss the basis of the recommendation and test the sensitivity of the rate changes to various customer classes and demand characteristics. The goal is to develop a structure that will be easily understandable and accurately reflect the dynamics of your solid waste system while equitably distributing costs across your customer classes. Together, we will develop the schedule of recommended rates for presentation to the Council.

4. **Prepare Technical Memorandum-7 (TM-7)** presenting the Rate Study results and submit to the City for review
5. **Prepare and present rate study results.** As discussed in earlier sections, we will conduct our meetings in person, working interactively with key members of City staff, City Administration, and other stakeholders. Once all of the analyses are complete, we will provide the City with detailed schedules containing all of the assumptions and detailed projections used in developing the analysis. These schedules will also be included in the draft report. The draft report will then be distributed to the City for thorough review and comment. Upon receiving comments from City staff, we will adjust our analysis and/or report as required and distribute the final schedules and the Final Task Report.

We will present the results to the City and attend a meeting to present the findings of our analysis to City Council if desired. Our presentations will include descriptions of the data and assumptions, screenshots of the model results, and recommendations in a PowerPoint presentation. At this meeting, the detailed models used to develop the rates and plan of rate adjustments will be available if the Commission has any questions regarding the data or assumptions used. Prior to the public meeting, we will provide the presentation for review by City staff.

Deliverables

- a. Draft Rate Study Technical memorandum (TM-7). TM-7 will summarize the results of SCS's Financial Model of the selected scenario. Any comments from the City on TM will be incorporated into the final report. If requested, this element of the project can be prepared as a separate stand-alone document.
- b. Draft and final Power Point presentation materials if applicable.

Task 8 - Develop Implementation Schedule, Budget and Administrative Requirements for Key Elements of the Plan

1. Prepare implementation schedule for short and long term phases.
2. Develop multi-year financial forecasts for the implementation of the recommended plan.
3. Identify need for proposing new City Ordinances (as appropriate).

Deliverables

None, information will be incorporate into the Solid Waste Management Plan and Rate Study Reports.

Task 9 - Prepare Draft and Final Solid Waste Management Plan and Rate Study

1. Prepare the draft solid waste management plan and submit to the City. The plan will incorporate the TM's from Tasks 1-8.
2. Submit the draft solid waste plan report (TM-7) to the City for review.
3. Review City's comments and modify the solid waste plan.
4. Meet with the City to discuss the draft solid waste plan and comments.
5. Submit the solid waste plan report to the City.
6. Present the findings and conclusions of the solid waste management plan to City Council and provide support to the City during the approval process.

Deliverables

- a. TM-7 draft solid waste plan.
- b. TM-7 final solid waste plan
- c. Presentation materials to support meeting with City Council and others.

FEE ESTIMATE

SCS will complete the above scope of services on a lump-sum per the milestone deliverables payment schedule presented in Exhibit 4.

Exhibit 4. City of Temple, Texas Solid Waste Study Fee Estimate

Task Name	Fee (\$)
City of Temple Solid Waste Study⁽¹⁾	\$199,552
Task 1 - Data Request and Kick off Meeting	\$14,866
Task 2 - Prepare Waste Projections (City to provide population projections)	\$3,730
Task 3 - Review and Analysis of Current Solid Waste Management System	\$16,100
Task 4 - New Recycling Staging and Transfer Facility Siting and Conceptual Design	\$19,876
Task 5 - Identify Key Issues and Define Goals and Objectives for the Plan	\$19,646
Task 6 - Assess Future Solid Waste Management System Alternatives and Capital Improvements	\$18,720
Task 7 - Fiscal Assessment	\$49,288
Task 8 - Develop Implementation Schedule, Budget and Administrative Requirements for Key Elements of the Plan	\$13,460
Task 9 - Prepare Draft and Final Solid Waste Management Plan and Rate Study	\$43,866
Task 3B – Routing Study (Optional)	\$37,085
Subtask 3B-1: Task Initiation (Optional)	\$3,365
Subtask 3B-2: Safety and Productivity Assessments (Optional)	\$8,930
Subtask 3B-3: System Set-up and Verification (Optional)	\$2,200
Subtask 3B-4: Service Level Modelling (Optional)	\$5,400
Subtask 3B-5: Design Customized Route Map Templates (Optional)	\$17,190

⁽¹⁾Does not include the optional Task 3B

SCHEDULE

Exhibit 5 presents the anticipated project schedule. The schedule may vary depending on the notice to proceed and other City schedules.

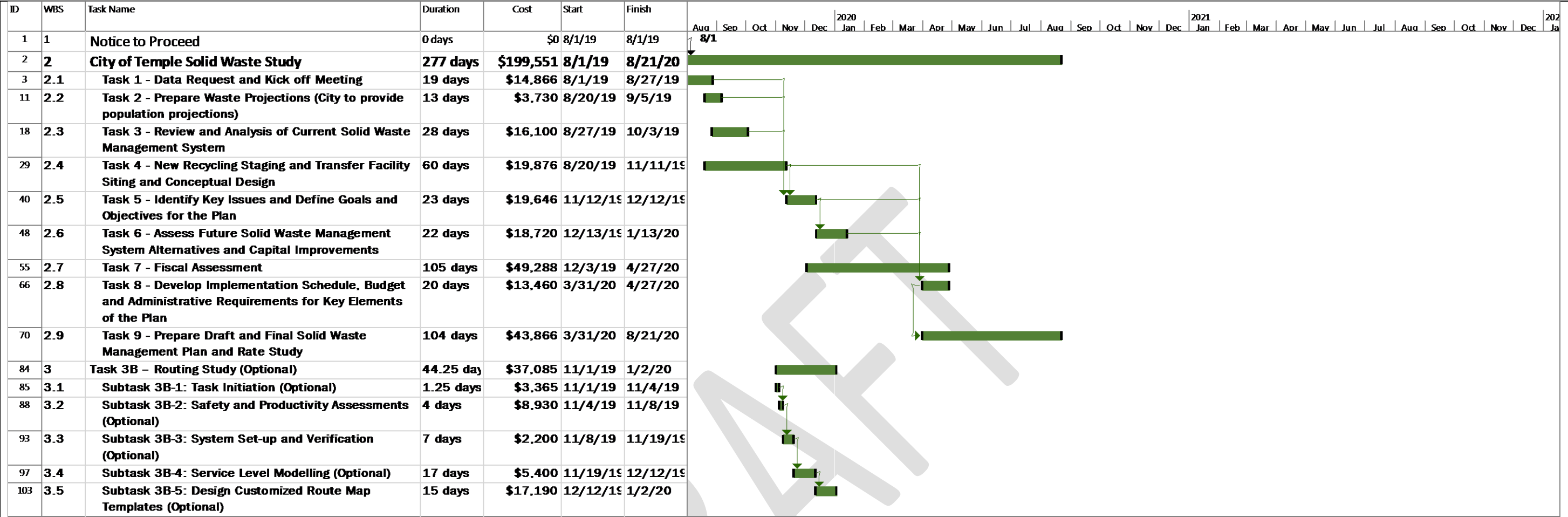


Exhibit 5. Proposed Project Schedule, City of Temple Solid Waste Plan

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

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-2310-540-26-16		Contracted Services / Professional	\$ 199,552	
110-1500-515-65-31		Cap-Spec Proj/Contingency		140,039
110-2310-540-11-10		Salaries / Administrative		19,513
110-0000-444-15-70		Solid Waste Commercial / Frontload	40,000	
TOTAL.....			\$ 239,552	\$ 159,552

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

Appropriate funding for the Solid Waste Management Plan and Rate Study with SCS Engineers of Austin in an amount not to exceed \$199,552.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

07/18/19

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2019-9722-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS OF BEDFORD, TEXAS IN AN AMOUNT NOT TO EXCEED \$199,552, FOR A SOLID WASTE MANAGEMENT PLAN AND RATE STUDY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City owns a landfill, operates a recycling transfer facility, and provides collection of solid waste, recyclables, brush, and bulk waste and a comprehensive plan is required for managing an aging solid waste fleet, City-wide residential & commercial routes, providing adequate facilities for solid waste staff, and providing a safe recycling transfer facility;

Whereas, Staff recommends Council authorize a professional services agreement with SCS Engineers of Bedford, Texas in an amount not to exceed \$199,552, for a Solid Waste Management Plan and Rate Study;

Whereas, funds are available for this project, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 110-2310-540-2616; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a professional services agreement with SCS Engineers of Bedford, Texas in an amount not to exceed \$199,552, for a Solid Waste Management Plan and Rate Study.

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 **18th** day of **July**, 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

07/18/19
Item #7(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Recreation
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement for the mowing and maintenance of areas in the Santa Fe Plaza and Temple Medical & Educational District with Heart of Texas Landscape & Irrigation Co., Inc. of Belton in the estimated annual amount of \$45,000.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Authorization of this service agreement with Heart of Texas Landscape & Irrigation Co., Inc. (HOT) will provide for mowing and maintenance of the newly constructed areas in the Santa Fe Plaza and the Temple Medical and Educational District (TMED). See attached maps.

As shown on the attached bid tabulation, on July 9, 2019, one bid was received from HOT for the needed services. Even though only one bid was received, Staff has reviewed the pricing and deems the pricing to be reasonable based on the current contracted pricing under other active mowing and maintenance contracts.

The City has done business with HOT for several years and is pleased with the services they provide. Accordingly, staff recommends Council authorize an agreement with HOT that will commence immediately and go through September 30, 2020. The agreement will provide for four one-year extensions, if so agreed to by the City and HOT.

FISCAL IMPACT: Funding required for this services agreement through the end of FY 2019 in the amount of \$11,250 is available in the account 110-3595-552-2623.

Funding for the annual contract amount of \$45,000 is included in the proposed FY 2020 Operating Budget in account 110-3595-552-2623.

ATTACHMENTS:

[Maps of service areas](#)
[Bid Tabulation](#)
[Resolution](#)



Bid No. 35-04-19

**Santa Fe Plaza & Temple Medical
and Educational District (TMED)
Mowing & Maintenance Services**

Attachment #1

Aerial View of Santa Fe Plaza Bid Section 1





Bid No. 35-04-19

Santa Fe Plaza & Temple Medical
and Educational District (TMED)
Mowing & Maintenance Services

Attachment #1A

Map of Santa Fe Plaza – Area “A”
Whistle Stop Playground





Bid No. 35-04-19

Santa Fe Plaza & Temple Medical
and Educational District (TMED)
Mowing & Maintenance Services

Attachment #1 B

Map of Santa Fe Plaza – Area “B”
Santa Fe Depot/Market Trail



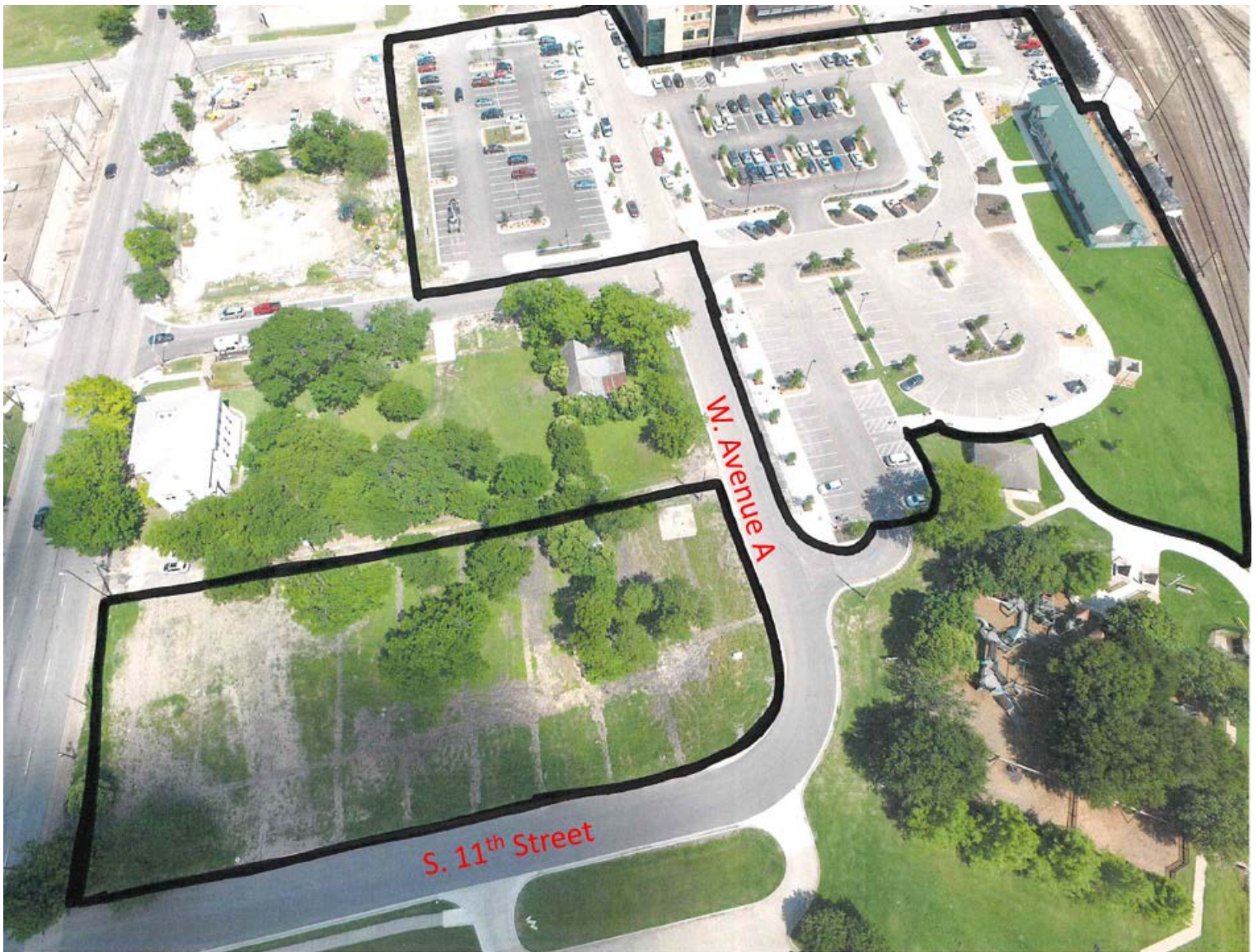


Bid No. 35-04-19

**Santa Fe Plaza & Temple Medical
and Educational District (TMED)
Mowing & Maintenance Services**

Attachment #1C

**Map of Santa Fe Plaza – Area “C”
Santa Fe Plaza (Areas North & West of Santa Fe Depot
and Temple ISD Building)**



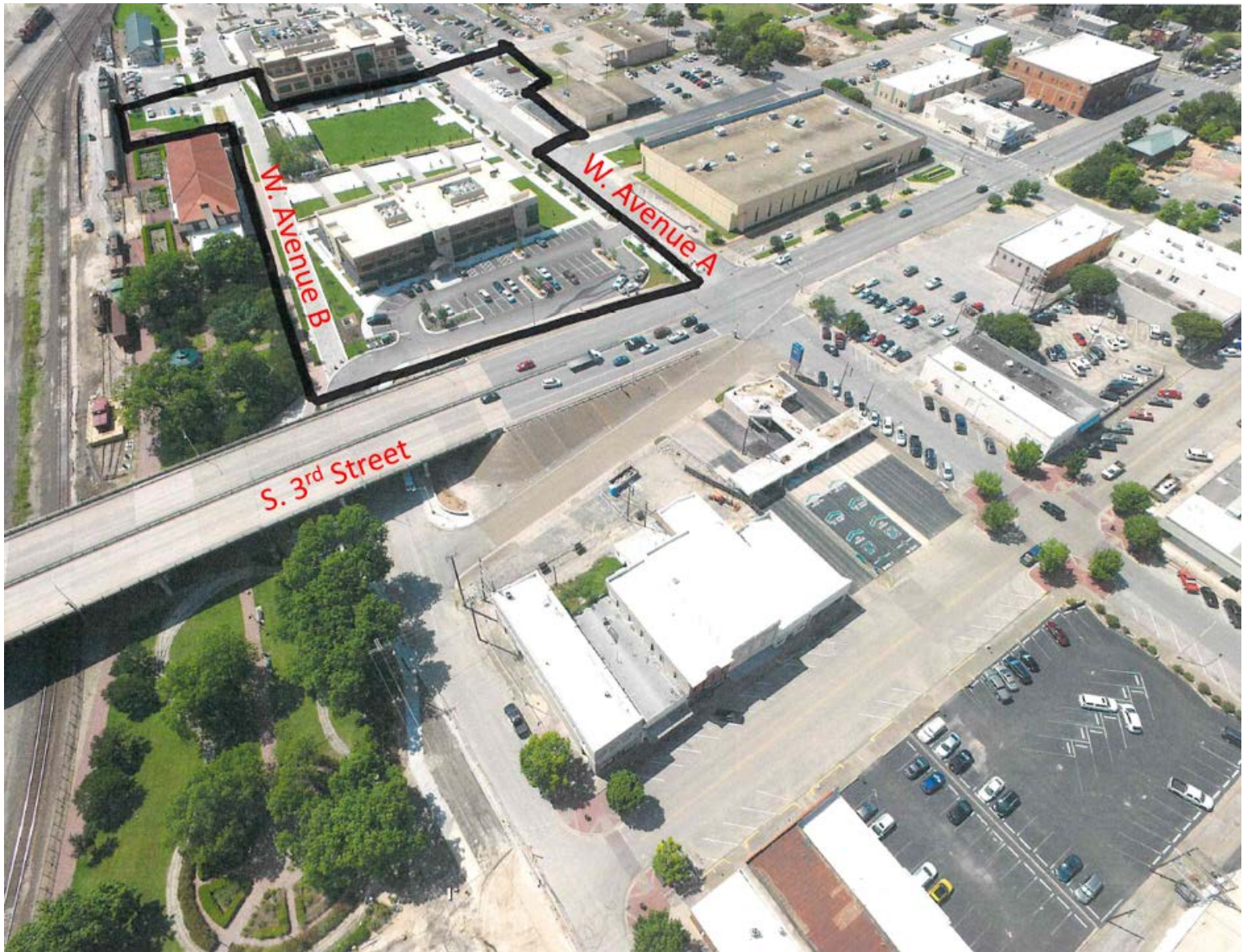


Bid No. 35-04-19

Santa Fe Plaza & Temple Medical
and Educational District (TMED)
Mowing & Maintenance Services

Attachment #1D

Map of Santa Fe Plaza – Area “D”
Santa Fe Plaza (Areas East of Temple ISD Building
to 3rd Street)





Bid No. 35-04-19

Santa Fe Plaza & Temple Medical
and Educational District (TMED)
Mowing & Maintenance Services

REVISED Attachment #2

(Revised 6/25/19)

Map of Temple Medical and Educational District (TMED)



**Tabulation of Bids Received
on July 9, 2019 at 11:00 am
Santa Fe Plaza & Temple Medical and Educational District (TMED) Mowing &
Maintenance Services
Bid# 35-04-19**

		Heart of Texas Landscape & Irrigation Belton, TX	
BID SECTION #1			
SANTA FE PLAZA: AREA A	QTY	PRICE PER CYCLE	YEARLY PRICE
Mowing (Growing Season)	20	\$180.00	\$3,600.00
Landscaping	20	\$40.00	\$800.00
Optional Service: Mowing (Non-Growing Season)	1	\$180.00	\$180.00
Optional Service: Annual Landscaping Cutback	1	\$20.00	\$20.00
Optional Service: Pesticide Treatment	1	\$300.00	\$300.00
Optional Service: Fertilizer Treatment	1	\$120.00	\$120.00
Optional Service: Pre-Emergent Treatment	1	\$120.00	\$120.00
SANTA FE PLAZA: AREA B	QTY	PRICE PER CYCLE	YEARLY PRICE
Mowing (Growing Season)	20	\$150.00	\$3,000.00
Landscaping	20	\$150.00	\$3,000.00
Optional Service: Mowing (Non-Growing Season)	1	\$150.00	\$150.00
Optional Service: Annual Landscaping Cutback	1	\$200.00	\$200.00
Optional Service: Pesticide Treatment	1	\$400.00	\$400.00
Optional Service: Fertilizer Treatment	1	\$120.00	\$120.00
Optional Service: Pre-Emergent Treatment	1	\$120.00	\$120.00
SANTA FE PLAZA: AREA C	QTY	PRICE PER CYCLE	YEARLY PRICE
Mowing (Growing Season)	20	\$150.00	\$3,000.00
Landscaping	20	\$180.00	\$3,600.00
Optional Service: Mowing (Non-Growing Season)	1	\$150.00	\$150.00
Optional Service: Annual Landscaping Cutback	1	\$450.00	\$450.00
Optional Service: Pesticide Treatment	1	\$600.00	\$600.00
Optional Service: Fertilizer Treatment	1	\$200.00	\$200.00
Optional Service: Pre-Emergent Treatment	1	\$200.00	\$200.00
SANTA FE PLAZA: AREA D	QTY	PRICE PER CYCLE	YEARLY PRICE
Mowing (Growing Season)	20	\$180.00	\$3,600.00
Landscaping	20	\$150.00	\$3,000.00
Optional Service: Mowing (Non-Growing Season)	1	\$180.00	\$180.00
Optional Service: Annual Landscaping Cutback	1	\$450.00	\$450.00
Optional Service: Pesticide Treatment	1	\$500.00	\$500.00
Optional Service: Fertilizer Treatment	1	\$300.00	\$300.00
Optional Service: Pre-Emergent Treatment	1	\$300.00	\$300.00
BID SECTION 1 TOTAL		\$28,660.00	

**Tabulation of Bids Received
on July 9, 2019 at 11:00 am
Santa Fe Plaza & Temple Medical and Educational District (TMED) Mowing &
Maintenance Services
Bid# 35-04-19**

SANTA FE PLAZA: ADDITIONAL SERVICES	PRICE PER CYCLE
Mulch Replacement	\$35.00 / MAN HOUR
Plant Replacement	\$35.00 / MAN HOUR 60% MARK UP ON MATERIALS

BID SECTION #2			
TEMPLE MEDICAL & EDUCATIONAL DISTRICT (TMED) MOWING SERVICES	QTY	PRICE PER CYCLE	YEARLY PRICE
Mowing (Growing Season)	20	\$400.00	\$8,000.00
Optional Service: Mowing (Non-Growing Season)	1	\$400.00	\$400.00
Optional Service: Pesticide Treatment	1	\$800.00	\$800.00
Optional Service: Fertilizer Treatment	1	\$450.00	\$450.00
Optional Service: Pre-Emergent Treatment	1	\$450.00	\$450.00
BID SECTION 2 TOTAL		\$10,100.00	

BID SECTION #3			
TEMPLE MEDICAL & EDUCATIONAL DISTRICT (TMED) LANDSCAPING SERVICES	QTY	PRICE PER CYCLE	YEARLY PRICE
Landscaping	20	\$150.00	\$3,000.00
Optional Service: Annual Landscaping Cutback	1	\$400.00	\$400.00
Optional Service: Pesticide Treatment	1	\$800.00	\$800.00
Optional Service: Fertilizer Treatment	1	\$450.00	\$450.00
Optional Service: Pre-Emergent Treatment	1	\$450.00	\$450.00
BID SECTION 3 TOTAL		\$5,100.00	

TEMPLE MEDICAL & EDUCATIONAL DISTRICT (TMED): ADDITIONAL SERVICES	PRICE PER CYCLE
Mulch Replacement	\$35.00 / MAN HOUR
Plant Replacement:	\$35.00 / MAN HOUR 60% MARK UP ON MATERIALS

TOTAL BID PRICE	\$43,860.00
Credit Check Authorization	YES
Local Preference Declaration	NO
Acknowledgement of Addenda (1)	YES

RESOLUTION NO. 2019-9723-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH HEART OF TEXAS LANDSCAPE AND IRRIGATION COMPANY, INC., OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$45,000 FOR MOWING AND MAINTENANCE OF AREAS IN THE SANTA FE PLAZA AND TEMPLE MEDICAL AND EDUCATIONAL DISTRICT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this services agreement with Heart of Texas Landscape & Irrigation Company, Inc. (HOT) will provide for mowing and maintenance of the newly constructed areas in the Santa Fe Plaza and the Temple Medical and Educational District (TMED);

Whereas, on July 9, 2019, the City received one bid for the mowing and maintenance of areas in the Santa Fe Plaza and TMED - even though only one bid was received, Staff has reviewed the pricing and deems the pricing to be reasonable based on the current contracted pricing under other active mowing and maintenance contracts;

Whereas, the City has done business with HOT for several years, is pleased with the services they provide and recommends Council authorize a services agreement with Heart of Texas Landscape & Irrigation Company, Inc. that will commence immediately and expire September 30, 2020 - this agreement will provide for four one-year renewals if so agreed to by the City and HOT;

Whereas, funding for this services agreement through the end of fiscal year 2019 is available in Account No. 110-3595-552-2623 - funding for the annual services agreement is included in the proposed fiscal year 2020 Operating Budget in Account No. 110-3595-552-2623; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute a services agreement with Heart of Texas Landscape & Irrigation Company, Inc. of Belton, Texas in the estimated annual amount of \$45,000, for the mowing and maintenance of areas in the Santa Fe Plaza and Temple Medical & Educational District.

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 **18th** day of **July**, 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

07/18/19
Item #7(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year lease agreement with William T. Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Law Offices of William T. Wilson has been a tenant of the Temple Public Library for several years, leasing Suite 301 in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library). Suite 301 consists of approximately 1930 sq. ft. of office space and Mr. Wilson has requested to renew his lease for a one-year period. The lease will run from August 1, 2019 to July 31, 2020 and the tenant will pay \$0.94 per square foot, for a monthly lease rate of \$1,814.20.

FISCAL IMPACT: The annual rent to be received from William T. Wilson is \$21,770.40 and will be deposited into account 110-0000-461-0937.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9724-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR LEASE AGREEMENT WITH WILLIAM T. WILSON, FOR LEASE OF SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Law Offices of William T. Wilson has been a tenant of the Temple Public Library for several years, leasing Suite 301 in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library) - Suite 301 consists of approximately 1930 sq. ft. of office space and Mr. Wilson has requested to renew his lease for a one-year period;

Whereas, the lease will run from August 1, 2019 to July 31, 2020 and William T. Wilson will pay \$0.94 per square foot, for a monthly lease rate of \$1,814.20;

Whereas, Staff recommends Council authorize a one-year lease extension with William T. Wilson for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library);

Whereas, the lease agreement allows for a 30-day termination clause for any reason should the lessee or the City desire to terminate the lease;

Whereas, the City will receive annual rent in year one of \$21,770.40, and those funds will be deposited into Account No. 110-0000-461-0937; and

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

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

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

Part 2: The City Council authorizes a one-year lease agreement with William T. Wilson, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a wrecker service contract with Cen-Tex Wrecker Association, LLC of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 3, 2017, the City Council authorized a two-year wrecker service contract with Cen-Tex Wrecker Association, LLC (CTWA) for non-consent motor vehicle wrecker services within the City, the operation of a storage facility for impound vehicles, and the towing of inoperable City vehicles. This contract expires on August 31, 2019, and as stated in the 2017 Request for Proposals and as provided for in City Ordinance Chapter 39, the contract may be renewed for three additional one-year renewal periods.

CTWA is comprised of two independent companies: Ward's Towing, Ltd of Temple, and Temple Towing, Inc. of Temple. Staff is pleased with the services provided by CTWA, and accordingly, Staff is recommending a one-year renewal to the contract, which will extend the agreement to August 31, 2020, with the pricing to remain consistent with the fee schedule attached to the August 3, 2017 agenda item. This will be the first one-year renewal, with the option for two additional one-year renewals remaining.

FISCAL IMPACT: The City will only be charged for wrecker services related to the following: (1) the towing of City-owned vehicles that weigh more than 10,000 pounds at a rate of \$125 per tow, and (2) the towing of City-owned vehicles to a repair shop (10,001-39,999 GVW at \$125 per tow plus \$4.50 per mile; 40,000 GVW and over at \$125 per tow plus \$5.50 per mile). These fees when incurred will be absorbed by the respective department's operating budget. Fees for a non-consent motor vehicle wrecker services within the City and the operation of a storage facility for impound vehicles are paid by the owner of the vehicles towed or stored.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9725-R _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO A WRECKER SERVICES CONTRACT WITH CEN-TEX WRECKER ASSOCIATION, LLC OF TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 3, 2017, Council authorized a two-year wrecker service contract with Cen-Tex Wrecker Association, LLC (CTWA) for non-consent motor vehicle wrecker services within the City, the operation of a storage facility for impound vehicles, and the towing of inoperable City vehicles;

Whereas, this contract expires August 31, 2019, and as stated in the 2017 Request for Proposals, and as provided for in City Ordinance Chapter 39, the contract may be renewed for three additional one-year renewal periods;

Whereas, CTWA is comprised of two independent companies: Ward's Towing, Ltd of Temple, Texas and Temple Towing, Inc. of Temple, Texas - Staff is pleased with the services provided by CTWA, and accordingly, recommends Council authorize a one-year renewal to the contract which will extend the contract to August 31, 2020, with pricing remaining consistent;

Whereas, this will be the first one-year renewal, with the option for two additional one-year renewals remaining;

Whereas, the City will only be charged for wrecker services related to the following: (1) the towing of City-owned vehicles that weigh more than 10,000 pounds at a rate of \$125 per tow, and (2) the towing of City-owned vehicles to a repair shop (10,001-39,999 GVW at \$125 per tow plus \$4.50 per mile; 40,000 GVW and over at \$125 per tow plus \$5.50 per mile);

Whereas, these fees, when incurred, will be absorbed by the respective department's operating budget - fees for a non-consent motor vehicle wrecker services within the City and the operation of a storage facility for impound vehicles are paid by the owner of the vehicles towed or stored; 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 one-year renewal to a wrecker services contract with Cen-Tex Wrecker Association, LLC of Temple, Texas beginning September 1, 2019 and ending August 31, 2020.

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

PASSED AND APPROVED this the **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing a renewal to the services agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: James Construction Group, LLC (James) is the general contractor on TXDOT's Agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 project. All police officers working on the project will continue to remain under the supervision and control of the Temple Police Department. James will reimburse the City for overtime salary and benefits paid to the police officers. James will also pay the City \$30 per hour, per vehicle for each police vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits and \$45 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits. The agreement is for a term of one year beginning August 1, 2019 and expiring July 31, 2020.

FISCAL IMPACT: Based on the projected hours to be worked during the contract period, it is estimated that the City will be reimbursed by James Construction approximately \$84,500 for overtime incurred and approximately \$39,000 for vehicle costs. The anticipated time of completion of the project is October 2019.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9726-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE SERVICES AGREEMENT WITH JAMES CONSTRUCTION GROUP, LLC, OF TEMPLE, TEXAS, TO PROVIDE TEMPLE POLICE OFFICERS FOR TRAFFIC CONTROL SERVICES AND USE TEMPLE POLICE VEHICLES ON THE I-35 RECONSTRUCTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, James Construction Group, LLC (“James”) is the general contractor on TxDOT’s I-35 Reconstruction Project and has requested a one-year renewal to the current agreement which utilizes Temple police officers and Temple police vehicles to provide traffic control services on the I-35 Reconstruction Project;

Whereas, on July 19, 2018, Council authorized a one-year renewal to the current Services Agreement which expires July 31, 2019 – this one-year renewal will begin August 1, 2019 and expire July 31, 2020;

Whereas, all police officers working on this project will continue to remain under the supervision and control of the Temple Police Department;

Whereas, James will reimburse the City for overtime salary and benefits paid to the police officers and will pay to the City \$30.00 per hour, per vehicle used on any portion of the I-35 project that lies in whole or in part within the Temple city limits;

Whereas, James will also pay to the City \$45.00 per hour, per vehicle for each police vehicle used on any portion of the project that lies completely outside of the Temple city limits;

Whereas, based on the projected hours to be worked during the contract period, it is estimated that the City will be reimbursed approximately \$84,500 for overtime incurred and approximately \$39,000 for vehicle costs - the anticipated time of the project completion is October, 2019; 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 one-year renewal to the Services Agreement with James Construction Group, LLC of Temple, Texas, to provide Temple police officers for traffic control services and use of Temple police vehicles on the I-35 Reconstruction 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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Charla Thomas, Assistant City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the engagement of Steptoe & Johnson, LLP to serve as railroad regulatory counsel for the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In February 2011, the City entered into an “Assignment, Bill of Sale and Assumption Agreement” with Georgetown Railroad Company for the conveyance of railroad right-of-way, commonly referred to as the “Georgetown Railroad.” The Georgetown Railroad consists of approximately 5.87 miles of railway line running in a westerly direction from South 5th Street in Temple to East 6th Avenue in Belton.

With the conveyance, the City assumed responsibility for the management, operation, and eventual abandonment of the Georgetown Railroad. The Georgetown Railroad has been out of service for several years and City Staff is interested in “railbanking” the line for use as a City trail. Railbanking was a process established in 1983 by the National Trails System Act. It allows the use of an out-of-service rail corridor as a public trail.

The railbanking process is administered at the federal level by the Surface Transportation Board. The process can be complicated, and Staff recommends engaging the law firm of Steptoe & Johnson, LLP (“Steptoe”) to manage and oversee the process. Steptoe is an international law firm and the City would be engaging attorneys located in the firm’s Washington D.C. office. Steptoe has experience working with the Surface Transportation Board and direct experience with the railbanking process. Steptoe has submitted a proposal to complete the abandonment and railbanking process for Georgetown Railroad and Staff believes the firm has the qualifications needed to complete the process. Steptoe has estimated that it can complete the abandonment and railbanking process for approximately \$30,000.

FISCAL IMPACT: Funding for the engagement of Steptoe & Johnson, LLP to serve as railroad regulatory counsel for the Georgetown Railroad Hike/Bike Trail Project in the amount of \$30,000 is available in account 365-3400-531-6315, project 102010, as follows:

Project Budget	\$	58,800
Encumbered/Committed to Date		(28,800)
Steptoe & Johnson, LLP		(30,000)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9727-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ENGAGEMENT OF STEPTOE & JOHNSON, LLP, OF WASHINGTON, D.C. TO SERVE AS RAILROAD REGULATORY COUNSEL FOR THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in February 2011, the City entered into an “Assignment, Bill of Sale and Assumption Agreement” with Georgetown Railroad Company for the conveyance of railroad right-of-way, commonly referred to as the “Georgetown Railroad” which consists of approximately 5.87 miles of railway line running in a westerly direction from South 5th Street in Temple to East 6th Avenue in Belton;

Whereas, with the conveyance, the City assumed responsibility for the management, operation, and eventual abandonment of the Georgetown Railroad which has been out of service for several years;

Whereas, Staff is interested in “railbanking” the line for use as a City trail - railbanking is a process that was established in 1983 by the National Trails System Act and allows the use of an out-of-service rail corridor as a public trail;

Whereas, the railbanking process is administered at the federal level by the Surface Transportation Board - the process can be complicated, and Staff recommends engaging the law firm of Steptoe & Johnson, LLP (“Steptoe”) to manage and oversee the process;

Whereas, Steptoe is an international law firm and the City would be engaging attorneys located in the firm’s Washington D.C. office - Steptoe has experience working with the Surface Transportation Board and direct experience with the railbanking process;

Whereas, Steptoe has submitted a proposal to complete the abandonment and railbanking process for the Georgetown Railroad and Staff believes the firm has the qualifications needed to complete the process - Steptoe has estimated that it can complete the abandonment and railbanking process for approximately \$30,000;

Whereas, funding is available in Account No. 365-3400-531-6315, Project No. 102010; and

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

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

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

Part 2: The City Council authorizes the engagement of Steptoe & Johnson, LLP of Washington, DC to serve as railroad regulatory counsel for the City of Temple in the estimated amount of \$30,000 and authorizes the City Manager to execute any documents which may be necessary for this engagement.

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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, Public Works Director
Richard Wilson, P.E., CFM, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #5 to the construction contract with Archer Western Construction, LLC, of Irving, to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion in the amount of \$99,827.96.

STAFF RECOMMENDATION: Adopt resolution as presented in item summary.

ITEM SUMMARY: The TBP, located on FM 93 between I-35 and South 31st Street (project map attached), is jointly owned by the Cities of Temple and Belton and is permitted to treat 10 million gallons per day of wastewater. Temple and Belton share capital improvement costs at 75% and 25%, respectively, and contract with the Brazos River Authority to operate the facility. The plant was constructed in 1975, expanded in 1990, and currently treats wastewater from approximately 70% of Temple and all of Belton.

TCEQ requires wastewater plants to complete steps toward expansion at specific inflow thresholds. In 2010, influent flow was at least 75% of the permitted capacity for three consecutive months, triggering a TCEQ requirement to perform preliminary engineering for expansion. On August 18, 2011, Council authorized KPA to prepare a preliminary engineering report for the TBP in the amount of \$895,698.75 (Temple's share of \$1,194,265).

On October 15, 2015, Council authorized an agreement with KPA in the amount of \$1,006,166.25 (Temple's share of \$1,341,555) for professional services to design and bid Phase 1 of the expansion. This original scope of services consisted of three items organized as Task 1: Basis of Design, Task 2: Phase 1 Final Design, and Task 4: Phase 1 Bidding. Task 3: Phase 2 Final Design was not awarded at that time. On June 16, 2016, Council authorized Task 3, modified Task 2 to remove ORBAL improvements and add design of an equalization basin and added Task 5 to bid Phase 2 improvements when ready in the amount of \$1,527,832.50 (Temple's share of \$2,037,110).

On September 7, 2017, Council authorized a construction contract with Archer Western for the base bid and deductive change order #1 totaling \$12,122,418 with Temple's 75% portion being \$9,091,813.50. Council authorized change orders #2 through #4 for the total amount of \$615,170.35 (\$461,377.76 is Temple's 75% portion).

As indicated in the attached change order and engineer's letter of recommendation, this is a necessary change order including additive items including miscellaneous piping, electrical, and grit discharge modifications, slide gate covers to further reduce odor, and raising the Orbal connection box to eliminate the possibility of overflows during high flow events as well as a deductive item to remove the construction of the vacuum truck dump station and totals \$99,827.96 (\$74,870.97 is Temple's 75% portion). This and previous change orders result in a total contract of \$12,837,416.31, a net decrease of 2.08% to the originally-executed contract and first change order. Time allotted for the additional construction activities is 125 calendar days, bringing the new contractual end date to September 3, 2019 (project map attached for reference).

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the City's share of change order #5 to the construction contract with Archer Western Construction, LLC for the construction of Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion. Funding in the amount of \$74,870.97 will be available in account 561-5500-535-6938, project 101774, as follows:

Project Budget	\$	10,202,299
Budget Adjustment		74,871
Encumbered/Committed to Date		(10,202,299)
Archer Western Construction Change Order #5		(74,871)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

Engineer's Letter of Recommendation
Change Order
Budget Adjustment
Project Map
Resolution



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

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

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

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

July 9, 2019

Ms. Angellia Points, P.E.
City Engineer
City of Belton
P. O. Box 120
Belton, Texas 76513

Mr. James Billeck, P.E.
Project Manager
City of Temple
3210 E. Avenue H, Building A
Temple, Texas 76501

Re: Cities of Temple and Belton, Texas
TBWWTP Phase 1 -- Headworks and Flow Equalization Improvements
Change Order No. 5

Dear Mrs. Points and Mr. Billeck:

Please find attached Change Order No. 5 for the referenced project. Change Order includes an increase in the construction cost of \$99,827.96 and 125 days in contract time. This Change Order consists of modifications/additions noted during the construction phase. These modifications and/or additions are necessary for the final operation of the project.

The following is a breakdown/explanation of each item included in Change Order No. 5:

1. CO5-1 – Nonpotable Water Modifications. Add \$40,754.83.
 - a. Upon initial operation, additional nonpotable water improvements were requested by Staff including the addition of six hose bibb assemblies and the addition of a NPW flush assembly. Additional piping modifications include moving the septic receipt flange back towards the structure and routing spiral press flow to the east sump.
2. CO5-2 – BRD Feed Modifications. Add \$19,528.70
 - a. The original contract included bringing new electrical feeds to the existing BRDs at the Orbal. However, the current plan is to replace the BRDs with blowers. This item includes the upsizing in breakers and wire to accommodate the size of the future blowers.
3. CO 5-3 – Covers at Slide Gates. Add \$17,403.00.
 - a. Slide gates in the influent channels have openings that allow the gate to rise above the channel (and top slab) when in operation. It was noted that these openings would allow makeup air for the odor control system, but that some may need to be covered to prevent odors from escaping. It was recommended that the openings be covered once the screens were placed into operation.
4. CO 5-4 – Grit Discharge. Add \$12,722.64
 - a. The design showed a flexible connection from the grit discharge that would allow the grit to "fall" through an opening in the top slab to the "trash trailer" located in the basement. It is recommended that the "flexible" hose be replaced with hard piping and the annular space of the penetration sealed to prevent rainwater from entering or odors from escaping.

5. CO 5-5 – Extend Orbal Wall. Add \$16,770.80.
 - a. During the construction phase, the alignment of the 30” transfer pipe from the new Headworks to the Orbal was modified due to an existing duct bank. The orientation in which the 30” pipe enters the Orbal Inlet Box leads to surge and/or splashing at high flows. This item extends the inlet box wall up 3 feet to prevent influent from leaving the box.
6. CO 5-6 – Sump Pump Discharge. Addt \$21,006.05.
 - a. The sump pump discharge currently discharges downstream of the fine screens. However, the spiral press wash (which discharges to the sump area) contains much more “trash” and debris than was anticipated. As such, the sump discharge is being re-routed to the front of the headworks (upstream of the fine screens). Additionally, a 1” spray line is being added to the headworks to address a “dead” area in the inlet box where Future Screen 4 will be located.
7. CO 5-7 – Vacuum Truck Modifications. Deduct \$28,358.06.
 - a. The vacuum truck dump station was originally to be located in the abandoned Aerated Grit Removal unit. However, operational concerns led to looking at relocating it to the headworks area where it could be incorporated into the odor control system. The proposal to relocate the dump station was not recommended and the improvements will be reviewed and possibly installed under separate contract. The

We have reviewed each of the CPRs and recommend approval of an addition of \$99,827.96 and 125 days to the construction contract. This increases the total Contract Amount to \$12,837,416.31 and extends the construction time until September 3, 2019. The following table shows the contract summaries for both the City of Belton and Temple (Net Change is the current Change Order Amount):

	Total Contract	City of Belton	City of Temple
Original Contract Amount	\$ 13,110,000.00	\$ 3,277,500	\$ 9,832,500
Previous Net Change	\$ (372,411.65)	\$ (93,102.91)	\$ (279,308.74)
Net Change (Current)	\$ 99,827.96	\$ 24,956.99	\$ 74,870.97
Revised Contract Amount	\$ 12,837,416.31	\$ 3,209,354.08	\$ 9,628,062.23

The net result of Change Orders 1-5 is a decrease in the overall project cost of \$272,583.69. When only the additive Change Orders (CO2 – CO 5) are considered, the contract has increased \$714,998.31 which is an increase of approximately 5.5% of the original contract amount. We are available to discuss any questions you may have concerning this change order.

Sincerely,



Thomas D. Valle

TDV/

xc: Mr. Gil Gregory, MRB Group (by email)
Mr. Luke Hill, Archer Western (by email)
2015-140-40

CHANGE ORDER

PROJECT: **Temple-Belton Wastewater Treatment Plant - Phase I, Headworks & Flow Equalization Improvements**
 OWNER: **Cities of Temple and Belton, Texas**
 CONTRACTOR: **Archer Western**
 ENGINEER: **Kasberg, Patrick & Associates, LP**
 CHANGE ORDER #: **5**

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

Additions

Item	Description	Quantity	Unit	Cost	Total
CO5-1	Non-potable water modifications at Headworks (hose bibbs, flush assembly, re-routing, etc.)	100%	LS	\$ 40,754.83	\$ 40,754.83
CO5-2	Modification of BRD Feeds at Orbal to accommodate future blowers	100%	LS	\$ 19,528.70	\$ 19,528.70
CO5-3	Fabrication and installation of covers at Slide Gates	100%	LS	\$ 17,403.00	\$ 17,403.00
CO5-4	Hard pipe grit discharge with SS and seal slab openings	100%	LS	\$ 12,722.64	\$ 12,722.64
CO5-5	Extend Orbal Wall	100%	LS	\$ 16,770.80	\$ 16,770.80
CO5-6	Route Sump Pump Discharge to Inlet Box and install 1" Spray Line in West End of Inlet Box.	100%	LS	\$ 21,006.05	\$ 21,006.05
Total Add					\$ 128,186.02


Deletions

Item	Description	Quantity	Unit	Cost	Total
CO5-7	Deduct Vacuum Truck Modifications	100%	LS	\$ (28,358.06)	\$ (28,358.06)
Total Deduct					\$ (28,358.06)

Total Change in Contract Amount (Add) \$ 99,827.96

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

	Total Contract	City of Belton	City of Temple
Original Contract Amount	\$ 13,110,000.00	\$ 3,277,500.00	\$ 9,832,500.00
Previous Net Change in Contract Amount	\$ (372,411.65)	\$ (93,102.91)	\$ (279,308.74)
Net Change in Contract Amount	\$ 99,827.96	\$ 24,956.99	\$ 74,870.97
Revised Contract Amount	\$ 12,837,416.31	\$ 3,209,354.08	\$ 9,628,062.23
Original Contract Time	400 days		
Previous Net Change in Contract Time	146 days		
Net Change in Contract Time	125 days		
Revised Contract Time	671 days		
Original Final Completion Date	December 6, 2018		
Revised Final Completion Date	September 3, 2019		

Recommended By: <hr/> Project Manager (Temple) Date	Recommended by:  7-9-19 <hr/> Engineer Date
Recommended By: <hr/> Project Manager (Belton) Date	Approved by City of Belton: <hr/> City Manager Belton Date
Agreed to: <hr/> Contractor Date	Approved by City of Temple: <hr/> City Manager Temple Date
Approved as to form: <hr/> Temple City Attorney's Office Date	Approved by Finance Department <hr/> Temple Finance Date
Approved as to form: <hr/> Belton City Attorney's Office Date	Approved by Finance Department <hr/> Belton Finance Date

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
561-5500-535-69-38	101774	Capital - Bonds / TBRSS Expansion	\$ 74,871	
561-5000-535-65-32		Capital - Special Projects / Contingency Fund		74,871
TOTAL.....			\$ 74,871	\$ 74,871

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

To appropriate funding for Change Order #5 to the construction contract with Archer Western Construction, LLC to construct Phase 1 of the Temple-Belton Wastewater Treatment Plant (TBP) Expansion, project 101774, with Temple's 75% portion being \$74,870.97 and the total Change Order being in the amount of \$99,827.96.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x Yes

☐ No

DATE OF COUNCIL MEETING

07/18/19

WITH AGENDA ITEM?

x Yes

☐ No

Department Head/Division Director

Date _____

☐ Approved
☐ Disapproved

Finance

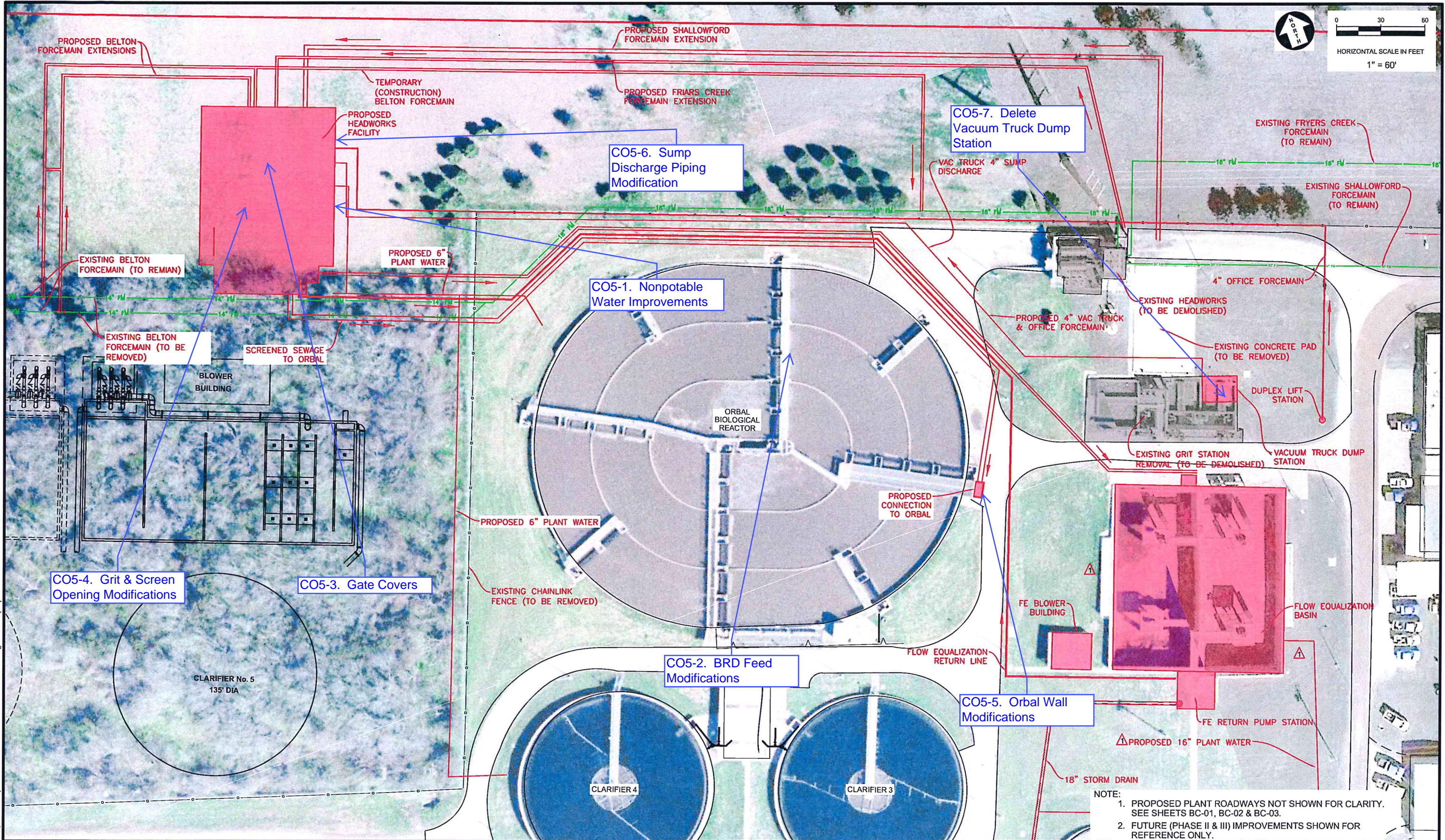
Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

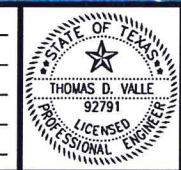
	Approved
	Disapproved



- NOTE:
1. PROPOSED PLANT ROADWAYS NOT SHOWN FOR CLARITY. SEE SHEETS BC-01, BC-02 & BC-03.
 2. FUTURE (PHASE II & III) IMPROVEMENTS SHOWN FOR REFERENCE ONLY.

NO.	7-7-17	ADDENDUM NO. 3, ITEM 4.b.	TDV
	DATE	REVISION	BY
© 2017 Kasberg, Patrick & Associates, LP			
KPA Firm Registration Number F-510		Plot Date: Oct 18, 2017 - 4:03pm	
		Plotted By: DKRUMNOW	

PROJECT NO.	2015-140
DRAWN BY	Jared A. Chandler
DESIGNED BY	Thomas D. Valle, P.E.
APPROVED BY	<i>Thomas D. Valle</i>
DATE	OCTOBER 10, 2017



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

CITY OF TEMPLE & BELTON, TEXAS
TEMPLE-BELTON WASTEWATER TREATMENT PLANT - PHASE I
HEADWORKS & FLOW EQUALIZATION IMPROVEMENTS

PLANT LAYOUT IMPROVEMENTS

SHEET NO. **AG-05**

OF **13**

RESOLUTION NO. 2019-9728-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONSTRUCTION, LLC OF IRVING, TEXAS IN THE AMOUNT OF \$99,827.96, FOR CONSTRUCTION OF PHASE 1 OF THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT EXPANSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple-Belton Wastewater Treatment Plant (TBP), located on FM 93 between I-35 and South 31st Street, is jointly owned by the Cities of Temple and Belton and is permitted to treat 10 million gallons of wastewater per day;

Whereas, the Cities of Temple and Belton share capital improvement costs at 75% and 25%, respectively, and contract with the Brazos River Authority to operate the facility – this facility was constructed in 1975, expanded in 1990, and currently treats wastewater from approximately 70% of Temple and all of Belton;

Whereas, the Texas Commission on Environmental Quality requires wastewater plants to complete steps toward expansion at specific inflow thresholds - in 2010, influent flow was at least 75% of the permitted capacity for three consecutive months, triggering a TCEQ requirement to perform preliminary engineering for expansion;

Whereas, on August 18, 2011, Council authorized Kasberg, Patrick & Associates (KPA) of Temple, Texas to prepare a preliminary engineering report for the TBP - on October 15, 2015, Council again authorized an agreement with KPA for professional services to design and bid Phase 1 of the expansion which included Task 1, Task 2 and Task 4;

Whereas, on June 16, 2016, Council authorized Task 3, modified Task 2 to remove ORBAL improvements, added the design of an equalization basin, and added Task 5 to bid Phase 2 improvements when ready;

Whereas, on September 7, 2017, Council authorized a construction contract with Archer Western of Irving, Texas for the base bid and deductive Change Order No. 1 totaling \$12,122,418, with Temple's 75% portion being \$9,091,813.50;

Whereas, Council authorized Change Order Nos. 2 through 4 for a total amount of \$615,170.35 with Temple's 75% portion being \$461,377.76;

Whereas, Change Order No. 5 is necessary to include additional items such as miscellaneous piping, electrical, and grit discharge modifications, slide gate covers to further reduce odor, and raising the Orbal connection box to eliminate the possibility of overflows during high flow events as well as a deductive item to remove the construction of the vacuum truck dump station;

Whereas, funds are available for Change Order No. 5, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 561-5500-535-6938, Project No. 101774; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute Change Order No. 5 to the construction contract with Archer Western Construction, LLC, of Irving, Texas in the amount of \$99,827.96, for construction of Phase 1 of the Temple-Belton Wastewater Treatment Plant Expansion Project.

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 18th day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Erin Smith, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution in support of The Salvation Army in its application for grant funding through the U.S. Housing and Urban Development Emergency Shelter Grant Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The U.S. Housing and Urban Development Emergency Shelter Grant Program provides funding for essential services related to emergency shelters, rehabilitation, and conversion of buildings to be used as emergency shelters, operation of emergency shelters, and homelessness prevention services.

The Salvation Army Central Counties Services and Families in Crisis requested \$450,000 in grant funding to provide street outreach, homelessness prevention services, rapid rehousing and shelter access in 2017. A resolution was adopted in support of this activity on August 3, 2017.

The Salvation Army is again seeking the City's support for their sole application of additional ESG funding for 2019/2020 in the amount of \$300,000. All prior services of street outreach, homelessness prevention services, rapid rehousing and shelter access will continue to be provided.

FISCAL IMPACT: None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9729-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, IN SUPPORT OF THE SALVATION ARMY IN ITS APPLICATION FOR GRANT FUNDING THROUGH THE U.S. HOUSING AND URBAN DEVELOPMENT EMERGENCY SHELTER GRANT PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, through its Emergency Shelter Grant (ESG) program, the U.S. Housing and Urban Development Emergency Shelter Grant Program provides funding for essential services related to emergency shelters, rehabilitation, and conversion of buildings to be used as emergency shelters, operation of emergency shelters, and homelessness prevention services;

Whereas, in 2017, the Salvation Army Central Counties Services and Families in Crisis requested \$450,000 in grant funding to provide street outreach, homelessness prevention services, rapid rehousing and shelter access;

Whereas, the Salvation Army is seeking the City's support for their application of additional ESG funding for 2019/2020 in the amount of \$300,000 - all prior services of street outreach, homelessness prevention services, rapid rehousing and shelter access will continue to be provided;

Whereas, Staff recommends Council support The Salvation Army's application for grant funding through the U.S. Housing and Urban Development Emergency Shelter Grant Program; 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 supports The Salvation Army, Central Counties Services and Families in Crisis in its application for grant funding through the US Housing and Urban Development Emergency Shelter Grant program.

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

PASSED AND APPROVED this the **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, Public Works Director
Richard Wilson, City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a reimbursement to Temple & Central Texas Railway, a subsidiary of Patriot Rail Company, LLC, for rail maintenance expenses in an estimated amount \$50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: TC Rail identified rail repairs needed between Loop 363 and Lucius McCelvey Drive (rail map attached). The repairs are organized into five items estimated to total about \$60,000. A summary of estimated costs is attached.

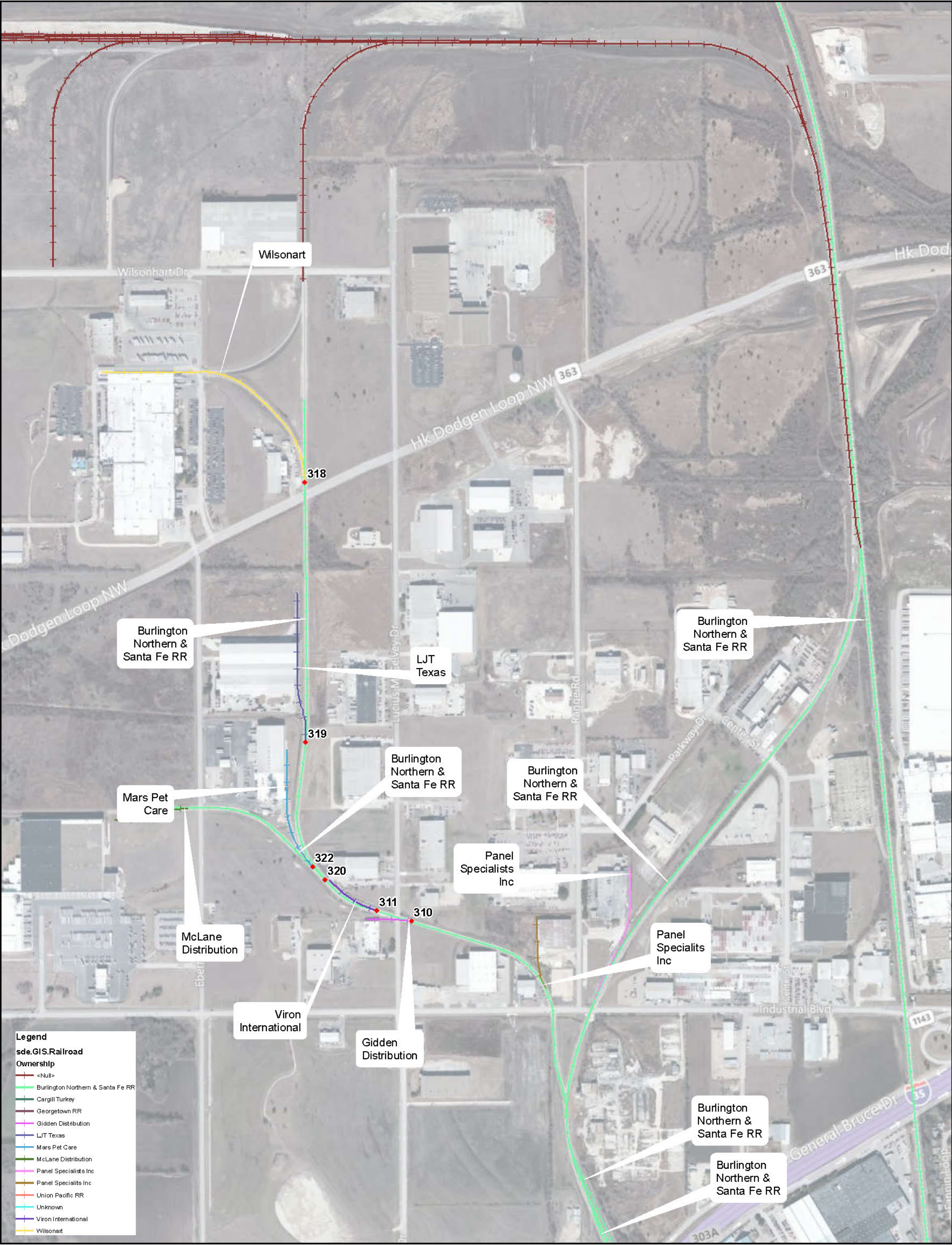
The City's agreement with TC Rail requires the railway to pay the first \$2,000 of each repair item, so the railway's portion of repairs costs would total \$10,000. The City's share of the repairs is estimated at \$50,000.

FISCAL IMPACT: The Reinvestment Zone No. 1 Financing and Project Plans include annual funding for rail maintenance. Funding for this project is available in the Financing and Project Plans, line 56, account 795-9500-531-6514, project 100692 as shown below:

Project Budget	\$	185,324
Encumbered/Committed to Date		(14,930)
Temple and Central Texas Railway Reimbursement		(50,000)
Remaining Project Funds	\$	<u>120,394</u>

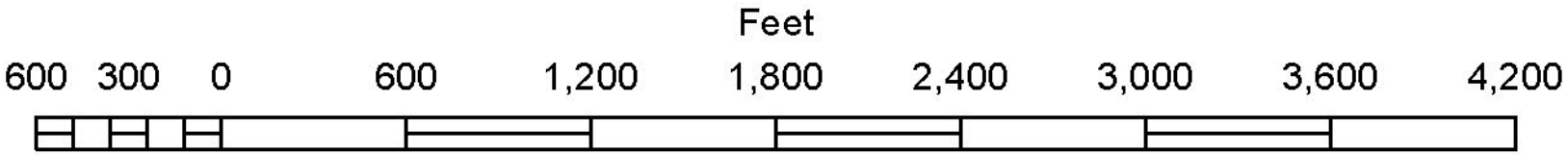
ATTACHMENTS:

[Rail Map](#)
[Cost Summary](#)
[Resolution](#)



Legend
sde.GIS.Railroad
Ownership

- <Null>
- Burlington Northern & Santa Fe RR
- Cargill Turkey
- Georgetown RR
- Gidden Distribution
- LJT Texas
- Mars Pet Care
- McLane Distribution
- Panel Specialists Inc
- Panel Specialits Inc
- Union Pacific RR
- Unknown
- Viron International
- Wilsonart



2019 Capital Project Proposal
ESTIMATES
Temple & Central Texas Railway

Item 1

Track 308 MP 0.37 to Lucious McCelvey Dr.

- Cut shoulder down (to bottom of tie) on the high side of curve to improve drainage.
- Replace ballast on shoulders as needed (must maintain roadway adjacent to track).
- Material: 60 ton rock \$2,400
- Equipt: Bulldozer/Backhoe \$7,500
- Labor: \$2,650
- Total Item 1 \$12,550
- City portion \$10,550
- TC portion \$ 2,000

Item 2

MP 0.37 to Lucious McCelvey Dr.

- Replace curve worn rail on high and low sides / 18pcs.
- Replace 50 cross ties and surface
- Material:
 - Rail 90# RA #1 Relay \$9,700
 - Ties 50pcs. \$3,500
 - Labor \$5,300
- Total Item 2 \$18,500
- City portion \$16,500
- TC portion \$ 2,000

Item 3

MP 0.40 to MP 0.57

- Remove rock and mud, replace ballast & hand tamp 300ft.
- Replace 25 cross-ties
- Raise and surface 319 Switch and approaches; re-align track behind track behind frog – apprx. 3 rail lengths.
- Material:
 - Rock 180 tons \$7,200
 - Ties 25pcs. \$1,750
 - Labor \$5,300
- Total Item 3 \$18,639
- City portion \$16,639
- TC portion \$2,000

Item 4

Track 320 & 322 Switch

- Replace switch ties (320 – 1x12ft. , 3x11ft. , 2x10ft. , 2x9ft)
- Replace switch ties (322 - 1x13ft. , 1x12ft. , 2x11ft. , 2x9ft.)
- Material

1 x 13ft	\$160
2 x 12ft	\$284
5 x 11ft	\$675
2 x 10ft	\$220
4 x 9ft	\$400
<u>Labor</u>	<u>\$2,650</u>
Total Item 4	\$4,389
City portion	\$2,389
TC portion	\$2,000

Item 5

Track 320

- Replace 25 cross-ties and surface
- Material:

Ties 25pcs.	\$1,750
<u>Labor</u>	<u>\$2,650</u>
Total Item 5	\$4,400
City portion	\$2,400
TC portion	\$2,000

City Total	\$48,478
TC Total	\$10,000

Other Material:

RESOLUTION NO. 2019-9730-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REIMBURSEMENT TO TEMPLE & CENTRAL TEXAS RAILWAY, A SUBSIDIARY OF PATRIOT RAIL COMPANY, LLC OF JACKSONVILLE, FLORIDA IN AN ESTIMATED AMOUNT OF \$50,000, FOR RAIL MAINTENANCE EXPENSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple & Central Texas Railway (“TC Rail”) identified rail repairs needed between Loop 363 and Lucius McCelvey Dr – the repairs are organized into five items estimated to total about \$60,000;

Whereas, the City’s agreement with TC Rail requires the railway to pay the first \$2,000 of each repair item, so the railway’s portion of repair costs would total \$10,000 and the City’s share of the repairs is estimated at \$50,000;

Whereas, Staff recommends Council authorize a reimbursement to Temple & Central Texas Railway, a subsidiary of Patriot Rail Company of Jacksonville, Florida in an estimated amount of \$50,000 for rail maintenance expenses;

Whereas, funding is available in Reinvestment Zone No. 1 Financing and Project Plans, Line 56, Account No. 795-9500-531-6514, Project No. 100692; and

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

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

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

Part 2: The City Council authorizes a reimbursement to Temple & Central Texas Railway, a subsidiary of Patriot Rail Company of Jacksonville, Florida in an estimated amount of \$50,000 for rail maintenance expenses.

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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an open records request software subscription and implementation services with SHI Government Solutions of Austin in the amount of \$28,591.

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

ITEM SUMMARY: The City of Temple has experienced a significant increase in the number and complexity of public record requests in the last few years. Many of these requests ask for an expansive range of communications, that must be identified by individual employees and elected officials and then reviewed in detail for responsiveness to request and extraction of privileged or confidential information.

NextRequest is a web-based all-in-one platform for managing records requests. It automates much of the process, including the City's response and the requestor's submittal and receipt of requested documents. It provides online functionality that allows anyone to see and access other public records requests and it is a portal for the City to proactively post documents that may be of interest to a larger portion of the public. Overall, NextRequest provides staff time savings and a solution to more efficiently and effectively respond to public record requests

The features of this cloud-based software include accepting open record requests through an online portal, connect requesters with self-serve information, route to staff automatically, maintain compliance, keeps audit trails, automated redaction and will send documents of any type and size to the requestor.

The solution has been designed to facilitate every step of the open record requests process from the request to release. With NextRequest, the city will be able to streamline the public records request process for the City Secretary, City Attorney and all the city employees who act as custodians of records. Staff will be automatically notified when they are assigned to a request and are reminded about the request as its due date approaches. Staff will save time by leveraging templates created by staff that cover all common responses to a request, including all exemptions. For the first time, city staff can track all of the electronic and paper media from one place.

The software subscription and implementation services are currently on the Texas BuyBoard contract # 579-19. Accordingly, Staff is recommending the purchase of the NextRequest Subscription and implementation services using Texas BuyBoard Contract #579-19. Contracts awarded through the Texas BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding is available for the open records request software and implementation services in account 110-5919-519-6221, project 102127, in the amount of \$6,875. Funding is also available for two months of pro-rated subscription fees through the end of FY 2019 in account 110-5919-519-2515 in the amount of \$3,103.

The annual subscription fees of \$18,613 will begin October 1, 2019 and are included in the proposed FY 2020 Operating Budget filed on June 28, 2019.

<u>Description</u>	<u>Account #</u>	<u>FY</u>	<u>Amount</u>
Implementation Services	110-5919-519-6221; Project 102127	2019	\$6,875
Subscription Fees	110-5919-519-2515	2019	\$3,103
Subscription Fees (Yearly)	110-1900-519-2515	2020	\$18,613
<u>Total Funds Available</u>			<u>\$ 28,591</u>

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9731-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN OPEN RECORDS REQUEST SOFTWARE SUBSCRIPTION AND IMPLEMENTATION SERVICES IN THE AMOUNT OF \$28,591, WITH SHI GOVERNMENT SOLUTIONS OF AUSTIN, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has experienced a significant increase in the number and complexity of public records requests in the last few years and many of these requests ask for an expansive range of documents that must be identified by individual employees and elected officials, and then reviewed in detail for responsiveness;

Whereas, NextRequest is a web-based all-in-one platform for managing open records requests and automates much of the process, including the City's response, the requestor's submittal, and receipt of requested documents - it provides online functionality that allows anyone to see and access other public records requests and it is a portal for the City to proactively post documents that may be of interest to a larger portion of the public;

Whereas, overall, NextRequest provides staff time savings and a solution to more efficiently and effectively respond to public record requests;

Whereas, the features of this cloud-based software include accepting open record requests through an online portal, connecting requesters with self-serve information, and routing requests to staff automatically - the software will also help the City maintain compliance, keep audit trails, automatically redact responsive documents, and send documents of any type and size to the requestor;

Whereas, the solution has been designed to facilitate every step of the open records request process from the request to release and with NextRequest, the City will be able to streamline the public records request process for the City Secretary, City Attorney and all city employees who act as custodians of records - Staff will be automatically notified when they are assigned to a request and are reminded about the request as its due date approaches;

Whereas, NextRequest has been awarded BuyBoard Contract No. 579.19, which Staff is recommending be used for this purchase - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding is available in Account No. 110-5919-519-6221, Project 102127;

Whereas, funding is available for 2-months of pro-rated subscription fees through the end of fiscal year 2019 in Account No. 110-5919-519-2515;

Whereas, annual subscription fees begin October 1, 2019 and are included in the fiscal year 2020 Operating Budget in Account No. 110-5919-519-6221, Account No. 110-5919-519-2515, and Account No. 110-1900-519-2515, Project No. 102127; 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 an open records request software subscription and implementation services in the amount of \$28,591 from SHI Government Solutions, of Austin, Texas, 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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a legislative management software subscription and implementation services with SHI Government Solutions of Austin in the amount of \$35,966.

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

ITEM SUMMARY: In an effort to streamline the entire agenda management process the city would like to implement the PrimeGov solution for agenda and board management. This effort would save time and paper by automating the agenda approval, meeting management minutes and boards processes.

The solution provides automation for the following applications:

- Agenda Management
- Meeting Management
- Boards Management
- Citizen Engagement
- Video Streaming
- Document Management

The solution has been designed to facilitate every step of the legislative management process from committee management to video streaming. This ensures a seamless integration that allows the city to quickly and effortlessly switch between tasks without changing contexts. For the first time, city staff can make all of the document edits from one place. The employees can apply edits in real time and add their input. The application automatically goes back and checks what changes have been made, when they were made, and by whom. Constituents can easily view all agendas, supporting materials and videos on the website or mobile application.

SHI Government Solutions has been awarded cooperative contact #2018011-02 sourced by Omnia Partners, which includes the PrimeGov software solution and Staff is recommending the use of for this purchase. Contracts awarded through Omnia Partners have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding is available for the legislative management software and implementation services in account 110-5919-519-6221, project 102131, in the amount of \$5,264. Funding is also available for 2 months of pro-rated subscription fees through the end of FY 2019 in account 110-5919-519-2515 in the amount of \$4,386.

The annual subscription fees of \$26,316 will begin October 1, 2019 and are included in the proposed FY 2020 Operating Budget filed on June 28, 2019.

<u>Description</u>	<u>Account #</u>	<u>FY</u>	<u>Amount</u>
Implementation Services	110-5919-519-6221; Project 102131	2019	\$5,264
Subscription Fees	110-5919-519-2515	2019	\$4,386
Subscription Fees (Yearly)	110-1900-519-2515	2020	\$26,316
<u>Total Funds Available</u>			<u>\$ 35,966</u>

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9732-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A LEGISLATIVE MANAGEMENT SOFTWARE SUBSCRIPTION AND IMPLEMENTATION SERVICES IN THE AMOUNT OF \$35,966, WITH SHI GOVERNMENT SOLUTIONS OF AUSTIN, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in an effort to streamline the entire agenda management process the city would like to implement the PrimeGov solution for agenda and board management - this effort would save time and paper by automating agenda approval, meeting management minutes, and boards processes.

Whereas, the solution provides automation for the following applications:

- Agenda Management;
- Meeting Management;
- Boards Management;
- Citizen Engagement;
- Video Streaming; and
- Document Management;

Whereas, the solution has been designed to facilitate every step of the legislative management process from committee management to video streaming and ensures a seamless integration that allows the City to quickly and effortlessly switch between tasks without changing contexts;

Whereas, for the first time, Staff can make all document edits from one place and the employees can apply edits in real time, add their input, and the application automatically goes back and checks what changes have been made, when they were made, and by whom;

Whereas, constituents can easily view all agendas, supporting materials and videos on the website or mobile application;

Whereas, SHI Government Solutions has been awarded Cooperative Contract No. 2018011-02 sourced by Omnia Partners, which includes the PrimeGov software solution and Staff is recommending it be used for this purchase - contracts awarded through Omnia Partners have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funds are available for this purchase in Account No. 110-5919-519-6221, Account No. 110-5919-519-2515, and Account No. 110-1900-519-2515, Project No. 102131; and

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

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

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

Part 2: The City Council authorizes the purchase of a legislative management software subscription and implementation services in the amount of \$35,966, from SHI Government Solutions, of Austin, Texas, 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 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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two rights-of-way and two permanent utility easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$15,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road. Improvements include expanding the current two-lane pavement section to a new four lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping.

The design requires the acquisition of right-of-way from thirty-two properties. Twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities. One right-of-way has been donated by Belton Independent School District. The City and the State of Texas (TxDOT) own the two remaining properties.

Appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals. For those properties that will require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies. The City has acquired twelve rights-of-way and is coordinating closing on three rights-of-way. Council authorized eminent domain for six properties at its January 17, May 16, and June 6, 2019 meetings.

With the assistance of Stateside, the City has reached an agreement with two property owners for rights-of-way and permanent utility easements.

At this time, Staff is asking for authorization to purchase the rights-of-way and permanent utility easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$15,500.

The addresses and Bell County Appraisal District ID Numbers of the properties are:
8475 Poison Oak Road, #136196
3671 Wild Buck Run, #205242

FISCAL IMPACT: Funding for the purchase of two rights of way and two permanent utility easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$15,500 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9733-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO RIGHTS OF WAY AND TWO PERMANENT UTILITY EASEMENTS NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$15,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for roadway improvements to Poison Oak Road from State Highway 317 to Old Waco Road, which includes expanding the current two-lane pavement section to a new four-lane roadway, extending to connect to Old Waco Road, pedestrian facilities, drainage conveyance, utilities, street lighting, and landscaping;

Whereas, the design requires the acquisition of rights of way from thirty-two properties and twenty-nine of the thirty-two properties are owned by twenty-five private citizens or entities – one right of way has been donated by Belton Independent School District and the other two remaining properties are owned by the City and the State of Texas (TxDOT);

Whereas, appraisals have been conducted on all of the properties and offers have been made to those property owners based on the appraisals - for those properties that require relocation, Stateside Right of Way Services, Inc. (Stateside) is preparing the necessary relocation studies;

Whereas, the City has acquired twelve rights of way and is coordinating closings on three others;

Whereas, - at its January 17, May 16, and June 6, 2019 meetings, Council authorized the use of eminent domain for six properties;

Whereas, with the assistance of Stateside, the City has reached an agreement with two property owners and Staff recommends Council authorize the purchase of two rights of way and two permanent utility easements necessary for the Poison Oak Road expansion project and authorize closing costs in a total estimated amount of \$15,500;

Whereas, the properties of which the rights of way and permanent utility easements are being purchased, are:

- 8475 Poison Oak Road, Temple, Texas (Bell CAD ID No. 136196), and
- 3671 Wild Buck Run, Temple, Texas (Bell CAD ID No. 205242);

Whereas, funding for the purchase of two rights of way and two permanent utility easements is available in Account No. 365-3400-531-6886, Project No. 101715; and

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

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

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

Part 2: The City Council authorizes the purchase of two rights of way and two permanent utility easements necessary for the Poison Oak Road Expansion Project, authorizes closing costs associated with the purchase in a total estimated amount of \$15,500, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney, to execute any documents that may be necessary for the purchase of the properties and easements.

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 **18th** day of **July**, 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

07/18/19
Item #7(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-16-ZC: Consider an ordinance adopting a rezoning from Agricultural to Single Family Attached Three zoning district on 2.089 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8355 Tarver Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 3, 2019, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the requested rezoning from Agricultural (AG) zoning district to Single Family Attached Three (SFA-3), per Staff's recommendation. Commissioner Jeanes abstained.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning from Agricultural (AG) to Single Family Attached Three (SFA-3) zoning district for the following reasons:

1. Compliance with surrounding zoning and land uses;
2. Compliance with the Thoroughfare Plan; and
3. Compliance with availability of public facilities to serve the subject property

ITEM SUMMARY: The applicant requests this rezoning from Agricultural (AG) to Single Family Attached Three (SFA-3) zoning district to allow a mix of single-family dwellings on 2.089 +/- acres of land at 8355 Tarver Drive.

The applicant's requested SFA-3 zoning district permits single-family attached or detached residences or patio homes and related accessory structures and provides for the development of single-family homes on smaller lots and higher densities. The development in this district should be of higher intensity use that requires close proximity to services such as schools, parks, transit and shopping. This district should be located near collector thoroughfares to accommodate the higher density of population that can occur.

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

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The subject property is within the Suburban Residential character districts of the *Choices '08* City of Temple Comprehensive Plan. The Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. Although the Single Family Attached Three (SFA-3)

zoning district is not consistent with the Suburban Residential character, it is possible for this requested zoning district to meet the objective of Suburban Residential character with proper green space design and separation between the mix of single-family dwellings.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property's north property line fronts Tarver Drive, a designated Collector in the Thoroughfare Plan. The property's southeast corner fronts South Pea Ridge Road, a designated Proposed Collector in the Thoroughfare Plan. The applicant's requested SFA-3 zoning district is appropriate along Collectors.

Availability of Public Facilities (CP Goal 4.1)

There is an existing 8-inch water line along the north right-of-way of Tarver Drive and an existing 8-inch water line along the east right-of-way of South Pea Ridge Road.

There is an existing 8-inch sanitary sewer line within the south right-of-way of Tarver Drive.

There is an existing concrete drainage culvert within a 50-foot wide drainage and utility easement along the west property boundary of the subject property. Drainage will be addressed during the platting process.

Proposed City Council Meeting Schedule

This item is tentatively scheduled for a City Council public hearing (first reading) on July 11, 2019. The second reading of City Council is tentatively scheduled for July 18, 2019.

PUBLIC NOTICE: Sixteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Friday, June 21, 2019, one notice has been received in favor of the proposed rezoning and two notices have been received in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on May 23, 2019, in accordance with state law and local ordinance.




FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

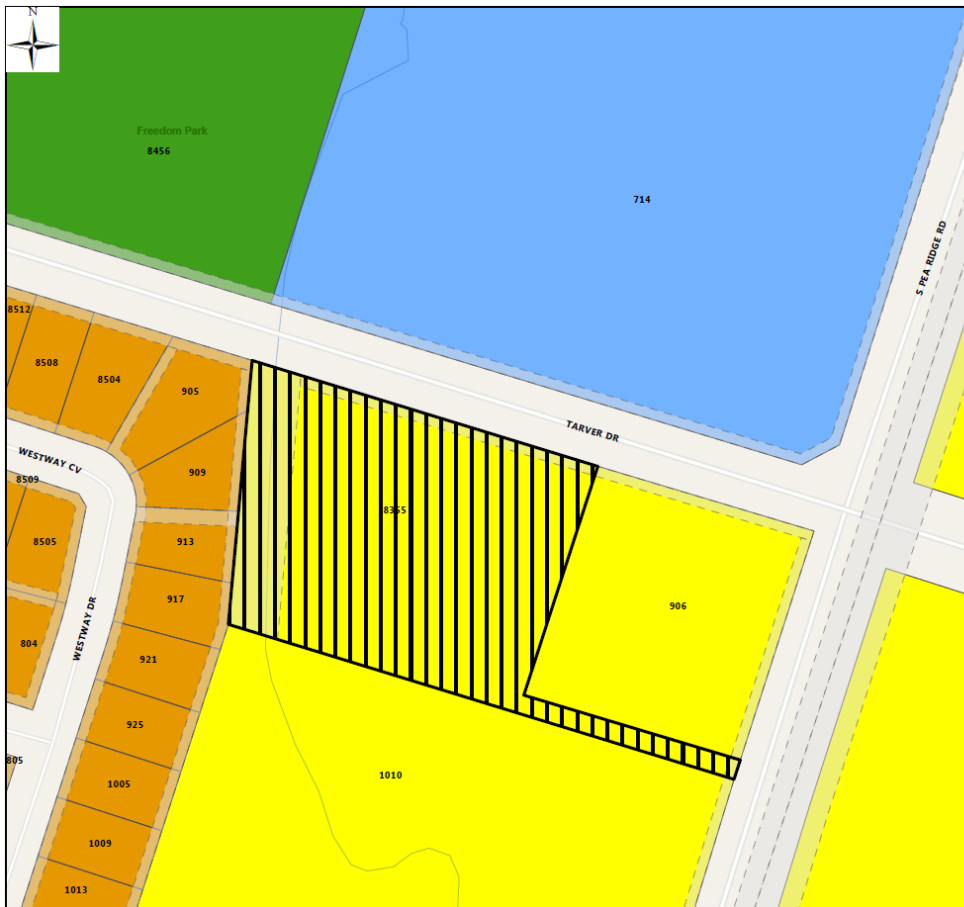
SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	 <p>Tarver Drive</p>
East	AG & O-2	Single Family Residential & Undeveloped Land	
			

Direction	Zoning	Current Land Use	Photo
West	SF-2	Single-Family Residential	
			 <p>Tarver Drive</p>
South	AG	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	AG	Elementary School	



AG TO SFA-3 FUTURE LAND USE MAP

Zoning Case :
FY-19-16-ZC

Address :
8355 Tarver Drive

Transportation

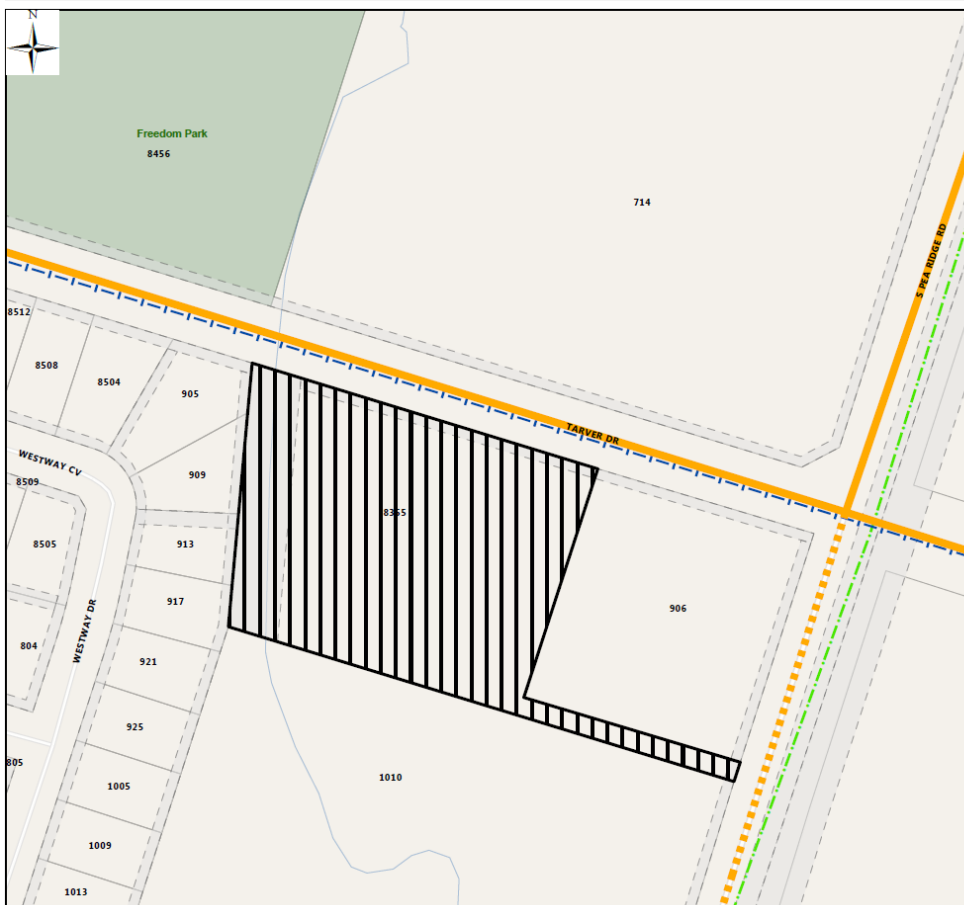
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Parcel Features

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

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

tylerly
Date: 5/13/2019



AG TO SFA-3 THOROUGHFARE AND TRAILS MAP

Zoning Case :
FY-19-16-ZC

Address :
8355 Tarver Drive

Parcel Features

- Parcels

Thoroughfare Plan

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- Production,SDE

Trails Master Plan

- EXISTING, CITY WIDE SPINE

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

tylerly
Date: 5/13/2019



DEVELOPMENT REGULATIONS: Standards for single-family residential homes in the SFA-3 district are:

	SFA-3 (Proposed)
Minimum Lot Size	2,300 Square Feet
Minimum Lot Width	20 Feet
Minimum Lot Depth	100 Feet
Front Setback	15 Feet
Side Setback	5/0 Feet
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	2 ½ Stories

Although the property is anticipated for development of single-family residential dwellings, there are a number of other uses allowed in the SFA-3 district which, include but are not limited to:

Permitted & Conditional Use Table – Single Family Attached Three (SFA-3)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached & Attached) * Townhouse * Patio Home and Zero Lot Line Dwelling
Retail & Service Uses	* None
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	* Park or Playground
Educational & Institutional Uses	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
Restaurant Uses	* None
Overnight Accommodations	* None
Transportation Uses	* Railroad Track Right-of-Way

Prohibited uses include duplex, triplex, multiple-family dwelling (apartment), HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Residential	AG	Undeveloped Land
North	Public Institutional	AG	Elementary School
South	Suburban Residential	AG	Undeveloped Land
East	Suburban Residential	AG & O-2	Single Family Residential & Undeveloped Land
West	Auto-Urban Residential	SF-2	Single Family Residential

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

:

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	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



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

231999
WILLS, DAVID ESTATE ETUX SHARISSA
8505 WESTWAY CV
TEMPLE, TX 76502

Zoning Application Number: FY-19-16-ZC

Case Manager: Tammy Lyerly

Location: 8355 Tarver Drive

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

I () agree

(X) disagree with this request

Comments:

I enjoy the farmland and there are many subdivisions
in the area for buyers. There is no need for another subdivision.

Sharissa Wills
Signature

Sharissa Wills
Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 3, 2019**.

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

Number of Notices Mailed: 16

Date Mailed: May 22, 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

232012
RISINGER, JACQUELINE
917 WESTWAY DRIVE
TEMPLE, TX 76502

RECEIVED
MAY 31 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-16-ZC

Case Manager: Tammy Lyerly

Location: 8355 Tarver Drive

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

I () agree

(☒) disagree with this request

Comments:

See Attached typed Comments:

I have no idea what will be built on the plot of land you want to rezone. Whatever it is up against my back yard fence for most of the length of the fence. It could be up against a noisier daycare center or ugly trashy duplexes like the ones on Hogan Rd. I have no desire to do that.

Jacqueline Risinger
Signature

JACQUELINE RISINGER
Print Name

e-mail: jsris915@aol.com

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tllyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 3, 2019**.

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

Number of Notices Mailed: 16

Date Mailed: May 22, 2019

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

May 28, 2019

City of Temple:

RECEIVED
MAY 31 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

I decided to type out my comments as they are hard to read on the small space provided:

Comments:

I have no idea what will be built on the plot of land you want to rezone which is at the edge of my back yard fence for most of the length of my fence. I could possibly be right up against a noisy day care center or ugly, trashy looking duplexes like the ones on Hogan Road and other areas here in West Temple. I have no desire to do that.

Jacqueline Risinger



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

208940
KIELLA FAMILY LTD
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: FY-19-16-ZC

Case Manager: Tammy Lyerly

Location: 8355 Tarver Drive

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

I ☒ agree

() disagree with this request

Comments:



Signature



Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 3, 2019**.

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

Number of Notices Mailed: 16

Date Mailed: May 22, 2019

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

ORDINANCE NO. 2019-4975
(FY-19-16-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO SINGLE FAMILY ATTACHED THREE ZONING DISTRICT ON APPROXIMATELY 2.089 ACRES, SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS, ADDRESSED AS 8355 TARVER DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant requests this rezoning from Agricultural to Single Family Attached Three zoning district to allow a mix of single-family dwellings on approximately 2.089 acres of land at 8355 Tarver Drive;

Whereas, the applicant's requested Single Family Attached Three zoning district permits single-family attached or detached residences or patio homes and related accessory structures and provides for the development of single-family homes on smaller lots and higher densities - the development in this district should be of higher intensity use that requires close proximity to services such as schools, parks, transit and shopping and should be located near collector thoroughfares to accommodate the higher density of population that can occur;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, recommends approval of the rezoning from Agricultural zoning district to Single Family Attached Three zoning district on approximately 2.089 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8355 Tarver Drive, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes; 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 Single Family Attached Three zoning district on approximately 2.089 acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, addressed as 8355 Tarver Drive, as outlined in the map 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 **11th** day of **July**, 2019.

PASSED AND APPROVED on Second Reading on the **18th** day of **July**, 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

07/18/19
Item #7(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-3-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, and 3.950 acres of right-of-way of Old Highway 95 in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Approve as presented and schedule Second Reading for Thursday, July 18, 2019, at 5:00 P.M. in the City Council Chambers.

ITEM SUMMARY: Short Term Lending G.P., Inc. filed a petition on April 18, 2019, seeking voluntary annexation of 89.373 acres of land into the City of Temple, which is a companion request to voluntary annexation case FY-19-4-ANX that they would both be rezoned together. The property is located on the east side of Old State Highway 95 (also known as Little River Road). 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 May 2, 2019, the City Council adopted a resolution (#2019-9652-R) directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property.

Pursuant to Chapter 43 of the Local Government Code, the City has completed the following steps during the annexation process:

1. May 2, 2019 – City Council resolution (#2019-9652-R) adopted to direct staff to develop the Municipal Service Plan
2. June 6, 2019 – Municipal Service Plan Public Hearing #1
3. June 7, 2019 – Municipal Service Plan Public Hearing #2

The applicant has not yet submitted a rezoning application for the subject property but has submitted an exhibit showing future zoning areas of General Retail (GR), Planned Development Single Family Two (PD-SF2), and Planned Development General Retail (PD-GR) with companion voluntary annexation case FY-19-4-ANX.

The proposed annexation schedule anticipates completion of annexation proceedings through a Second Reading at City Council on July 18, 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 this small tract.

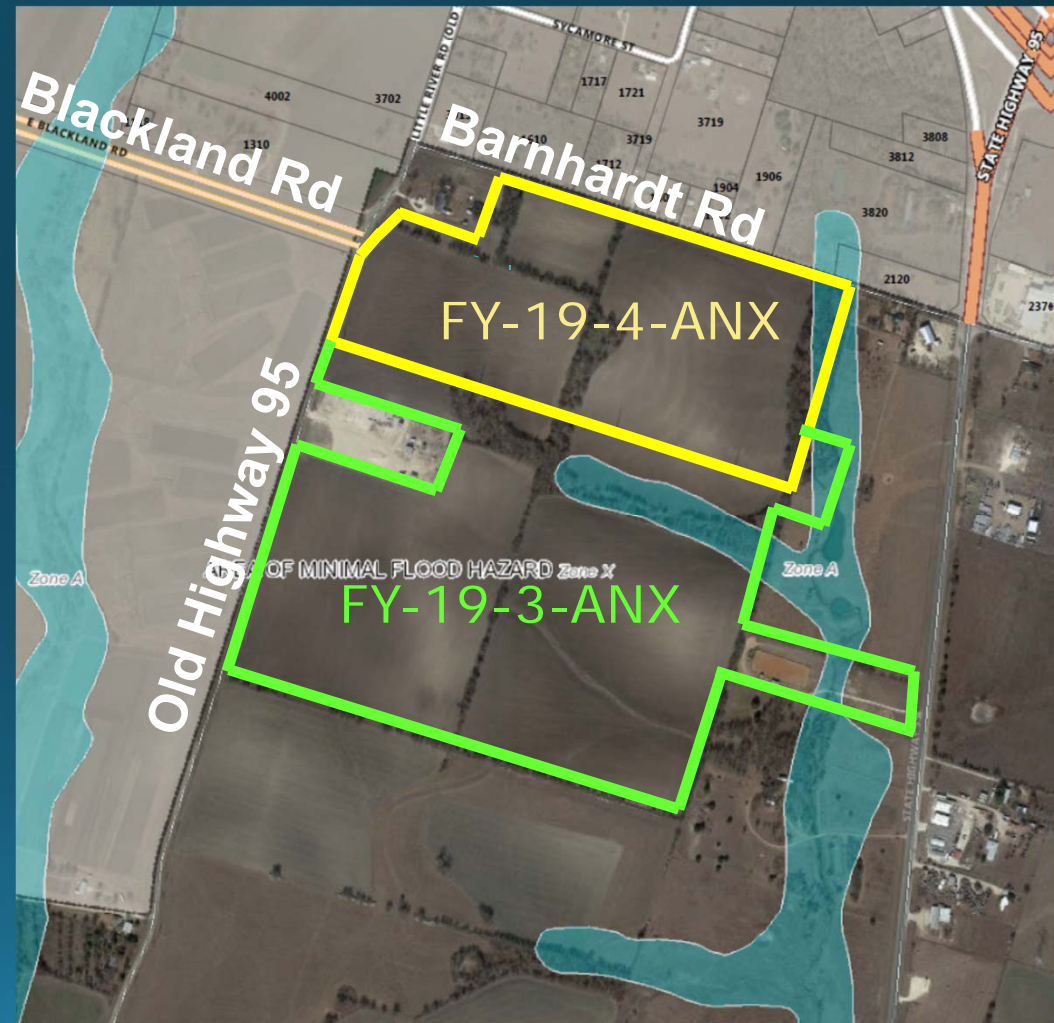
If the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City. TISD has requested that the City begin the design process for the future expansion of Blackland Road east in order to provide needed connectivity and utility extensions.

ATTACHMENTS:

Vicinity Map
Municipal Service Plan
Voluntary Annexation Petition
Survey of Proposed Annexation Area (Exhibit A)
Field Notes of Proposed Annexation Area (Exhibit B)
Survey of Old State Highway 95 Annexation (Exhibit C)
Field Notes of Old State Highway 95 Annexation (Exhibit D)
Proposed Zoning Site Plan
Voluntary Annexation Schedule
Ordinance

Overall View of Proposed Annexation Areas

- Approximately 2.371 acres of Barnhardt Rd (0.41 miles) and
- 47.655 +/- acres of privately-owned land
- Approximately 3.950 acres of Old Highway 95 (0.51 miles) and
- 89.373 +/- acres of privately-owned land



CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Old State Highway 95 (Little River Road) (FY-19-3-ANX)

89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, 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 to the north along Barnhart Road and to the west along Old State Highway 95 (Little River Road). There are water facilities along the east side of South Highway 95. There are no water facilities to the south.

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 sanitary sewer facility extensions to the property. Staff will present this request to City 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

VOLUNTARY PETITION FOR ANNEXATION

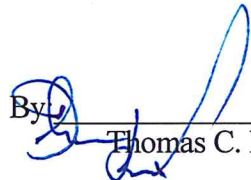
DATE: April 17, 2019

To the City Council of the City of Temple:

Short Term Lending G.P., Inc., a Texas corporation, is the sole owner of the tract of land containing approximately 89.373 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is one-half mile or less in width, contiguous to the City of Temple, Texas; and has less than three qualified voters as residents. The owner is petitioning the City Council to take the appropriate actions to annex the Tract pursuant to Section 43.028 of the Texas Local Government Code.

Short Term Lending GP, Inc.
a Texas corporation

By: 
Thomas C. Baird, President

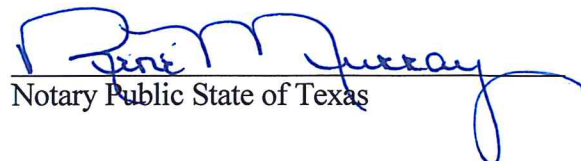
STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas C. Baird, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of Short Term Lending GP., Inc., a Texas corporation, as President, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of April, 2019.




Notary Public State of Texas

BEING a 89.373 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 137.034 acre tract of land described in a Partition Deed dated January 9, 2009 between Alice B. Hoelscher, Individually and as Executor of the Estate of Claudia Barnhart, Madison Thomas Barnhart and Glenn Walter Barnhart and Alice B. Hoelscher and husband, Clifford E. Hoelscher and being of record in Document No. 2009-00004519, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the southwest corner of the said 137.034 acre tract and being the northwest corner of that certain 41.7 acre tract of land standing in the name of Marilyn Thompson Miller and being identified as Parcel No. 116622 according to the Bell County Tax Appraisal District property ownership maps and being in the east right-of-way line of Old Highway No. 95 (a publicly maintained roadway) for corner;

THENCE N. 16° 25' 57" E., 1142.97 feet departing the said 41.7 acre tract and with the west boundary line of the said 137.034 acre tract (calls N. 18° 13' 06" E., 1142.93 feet) and with the said east right-of-way line to a 1/2" iron rod in concrete found being an ell corner in the said west boundary line and being the southwest corner of that certain 5 acre tract of land described in a Special Warranty Deed dated September 30, 2004 from TXU Gas Company, a Texas corporation to PDH Holding Company LLC, a Texas limited liability company and being of record in Volume 5497, Page 724, Official Public Records of Bell County, Texas for corner;

THENCE departing the said east right-of-way line and with the south, east and north boundary lines of the said 5 acre tract and continuing with the west boundary line of the said 137.034 acre tract the following three (3) calls;

- 1) S. 73° 34' 14" E., 659.56 feet (calls S. 71° 47' 21" E., 660.17 feet) to a chain link fence corner post found for corner;
- 2) N. 16° 26' 19" E., 329.32 feet (calls N. 18° 11' 49" E., 329.77 feet) to a chain link fence corner post found for corner;
- 3) N. 73° 31' 00" W., 659.23 feet (calls N. 71° 44' 03" W., 659.73 feet) to a 1/2" iron rod in concrete found being the northwest corner of the said 5 acre tract and being an ell corner in the west boundary line of the said 137.034 acre tract and being in the aforementioned east right-of-way line of Old Highway No. 95 for corner;

THENCE N. 16° 38' 13" E., 223.26 feet departing the said 5 acre tract and with the said west boundary line (calls N. 18° 27' 49" E., 617.92 feet) and with the said east right-of-way line to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said east right-of-way line and the said west boundary line and over and across the said 137.034 acre tract the following two (2) calls:

- 1) S. 73° 36' 49" E., 2280.33 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. 16° 36' 43" E., 321.05 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being an ell corner in the east boundary line of the said 137.034 acre tract and being an ell corner in the west boundary line of that certain 22.572 acre tract of land described in a Deed dated May 18, 2015 from Veterans Land Board of the State of Texas to Robert Weldon Turner

and being of record in Document No. 2015-00019496, Official Public Records of Bell County, Texas for corner;

THENCE with the east boundary line of the said 137.034 acre tract and with the west boundary line of the said 22.572 acre tract the following four (4) calls:

- 1) S. 73° 02' 56" E., 194.50 feet (calls S. 71° 30' 00" E., 194.40 feet) to a 5/8" iron rod with cap stamped "TCE 2181" found for corner;
- 2) S. 16° 39' 43" W., 336.83 feet (calls S. 18° 30' 00" W., 336.90 feet) to a 5/8" iron rod with cap stamped "TCE 2181" found for corner;
- 3) N. 73° 12' 43" W., 194.22 feet (calls N. 71° 30' 00" W., 194.40 feet) to a 5/8" iron rod with cap stamped "TCE 2181" found for corner;
- 4) S. 16° 40' 05" W., 699.15 feet (calls S. 18° 30' 00" W., 699.60 feet) to a railroad tie fence corner post found being the southwest corner of the said 22.572 acre tract and being the northwest corner of that certain 5 acre tract of land described in a Deed to Temple Longhorn Club and being of record in Volume 758, Page 26, Deed Records of Bell County, Texas for corner;

THENCE continuing with the said east boundary line and with the west and south boundary lines of the said 5 acre tract the following two (2) calls:

- 1) S. 16° 25' 10" W., 246.87 feet (calls S. 18° 13' 46" W., 246.91 feet) to a 1/2" iron rod with cap stamped "RPLS 2475" set being the southwest corner of the said 5 acre tract and being an ell corner in the said east boundary line for corner;
- 2) S. 73° 25' 34" E., 903.52 feet (calls S. 71° 38' 55" E., 904.70 feet) to an 8" diameter fence corner post found being the southeast corner of the said 5 acre tract and being an ell corner in the east boundary line of the said 137.034 acre tract and being in the west right-of-way line State Highway No. 95 for corner;

THENCE S. 04° 24' 25": W., 233.23 feet departing the said 5 acre tract and continuing with the east boundary line of the said 137.034 acre tract (calls S. 06° 08' 30" W., 233.01 feet) and with the said west right-of-way line to an 8" diameter fence corner post found being an ell corner in the east boundary line of the said 137.034 acre tract and being the northeast corner of that certain 15.311 acre tract of land described in a Special Warranty Deed dated January 30, 1992 from First Cam Co., a Texas Corporation to Alvin Dusek and wife, Dolores Dusek and being of record in Volume 2802, Page 30, Official Public Records of Bell County, Texas for corner;

THENCE departing the said west right-of-way line and continuing with the east boundary line of the said 137.034 acre tract and with the north and west boundary lines of the said 15.311 acre tract the following two (2) calls:

- 1) N. 73° 45' 01" W., 953.23 feet (calls N. 71° 57' 31" W., 953.96 feet) to a 5/8" iron rod with cap stamped "ACS" found being an ell corner of the said 137.034 acre tract and being the northwest corner of the said 15.311 acre tract for corner;

- 2) S. 16° 45' 05" W., 471.06 feet (calls S. 18° 33' 44" W., 471.19 feet) to a 5/8" iron rod with cap stamped "ACS" found being the southeast corner of the said 137.034 acre tract and being the northeast corner of the aforementioned 41.7 acre tract for corner;

THENCE N. 74° 21' 14" W., 2275.08 feet departing the said 15.311 acre tract and with the south boundary line of the said 137.034 acre tract (calls N. 72° 33' 21" W., 2274.92 feet) and with the north boundary line of the said 41.7 acre tract to the Point of Beginning and containing 89.373 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 31, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836
 PUBLISHED CITY COORDINATES ARE X = 3,232,625.47 Y = 10,351,575.12
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 03° 09' 53" E., 5481.83 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGL

Curve Table			
Curve #	Length	Radius	Chord
C1	39.95	605.50	S33°38'37"W 39.95
C2	185.24	540.50	S26°19'19"W 184.33
C3	212.62	620.50	N26°19'46"E 211.58
C4	29.87	525.50	N33°51'17"E 29.86

This project is referenced to the city of temple coordinate system, an extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinate values are referenced to city monument number 535
The theta angle at said city monument is 01° 32' 22"
The combined correction factor (ccf) is 0.999836
Published city coordinates are X = 3,232,625.47 y = 10,351,575.12
The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 08° 12' 33" e., 8079.49 feet.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

Line Table		
Line #	Direction	Length
L1	S18°23'36"W	140.09
L2	S25°18'52"W	119.00
L3	S36°13'40"W	98.44
L4	S16°38'13"W	618.06
L5	S16°29'41"W	329.94
L6	S16°25'57"W	1142.97
L7	N73°34'03"W	63.21
L8	N16°25'57"E	1143.80
L9	N16°29'41"E	330.08
L10	N16°38'13"E	618.07
L11	N36°13'40"E	97.99
L12	N25°18'52"E	109.50
L13	N18°23'36"E	176.43
L14	S73°21'35"E	61.91
L15	S16°38'25"W	44.46

LITTLE RIVER PARTNERS, LP
5.0 ACRES
DOCUMENT NO. 2017-00049517

LITTLE RIVER PARTNERS, LP
51.876 ACRES
DOCUMENT NO. 2017-00049078

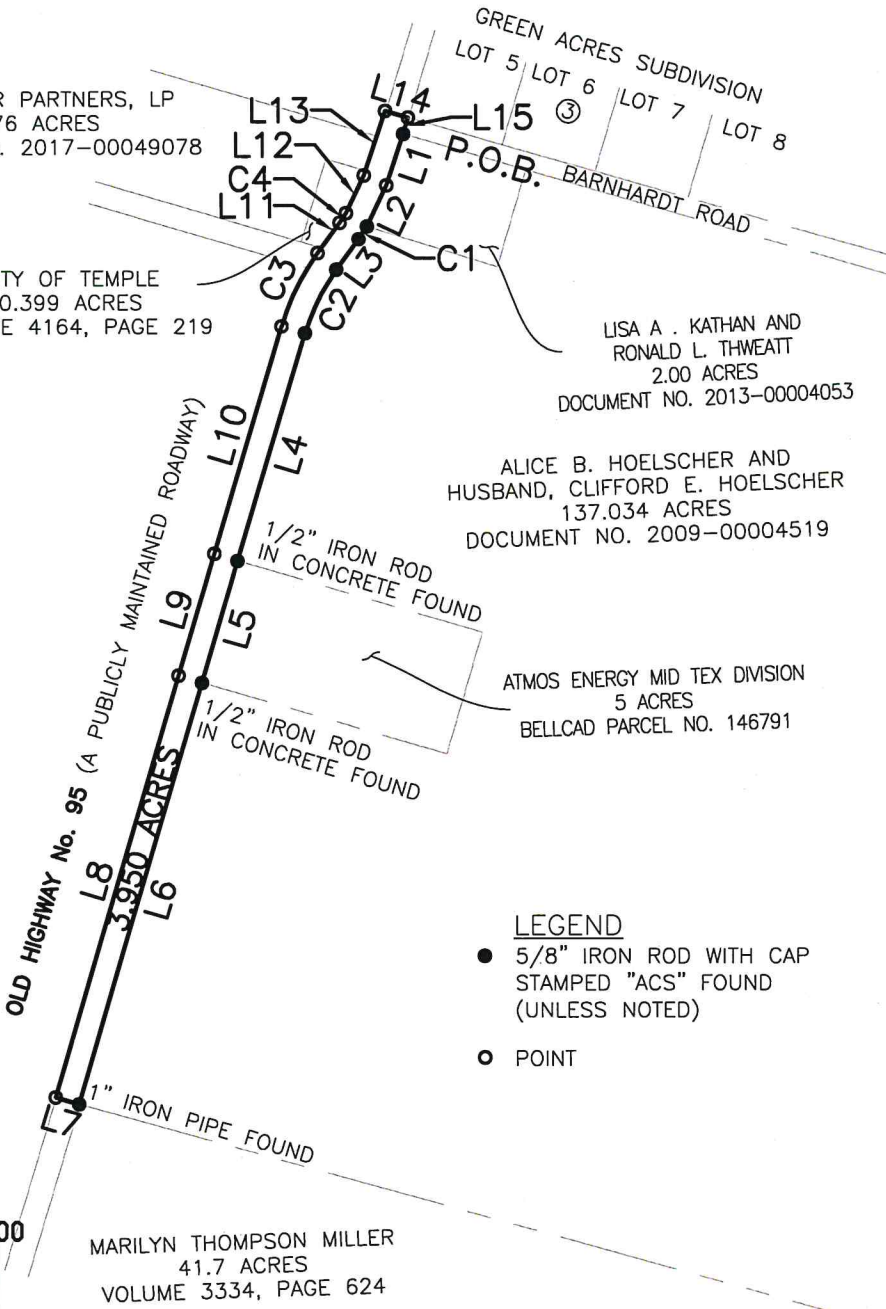
CITY OF TEMPLE
0.399 ACRES
VOLUME 4164, PAGE 219

LISA A. KATHAN AND
RONALD L. THWEATT
2.00 ACRES
DOCUMENT NO. 2013-00004053

ALICE B. HOELSCHER AND
HUSBAND, CLIFFORD E. HOELSCHER
137.034 ACRES
DOCUMENT NO. 2009-00004519

ATMOS ENERGY MID TEX DIVISION
5 ACRES
BELLCAD PARCEL NO. 146791

UNITED STATES OF AMERICA
VOLUME 455, PAGE 150
VOLUME 451, PAGE 19



BEING a 3.950 acre tract of land more particularly described by separate field notes.

BEING a 3.950 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Old Highway No. 95 (a publicly maintained roadway) as occupied and evidenced on the ground.



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 29th day of May 2019.

Michael E. Alvis

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

BEING a 3.950 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Old Highway No. 95 (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 5/8" iron rod with cap stamped "ACS" found being the northwest corner of that certain 2.00 acre tract of land described in a General Warranty Deed dated January 30, 2013 from Patricia A. Conlin to Lisa A. Kathan and Ronald L. Thweatt and being of record in Document No. 2013-00004053, Official Public Records of Bell County, Texas and being at the intersection of the east right-of-way line of Old Highway No. 95 and the south right-of-way line of Barnhardt Road (a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE departing the said south right-of-way line and with the said east right-of-way line and with the west boundary line of the said 2.00 acre tract the following two (2) calls:

- 1) S. 18° 23' 36" W., 140.09 feet to a point for corner;
- 2) S. 25° 18' 52" W., 119.00 feet to a 5/8" iron rod with cap stamped "ACS" found being the southwest corner of the said 2.00 acre tract and being the most westerly northwest corner of that certain 137.028 acre tract of land described in a Warranty Deed dated April 15, 2019 from Alice B. Hoelscher and Clifford Hoelscher to Short-Term Lending Gp Inc. and being of record in Document No. 2019-00015033, Official Public Records of Bell County, Texas and being at the beginning of a curve to the right having a radius equals 605.50 feet, chord bearing equals S. 33° 38' 37" W., 39.95 feet for corner;

THENCE departing the said 2.00 acre tract and with the west boundary line of the said 137.028 acre tract and partway with the west boundary line of that certain called 5 acre tract of land standing in the name of Atmos Energy Mid Tex Division and being identified as Parcel No 146791 according to the Bell County Tax Appraisal District property ownership maps the following six (6) calls:

- 1) 39.95 feet along the arc of said curve to the right to a 5/8" iron rod with cap stamped "ACS" found for corner;
- 2) S. 36° 13' 40" W., 98.44 feet to a 5/8" iron rod with cap stamped "ACS" found being at the beginning of a curve to the left having a radius equals 540.50 feet, chord bearing equals S. 26° 19' 19" W., 184.33 feet for corner;
- 3) 185.24 feet along the arc of said curve to the left to a 5/8" iron rod with cap stamped "ACS" found for corner;
- 4) S. 16° 38' 13" W., 618.06 feet to a 1/2" iron rod in concrete found being the northwest corner of the said 5 acre Atmos Energy tract and being an ell corner of the said 137.028 acre tract for corner;
- 5) S. 16° 29' 41" W., 329.94 feet departing the said 138.028 acre tract and with the west boundary line of the said 5 acre Atmos Energy tract to a 1/2" iron rod in concrete found being the southwest corner of the said 5 acre Atmos Energy tract and being an ell corner of the said 137.028 acre tract for corner;
- 6) S. 16° 25' 57" W., 1142.97 feet departing the said 5 acre Atmos Energy tract and with the west boundary line of the said 137.028 acre tract to a 1" iron pipe found being the southwest corner of the said 137.028 acre tract and being the northwest corner of that certain 41.7 acre tract of land standing in the name of Marilyn Thompson Miller and being identified as Parcel No. 116622 according to the Bell County Tax Appraisal District property ownership maps for corner;

THENCE N. 73° 34' 03" W., 63.21 feet departing the said 137.028 acre tract and the said 41.7 acre tract and the said east right-of-way line and over and across the right-of-way of Old Highway No. 95 to a point being in

Page 1 of 3



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ENGINEERING FIRM #1658 SURVEY FIRM #10056000

the east boundary line of those certain tracts of land described in Deed to the United States of America and being of record in Volume 455, Page 150 and Volume 451, Page 19, Deed Records of Bell County, Texas as occupied and evidenced on the ground and being in the west right-of-way line of the said Old Highway No. 95 for corner;


THENCE with the said west right-of-way line and with the east boundary line of the said United States of America lands and continuing with the east boundary line of that certain 0.399 acre tract of land described in a Deed to the City of Temple and being of record in Volume 4164, Page 219, Official Public Records of Bell County, Texas and continuing with the east boundary line of that certain 51.876 acre tract of land described in a Deed to Little River Partners, LP and being of record in Document No. 2017-00049078, Official Public Records of Bell County, Texas and continuing with the east boundary line of that certain 5.0 acre tract of land described in a Deed to Little River Partners, LP and being of record in Document No. 2017-00049517, Official Public Records of Bell County, Texas the following eight (8) calls:

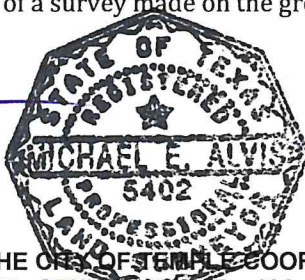
- 1) N. 16° 25' 57" E., 1143.80 feet to a point for corner;
- 2) N. 16° 29' 41" E., 330.08 feet to a point for corner;
- 3) N. 16° 38' 13" E., 618.07 feet to appoint being at the beginning of a curve to the right having a radius equals 620.50 feet, chord bearing equals N. 26° 19' 46" E., 211.58 feet for corner;
- 4) 212.62 feet along the arc of said curve to the right to a point for corner;
- 5) N. 36° 13' 40" E., 97.99 feet to appoint being at the beginning of a curve to the left having a radius equals 525.50 feet, chord bearing equals N. 33° 51' 17" E., 29.86 feet for corner;
- 6) 29.87 feet along the arc of said curve to the left to a point for corner;
- 7) N. 25° 18' 52" E., 109.50 feet to a point for corner;
- 8) N. 18° 23' 36" E., 176.43 feet to a point for corner;

THENCE S. 73° 21' 35" E., 61.91 feet departing the said 5.0 acre tract and the said west right-of-way line and over and across the said right-of-way of Old Highway No. 95 to a point being the southwest corner of Lot 5, Block 3, Green Acres Subdivision and being at the intersection of the east right-of-way line of Old Highway No. 95 and the north right-of-way line of the aforementioned Barnhardt Road for corner;

THENCE S. 16° 38' 25" W., 44.46 feet departing the said Lot 5, Block 3, Green Acres Subdivision and the said north right-of-way line and with the said east right-of-way line and over and across the said right-of-way of Barnhardt Road to the Point of BEGINNING and containing 3.950 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
 May 29, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"

Page 2 of 3

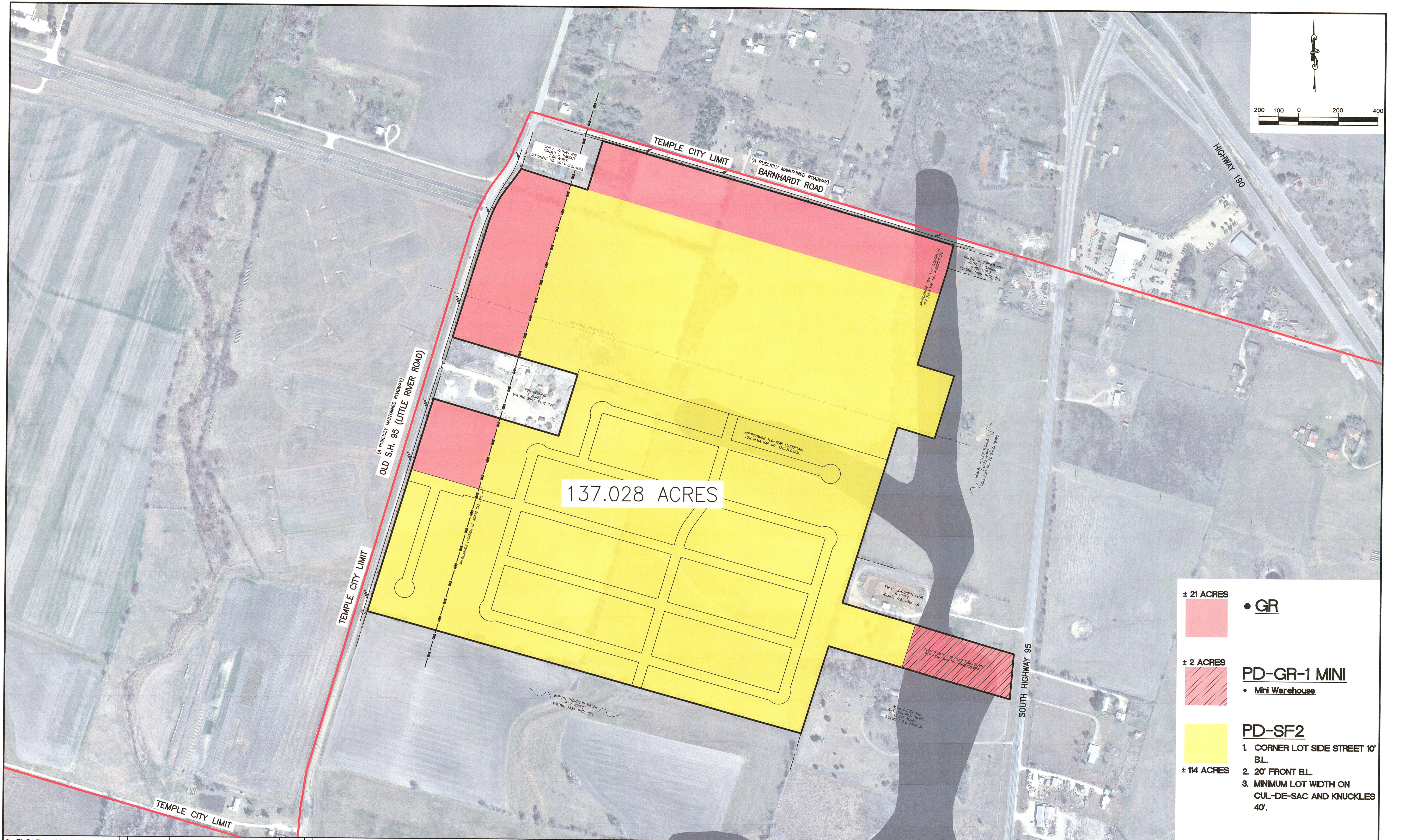


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 ENGINEERING FIRM #1658 SURVEY FIRM #10056000

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836
PUBLISHED CITY COORDINATES ARE $X = 3,232,625.47$ $Y = 10,351,575.12$
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. $08^{\circ} 12' 33''$ E., 8079.49 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGL



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ENGINEERING FIRM #1658 SURVEY FIRM #10056000



- ± 21 ACRES
• **GR**
- ± 2 ACRES
PD-GR-1 MINI
• Mini Warehouse
- ± 114 ACRES
PD-SF2
1. CORNER LOT SIDE STREET 10' B.L.
2. 20' FRONT B.L.
3. MINIMUM LOT WIDTH ON CUL-DE-SAC AND KNUCKLES 40'.

SCHEDULE

Voluntary Annexation – 89.373 Acres (Short Term Lending GP, Inc.)

DATE	ACTION	TIME LIMIT/NOTES
04-18-19	CITY RECEIVES PETITION of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
05-02-19 Regular Meeting	COUNCIL ADOPTS RESOLUTION 1. Granting petition (14th day after petition filed); 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings	1. Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
05-03-19	CITY SECRETARY MAILS NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads <i>34th day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
05-20-19	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>17th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
05-19-19	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c)LGC
05-29-19	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
06-06-19 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>35th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
06-07-19 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>34th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
07-11-19 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
07-18-19 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2ND READING <i>7th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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ORDINANCE NO. 2019-4976
(FY-19-3-ANX)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 89.373 ACRES OF LAND OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, LOCATED ON THE EAST SIDE OF OLD STATE HIGHWAY 95, AND APPROXIMATELY 3.950 ACRES (0.51 MILES) OF RIGHT-OF-WAY OF OLD HIGHWAY 95 IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Short Term Lending G.P., Inc. filed a petition on April 18, 2019, seeking voluntary annexation of approximately 89.373 acres of land into the City of Temple - the property is located on the east side of Old State Highway 95 (also known as Little River Road);

Whereas, 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;

Whereas, pursuant to Chapter 43 of the Local Government Code, Council adopted a resolution (2019-9652-R) directing City staff to create a Municipal Service Plan on May 2, 2019, and subsequently held public hearings to consider the annexation of the subject property at City Council meetings held on June 6, 2019 and June 7, 2019;

Whereas, 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 this small tract and if the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City - TISD has requested that the City begin the design process for the future expansion of Blackland Road east in order to provide needed connectivity and utility extensions; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

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

Part 2: The City Council approves the voluntary annexation of approximately 89.373 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95, and approximately 3.950 acres (0.51 miles) of right-of-way of Old Highway 95 in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, described in Exhibit 'A' attached hereto, and said property is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.

Part 5: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

Part 6: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 3.

Part 7: If the taking of any territory annexed by this Ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this Ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to ensure that the boundary description closes.

Part 8: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

Part 10: Open Meetings. 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **11th** day of **July**, 2019.

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **July**, 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

07/18/19
Item #7(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – FY-19-4-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt Road, and 2.371 acres of right-of-way of Barnhardt Road in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Approve as presented and schedule Second Reading for Thursday, July 18, 2019 at 5:00 P.M. in the City Council Chambers.

ITEM SUMMARY: The Temple Independent School District (TISD) filed a petition on April 18, 2019, seeking voluntary annexation of 47.655 acres into the City of Temple, which is a companion request to voluntary annexation case FY-19-3-ANX that they would both be rezoned together. 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:

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

On May 2, 2019, the City Council adopted a resolution (#2019-9653-R) directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property.

Pursuant to Chapter 43 of the Local Government Code, the City has completed the following steps during the annexation process:

4. May 2, 2019, - City Council resolution (#2019-9653-R) adopted to direct staff to develop the Municipal Service Plan
5. June 6, 2019 - Municipal Service Plan Public Hearing #1
6. June 7, 2019 – Municipal Service Plan Public Hearing #2

The applicant has not yet submitted a rezoning application for the subject property but has submitted an exhibit showing future zoning areas of Planned Development Single Family Two (PD-SF2) and General Retail (GR) and Planned Development General Retail (PD-GR) with companion voluntary annexation case FY-19-3-ANX.

The proposed annexation schedule anticipates completion of annexation proceedings through a Second Reading at City Council on July 18, 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 this small tract.

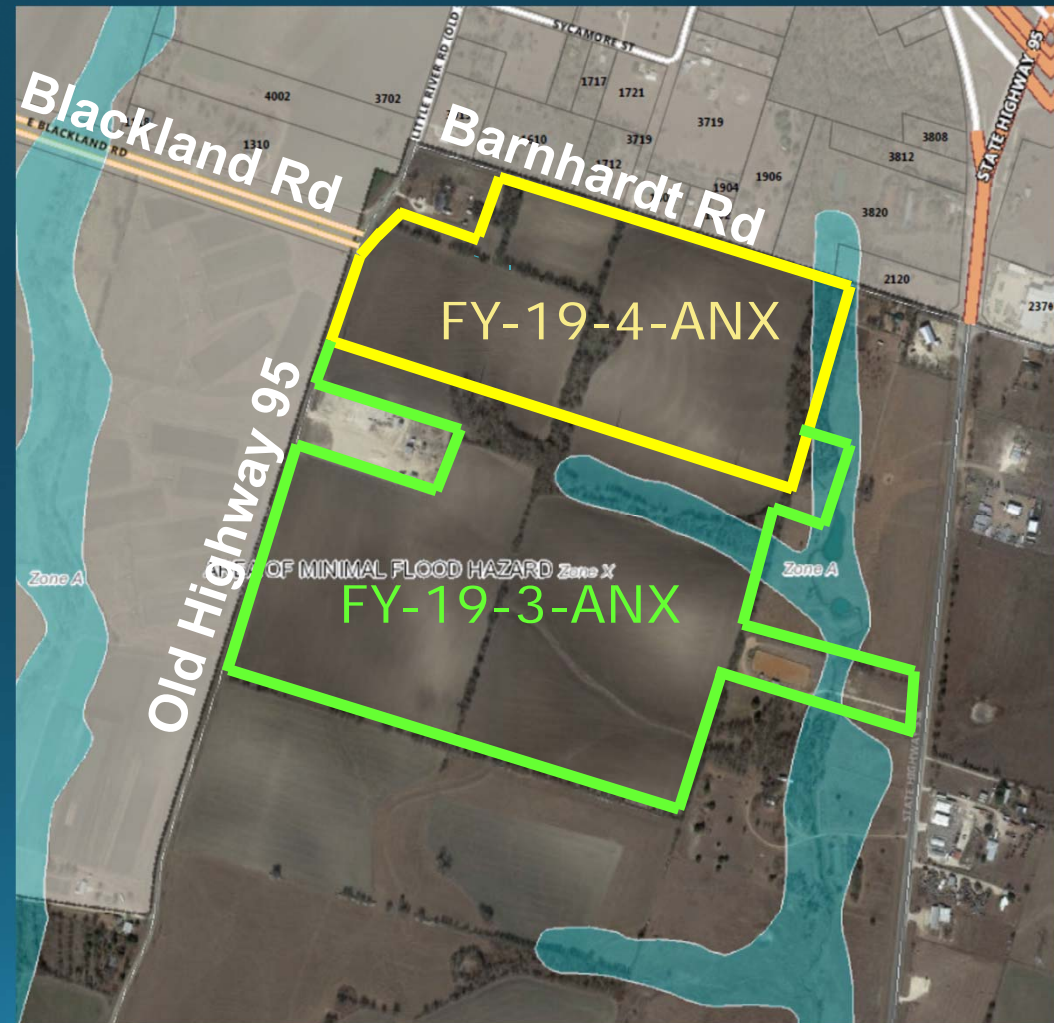
The property is currently exempt from property taxes, and it will remain so under the ownership of the TISD. TISD has requested that the City begin the design process for the future expansion of Blackland Road east in order to provide needed connectivity and utility extensions.

ATTACHMENTS:

Vicinity Map
Municipal Service Plan
Voluntary Annexation Petition
Survey of Proposed Annexation Area (Exhibit A)
Field Notes of Proposed Annexation Area (Exhibit B)
Survey of Barnhardt Road Annexation (Exhibit C)
Field Notes of Barnhardt Road Annexation (Exhibit D)
Proposed Zoning Site Plan
Voluntary Annexation Schedule
Ordinance

Overall View of Proposed Annexation Areas

- Approximately 2.371 acres of Barnhardt Rd (0.41 miles) and
- 47.655 +/- acres of privately-owned land
- Approximately 3.950 acres of Old Highway 95 (0.51 miles) and
- 89.373 +/- acres of privately-owned land



CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Old State Highway 95 and Barnhardt Road (FY-19-4-ANX)

47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt 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 to the north along Barnhart Road and to the west along Old State Highway 95 (Little River Road). There are no water facilities to the south.

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 sanitary sewer facility extensions to the property. Staff will present this request to City 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

VOLUNTARY PETITION FOR ANNEXATION

DATE: 4-17-2019

To the City Council of the City of Temple:

Temple Independent School District is the sole owner of the tract of land containing approximately 47.655 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is one-half mile or less in width, contiguous to the City of Temple, Texas; and has less than three qualified voters as residents. The owner is petitioning the City Council to take the appropriate actions to annex the Tract pursuant to Section 43.028 of the Texas Local Government Code.

Temple Independent School District


By and Through
Temple Independent School District

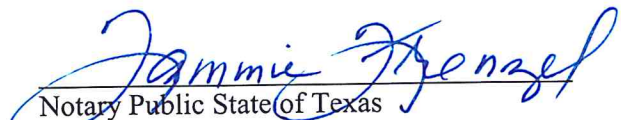
STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, the undersigned authority, on this day personally appeared Bobby Ott, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of Temple Independent School District for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of April, 2019.




Notary Public State of Texas

BEING a 47.655 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 137.034 acre tract of land described in a Partition Deed dated January 9, 2009 between Alice B. Hoelscher, Individually and as Executor of the Estate of Claudia Barnhart, Madison Thomas Barnhart and Glenn Walter Barnhart and Alice B. Hoelscher and husband, Clifford E. Hoelscher and being of record in Document No. 2009-00004519, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found being the most westerly northwest corner of the said 137.034 acre tract and being the southwest corner of that certain 2.00 acre tract of land described in a General Warranty Deed dated January 30, 2013 from Patricia A. Conlin to Lisa A. Kathan and Ronald L. Thweatt and being of record in Document No. 2013-00004053, Official Public Records of Bell County, Texas and being in the east right-of-way line of Old Highway No. 95 (a publicly maintained roadway) for corner;

THENCE S. 72° 24' 25" E., 350.99 feet departing the said east right-of-way line and with a northerly boundary line of the said 137.034 acre tract (calls S. 70° 38' 16" E., 350.86 feet) and with the south boundary line of the said 2.00 acre tract to a 5/8" iron rod with cap stamped "ACS" found being an ell corner of the said 137.034 acre tract and being the southeast corner of the said 2.00 acre tract for corner;

THENCE N. 16° 25' 40" E., 263.50 feet with a westerly boundary line of the said 137.034 acre tract (calls N. 18° 12' 52" E., 263.55 feet) and with the east boundary line of the said 2.00 acre tract to a 5/8" iron rod with cap stamped "ACS" found being the most northerly northwest corner of the said 137.034 acre tract and being the northeast corner of the said 2.00 acre tract and being in the south right-of-way line of Barnhardt Road (a publicly maintained roadway) for corner;

THENCE S. 73° 35' 04" E., 1847.50 feet departing the said 2.00 acre tract and with the north boundary line of the said 137.034 acre tract (calls S. 71° 47' 08" E., 1847.76 feet) and with the said south right-of-way line to a 1" iron pipe found being the northeast corner of the said 137.034 acre tract and being the northwest corner of that certain 0.984 acre tract of land described in a Deed dated July 13, 1977 from Raymond E. Shephard and wife, Vera A. Shephard to Robert W. Turner and wife, Kathy L. Turner and being of record in Volume 1466, Page 851, Deed Records of Bell County, Texas for corner;

THENCE departing the said south right-of-way line and with the east boundary line of the said 137.034 acre tract the following two (2) calls:

- 1) S. 13° 08' 49" W., 121.34 feet (calls S. 14° 50' 15" W., 122.00 feet) with the west boundary line of the said 0.984 acre tract to a 5/8" iron rod with cap stamped "TCE 2181" found being the southwest corner of the said 0.984 acre tract and being the northwest corner of that certain 22.572 acre tract of land described in a Deed dated May 18, 2015 from Veterans Land Board of the State of Texas to Robert Weldon Turner and being of record in Document No. 2015-00019496, Official Public Records of Bell County, Texas for corner;
- 2) S. 16° 40' 44" W., 520.07 feet (calls S. 18° 29' 20" W., 520.13 feet) departing the said 0.984 acre tract and with the west boundary line of the said 22.572 acre tract to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said east boundary line and the said west boundary line and over and across the said 137.034 acre tract the following two (2) calls:


- 1) S. 16° 36' 44" W., 321.05 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set for corner;

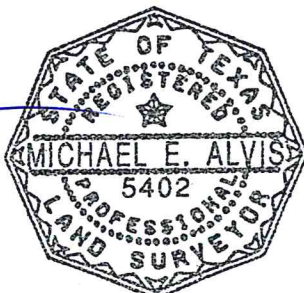
- 2) N. 73° 36' 49" W., 2280.33 feet to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the west boundary line of the said 137.034 acre tract and being in the aforementioned east right-of-way line of Old Highway No. 95 for corner;

THENCE with the west boundary line of the said 137.034 acre tract and with the said east right-of-way line the following four (4) calls:

- 1) N. 16° 38' 13" E., 394.80 feet (calls N. 18° 27' 49" E., 617.92 feet) to a 5/8" iron rod with cap stamped "ACS" found being at the beginning of a curve to the right having a radius equals 540.50 feet (calls 540.50 feet), chord bearing equals N. 26° 19' 19" E., 184.33 feet (calls N. 28° 05' 33" E., 184.37 feet) for corner;
- 2) 185.24 feet along the arc of said curve to the right (calls 185.28 feet) to a 5/8" iron rod with cap stamped "ACS" found for corner;
- 3) N. 36° 13' 40" E., 98.44 feet (calls N. 37° 54' 45" E., 98.41 feet) to a 5/8" iron rod with cap stamped "ACS" found being at the beginning of a curve to the left having a radius equals 605.50 feet (calls 605.50 feet), chord bearing equals N. 33° 38' 37" E., 39.95 feet (calls N. 36° 01' 58" E., 39.84 feet) for corner;
- 4) 39.95 feet along the arc off said curve to the left (calls 39.84 feet) to the Point of BEGINNING and containing 47.655 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 31, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535
 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"
 THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836
 PUBLISHED CITY COORDINATES ARE X = 3,232,625.47 Y = 10,351,575.12
 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
 N. 07° 46' 18" E., 7828.10 FEET.
 GRID DISTANCE = SURFACE DISTANCE X CCF
 GEODETIC NORTH = GRID NORTH + THETA ANGL

Line Table		
Line #	Direction	Length
L1	N16°38'25"E	44.46
L2	S73°21'35"E	250.57
L3	S73°47'39"E	1246.31
L4	S73°36'06"E	678.18
L5	S16°24'56"W	49.53
L6	N73°35'04"W	1847.50
L7	N73°21'35"W	327.73

This project is referenced to the city of temple coordinate system, an extension of the texas coordinate system of 1983, central zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinate values are referenced to city monument number 535

The theta angle at said city monument is 01° 32' 22"

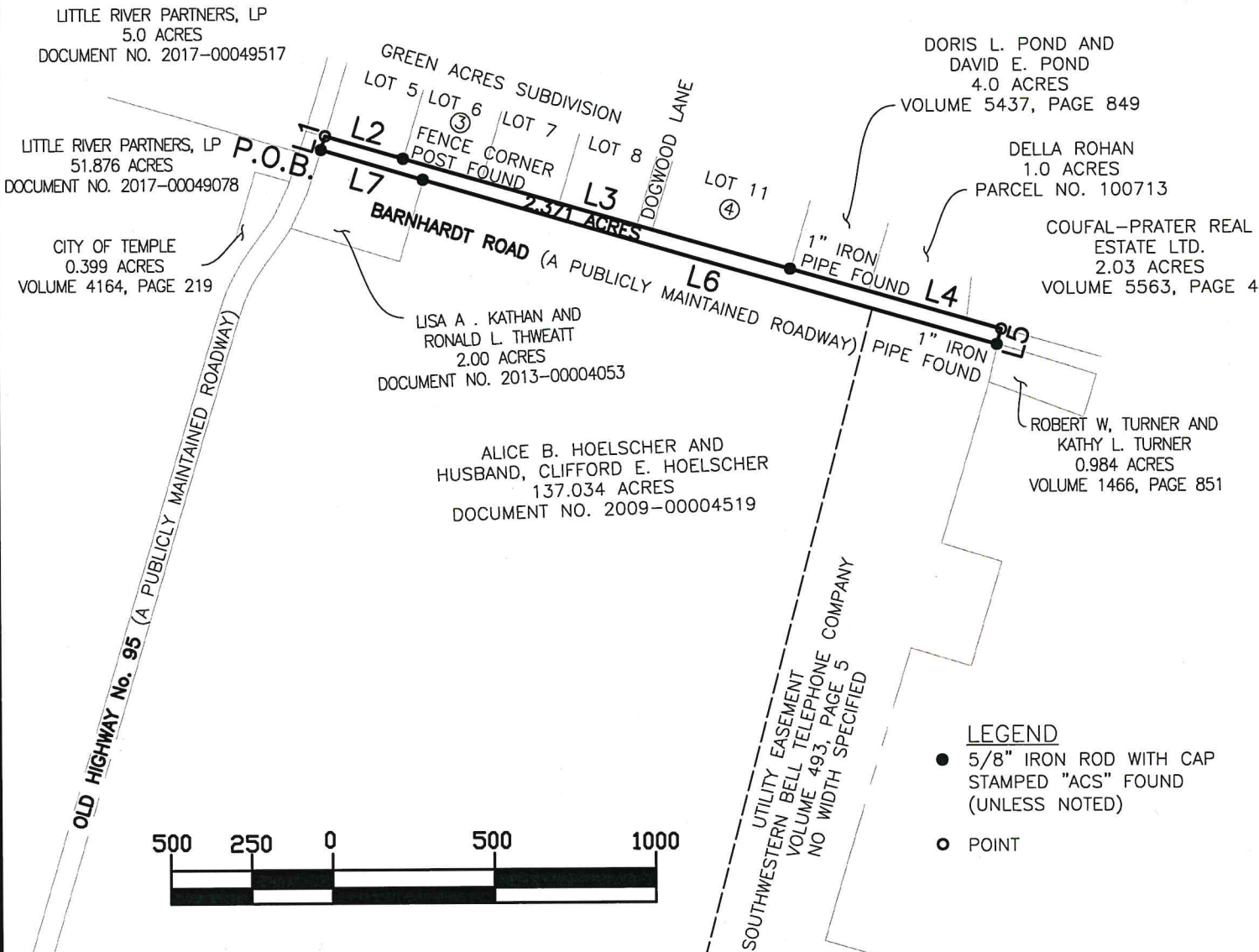
The combined correction factor (ccf) is 0.999836

Published city coordinates are X = 3,232,625.47 y = 10,351,575.12

The tie from the above city monument to the POINT OF BEGINNING (POB) IS N. 08° 12' 33" e., 8079.49 feet.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE



BEING a 2.371 acre tract of land more particularly described by separate field notes.

BEING a 2.371 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Barnhardt Road (a publicly maintained roadway) as occupied and evidenced on the ground.



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 29th day of May 2019.

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

BEING a 2.371 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of the right-of-way of Barnhardt 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 5/8" iron rod with cap stamped "ACS" found being the northwest corner of that certain 2.00 acre tract of land described in a General Warranty Deed dated January 30, 2013 from Patricia A. Conlin to Lisa A. Kathan and Ronald L. Thweatt and being of record in Document No, 2013-00004053, Official Public Records of Bell County, Texas and being at the intersection of the east right-of-way line of Old Highway No. 95 (a publicly maintained roadway) and the south right-of-way line of Barnhardt Road (a publicly maintained roadway) as occupied and evidenced on the ground for corner;

THENCE N. 16° 38' 25" E., 44.46 feet departing the said south right-of-way line and the said 2.00 acre tract and with the said east right-of-way line and over and across the said right-of-way of Barnhardt Road to a point being the southwest corner of Lot 5, Block 3, Green Acres Subdivision and being at the intersection of the east right-of-way line of Old Highway No. 95 and the north right-of-way line of the aforementioned Barnhardt Road for corner;

THENCE S. 73° 21' 35" E., 250.57 feet departing the said east right-of-way line and with the said north right-of-way line and with the south boundary line of the said Lot 5, Block 3 to a fence corner post found being the evidenced southeast corner of the said Lot 5, Block 3 and being the southwest corner of Lot 6, said Block 3 for corner;

THENCE S. 73° 47' 39" E., 1246.31 feet with the boundary line of the said Green Acres Subdivision and continuing with the said north right-of-way line to a 1" iron pipe found being the southeast corner of Lot 11, Block 4, said Green Acres Subdivision and being the southwest corner of that certain 4.0 acre tract of land described in a Deed to Doris L. Pond and David E. Pond and being of record in Volume 5437, Page 849, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 36' 06" E., 678.18 feet departing the said Green Acres Subdivision and with the south boundary line of the said 4.0 acre tract and continuing with the south boundary line of that certain 1.0 acre tract of land standing in the name of Bella Rohan and being described as Parcel No. 100713 according to the Bell County Tax Appraisal District property ownership maps and continuing with the south boundary line of that certain 2.03 acre tract of land described in a Deed to Coufal-Prater Real Estate Ltd. and being of record in Volume 5563, Page 4, Official Public Records of Bell County, Texas to a point for corner;

THENCE S. 16° 24' 56" W., 49.53 feet departing the said 2.03 acre tract and the said north right-of-way line and over and across the said right-of-way of Barnhardt Road to a 1" iron piper found being the northeast corner of that certain 137.028 acre tract of land described in a Warranty Deed dated April 15, 2019 from Alice B. Hoelscher and Clifford Hoelscher to Short-Term Lending Gp Inc. and being of record in Document No. 2019-00015033, Official Public Records of Bell County, Texas and being the northwest corner of that certain 0.984 acre tract of land described in a Deed dated July 13, 1977 from Raymond E. Shepherd and wife, Vera A. Shepherd to Robert W. Turner and wife, Kathy L. Turner and being of record in Volume 1466, Page 851, Deed Records of Bell County, Texas and being in the south right-of-way line of Barnhardt Road for corner;

THENCE N. 73° 35' 04" W., 1847.50 feet departing the said .0984 acre tract and with the north boundary line of the said 137.028 acre tract and with the said south right-of-way line to a 5/8" iron rod with cap stamped "ACS" found being the most northerly northwest corner of the said 137.028 acre tract and being the northeast corner of the aforementioned 2.00 acre tract for corner;

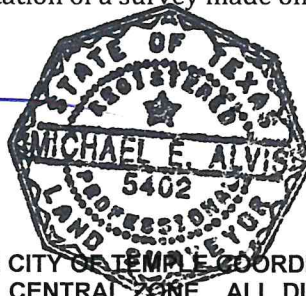


THENCE N. 73° 21' 35" W., 327.73 feet departing the said 137.028 acre tract and with the north boundary line of the said 2.00 acre tract and continuing with the said south right-of-way line to the Point of BEGINNING and containing 2.371 acres of land.

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
May 29, 2019



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS. ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 535

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 22"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999836

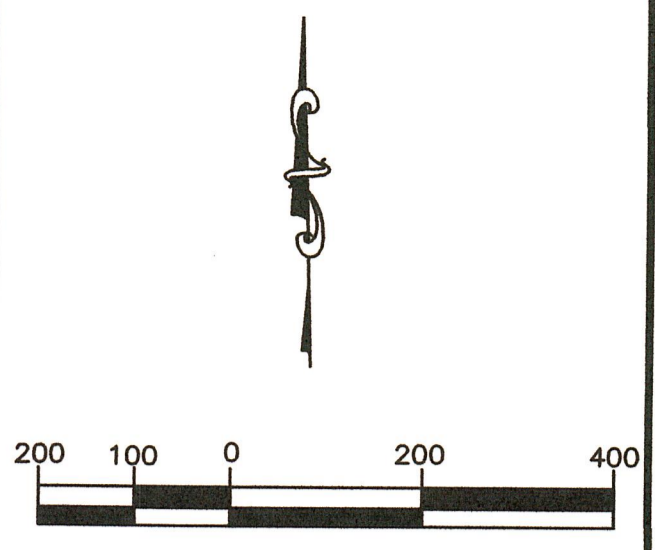
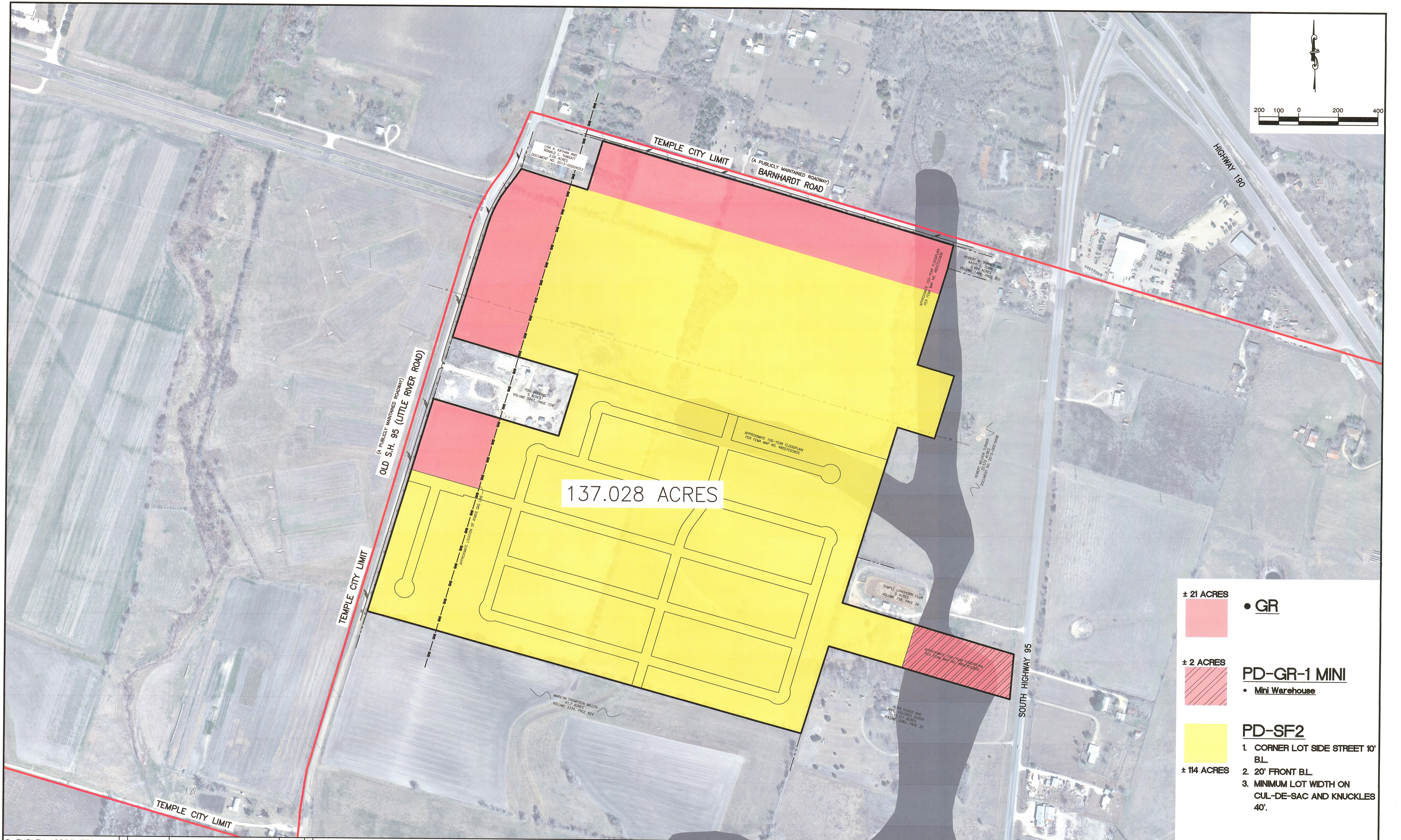
PUBLISHED CITY COORDINATES ARE X = 3,232,625.47 Y = 10,351,575.12

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

N. 08° 12' 33" E., 8079.49 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGL



- ± 21 ACRES

• GR
- ± 2 ACRES

PD-GR-1 MINI

• Mini Warehouse
- ± 114 ACRES

PD-SF2

1. CORNER LOT SIDE STREET 10' B.L.

2. 20' FRONT B.L.

3. MINIMUM LOT WIDTH ON CUL-DE-SAC AND KNUCKLES 40'.

© TURLEY ASSOCIATES, INC. THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES INC.				<div><div>TURLEY ASSOCIATES, INC.</div><div>ENGINEERING • PLANNING • SURVEYING</div><div>www.turley-inc.com</div><div>SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658</div></div>		<div><div>DRAFTSMAN: JFBII</div><div>DESIGNER: JFBII</div><div>ENGINEER: JFBII</div></div> <div><div>DATE: 4/18/19</div><div>Jennifer Ryken</div></div>		<div><div>STATE OF TEXAS</div><div>JENNIFER RYKEN</div><div>106277</div><div>REGISTERED PROFESSIONAL ENGINEER</div></div> <div><div>PROJECT: HILLSIDE VILLAGE</div><div>FILE NAME: 19-132</div><div>REF. DWG(s):</div></div>		<div><div>TITLE: ANNEXATION & ZONING SITE PLAN</div><div>JOB#: 19-715</div></div> <div><div>PAGE# 01</div></div>	
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SCHEDULE

Voluntary Annexation – 47.655 Acres (Temple Independent School District)

DATE	ACTION	TIME LIMIT/NOTES
04-18-19	CITY RECEIVES PETITION of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
05-02-19 Regular Meeting	COUNCIL ADOPTS RESOLUTION 1. Granting petition (14th day after petition filed); 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings	1. Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
05-03-19	CITY SECRETARY MAILS NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads <i>34th day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
05-20-19	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>17th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
05-19-19	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c) LGC
05-29-19	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
06-06-19 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>35th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
06-07-19 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>34th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
07-11-19 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
07-18-19 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 2ND READING <i>7th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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ORDINANCE NO. 2019-4977
(FY-19-4-ANX)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 47.655 ACRES OF LAND OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, LOCATED ON THE EAST SIDE OF OLD STATE HIGHWAY 95 AND THE SOUTH SIDE OF BARNHARDT ROAD, AND APPROXIMATELY 2.371 ACRES (0.41 MILES) OF RIGHT-OF-WAY OF BARNHARDT ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE, BELL COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Independent School District (TISD) filed a petition on April 18, 2019, seeking voluntary annexation of approximately 47.655 acres of land into the City of Temple;

Whereas, 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;

Whereas, pursuant to Chapter 43 of the Local Government Code, Council adopted a resolution (2019-9653-R) directing City staff to create a Municipal Service Plan on May 2, 2019, and subsequently held public hearings to consider the annexation of the subject property at City Council meetings held on June 6, 2019 and June 7, 2019;

Whereas, 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 this small tract - the property is currently exempt from property taxes, and it will remain so under the ownership of the TISD who has requested that the City begin the design process for the future expansion of Blackland Road east in order to provide needed connectivity and utility extensions; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

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

Part 2: The City Council approves the voluntary annexation of approximately 47.655 acres of land out of the Maximo Moreno Survey, Abstract No. 14, located on the east side of Old State Highway 95 and the south side of Barnhardt Road, and approximately 2.371 acres (0.41 miles) of right-of-way of Barnhardt Road in the extraterritorial jurisdiction of the City of Temple, Bell County, Texas, described in Exhibit 'A' attached hereto, and said property is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B."

Part 4: The official map and boundaries of the City of Temple are hereby amended so as to include the annexed Property as part of the City of Temple.

Part 5: The annexed Property shall be zoned at a future date, in compliance with the Zoning Ordinance of the City of Temple.

Part 6: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 3.

Part 7: If the taking of any territory annexed by this Ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this Ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to ensure that the boundary description closes.

Part 8: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

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

Part 10: Open Meetings. 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.

PASSED AND APPROVED on First Reading and Public Hearing on the **11th** day of **July**, 2019.

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **July**, 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

07/18/19
Item #7(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$27,716.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
July 18, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3500-552-2516		Other Services / Judgments & Damages	\$ 75	
110-0000-461-0554		Other Charges / Insurance Claims		\$ 75
To appropriate proceeds received from a citizen who damaged a pedestrian stop sign at Westfield and Adams on 05/21/19.				
520-5100-535-2516		Other Services / Judgments & Damages	\$ 27,641	
520-0000-443-3054		Insurance Claims / Insurance Claims		\$ 27,641
To appropriate insurance proceeds from TML for replacement equipment that was damaged from a lightening strike that occurred on 05/03/19 at the Water Treatment Plant.				
TOTAL AMENDMENTS			\$ 27,716	\$ 27,716
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	(128,070)	
		Net Balance of Judgments & Damages Contingency Account	\$ 151,655	
		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	\$ 251,655	
		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	(116,392)	
		Net Balance of Contingency Account	\$ 103,054	
		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	\$ 103,054	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
July 18, 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		(120,190)
		Net Balance of Contingency Account	\$	216,216
		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	\$	217,196
		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. 2019-9734-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 18th day of **July**, 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

07/18/19
Item #8
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-19-12-ZC: Consider an ordinance adopting a rezoning with a site/development plan from Single Family Three to Planned Development Single Family Three for Lots 2 and 3, Block 1, Coles Factory Addition, addressed as 205, 207, and 209 North 21st Street.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its June 17, 2019, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the requested rezoning from Single Family Three (SF-3) to Planned Development Single Family Three (PD-SF-3), per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the requested rezoning from Single Family Three (SF-3) District to Planned Development Single Family Three (PD-SF-3) District for the following reasons:

1. Compliance with the Future Land Use Plan
2. Compliance with surrounding zoning and land uses
3. Compliance with the Thoroughfare Plan

And with the following conditions:

1. Development will be subject to the site/development plan
2. Existing buildings will be allowed to remain in their existing locations
3. Re-development will be subject to all development standards of the Single Family Three (SF-3) zoning district, per the Unified Development Code (UDC)
4. Only uses allowed within the Single Family Three zoning district per the UDC will be allowed on the subject properties

ITEM SUMMARY: The applicants request a rezoning from Single Family Three (SF-3) district to Planned Development Single Family Three (PD-SF-3) district to allow all existing buildings to remain on these two single-family residential lots, addressed as 205, 207, and 209 North 21st Street. The existing residential dwelling at 207 North 21st Street was once a barber shop, but it is now a one-bedroom efficiency with a kitchen, bathroom, and closet. It is located on the property line between 205 and 209 North 21st Street.

Planned Development: UDC Section 3.4.1 defines a Planned Development 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.”

As a Planned Development, a site/development plan is subject to review and approval as part of the rezoning. The applicants have provided a property survey for their site/development plan with this rezoning request.

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance. In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

The proposed Planned Development’s “base” Single Family Three (SF-3) zoning district permits single-family detached residences and related accessory uses.

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

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The subject properties are within the Auto-Urban Residential character district of the *Choices '08* City of Temple Comprehensive Plan. The Auto-Urban Residential character district is suited for higher-density uses such as attached and multiple-family housing, manufactured home communities, recreational vehicle parks, and site-built homes on small lots due to their density, limited open space, relative amount of impervious surface devoted to buildings and parking lots, and increased building enclosure. The requested Planned Development Single Family Three (PD-SF-3) district complies with this recommendation.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject properties front North 21st Street, a local street. Since local streets are appropriate for residential uses, the requested rezoning complies with the thoroughfare plan.

Availability of Public Facilities (CP Goal 4.1)

An existing 6-inch water line is located within the east right-of-way of North 21st Street. An existing 6-inch sanitary sewer line is located within the alley.

PUBLIC NOTICE: Eighteen notices of the Planning and Zoning Commission public hearing were sent out to all City of Temple property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday, June 12, 2019, four notices have been returned in favor of the proposed rezoning and no notices have been received in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on June 6, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable



ATTACHMENTS:



Site and Surrounding Property Photos
Maps
Development Regulation Tables
Site/Development Plan
Notification Response Letters
Ordinance

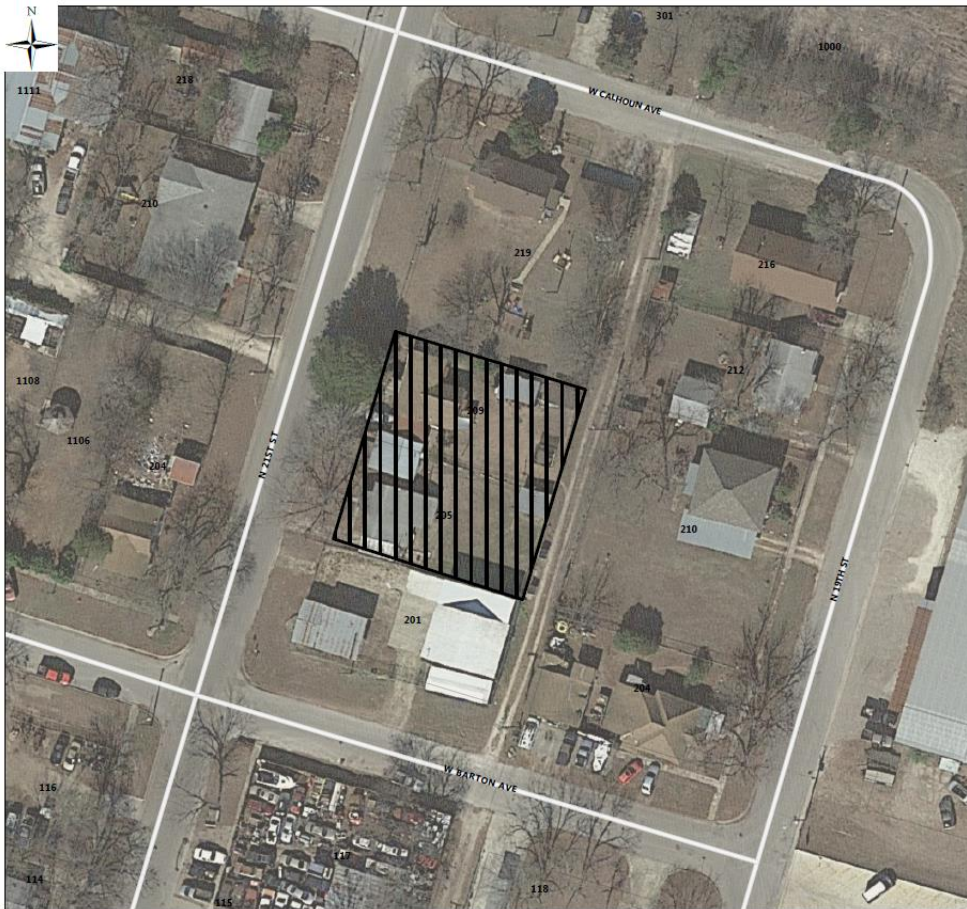
SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	SF-3	Single Family Residential	
			
			

Direction	Zoning	Current Land Use	Photo
East	SF-3	Single Family Residential	
West	SF-3 & C	Single-Family Residential	
			

Direction	Zoning	Current Land Use	Photo
South	HI	Vacant Building Construction Facility	 <p>N 21st St.</p>
North	SF-3	Single Family Residential	 <p>N 21st St.</p>



SF-3 to PD-SF3

AERIAL MAP

Zoning Case :
FY-19-12-ZC

Address :
205,207,209 N.21st

Transportation

Streets

LOCAL STREET

Railroad

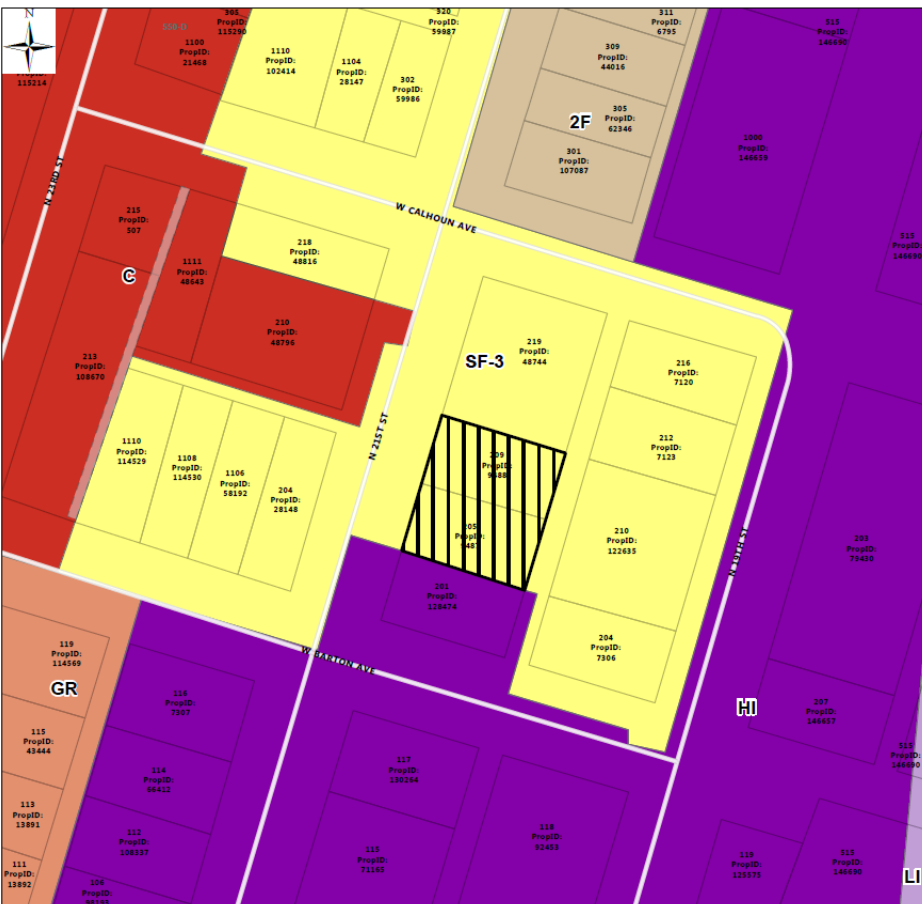
Temple Municipal Boundary

Parcel Features

Parcels

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

tylerly
Date: 6/3/2019



SF-3 to PD-SF-3

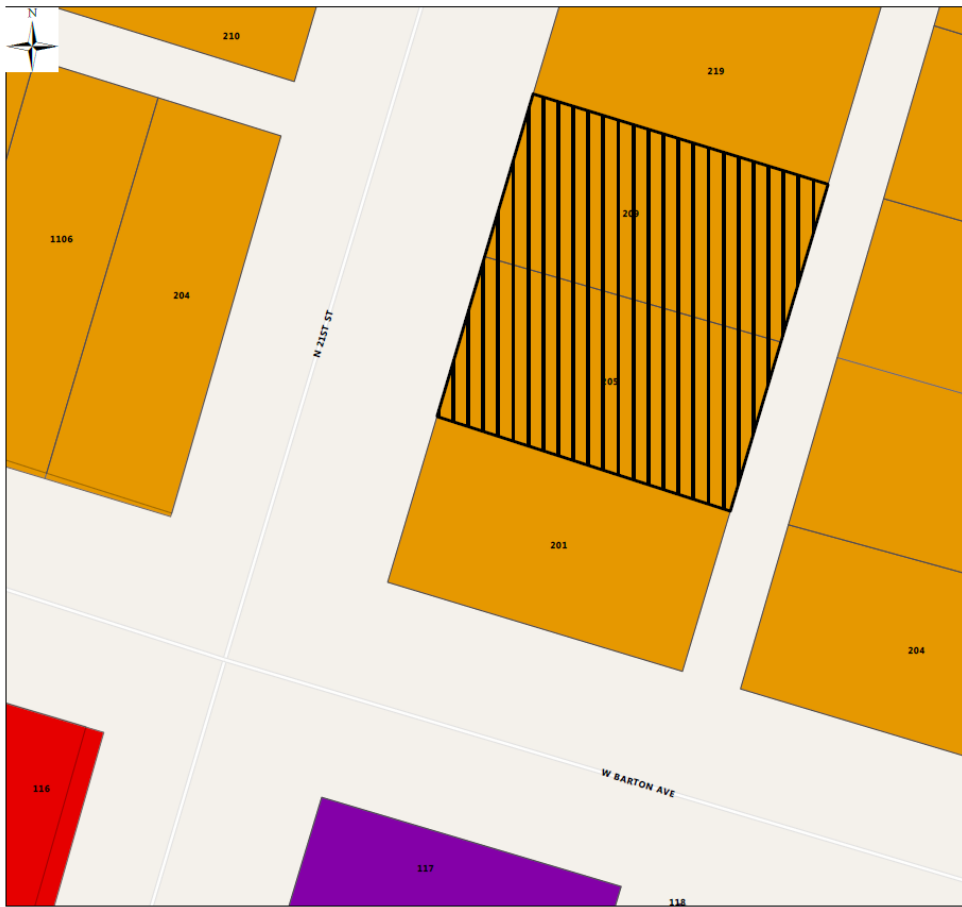
Zoning Case :
FY-19-12-ZC
Address :
205,207,209 N 21st

Current Zoning	CA
RE-CLP	RE-CLP
UE	UE
UE-PO	UE-PO
SP-1	SP-1
SP-1-CLP	SP-1-CLP
SP-1-PO	SP-1-PO
SP-2	SP-2
SP-2-CLP	SP-2-CLP
SP-2-PO	SP-2-PO
SP-3	SP-3
SP-3-CLP	SP-3-CLP
SP-3-PO	SP-3-PO
SP-4	SP-4
SP-4-CLP	SP-4-CLP
SP-4-PO	SP-4-PO
SP-5	SP-5
SP-5-CLP	SP-5-CLP
SP-5-PO	SP-5-PO
SP-6	SP-6
SP-6-CLP	SP-6-CLP
SP-6-PO	SP-6-PO
SP-7	SP-7
SP-7-CLP	SP-7-CLP
SP-7-PO	SP-7-PO
SP-8	SP-8
SP-8-CLP	SP-8-CLP
SP-8-PO	SP-8-PO
SP-9	SP-9
SP-9-CLP	SP-9-CLP
SP-9-PO	SP-9-PO
SP-10	SP-10
SP-10-CLP	SP-10-CLP
SP-10-PO	SP-10-PO
SP-11	SP-11
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SP-12	SP-12
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SP-13	SP-13
SP-13-CLP	SP-13-CLP
SP-13-PO	SP-13-PO
SP-14	SP-14
SP-14-CLP	SP-14-CLP
SP-14-PO	SP-14-PO
SP-15	SP-15
SP-15-CLP	SP-15-CLP
SP-15-PO	SP-15-PO
SP-16	SP-16
SP-16-CLP	SP-16-CLP
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SP-18	SP-18
SP-18-CLP	SP-18-CLP
SP-18-PO	SP-18-PO
SP-19	SP-19
SP-19-CLP	SP-19-CLP
SP-19-PO	SP-19-PO
SP-20	SP-20
SP-20-CLP	SP-20-CLP
SP-20-PO	SP-20-PO
SP-21	SP-21
SP-21-CLP	SP-21-CLP
SP-21-PO	SP-21-PO
SP-22	SP-22
SP-22-CLP	SP-22-CLP
SP-22-PO	SP-22-PO
SP-23	SP-23
SP-23-CLP	SP-23-CLP
SP-23-PO	SP-23-PO
SP-24	SP-24
SP-24-CLP	SP-24-CLP
SP-24-PO	SP-24-PO
SP-25	SP-25
SP-25-CLP	SP-25-CLP
SP-25-PO	SP-25-PO
SP-26	SP-26
SP-26-CLP	SP-26-CLP
SP-26-PO	SP-26-PO
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SP-27-CLP	SP-27-CLP
SP-27-PO	SP-27-PO
SP-28	SP-28
SP-28-CLP	SP-28-CLP
SP-28-PO	SP-28-PO
SP-29	SP-29
SP-29-CLP	SP-29-CLP
SP-29-PO	SP-29-PO
SP-30	SP-30
SP-30-CLP	SP-30-CLP
SP-30-PO	SP-30-PO
SP-31	SP-31
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SP-33-CLP	SP-33-CLP
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SP-36	SP-36
SP-36-CLP	SP-36-CLP
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SP-37	SP-37
SP-37-CLP	SP-37-CLP
SP-37-PO	SP-37-PO
SP-38	SP-38
SP-38-CLP	SP-38-CLP
SP-38-PO	SP-38-PO
SP-39	SP-39
SP-39-CLP	SP-39-CLP
SP-39-PO	SP-39-PO
SP-40	SP-40
SP-40-CLP	SP-40-CLP
SP-40-PO	SP-40-PO
SP-41	SP-41
SP-41-CLP	SP-41-CLP
SP-41-PO	SP-41-PO
SP-42	SP-42
SP-42-CLP	SP-42-CLP
SP-42-PO	SP-42-PO
SP-43	SP-43
SP-43-CLP	SP-43-CLP
SP-43-PO	SP-43-PO
SP-44	SP-44
SP-44-CLP	SP-44-CLP
SP-44-PO	SP-44-PO
SP-45	SP-45
SP-45-CLP	SP-45-CLP
SP-45-PO	SP-45-PO
SP-46	SP-46
SP-46-CLP	SP-46-CLP
SP-46-PO	SP-46-PO
SP-47	SP-47
SP-47-CLP	SP-47-CLP
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SP-48	SP-48
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SP-49-CLP	SP-49-CLP
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SP-67-CLP	SP-67-CLP
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SP-68-CLP	SP-68-CLP
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SP-69	SP-69
SP-69-CLP	SP-69-CLP
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SP-70	SP-70
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SP-71	SP-71
SP-71-CLP	SP-71-CLP
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SP-79-CLP	SP-79-CLP
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SP-80-CLP	SP-80-CLP
SP-80-PO	SP-80-PO
SP-81	SP-81
SP-81-CLP	SP-81-CLP
SP-81-PO	SP-81-PO
SP-82	SP-82
SP-82-CLP	SP-82-CLP
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SP-83-CLP	SP-83-CLP
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SP-89	SP-89
SP-89-CLP	SP-89-CLP
SP-89-PO	SP-89-PO
SP-90	SP-90
SP-90-CLP	SP-90-CLP
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SP-91	SP-91
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SP-92	SP-92
SP-92-CLP	SP-92-CLP
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SP-93	SP-93
SP-93-CLP	SP-93-CLP
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SP-94	SP-94
SP-94-CLP	SP-94-CLP
SP-94-PO	SP-94-PO
SP-95	SP-95
SP-95-CLP	SP-95-CLP
SP-95-PO	SP-95-PO
SP-96	SP-96
SP-96-CLP	SP-96-CLP
SP-96-PO	SP-96-PO
SP-97	SP-97
SP-97-CLP	SP-97-CLP
SP-97-PO	SP-97-PO
SP-98	SP-98
SP-98-CLP	SP-98-CLP
SP-98-PO	SP-98-PO
SP-99	SP-99
SP-99-CLP	SP-99-CLP
SP-99-PO	SP-99-PO
SP-100	SP-100
SP-100-CLP	SP-100-CLP
SP-100-PO	SP-100-PO

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

tylerly
Date: 6/3/2019





SF-3 to PD-SF-3

FUTURE LAND USE MAP

Zoning Case :
FY-19-12-ZC

Address :
205,207,209 N 21st

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

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tlyerly
Date: 6/3/2019



SF-3 to PD-SF-3 THOROUGHFARE AND TRAILS MAP

Zoning Case :
FY-19-12-ZC

Address :
205,207,209 N 21st

Parcel Features

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector

Trails Master Plan

- EXISTING, CITY WIDE SPINE
- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR

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

tlyerly
Date: 6/3/2019



DEVELOPMENT REGULATIONS: Standards for single-family residential homes in the SF-3 district are:

	SF-3
Minimum Lot Size	4,000 Square Feet
Minimum Lot Width	40 Feet
Minimum Lot Depth	100 Feet
Front Setback	15 Feet (PD-SF-3 has 9.8 feet min.)
Side Setback	5 Feet
Side Setback (corner)	15 Feet
Rear Setback	10 Feet
Max Building Height	2 ½ Stories

Although the property is anticipated for development of single-family residential dwellings, there are other uses allowed in the SF-3 district which, include but are not limited to:

Permitted & Conditional Use Table – Single Family Three (SF-3)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached)
Retail & Service Uses	* None
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	* Park or Playground
Educational & Institutional Uses	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
Restaurant Uses	* None
Overnight Accommodations	* None
Transportation Uses	* Railroad Track Right-of-Way

Prohibited uses include duplex, triplex, multiple-family dwelling (apartment), HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Residential	SF-3	Single Family Residential
North	Auto-Urban Residential	SF-3	Single Family Residential
South	Auto-Urban Residential	HI	Vacant Building Construction Facility
East	Auto-Urban Residential	SF-3	Single Family Residential
West	Auto-Urban Residential	SF-3 & C	Single Family Residential

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

:

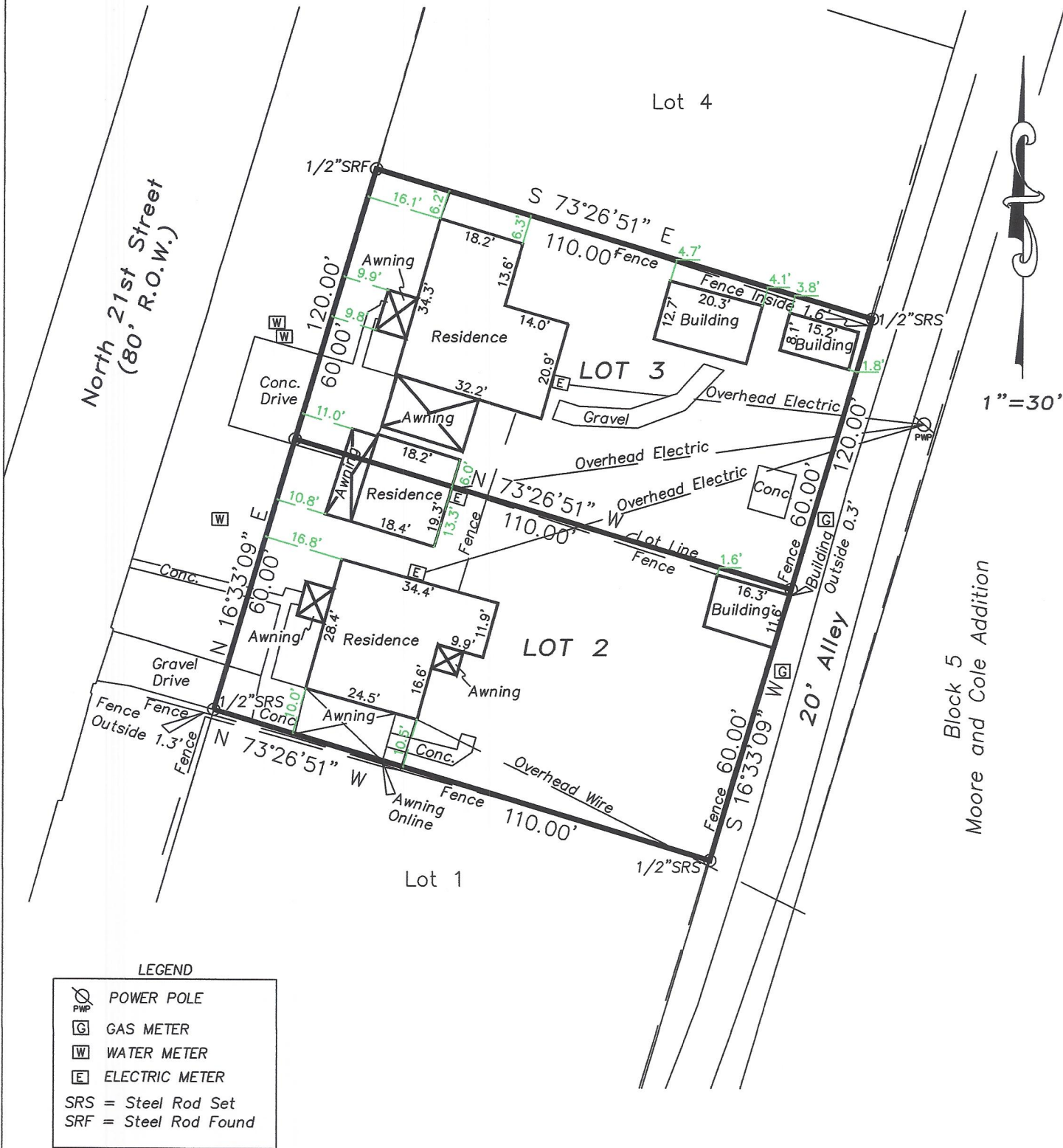
Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

LAND TITLE SURVEY

STATE OF TEXAS
COUNTY OF BELL

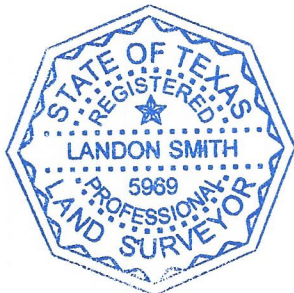
Plat showing all of LOT 2, and Lot 3, in BLOCK 1 of the COLE'S FACTORY ADDITION to the City of Temple, Bell County, Texas, as per plat recorded in Volume 274, Page 207 of the Deed Records of Bell County, Texas.



The plat as shown hereon was prepared from an on-the-ground survey performed under my supervision during the month of May, 2019.

May 11, 2019


Landon Smith
R.P.L.S. No. 5969



PREPARED FOR:

Hicks Family Properties LLC

GENERAL NOTES

- Bearings described are related to the Texas Coordinate System of 1983, Central Zone.
- Subject property shown hereon appears to be located in "Zone X, Other Areas" defined as areas determined to be outside the 0.2% annual chance floodplain, as scaled from F.I.R.M. panel number 48027C0355E, effective date September 26, 2008.
- Property Address: 205, 207, 209 N 21st Street, Temple Texas.

Piney Woods Surveying	(936) 225-0667
PO Box 5887	Waco Texas, 76708
Drawn By: lbs	Firm No.: 100460-00
Job No.: 1904-010	File No.: B-1-1

No Schedule "B" Provided



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

122635
VARGAS, AMELIA
210 N 19TH ST
TEMPLE, TX 76504-2404

RECEIVED
JUN 12 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-12-ZC

Case Manager: Tammy Lyerly

Location: 205, 207, 209 North 21st 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:

stay how it is. I

Amelia Vargas
Signature

Amelia Vargas
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 17, 2019**.

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

Number of Notices Mailed: 18

Date Mailed: June 5, 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**

92453
MIKESKA, RAYMOND C JR
1000 WEST ADAMS
TEMPLE, TX 76504-2442

RECEIVED
JUN 17 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-12-ZC

Case Manager: Tammy Lyerly

Location: 205, 207, 209 North 21st 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:

Raymond C Mikeska Jr
Signature

RAYMONO C MIKESKA JR
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 17, 2019**.

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

Number of Notices Mailed: 18

Date Mailed: June 5, 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**

9487
HICKS FAMILY PROPERTIES LLC -
SERIES 205, 207, 209 N 21ST S*
445 HILLTOP
TROY, TX 76579

RECEIVED

JUN 12 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-12-ZC

Case Manager: Tammy Lyerly

Location: 205, 207, 209 North 21st 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:

Rezoning won't affect the neighborhood & will allow for use of the proposed property.

Signature

James Hicks

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, tllyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 17, 2019**.

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

Number of Notices Mailed: 18

Date Mailed: June 5, 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**

9488
HICKS FAMILY PROPERTIES LLC -
SERIES 205, 207, 209 N 21ST S*
445 HILLTOP
TROY, TX 76579

RECEIVED

JUN 12 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-19-12-ZC

Case Manager: Tammy Lyerly

Location: 205, 207, 209 North 21st 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:

Rezoning won't affect the neighborhood & will allow for the use of the proposed property.

Signature

Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tllyerly@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **June 17, 2019**.

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

Number of Notices Mailed: 18

Date Mailed: June 5, 2019

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

ORDINANCE NO. 2019-4979
(FY-19-12-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING WITH A SITE DEVELOPMENT PLAN FROM SINGLE FAMILY THREE ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY THREE ZONING DISTRICT ON LOTS 2 AND 3, BLOCK 1, COLES FACTORY ADDITION, ADDRESSED AS 205, 207, AND 209 NORTH 21ST STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicants have requested a rezoning from Single Family Three zoning district to Planned Development Single Family Three zoning district to allow all existing buildings to remain on these two single-family residential lots, addressed as 205, 207, and 209 North 21st Street;

Whereas, the existing residential dwelling at 207 North 21st Street was once a barber shop, but it is now a one-bedroom efficiency with a kitchen, bathroom, and closet, and is located on the property line between 205 and 209 North 21st Street;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, recommends approval of the rezoning from Single Family Three zoning district to Planned Development Single Family Three zoning district on lots 2 and 3, block 1, Coles Factory Addition, addressed as 205, 207, and 209 North 21st Street, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

- Development will be subject to the site/development plan;
- Existing buildings will be allowed to remain in their existing locations;
- Re-development will be subject to all development standards of the Single Family Three zoning district, per the Unified Development Code (UDC);
- Only uses allowed within the Single Family Three zoning district per the UDC will be allowed on the subject properties; 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 Single Family Three zoning district to Planned Development Single Family Three zoning district on lots 2 and 3, block 1, Coles Factory Addition, addressed as 205, 207, and 209 North 21st Street, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes.

Part 3: The City Council approves the Site Development Plan 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 **18th** day of **July**, 2019.

PASSED AND APPROVED on Second Reading on the **1st** day of **August**, 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

07/18/19
Item #9
Regular Agenda
Page 1 of 1

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-19-4-AB: Consider adopting an ordinance authorizing abandonment and conveyance of 39.96 square feet of public right-of-way situated along West Calhoun Avenue, Lot Three, Block One, Barton Business Park, Phase One, an addition to the City of Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description.

ITEM SUMMARY: The applicant, Temple Housing Authority, requests abandonment and conveyance of 39.96 square feet of public right-of-way located at 103 West Calhoun Avenue. The building currently located at this address encroaches into public right-of-way by approximately four inches. The encroachment is approximately 120 feet long. The applicant owns the building and all of Lot Three, Block One, Barton Business Park, Phase One, adjacent to the south side of the right of way. The City has no interest in retaining the right of way. If the abandonment and sale is approved, the right-of-way will be conveyed to Temple Housing Authority via a Deed Without Warranty for fair market value of \$79.92.

Staff contacted all utility providers, including the Public Works Department, regarding the proposed right-of-way abandonment. All providers and city staff confirmed that the right-of-way may be conveyed without reserving utility or drainage easements, as the providers' responses indicate there are no existing public facilities or utilities in the right-of-way. Providers and city staff also had no objections to abandoning the right-of-way because it is not needed for other public services or access.

FISCAL IMPACT: If the abandonment and conveyance are approved, the proceeds from the conveyance in the amount of \$79.92 will be deposited in account 110-0000-461-0423, Sale of Land.

ATTACHMENTS:

[Survey](#)
[Photo](#)
[Ordinance](#)

WEST CALHOUN AVENUE

807 20th (approx. Survey)
Vol. 115, Pg. 416

Survey showing LOT THREE (3), BLOCK ONE (1), of
BARTON BUSINESS PARK, PHASE ONE, an addition
in the City of Temple, Bell County, Texas, according
to the plat of record in Plat Year 2015, #145, Plat
Records of Bell County, Texas.

Concrete Parking
Survey monuments found along this line
were used for directional control.

LOT 1, BLOCK 1
BARTON BUSINESS PARK
PHASE ONE
Plat Year 2015, #145

30' PUBLIC UTILITY EASEMENT
Doc. No. 2012-00040420

0.552 ACRE
PUBLIC UTILITY EASEMENT
Doc. No. 2012-00040418

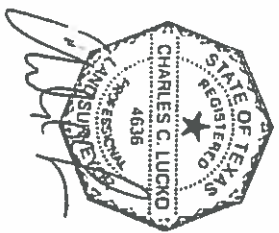
Note from the Surveyor:
The following instruments listed on the title commitment supplied
by First Community Title Company, 617, No. 404226, effective
date February 4, 2014, have been reviewed by this surveyor
and based upon what is visible on the ground and what can be
predicted from their descriptions, do not appear to affect the
property.
(No./Pg.) • 606/122 • 100/201 • Doc. No. 2012-00040414

Survey performed for: THE ELLINGTON
AUTOMOTIVE GROUP, INC. as per that title commitment provided
by FIRST COMMUNITY TITLE COMPANY, 617, No.
404226, EFFECTIVE DATE: February 4, 2014.

LOT 1, BLOCK 1
BARTON BUSINESS PARK
PHASE ONE
Plat Year 2015, #145

A C S
ALL COUNTY SURVEYING, INC.
14,474th No. 10023600
4530 South 5th Street
Temple, Texas 76702
254-718-2272, Cell 254-634-4636
Fax 254-714-1606
www.allcountysurveying.com

This surveyor and All County Surveying, Inc. do not warrant any statement with reference to location.
This sketch represents a survey made on the ground. During the performance of the survey, persons working
under my supervision observed conditions within and along the boundaries and to the best of my knowledge they
are as shown. The location of visible structural improvements with respect to the boundary lines are as shown. This
document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



Survey
Completed: 04-18-2014
Scale: 1" = 20'
Job No.: 140291
Dwg No.: 140291
Drawn by: SLH
Surveyor: CCL 4636
Copyright 2014 All County Surveying, Inc.

Plot Date: 04-19-2014

ENCROACHMENT

Abt. 4"

Google

NAI Aldrich-Thon
Group

RESOLUTION NO. 2019-4980
(FY-19-4-AB)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT AND CONVEYANCE OF APPROXIMATELY 39.96 SQUARE FEET OF PUBLIC RIGHT OF WAY SITUATED ALONG WEST CALHOUN AVENUE, LOT THREE, BLOCK ONE, BARTON BUSINESS PARK, PHASE ONE, AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Temple Housing Authority, requests abandonment and conveyance of approximately 39.96 square feet of public right of way located at 103 West Calhoun Avenue;

Whereas, the building currently located at this address encroaches into public right of way by approximately four inches and the encroachment is approximately 120 feet long - the applicant owns the building and all of Lot Three, Block One, Barton Business Park, Phase One, adjacent to the south side of the right of way, which is more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes;

Whereas, the City has no interest in retaining the right of way – upon conveyance to Temple Housing Authority via a Deed Without Warranty, they will pay fair market value of \$79.92 to the City of Temple;

Whereas, Staff contacted all public and private utility service providers, including the Public Works Department and all providers including City Staff confirmed that the right of way may be conveyed without reserving utility or drainage easements, as the providers' responses indicate there are no existing public facilities or utilities in the right of way - providers and City Staff also had no objections to abandoning the right of way because it is not needed for other public services or access;

Whereas, once approved, the proceeds from the conveyance in the amount of \$79.92 will be deposited in Account No. 110-0000-461-0423; and

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

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

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

Part 2: The City of Temple, Texas authorizes the abandonment and conveyance of approximately 39.96 square feet of public right of way situated along West Calhoun Avenue, Lot Three, Block One, Barton Business Park, Phase One, an addition to the City of Temple, as depicted on the drawing attached hereto as Exhibit A and incorporated herein for all purposes.

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

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

PASSED AND APPROVED on the **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2019, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

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



COUNCIL AGENDA ITEM MEMORANDUM

07/18/19
Item #10(A)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Amanda Rice, Deputy City Attorney

ITEM DESCRIPTION: SECOND READING – FINAL HEARING – Consider adopting an ordinance amending City Code of Ordinances, Chapter 6, "Animals and Fowl," to bring this chapter into compliance with state regulations, simplify and clarify language and terms, and provide more effective enforcement tools.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in the item description and conduct a public hearing. Second reading will be scheduled for July 18, 2019.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 6, "Animals and Fowl." The amendments include a general clean-up of the language and changes to formatting. For example, Staff suggests changing the formatting section of titles and the numbering of subsections to conform with that of other City Code Chapters and correcting minor spelling errors.

Other proposed amendments to Chapter 6 include:

- An amended definition of "At-large." Currently, Chapter 6 includes conflicting definitions of the term "at-large." In an effort to clarify this important definition, the draft amendments define "at-large" as any animal not under restraint. "Restraint" is further defined as an animal either (a) kept in a secure enclosure; or (b) kept under the direct physical control of a responsible person by a leash, cord, or other type of lead and obedient to the person's commands. The proposed amendments include several exceptions to the restraint requirement. For example, animals do not have to be restrained in the following instances:
 - The animal is on its owner's property under the immediate supervision and control of a responsible person and obedient to their commands (does not apply to cats);
 - The animal is wearing a functional electronic collar;
 - If a dog, the dog is in a designated dog park;
 - The animal is accompanied by its owner and is at an animal show;
 - The animal is a service animal; or
 - The animal is being used for law enforcement purposes.

- An updated definition of “dangerous dog” that is in line with state regulations found in Chapter 822 of the Texas Health and Safety Code. The proposed amendments clearly incorporate the provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code and include regulations related to the ownership of dangerous dogs, impoundment of dangerous dogs, and registration of dangerous dogs. These amendments also elect the City to be governed by Section 822.0422 of the Texas Health and Safety Code, which requires dogs reported to have committed dangerous dog acts to be impounded with Animal Services until a dangerous dog hearing can be held.
- A definition of “aggressive dog,” as well as regulations related to the ownership of aggressive dogs, impoundment of aggressive dogs, and registration of aggressive dogs.
- A process for the Animal Services Division to issue orders to animal owners, which includes certain remedial requirements an animal owner must complete to protect other citizens and animals against public nuisances caused by the owner's animal. Public nuisances caused by animals include animals that that destroy or damage property, cause noise that unreasonably disturbs others, are in heat, chase, attack or otherwise interfere with pedestrians or vehicles, are staked or tied within 15 feet of any street, sidewalk, park or other public place, or are repeatedly at-large. Under the proposed amendments, Animals Services may issue an order with certain remedial requirements, which may include the following:
 - Requiring that a dog be on a 4-foot leash when not in a secure enclosure;
 - Muzzling a dog in public to prevent biting;
 - Repairing a broken fence to prevent the animal's escape;
 - Keeping an animal in a different area to prevent noise disturbances;
 - Paying restitution for damages or injury caused by an animal;
 - Taking the animal to training classes; or
 - Sterilizing the animal.
- Limitations on tethering including conditions that must be met for a dog to be legally tethered.
- The creation of an offense for owners who allow animals to ride loose in open vehicles. Animals would need to be secured by a multi-point tether or inside a secure enclosure while riding in the vehicle.
- Clarifications to the multi-pet permit process.
- The creation of an offense for distracted driving due to a loose animal in the vehicle.
- Updates to the rabies article to comply with the Texas Health and Safety Code and Texas Administrative Code requirements.
- Updates to reflect the new structure of the Animal Services Division as a division of the Police Department.
- Updates to regulations related to animal cruelty, the impoundment, adoption, and disposal of animals, and prohibited animals.

The proposed amendments include and re-adopt certain fees that Animals Services charges such as fees for reclamation, adoption, spay and neuter vouchers, euthanasia, and surrender. The amendments also propose the adoption of additional fees such as veterinary costs for impounded animals, higher impoundment fees for seized animals, a multi-pet permit fee, a quarantine fee, a dangerous dog registration fee, and an aggressive dog registration fee. If Council approves the proposed amendments, Staff will bring forward a separate item asking Council to consider adopting a resolution which establishes the applicable fees.

On July 11, 2019, Council approved the proposed amendments on First Reading with the addition of language to Section 6-54 which would allow for the keeping of miniature pigs in the city limits. This language has been included in the attached draft of Chapter 6. If adopted on Second Reading, miniature pigs would be allowed in the city limits with the following restrictions:

- The person must obtain a miniature swine permit from the City and pay the permit fee;
- The swine weighs no more than 150 pounds;
- The swine is kept indoors;
- No more than two swine per household;
- Swine may not be kept on the premises of any public business;
- Swine must be sterilized;
- No breeding is allowed;
- Areas where swine is kept are clean;
- Swine must be vaccinated against erysipelas; and
- Swine may not have access to any public body of water.

FISCAL IMPACT: As stated above, the proposed amendments include and re-adopt certain fees that Animals Services charges such as fees for reclamation, adoption, spay and neuter vouchers, euthanasia, and surrender. The amendments also propose the adoption of additional fees such as veterinary costs for impounded animals, higher impoundment fees for seized animals, a multi-pet permit fee, a quarantine fee, a dangerous dog registration fee, and an aggressive dog registration fee.

ATTACHMENTS:

[Current Chapter 6](#)

[Clean copy of amendments to Chapter 6 \(to be provided\)](#)

[Ordinance](#)



Chapter 6

ANIMALS AND FOWL

- Sec. 6-1. Division of Animal Services Established.**
- Sec. 6-2. Definitions.**
- Sec. 6-3. At-Large Animals.**
- Sec. 6-4. Animal Nuisance.**
- Sec. 6-5. Care of Animals.**
- Sec. 6-6. Cruelty and Injury to Animals.**
- Sec. 6-7. Impoundment.**
- Sec. 6-8. Disposition and Redemption of Impounded Animals.**
- Sec. 6-9. Adoption of Animals.**
- Sec. 6-10. Rabies.**
- Sec. 6-11. Spaying and Neutering of Animals.**
- Sec. 6-12. Disposal of Animals.**
- Sec. 6-13. Sale of Animals.**
- Sec. 6-14. Keeping of Certain Animals.**
- Sec. 6-15. Additional Regulations.**
- Sec. 6-16. Dangerous Animals.**
- Sec. 6-17. Additional Provisions Relating to Dangerous or Vicious Animals.**
- Sec. 6-18. Impoundment and Reclamation of Dangerous Animals.**
- Sec. 6-19. Affirmative Defenses.**
- Sec. 6-20. Citations.**
- Sec. 6-21. Penalty.**
- Sec. 6-22. Culpability.**

Chapter 6

ANIMALS AND FOWL

Sec. 6-1. Division of Animal Services Established

- (a) Division of Animal Services. In order to protect the public health and welfare, to provide for the public safety, and to more effectively control, regulate and provide for animals within the City of Temple, the division of Animal Services is established. The division of Animal Services shall consist of the Animal Services Manager and such other officers and employees as may be provided by the City Council.
- (b) Animal Services Manager. The Animals Services Manager shall be appointed by the City Manager. The Animal Services Manager shall have control and supervision over all employees assigned to this division subject to the supervision of the City Manager or his designee.
- (c) Functions. The Animal Services Manager shall enforce all laws and ordinances pertaining to the keeping, treatment, impounding and regulation of animals within the City of Temple.
- (d) Duties. The Animal Services Manager shall manage the City's animal shelter. The Animal Services Manager shall keep such records and make such reports concerning the activities of the division of Animal Services as may be required by ordinance, state law, the City Manager, or by the City Council.
- (e) Local Health Authorities. The Animal Services Manager shall act as the local health authority for the purposes of enforcing all laws and regulations of the State of Texas pertaining to animals which authorize the local health authority or Animal Services officers to enforce the same.
- (f) Conduct of Division Members. It shall be the duty of all members of the division of Animal Services to enforce this ordinance and all laws of the State of Texas applicable to domesticated and wild animals, to conduct themselves in a law-abiding manner and to avoid the use of unnecessary force on animals in the possession or control of the Division of Animal Services.

Sec. 6-2. Definitions

For the purposes of this Chapter, and as used herein, the following terms shall have the meaning as given in this section:

Animal. A living organism which feeds on organic matter, has specialized sense organs and nervous system, and is able to move about and to respond rapidly to stimuli, not including a human or an insect.

At large. Off the premises of the owner and not under the complete control of the owner by leash, halter, cage, or other means of confinement.

Dangerous animal. Any dog, cat, or other animal that, without clear provocation, (a) bites or attacks humans or (b) in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated.

Fowl. A bird of any kind.

Hen. A female domestic chicken, not including guinea hens.

Keep. To retain on the premises by any means; to harbor, control, own, or have custody of or possession of.

Keeper. Any person who has custodial or supervisory authority over an animal, or who has any responsibilities for the care, custody or control over an animal, including but not limited to the provision of adequate shelter, food and water, and/or access to necessary veterinary care, even on a temporary basis.

Maintain. To feed, shelter, protect, provide for or bear the expense of.

Owner. Any person, firm, association, partnership or corporation owning, keeping, in charge of, in control of, maintaining or harboring one or more animals or fowl.

Person. Any natural person, corporation, partnership, association, firm or legal entity.

Rooster. A male domestic chicken.

Wild animal. Any animal not ordinarily tame or domesticated, or which by its very nature has propensities toward inflicting serious bodily harm. Any animal or reptile which, in its natural state, possess dangerous or vicious propensities and includes, but is not limited to coyotes, wolves, bears, wildcats (puma, bobcat, lynx), lions, tigers, poisonous snakes, alligators, crocodiles, and monkeys, whether or not said animal or reptile has been tamed.

Sec. 6-3. At-Large Animals

(a) Animal At-Large. It shall be unlawful for the owner of any cat, dog, fowl or other domesticated animal, to permit or allow such animal to run at large within the city limits. "At large" means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal. A cat is at large when straying onto the property of anyone except the owner. All animals at large are subject to impoundment by Animal Services.

(b) Pursuit of Animal. Animal services shall have the right to enter onto private property in order to pursue and apprehend a free roaming animal without first requesting permission from the owner of the property. When in pursuit of such animal, no search warrant is required.

Sec. 6-4. Animal Nuisance

(a) Animal Nuisance; Unlawful. It shall be unlawful for any person to keep any animal on any property located within the city limits when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(b) Animal Nuisance; Defined. Public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than the animal's owner, to enjoy life or property. The term "public nuisance animal" includes, but is not limited to:

- (1) Any animal that is found running at large;
- (2) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
 - a. In such cases, the owner shall make sanitary disposal of any excreta (waste) deposited by his animal on any property other than that of its owner.
 - b. Failure to remove excreta as required by this section is an offense, and may result in a citation being issued.
- (3) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - a. When possible, prior to filing a complaint with the City, the person having been disturbed by an animal as described above must give written notice to the owner or keeper of the animal that the animal's conduct has disturbed his or her peace on more than one occasion. A copy of such written notice must be presented to the City at the time the complaint is filed.
- (4) Any animal in estrus (in heat) that is not confined so as to prevent attraction or contact with other animals;
- (5) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (6) Any animal that chases motor vehicles in a public right-of-way;
- (7) Any animal that attacks other domestic animals without provocation;
- (8) Any animal that is being kept in unsanitary conditions that cause fouling of the air by noxious or offensive odors that create an unreasonable annoyance

or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (9) Any animal tied or staked within ten (10) feet of any street, park, or other public land, public sidewalk, public passageway, or public building when on an open or unfenced lot or parcel of land; or
- (10) Any animal that is a wild animal.

Sec. 6-5. Care of Animals

(a) Proper Care. It shall be unlawful for the owner or keeper of any animal to fail or refuse to provide such animal with sufficient wholesome and nutritious food, sufficient clean drinking water, sanitary shelter, veterinary care when necessary to prevent suffering and ensure humane care and treatment, or to unnecessarily expose any such animal to extreme or inclement weather.

- (1) In case of dispute over adequacy of proper care, the Animal Services Manager will be the final authority.
- (2) Violation of this section shall constitute a Class C misdemeanor or state law criminal offense when applicable.

(b) Abandoned Animal. No owner or custodian of any animal shall willfully abandon an animal on any street, road, highway or public place, or on private property when not in the care of another person.

(c) Abandoned Animal in Custody. Any animal left without proper food, water, or shelter for more than three (3) calendar days OR any animal left in conditions which endanger the health, life, and safety of the animal shall be considered abandoned. Animal Services shall take any abandoned animal into protective custody for a reasonable time in order to determine whether ownership can be established and possible criminal prosecution of persons responsible.

Sec. 6-6. Cruelty and Injury to Animals

(a) Injury to Animal. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, torment, overload, overwork, trap with steel jaw traps or intentionally run down with a vehicle any animal, or otherwise engage in any act or omission which causes or inflicts unnecessary pain, injury, suffering or death to such animal.

(b) Animal Combat. It shall be unlawful to cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) Poisoning of Animal. No person, except an authorized Animal Services employee or a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators

using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(d) Animal in Vehicle. No dog or other animal shall be left enclosed in a parked vehicle in such a way as to subject the animal to extreme temperatures that could adversely affect the animal's health, safety, or welfare. Any Animal Services officer, police officer or personnel of the fire department may use reasonable force to remove the animal from the vehicle if the person believes that an emergency situation exists.

(e) Transportation of Animal. It shall be unlawful to transport or carry on any public roadway, any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unclosed vehicle (including but not limited to convertibles, pickup trucks, jeeps, and flatbed trucks), the animal is safely confined by a vented container or cage, by chain, rope or other device cross- tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

Sec. 6-7. Impoundment

(a) Impoundment of Animals. In addition to any other remedies provided in this Ordinance, an Animal Services employee, police officer, or any designated employee of the City if an Animal Service officer is not available, may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (1) Any animal at large;
- (2) Any animal constituting a danger to the public;
- (3) Any animal not displaying a metal vaccination tag;
- (4) Any animal that is in violation of any quarantine or confinement order of the Animal Services Manager;
- (5) Any unattended animal that is ill, injured, or otherwise in need of care;
- (6) Any animal that is reasonably believed to have been abused or neglected;
- (7) Any animal that is reasonably suspected of having rabies;
- (8) Any animal that is charged with being potentially dangerous where an Animal Services employee, a police officer, or the Animal Services Manager determines that there is a threat to public health and safety;
- (9) Any animal that a court of competent jurisdiction has ordered impounded or destroyed; or
- (10) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

- (b) Animal Eluding Capture. In the event of actual or immediate danger of injury to any person because of an animal's vicious nature or actions, or in the event that an animal which constitutes a threat to the health or safety of people or other animals is about to elude capture, an officer shall be justified in immediately destroying the animal by the use of any reasonable means available, without liability to the owner for the death of the animal.
- (c) Vicious or Wild Animals. Any vicious animal or wild animal, other than an endangered species, that has been impounded may be immediately disposed of as deemed appropriate by the Animal Services Manager. Wild animals trapped because they have become a nuisance may be transported to less populated areas and released.
- (d) Notification to Animal Services. Any person finding an animal at large upon his property may hold the animal in his own possession and shall notify Animal Services. It shall be the duty of Animal Services to impound the animal.
- (e) Vaccination Tag of Impounded Animal. If a dog or cat wearing a vaccination tag is impounded, an Animal Services officer shall request the name and address of the owner from the veterinarian who issued the tag. If the owner cannot be reached readily by telephone, written notification shall be mailed to the address furnished by the veterinarian.
- (f) Impounded Animal Released to Owner. An impounded dog or cat shall be released to its owner during regular hours of operation only upon payment of the fee as established by City Council, and upon proof of ownership. Possession of a vaccination certificate describing the dog or cat or bearing the same serial number that appears on a metal tag worn by the dog or cat, shall be accepted as prima facie proof of ownership.

Sec. 6-8. Disposition and Redemption of Impounded Animals

- (a) Disposition and Redemption. The Animal Services Manager shall keep any stray dog or cat at least three (3) calendar days prior to release for adoption, and at least five (5) calendar days prior to humane destruction, not counting the day of impoundment. Unadoptable animals or animals selected for destruction because of overcrowding may be humanely destroyed after the three (3) calendar day period.
- (b) Fees. Impoundment fees are set out by resolution adopted by the City Council.
- (1) No animal shall be released to an owner until all impoundment fees have been paid.
 - (2) Any animal impounded more than four (4) times in a twelve-month period shall not be released to its owner or custodian without the written approval of the Animal Services Manager. In this instance, impoundment fees shall be double the highest listed fee.

Sec. 6-9. Adoption of Animals

An impounded dog or cat which is not claimed and redeemed by an owner within the three (3) calendar days following the day of its impoundment may be released to any person for a fee established by City Council. The decision to place an animal for adoption is in the sole discretion of the Animal Services Manager. No person seeking to adopt an animal shall be discriminated against on the basis of race, sex, religion or national origin. No person convicted of the offense of dog fighting and/or cruelty to an animal shall be permitted to adopt any animal.

Sec.6-10. Rabies

(a) Vaccination Against Rabies, Generally. The owner of each dog or cat kept within the City of Temple shall have such dog or cat vaccinated against rabies by the time the dog or cat is four (4) months of age and once each year thereafter. It shall be unlawful for any person to own or keep an unvaccinated dog or cat over four (4) months of age within the city limits.

(b) Vaccination of Adopted Animals; Proof Required. In the event a dog or cat to be adopted from the City of Temple is four (4) months of age or older and is not vaccinated, a fee in an amount set by resolution of the City Council shall be paid at the time of adoption for the issuance of a rabies vaccination certificate, which the adopting person shall present to any veterinarian within one (1) week from the date of adoption for vaccination against Rabies. The issuing veterinarian may present the certificate with a statement verifying the vaccination to the Animal Services Manager for reimbursement of the prepaid fee, or the veterinarian's fee for administering the vaccination, whichever is less.

- (1) A person commits an offense if, after adopting a dog or cat four (4) months of age or older, he knowingly fails to obtain a rabies vaccination for such animal within one (1) week of the adoption date.
- (2) It shall be presumed that the person failed to have the animal vaccinated if within ten (10) days of the adoption date he has not presented the Animal Services Manager with proof of the vaccination. Such proof shall be in the form of a receipt from the veterinarian administering the vaccination. Failure to provide proof as required may result in the issuance of a citation.
- (3) The Animal Services Manager shall be authorized to re-impound any dog or cat adopted under this subsection if the vaccination is not obtained within the required time. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

(c) Issuance of Tags and Certificate. Upon vaccinating any dog or cat, the veterinarian performing such vaccination shall deliver to the animal's owner a numbered metal tag and a certificate of vaccination. A record shall be made by the veterinarian and kept for at least two (2) years showing the date of issuance and serial number of each tag issued, the name and address of the dog or cat's owner, and a brief description of the dog or cat vaccinated.

(d) Vaccination Tag as Evidence. It shall be unlawful for an owner to allow a dog or cat over the age of four (4) months to be at large without wearing a current metal vaccination tag issued by a veterinarian during the preceding twelve (12) months. It shall be prima facie evidence of vaccination against rabies that a dog or cat is wearing attached to its collar a current metal vaccination tag.

(e) Unlawfully Displaying False Tag. It shall be unlawful for any person to cause a dog or cat to wear attached to its collar, or otherwise, a vaccination tag issued for any other dog or cat.

(f) Suspected Rabid Animals. A person having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or knowledge of an animal that is reasonably suspected to be rabid, shall report the information immediately to the Animal Services Manager or the police department.

(1) The owner of an animal that is reported to be rabid, or to have exposed an individual to a risk of contracting rabies, shall submit the animal to the Animal Services Manager or a licensed veterinarian to be quarantined until such time as it can be definitely determined whether such animal is infected with rabies, but in no case less than ten (10) days.

(2) It is an offense under this chapter for a person to refuse to submit for quarantine any animal reasonably suspected of being rabid. It is also an offense to knowingly sell, release or otherwise dispose of an animal before the expiration of the quarantine period if the animal is reasonably suspected of being rabid.

(3) An animal that is lacking proof of current vaccination for rabies at the time it bites or scratches a person is presumed to be under suspicion of rabies.

(g) Quarantine and Testing. Animals suspected of being rabid shall be quarantined with a licensed veterinarian at the expense of the owner. If it is determined by a veterinarian that a quarantined animal shows the clinical signs of the disease of rabies, the veterinarian shall humanely destroy the animal. If the animal dies or is destroyed while in quarantine, the veterinarian shall remove the head or brain of the animal and submit it to the Texas Department of State Health Services for testing.

(h) Home Quarantine. The owner of any animal allowed to home quarantine an animal shall comply with written procedures regarding the quarantine as provided to the owner by the Animal Services officer.

(1) Upon the request of the owner of a dog or cat which has bitten or scratched a human, and at the sole discretion of the Animal Services Manager, the Animal Services Manager may permit home quarantine for the animal if all of the following criteria can be met:

a. The animal was currently vaccinated against rabies at the time of the bite or scratch;

- b. The animal was not at large at the time of the bite or scratch;
- c. The animal's owner has secured facilities at his home for the animal which have been approved by the Animal Services Manager;
- d. The Animal Services Manager or a licensed veterinarian must observe the animal on at least the first and tenth days of the quarantine period. All quarantined animals shall be separated from all other animals in such a manner that there is no possibility of physical contact between animals;
- e. If the animal becomes ill during the observation period, the person with possession of the animal must notify the Animal Services Manager;
- f. The owner must sign an agreement to abide by the quarantine rules; and
- g. At the end of the quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will generate a letter authorizing the release of the animal from quarantine.

- (2) The owner of an animal under home quarantine commits an offense if he fails to comply with any requirement contained in the home quarantine agreement.

(i) Release of Quarantined Animals. If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the animal shall be released to its owner following the quarantine period if:

- (1) The owner has an unexpired rabies vaccination certificate for the animal, or
- (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense, and
- (3) The animal is not the subject of a dangerous animal complaint.

(k) Costs. The owner of an animal that is quarantined under suspicion of rabies shall pay to the City of Temple the reasonable costs of the quarantine and disposition of the animal, or the City may bring suit to collect such costs.

(l) Unclaimed Animals. Animals that are not claimed on or before the third day following the end of the quarantine period may be released to an animal shelter after vaccination for rabies, or they may be humanely destroyed.

Sec. 6-11. Spaying and Neutering of Animals

All adopted animals are required to be spayed or neutered within fourteen (14) days of adoption, unless, the animal is less than four (4) months of age. All pets reaching that age shall be spayed or neutered. Proof of sterilization shall be provided to Animal Services in accordance with this subsection. Failure to provide proof as required shall constitute an offense and a citation may be issued.

Sec. 6-12. Disposal of Animals

(a) Contagious/Threat to Life or Health. It shall be the duty of every person keeping or maintaining any animal which becomes infected or afflicted with disease which is contagious or a threat to the life and health of other animals or to humans, to humanely destroy the animal(s) and dispose of the remains as directed by an Animal Services officer.

(b) Dead Animal Disposed in 24 Hours. Except for animals kept by veterinarians or persons engaged in medical or scientific research, or those mounted by a taxidermist, dead animals shall be disposed of within twenty-four (24) hours of the time of death. The manner in which dead animals are disposed of shall, at minimum, comply with established regulations and applicable laws, specifically in accordance with subsections 6.11(c) and (d), as set forth below.

(c) Disposal on Public Property Prohibited. It shall be unlawful for any person to dispose of any dead animal or fowl upon public property within the City of Temple, other than the sanitary landfill. Public property includes, but is not limited to: streets, alleys, parks, buildings, and grounds owned, operated, or rented by any level of government, and drainage channels maintained by the City of Temple.

(d) Disposal. Dead animals, excluding those intended for human or animal consumption, shall be disposed of as follows:

- (1) Animals weighing fifty (50) pounds or less may be buried on the owner's premises at a depth of at least twelve inches (12");
- (2) Animals may be disposed of at the landfill, sold or given to a renderer, or buried in a properly zoned pet cemetery;
- (3) If requested by the owner, dogs and cats will be picked up by Animal Services and disposed of at the landfill. The fee for this service shall be an amount set by resolution of the City Council;
- (4) The landfill manager shall have the right to refuse a dead animal if placing such animal in the landfill would pose a health risk; and
- (5) The Animal Services Manager shall have the right to refuse to accept any dead animal if he determines that transporting such animal would cause a health risk to humans or to animals at the Animal Services center.

Sec. 6-13. Sale of Animals

(a) Sale on Public Property. It shall be unlawful for any person to sell, give away, place for adoption, or otherwise transfer a dog, cat or other live animal directly from public property or from any other place to which the public has access that is not permanently used and maintained as a private residence, pet shop, veterinarian office or hospital, a licensed animal shelter, hatchery, livestock auction, or a business dealing in farm or ranch supplies.

(b) Exception for Non-Profit. A non-profit animal welfare organization may submit a petition in writing to the Animal Services Manager requesting written authorization to conduct activities encompassed by this section.

(c) Adoption Area. For the benefit of the citizens of Temple, the Animal Services Division may make available to residents of Bell County an adoption area at the City's Animal Services facility or another location determined by the Animal Services Manager. Residents of Bell County desiring to sell pets at a location designated by the Animal Services Manager must remain in control of the animals brought for adoption until custody is taken by a purchaser who will then be responsible for control of the animal. Participants must adhere to the general provisions for adoption established by the City, including but not limited to, the sterilization policy and the vaccination policy. The Animal Services Manager may establish all additional guidelines necessary for the implementation of this ordinance, including fees and regulations for the use of the area. The Animal Services Manager is authorized to refuse service to anyone for any reason, and to declare any animal unsafe, unhealthy, unsanitary, or dangerous.

Sec. 6-14. Keeping of Certain Animals

(a) Restrictions on Keeping of Rabbits. No more than two (2) rabbits or hares may be kept as pets, provided that they are kept in a clean, dry, sanitary, and odor free cage that is not closer than twenty-five (25) feet to the nearest residence on which the cage is located, and that the feed is stored in rodent-proof containers. Rabbits shall not be kept within twenty-five (25) feet of any residence, excluding the residence of the animal's owner or keeper.

(b) Keeping of Swine. It shall be unlawful for any person to keep any swine within the limits of the City of Temple, Texas, unless the swine are kept in a pen or enclosure on a tract of land at least ten (10) acres in size, which is zoned as "agricultural," and the pen or enclosure is located a distance of at least five hundred (500) feet from the nearest residence.

(c) Keeping of Animals or Fowl Near Creeks and Streams. It shall be unlawful for any person to keep or maintain any animal or fowl in a pen, cage or enclosure in, near, or on a creek or stream within the City of Temple and permit drainage from said pens, cages or enclosures, fecal matter or urine to enter a creek or stream. No pigs or hogs shall be permitted or allowed to have access to, to enter, or to drink water from a creek or stream within the City of Temple.

(d) Regulation on Keeping Animals, Fowl and Bees.

- (1) It shall be unlawful for any person to keep or maintain any guinea fowl, peacocks, horses, mules, donkeys, cattle, goats, sheep, chickens, turkeys, geese, ducks or pigeons in any pen, yard, enclosure, barn, building or other place that is located less than one hundred fifty (150) feet from the residence of any person other than the owner or keeper.
- (2) It shall be unlawful for any person to keep bees and beehives in any pen, yard, enclosure, barn, building or other place that is located less than three hundred (300) feet of the residence of any person other than the owner or keeper.
- (3) Notwithstanding the foregoing provisions, in a residential zoning district, no more than six (6) hens may be kept in a back yard, provided the pen or enclosure for housing the hens is at least fifty (50) feet from the nearest residence, and the pen or enclosure is clean, secure, ventilated, large enough for the animal to move freely, and meets any applicable standards or permit requirements found in the Unified Development Code. The accumulation of waste creating an obnoxious odor and/or health hazard is prohibited. Roosters are expressly prohibited.

(e) Exceptions. Sections 6-13(a) through 6-13(d) of this Chapter shall not apply to:

- (1) Veterinarians keeping animals or fowl at the veterinarian's regular place of business during periods of time said animals or fowl are being treated for disease, or injury, or observed in the course of such treatment;
- (2) Animals or fowl kept, maintained and used in the course of medical, educational or scientific research at an established business location or under conditions approved by the Division of Animal Services;
- (3) Circuses, traveling shows, zoos and auction barns operating under permit or sanction of the City of Temple;
- (4) Animals or fowl which, because of injury or age, require temporary care, provided that such animal or fowl shall not be kept for a period of time exceeding thirty (30) days, and shall not be kept or raised for sale, barter or consumption; provided, further, that this exemption shall not apply to wild animals;
- (5) Animals and fowl, such as baby chickens, rabbits, pigeons and ducks, kept at an established place of business dealing in farm and ranch supply and which animal or fowl are domesticated and marketable for human consumption; provided, that said animals or fowl are kept and maintained in an enclosure which is dry, sanitary, cleaned regularly and free of accumulations of odor- causing debris and fecal matter.

Sec. 6.15. Additional Regulations

(a) Injury and Destruction of Wild Birds. Any person eleven (11) years of age, or older, who willfully kills or injures any wild bird, removes the eggs or young from the nest of a wild bird, or in any manner destroys the eggs or young of a wild bird, save and except pigeons, English sparrows, grackles, and blackbirds, shall be guilty of a misdemeanor.

(b) Tampering with Traps. It shall be unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the division of Animal Services, or to release any dog or cat from any such trap.

(c) Keeping in Unoccupied Residence. It shall be unlawful to keep, shelter or enclose any dog or cat within any residential building which is not occupied as a residence by a person.

(d) Limitation on Number.

- (1) It shall be unlawful for any person to keep, maintain, or shelter more than three (3) dogs, plus one litter to age of three (3) months, within the City of Temple, Texas, without a written permit. Any person desiring to keep, maintain, or shelter more than three (3) dogs plus one litter to age three (3) months must make a written request to the Animal Services Manager for a permit to keep a specified number of dogs, not to exceed five (5) adult dogs at a specified location. Only one permit may be granted for a lot or parcel of real property at least one (1) acre in size. The Animal Services Manager may issue the permit if he determines that such person has a proper and adequate enclosure in which to keep the dogs, and a proper and sanitary shelter for the dogs.
- (2) A permit may be revoked by the Animal Services Manager in the event either of the above criteria is not maintained, if the permittee is convicted of any violation of this chapter, if any one of the dogs is on two (2) separate occasions found at large by an Animal Services officer, or if the Animal Services Manager determines that the animals have become a nuisance.
- (3) The provisions of this section shall apply equally to the keeping of cats. A person may keep three (3) dogs and three (3) cats, plus a litter of each to age three (3) months, without a permit and, with a permit, may keep a larger specified number of dogs or cats.
- (4) The fee for the permit shall be established by City Council.
- (5) The limitations of this section shall not apply to dogs or cats kept upon the business premises of any veterinarian, kennel, animal shelter, pet shop, non-profit animal welfare organization group, or scientific research institution located in a zoning district zoned for such use.

(e) Vehicle Striking Animal. The driver of any vehicle which collides with or strikes any domesticated animal shall stop the vehicle immediately at the scene of the accident, or as close as

possible without interfering with traffic, render reasonable assistance to the animal and either locate and notify the owner of the animal or report the accident and the injury to the Division of Animal Services or the Police Department. An injured animal may be delivered to its owner, a veterinarian, an Animal Services employee or an Animal Services facility. The provisions of this section shall not apply to any emergency vehicle or to a driver taking an ill or injured person to medical care, nor shall it require assistance to an animal if providing such assistance would place any person in danger from the animal or traffic.

(f) Destruction of Ill or Injured Animals by Animal Services. An animal that is severely injured or ill may be destroyed by Animal Services in a humane manner if the animal is suffering and is not expected to survive.

- (1) An animal that exhibits symptoms of mange, distemper, parvovirus or other communicable diseases may be destroyed in a humane manner. Animals suspected of having a communicable disease shall not be confined with healthy animals in the City animal shelter.
- (2) If an injured or diseased animal in the custody of an employee of the Division of Animal Services is wearing a current vaccination tag or other identification, the custodian shall make every reasonable effort to notify the owner of the animal's location and condition before destroying the animal. Once notified, if the owner proceeds immediately to the location of the injured animal, it shall be released to the owner without charge. Animals that are not wearing any type of identification may be destroyed immediately.
- (3) The City of Temple shall not be responsible for obtaining veterinary services for unclaimed diseased or injured animals. In the event a person obtains veterinary services for a diseased or injured animal, a person subsequently claiming ownership of the animal shall be liable for all expenses of treatment. A person or entity that obtains veterinary services for an animal may bring suit against the animal's owner to collect expenses of treatment.
- (4) The City of Temple, its officers, agents and employees, shall not be liable in damages for the destruction of any animal accomplished in accordance with the chapter.

Sec. 6-16. Dangerous Animals

(a) Vicious Dogs Prohibited in Public; Confinement to Private Property. No dog or any other animal with aggressive or vicious propensities, nor a female dog in estrus (in heat) shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place in the city, whether or not said dog is under control by means of a leash, chain or otherwise. A dog that has

attacked or bitten a human being or attacked another animal shall be considered aggressive or vicious propensities.

(b) Dangerous Dogs and Wild Animals. The City of Temple expressly adopts Chapter 822 et seq. of the Texas Health and Safety Code. The City further authorizes the Division of Animal Services to administer the provisions of that Chapter. Such adoption should in no way be construed to limit the authority of Animal Services to provide for the safety or citizenry of the City of Temple in relation to its daily activities.

(c) Dangerous Animals. The City expressly adopts the same provisions for dangerous animals as are used for dangerous dogs.

(d) Guard Dogs. Dogs maintained lawfully as guard dogs or attack dogs as defined herein, shall not be included in the definition of "wild or dangerous animal." As used in this section the term "guard dog or attack dog" means any dog intended to attack intruders, that has completed professional training and is certified, or has been comparably trained, such that its attack can be stopped on command. Display of such certificate shall be required on demand from an Animal Services officer.

(e) Warning Signs Required. It shall be unlawful for any person to leave any guard or attack dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in any place outside a building except in a fenced yard, with a fence adequate to prevent the dog from leaving the premises, and with a warning sign placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

Sec. 6-17. Additional Provisions Relating to Dangerous or Vicious Animals

(a) Change of Owner. If the owner of a registered dangerous animal sells or gives the animal to another person, the owner shall notify the other person at the time of the sale or gift that the animal is a registered dangerous animal.

(b) Registration by New Owner. If a new owner keeps the dangerous animal within the City of Temple, he shall register the animal with the Animal Services Manager within ten (10) calendar days after receiving it.

(c) Re-registration. When the owner of an animal registered as a dangerous animal in another jurisdiction becomes a resident of Temple, he shall register the animal with the Animal Services Manager within ten (10) calendar days after becoming a new resident.

(d) Validation of Re-registration. A re-registration shall be valid only for the time remaining on the prior registration.

(e) Notification by Animal Services Manager. When the Animal Services Manager is informed that a dangerous animal has been moved to another jurisdiction, or when the Animal Services Manager registers a dangerous animal previously registered in another jurisdiction, he should notify the Animal Services authority for such jurisdiction of this information.

(f) Notification of Attacks. The owner of a registered dangerous dog shall notify the Animal Services Manager of all attacks made by the dog on domestic animals, domestic fowl, or humans.

Sec. 6-18. Impoundment and Reclamation of Dangerous Animals

(a) Impoundment Not Possible.

- (1) If Animal Services attempts to impound a dangerous animal at a location away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harborer.
- (2) If an attempt is made to impound a dangerous animal from the premises of the owner or harborer and the impoundment cannot be made with safety, the owner or harborer will be given twenty-four (24) hours' notice that if the animal is not surrendered to Animal Services within twenty-four (24) hour period, then the animal will be destroyed wherever it is found. After this notice, the dangerous animal may be destroyed during an attempt to impound if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this section shall be in writing. A written notice left at the entrance to the premise where the dangerous animal is harbored will be considered valid notice as of the date and time of posting.
- (3) In lieu of surrendering the animal to Animal Services, an owner may permanently remove said animal from the City, if written proof of relocation is provided to the Animal Services Manager and transport is made in compliance with this ordinance.

(b) Dangerous Animal Not Reclaimed. A dangerous animal impounded pursuant to this section and not reclaimed by its owner under the requirements of this section within ten (10) calendar days from the date of notice of impoundment shall be deemed abandoned and, at the discretion of the Animal Services Manager, euthanized in a humane manner.

(c) Return of Dangerous Animal. No dangerous animal shall be returned to its owner at any time unless authorized by this Ordinance and the owner has fulfilled all requirements for reclaiming the animal, as adopted by the City of Temple Animal Services Division and outlined in Texas Health and Safety Code Chapter 822, as amended.

Sec. 6-19. Affirmative Defenses

Any exemptions or exceptions found in this Chapter shall be affirmative defenses and shall be proven by the defendant. It shall not be necessary to list such exceptions or exemptions in the charging instrument or in the prosecution by the City of the offense. It shall be the burden of the person charged with the offense to prove that an exception or justification exists.

Sec. 6-20. Citations

An Animal Services officer or police officer is authorized to issue a citation to any person who violates a provision of this chapter. The citation shall set forth the general nature of the violation charged, and direct the violator to appear in the municipal court of the City of Temple, Texas, on or before a certain day. When the violator is not present, the citation may be issued, a complaint filed, and procedure followed as permitted by law. The violator shall be presumed to be the owner or occupant of the location where an animal is found or located, or the keeper of the animal, when the owner of the animal cannot be verified by a current license or tag.

Sec. 6-21. Penalty

Any person adjudged guilty of an offense under this Chapter shall be guilty of a misdemeanor punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00). Each day that a violation continues shall constitute a separate offense.

Sec. 6-22. Culpability

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required and the offense is one of strict liability.

Revised September 3, 2014 by Ordinance No. 2015-4725

Chapter 6

ANIMALS

ARTICLE I. IN GENERAL

Sec. 6-1. Animal Services Division established.

To protect the public health and welfare, to provide for the public safety, to promote a safe and healthy environment for both animals and people, and to more effectively control, regulate, and provide for animals within the City of Temple, the Animal Services Division is established (hereinafter called "Animal Services"). Animal Services will consist of upper level management and their designees, including Animal Services officers, and all others designated by the City Manager. The Temple Police Department will oversee Animal Services.

Sec. 6-2. Enforcement.

- (a) The provisions of this Chapter may be enforced by Animal Services, the Temple Police Department, and any other persons designated by the City Manager. The City Manager and the Chief of Police have the authority to designate hearing officers to hear appeals under this Chapter.
- (b) In carrying out their official duties, Animal Services officers and police officers have the authority to protect themselves, to protect a third person, and to protect any animal from attack or threat of imminent bodily injury and to prevent any animal from enduring further pain or suffering due to disease or injury.
- (c) It is unlawful for any person to interfere with, obstruct, resist, or oppose any Animal Services officer, police officer, or other person authorized to enforce provisions of this Chapter while such person is apprehending an animal or performing any other duties as required for the enforcement of this Chapter or other state or local law. It is unlawful to take or attempt to take any animal from a vehicle used by the City or its designee to transport any animal or take or attempt to take any animal from a City animal shelter or other kennel or confinement area used to impound an animal.
- (d) It is unlawful for a person to make a false complaint or a false report of an alleged violation under this Chapter.

Sec. 6-3. Definitions.

For the purposes of this Chapter, and as used herein, the following terms will have the meanings as given in this Section:

Aggressive dog. A dog that:

- (a) makes an unprovoked attack on another domestic animal that causes bodily injury to that animal and occurs in a place other than an enclosure in which the dog was being kept;
- (b) on more than one occasion, when unprovoked, bites one or more persons who were lawfully inside the dog's enclosure;
- (c) repeatedly attempts, successfully or unsuccessfully, to climb over, dig under, chew through, break or otherwise escape from its enclosure in an attempt to attack, chase, or harass a person or another domestic animal;
- (d) commits unprovoked acts in an enclosure in which the dog was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (e) commits unprovoked acts in a place other than an enclosure in which the dog was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to another domestic animal.

Animal. Any living, vertebrate creature, domestic or wild, other than a human.

At large. Any animal not under restraint as defined by this Section. An animal inside a vehicle parked in a public place will be considered at large unless it is restrained in such a manner that it cannot exit the vehicle on its own volition.

Bodily injury. Physical pain, illness, or any impairment of physical condition.

Cat. A commonly domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other prohibited animal.

Chief of Police. The chief of the City of Temple Police Department (Temple Police Department) and their designees.

City. The City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, and designees.

City animal shelter. An impound or adoption services facility owned, operated, leased, or contracted for by the City.

City Council. The City's elected governing body.

City Manager. The City's city manager or their designee.

Dangerous dog. A dog that:

- (a) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (b) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. A commonly domesticated member of the Canidae (canine) family, other than a wolf, jackal, fox, dingo, coyote, or other prohibited animal.

Domestic animal. Includes livestock, caged or penned fowl, other than birds of prey, and normal household pets, including, but not limited to, cats and dogs, ferrets, rabbits, cockatiels, parakeets, hamsters, guinea pigs, gerbils, fish, or small, non-poisonous reptiles, snakes, or amphibians.

Fowl. A bird of any kind.

Guard dog. Any dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to Tex. Occ. Code Ch. 1702, as amended.

Handle. Having charge, care, custody, or control of an animal.

Harbor. To feed, shelter, protect, provide for, care for, bear the expense of, or otherwise maintain an animal.

Hen. A female domestic chicken, not including guinea hens.

Impoundment fee. The fee charged for the impoundment of animals impounded under Sec. 6-9 (Cruelty to Animals), Article VII (Dangerous Dogs), or Article VIII (Aggressive Dogs) of this Chapter.

Livestock. Includes, regardless of age, sex, or breed, horses and all equine species, including mules, donkeys and jackasses; cows and all bovine species; sheep and all ovine species; llamas; goats and all caprine species; and pigs and all porcine species.

Keep. To retain on a property by any means, control, own, or have custody or possession of an animal.

Miniature swine. Any breed of swine weighing one hundred fifty (150) pounds or less at full maturity.

Owner. Any person who owns, shelters, keeps, handles, harbors, or has temporary or permanent custody of an animal, or who knowingly allows an animal to remain on any property over which the person has control.

Person. Any natural person, corporation, partnership, association, firm, or legal entity.

Pet. Any animal kept for pleasure or companionship rather than utility or as a service or emotional support animal.

Prohibited animal.

- (a) Any wild or exotic animal or any animal not normally born and raised in captivity, including, but not limited to, the following:
 - (1) a dangerous wild animal as defined by Section 822.101 of the Texas Health and Safety Code, as amended;
 - (2) reptiles: venomous lizards, venomous snakes, crocodiles, alligators, caimans, and gharials;
 - (3) mammals:
 - (A) felines (such as lions, tigers, bobcats, jaguars, leopards, pumas, and cougars), except commonly domesticated cats;
 - (B) canines (such as wolves, dingos, coyotes, foxes, and jackals and any hybrid of a canine, including hybrids of canines and commonly domesticated dogs), except commonly domesticated dogs;
 - (C) mustelids (such as weasels, skunks, martins, minks, badgers, and otters), except ferrets;
 - (D) procyonids (such as raccoons and coati);
 - (E) bears;
 - (F) marsupials (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
 - (G) bats;
 - (H) sloths, anteaters, armadillos, and related species;
 - (I) elephants;
 - (J) primates (such as monkeys, chimpanzees, orangutans, and gorillas);
 - (K) rodents (such as beavers and porcupines), except commonly domesticated rodents kept as pets including hamsters, gerbils, guinea pigs, rats, mice, and chinchillas; and
 - (4) amphibians: poisonous frogs.
- (b) This term does not include livestock, fowl, or normal household pets, such as, but not limited to, dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-poisonous reptiles, snakes, or amphibians.

Properly fitted collar. A collar that measures the circumference of an animal's neck plus at least one inch.

Properly fitted harness. A harness that is of an adequate size, design, and construction as appropriate for an animal's size and weight.

Public nuisance. A condition that is or threatens to be detrimental or dangerous to the public's health, safety, or welfare.

Quarantine fee. The fee charged for the quarantine of animals impounded under Sec. 6-41.

Reclamation fee. The fee for the reclamation of an impounded animal, except as otherwise provided by this Chapter.

Repeatedly at large animal. An animal that is at large more than four times in a one-year period.

Restraint. An animal either (a) kept in a secure enclosure; or (b) kept under the direct physical control of a responsible person by a leash, cord, or other type of lead and obedient to that person's commands.

Rooster. A male domestic chicken.

Serious bodily injury. An injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Shelter. A clean, sturdy, and dry structure with a roof and three (3) sides and an entryway that is protected from the elements and is large enough to allow the animal to stand erect, sit, turn around, and lie down in a normal manner.

Sterilization. Surgical or chemical treatment of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Unprovoked means an action by a dog that is not:

- (a) in response to being tormented, abused, or assaulted by any person;
- (b) in response to pain or injury;
- (c) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or
- (d) in response to an assault or attempted assault on a person.

Veterinarian. Any person duly licensed to practice veterinary medicine by the Texas State Board of Veterinary Medical Examiners.

Veterinary hospital, clinic, or office. Any establishment maintained and operated by a veterinarian for surgery, diagnosis of, and treatment of diseases and injuries of animals.

ARTICLE II. CARE AND CONTROL

Sec. 6-4. Restraint; animals at large.

- (a) All owners must keep their animals under restraint except as otherwise provided by this Section.
- (b) An animal not under restraint is at large, except if the animal is:
 - (1) on the premises of its owner's property and is under the immediate personal supervision and the control of a responsible person and obedient to that person's commands;
 - (A) It is an exception to the supervision and control requirements of Subsection (b)(1), above, if the animal is a cat and is on the premises of its owner;
 - (2) wearing a functioning electronic collar and is under the control of a responsible person and obedient to that person's commands;
 - (3) if a dog, is in a designated dog park;
 - (4) accompanied by its owner or trainer at a bona fide animal show, field trial, or exhibition;
 - (5) a service animal in the performance of its duty under the Americans with Disabilities Act of 1990, 42 U.S.C.S. § 12101 et seq., as amended and is under the immediate control of a responsible person and obedient to that person's commands; or
 - (6) an animal used for law enforcement purposes by a law enforcement agency.
- (c) It is unlawful for an animal to be at large.
- (d) All animals at large are subject to impoundment by Animal Services. Animal Services officers, police officers, and their designees have the authority to impound at large animals as provided below:
 - (1) on public property, in all cases;
 - (2) on private property, if the consent of the resident or property owner is obtained;

(3) on private property, in all cases except fenced rear yards of residences, if the officer reasonably believes that the animal will run at large if not impounded, except for cats on the premises of their owner; and

(4) when authorized by appropriate courts of law.

Sec. 6-5. Animal defecation.

(a) If an animal defecates on any public or private property other than the property of its owner, the owner of the animal must immediately remove the feces and dispose of it as required by state and local law.

(b) Failure of an owner to comply with this Section is an offense under this Chapter.

Sec. 6-6. Public nuisances.

(a) Every owner is responsible for the behavior and conduct of their animal at all times. An owner must:

(1) prevent their animal from damaging or destroying public or private property other than the owner's private property;

(2) prevent their animal from causing noise that unreasonably disturbs or interferes with the peace, comfort, and quiet enjoyment of a neighboring person of ordinary sensibilities;

(3) restrain their animal while it is in heat;

(4) prevent their animal from chasing, attacking, or otherwise interfering with pedestrians or passersby, regardless of whether the animal is on the owner's property;

(5) prevent their animal from chasing, attacking, or otherwise interfering with a motor vehicle, bicycle, scooter, or other vehicle, regardless of whether the animal is on the owner's property;

(6) not tie or stake their animal within fifteen (15) feet of any street, sidewalk, park, or other public land when tied or staked on an open or unfenced property;

(7) not tie or stake their animal at a location or in a manner that allows the animal to graze on or reach public property; and

(8) prevent their animal from being repeatedly at large.

(b) Failure of an owner to comply with any of the duties listed in Subsection (a), above, is a public nuisance and an offense under this Chapter.

(c) If Animal Services determines that a public nuisance exists under this Chapter, or an owner is violating any other provision of this Chapter, Animal Services may, at its discretion, issue an order requiring

that the owner perform certain remedial requirements to remedy the nuisance or violation of this Chapter.

- (d) To appeal an order or decision of Animal Services made under this Section or Subsection 6-23(f), the owner of the animal at issue must file a written notice of appeal with Animal Services within fifteen (15) days of the date the order or decision was made. If the owner fails to timely file a proper appeal, the Animal Services' order or decision will be final.
- (e) A hearing on an appeal under this Section will be held within ten (10) days of the date the appeal was filed.
- (f) Notice of the hearing must be given to the appellant at least seventy-two (72) hours in advance of the hearing, unless the appellant waives their right to notice. Notice of a hearing must also be given to Animal Services at least seventy-two (72) hours in advance of the hearing date unless they waive their right to notice. If the appellant fails to appear at the hearing, the order or decision of Animal Services will be final.
- (g) The burden of proof in an appeal will be upon the appellant. This burden may be met by a preponderance of evidence.
- (h) At any hearing, the hearing officer is not restricted to the rules of evidence applicable in a court of law but may rely upon that evidence which a reasonable man would rely upon in reaching a decision. Any person having knowledge of relevant or material facts will be allowed to appear and testify.
- (i) Upon the close of the hearing, the hearing officer must issue a written statement of their findings and decisions, and may sustain, modify, or rescind Animal Services' order or decision. A hearing officer's decision will be final. A copy of this written statement will be sent to the appellant and to Animal Services within five (5) days of the date the statement is written.
- (j) All services of notice and statements under this Section must be provided to the owner in person or by mail.
- (k) Remedial measures.
 - (1) As provided by Subsection (c) or Sec. 6-23(f), Animal Services or a hearing officer may require an owner to take any of the below remedial measures:
 - (A) Leash. Securely leash the animal with a leash no longer than four feet in length and keep the animal in the physical control of a person eighteen (18) years of age or older when not securely confined indoors or in a kennel, pen, or fenced-in area. The animal may not be leashed to inanimate objects, such as trees, posts, buildings, etc.
 - (B) Muzzle. Muzzle the animal by a muzzling device sufficient to prevent the animal from biting persons or other animals when the animal is in a public place.

- (C) Secure Confinement. Securely confine the animal in a kennel, pen, or fenced-in area or repair or install a kennel, pen, or fence to securely confine the animal.
- (D) Relocation of confinement area. Relocate on their property the area where the animal is kept, so that the animal does not unreasonably disturb or interfere with the peace, comfort, or quiet enjoyment of a neighboring person of ordinary sensibilities.
- (E) Confinement indoors. Confine the animal indoors, prohibit the animal from being kept on a porch, patio, or part of a house or structure where the animal can exit on its own volition, or otherwise restrict the confinement of the animal so that the animal cannot escape from its confines.
- (F) Restitution. Pay restitution for damages or injury caused by the animal.
- (G) Training. Take the animal to training.
- (H) Spay or neuter. Spay or neuter the animal.
- (I) Animal enclosure. Provide a clean, safe, and healthy area in which the animal will be kept as required by this Chapter.
- (J) Removal from City. Require a prohibited animal to be removed from the City, unless the owner is exempted by Section 822.102, Subchapter E, Dangerous Wild Animals, Texas Health and Safety Code, as amended.
- (K) Take other remedial requirements that under the circumstances Animal Services or a hearing officer finds will serve the interests of the owner in keeping the animal and promote the peace, safety, and welfare of the public as well as the health and welfare of the animal.
- (l) If remedial requirements are ordered under this Chapter, Animal Services or a hearing officer will state a time frame within which the owner must comply with the required actions. For good cause, the period to comply may be extended by Animal Services or the hearing officer.
- (m) Animal Services and a hearing officer have the authority to inspect the premises in which the owner's animal is kept at reasonable times to ensure continued compliance with the remedial requirements during the prescribed time frame provided by Subsection (l), above.
- (n) It is unlawful for an animal owner to violate or fail to comply with the remedial requirements ordered by a hearing officer or Animal Services under this Chapter.

Sec. 6-7. Pens and enclosures; sanitary requirements; minimum cage size; overcrowding.

- (a) An owner of any animal must maintain and keep all animal cages, pens, coops, kennels, fenced-in areas, and other enclosures of any kind in a sanitary condition. The owner must:
 - (1) promptly dispose of all animal wastes;
 - (2) keep the enclosures clean and free from noxious odors; and
 - (3) keep the enclosures free of flies, mosquitoes, ticks, fleas, and other vectors as feasible.
- (b) Cages, pens, coops, kennels, fenced-in areas, and other enclosures used to confine animals must be of sufficient size to maintain all animals within such enclosure comfortably and in good health. Each animal must have enough space to allow it to turn freely and easily stand, sit, stretch, move its head without touching the top of the enclosure, and assume a comfortable posture for eating and drinking. An enclosure must be large enough to allow all animals within the enclosure to move and lay down without lying on excrement.

Sec. 6-8. Abandoned animal; impoundment.

- (a) Any animal left without proper food, water, or shelter for more than three (3) days or any animal left in conditions that endanger the health, life, and safety of the animal will be deemed abandoned.
- (b) Animal Services, a police officer, or any other authorized agent of the City may impound any abandoned animal.

Sec. 6-9. Cruelty to animals.

- (a) Cruelty to non-livestock and livestock animals, excluding uncaptured wild living creatures, is a violation of the Texas Penal Code and depending on the circumstances, is a Class A misdemeanor, state jail felony, or a felony of the second or third degree.
- (b) Cockfighting is a violation of the Texas Penal Code and depending on the circumstances is a state jail felony or a Class A or Class B misdemeanor.
- (c) Dogfighting is a violation of the Texas Penal Code and depending on the circumstances is a state jail felony or a Class A misdemeanor.
- (d) Animals Services and the Chief of Police have the full authority granted by Section 821.022, Texas Health & Safety Code, as amended, to seize and impound any animal that has been or is being cruelly treated. If Animal Services or the Chief of Police has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any justice of the peace or magistrate in Bell County or any municipal court judge on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.

Sec. 6-10. Standard of care.

- (a) An owner of an animal is required to provide to their animal humane care and treatment, including:
- (1) access to an adequate supply of fresh air;
 - (2) species-specific food;
 - (3) fresh water;
 - (4) exercise;
 - (5) shelter, as defined by this Chapter;
 - (6) access to adequate natural or artificial shade from direct sunlight at all times that is large enough to contain all outdoor pets at one time and is separate from any shade created from the designated shelter; and
 - (7) veterinary care when needed to prevent suffering.
- (b) In case of dispute over adequacy of care and treatment, Animal Services or the Chief of Police will be the final authority.

Sec. 6-11. Tethering of dogs.

- (a) It is unlawful for a person to use a chain, rope, tether, leash, cable, or other like device to attach a dog to a stationary object or trolley system (hereinafter called "tethering") except as provided by this Section.
- (b) A person may tether a dog in the following circumstances:
- (1) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity;
 - (2) if tethering is required to protect the safety or welfare of a person or the dog and the owner maintains immediate control of the dog;
 - (3) in the immediate control of the owner in a public park; or
 - (4) on the owner's property, if the dog is tethered in such a way as to prevent the dog from:
 - (A) advancing to within fifteen (15) feet of the edge of any public right-of-way; and

(B) moving outside the owner's property.

(c) If a dog is lawfully tethered as provided by Subsection (b)(4), the following conditions must be met:

(1) the chain, rope, tether, leash, cable, or other like device used to tether:

(A) must be attached to a properly fitted collar or harness worn by the dog;

(B) must not be used with a pinch-type, prong-type, or choke-type collar;

(C) must not be placed directly around the dog's neck;

(D) must not exceed one-twentieth of the dog's body weight;

(E) must have a length: (i) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or (ii) 10 feet, whichever is greater;

(F) must not be in an unsafe condition;

(G) must not cause injury to the dog; and

(H) must allow the dog, by design and placement, a reasonable and unobstructed range of motion without entanglement;

(2) the dog must have access to adequate shelter, dry ground, shade from direct sunlight, and clean and wholesome water;

(3) the dog must not be tethered outside in extreme weather conditions, including, but not limited to, conditions in which:

(A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service;

(4) if the dog is female, the dog must not be in heat; and

(5) the dog must not be sick or injured.

(d) A person commits an offense if they do not comply with all applicable provisions of this Section.

Sec. 6-12. Safety of animals in motor vehicles.

- (a) **Animal in Vehicle.** No person may leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare. Any Animal Services officer, police officer, or firefighter is authorized to use reasonable force to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered. Any animal removed from a vehicle in this way will be impounded.
- (b) **Transportation of Animal.** No person may transport any animal in a motor vehicle on any public roadway unless:
 - (1) the animal is safely confined within the vehicle in such a way as to prevent the animal from falling or jumping from the vehicle or from strangling on a single leash; or
 - (2) if traveling in an unenclosed vehicle, which includes, but is not limited to, convertibles, pick-up truck beds, unenclosed jeeps, and flatbed trailers, the animal is safely confined by:
 - (A) a vented container or cage that is secured in such a way as to prevent the release of the animal and the container or cage from sliding around or falling from the vehicle; or
 - (B) a multi-point tether that prevents the animal from falling or jumping from the vehicle or from strangling on a single leash.
- (c) **Distracted driving.** The operator of a vehicle may not allow an animal to freely move about the interior of their vehicle in such as a manner as to:
 - (1) obstruct the operator's view to the front, back, or sides of the vehicle; or
 - (2) interfere with the operator's control of the vehicle.

Secs. 6-13 - 6-19. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 6-20. Seizure of animals.

- (a) Animal Services, any police officer, or any designated agent of the City is authorized to seize, impound, and humanely confine to a City animal shelter or a veterinary clinic any animal:
 - (1) at large;
 - (2) for protective custody;
 - (3) required to be quarantined under Article V of this Chapter;

- (4) displaying signs and symptoms of extreme injury or illness;
 - (5) seized pursuant to a warrant or court order;
 - (6) reasonably suspected of having inflicted bodily harm on any human being or animal or posing a threat to public safety;
 - (7) that is a prohibited animal;
 - (8) not cared for in violation of Sec. 6-10; or
 - (9) abandoned as defined by Sec. 6-8.
- (b) The City is authorized to give impounded animals appropriate immunizations, administer any parasite treatment, and perform any other medical procedure or treatment a veterinarian recommends or determines is necessary.
- (c) If the City has paid for veterinary care for an impounded animal, the animal may not be released to its owner unless the owner reimburses the City for the cost of the veterinary care regardless of whether an owner has paid a reclamation, impoundment, or quarantine fee or any other costs or fees imposed under this Chapter.

Sec. 6-21. Notification to City.

Any person finding an animal at large upon their property may hold the animal in their own possession and notify Animal Services or the Temple Police Department.

Sec. 6-22. Owner notification.

If an animal is impounded, Animal Services will make a reasonable effort to locate the animal's owner by using any contact information from the animal's vaccination tag, microchip, or other identification and notify the owner of the animal's impoundment.

Sec. 6-23. Domestic animals; time; disposition; reclamation.

- (a) Impounded domestic animals must be kept for three (3) days from the date of impoundment. If the owner of an impounded animal does not reclaim the animal within three (3) days after the date of impoundment, the animal will become the sole property of the City and is subject to disposition as Animal Services deems appropriate. The animal may be humanely euthanized prior to the expiration of the three (3) day period if, in the professional opinion of Animal Services or a veterinarian, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal or to prevent the spread of communicable disease. All reasonable steps to contact the owner as provided by Sec. 6-22 must be taken by Animal Services. However, if immediate disposition is necessary prior to the

owner being contacted or before the owner reclaims the animal, the animal may be humanely euthanized.

- (b) The City will not be liable for damages for the destruction of any animal authorized under this Chapter.
- (c) An impounded domestic animal may be available for reclamation by the animal's owner upon the owner presenting their appropriate identification such as a government issued license, identification card, passport, handgun license, etc., of which the City will keep a copy, and paying the reclamation fee to the City.
 - (1) Possession of a vaccination certificate describing the animal or bearing the same serial number that appears on a vaccination tag worn by the animal will be accepted as prima facie proof of ownership.
 - (2) An impounded domestic animal seized under Sec. 6-9 (Cruelty to Animals), Sec. 6-41 (Quarantine), Article VII (Dangerous Dogs), and Article VIII (Aggressive Dogs) of this Chapter may not be released from impoundment under this Subsection.
 - (3) A repeatedly at large animal may only be released as provided by Subsection 6-23(f), below.
- (d) A dog or cat unvaccinated against rabies may not be reclaimed unless the owner signs a redemption contract agreeing to vaccinate the animal within a prescribed period. The procedure for rabies vaccination for adopted animals described in Sec. 6-38 applies to animals reclaimed after impoundment.
- (e) No impounded domestic animal suffering from disease, ailment, or injury may be reclaimed by its owner until Animal Services is provided with sufficient information by the owner to determine that arrangements have been made for proper treatment of the animal by a veterinarian.
- (f) Impoundment of animals repeatedly at large; release; appeal.
 - (1) A repeatedly at large animal may not be released to its owner without the written approval of Animal Services. If released upon approval by Animal Services, the owner must pay double the reclamation fee. If Animal Services denies the animal's release, the animal will become the sole property of the City and is subject to disposition as Animal Services deems appropriate unless the owner successfully appeals this denial as provided by this Subsection.
 - (2) An owner may appeal Animal Services' denial of an animal's release by using the same appeals procedure provided in Sec. 6-6.
 - (3) If a hearing officer reverses Animal Services' denial of an animal's release on an appeal, the hearing officer may require the owner to take any remedial measure described in Sec. 6-6(k) as a condition of the animal's release and pay double the reclamation fee.

Sec. 6-24. Prohibited animals; seizure; impoundment; time; disposition; reclamation.

- (a) Impounded prohibited animals must be kept for three (3) days from the date of impoundment. If the owner of an impounded prohibited animal does not reclaim the prohibited animal within three (3) days after the date of impoundment, the animal will become the sole property of the City and is subject to disposition as Animal Services deems appropriate. Such animal may be humanely euthanized prior to the expiration of such time if, in the professional opinion of Animal Services or a veterinarian, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal or to prevent the spread of communicable disease. All reasonable steps to contact the owner as provided by Sec. 6-22 must be taken by Animal Services. However, if immediate disposition is necessary prior to the owner being contacted or before the owner reclaims the animal, the animal may be humanely euthanized.
- (b) If a prohibited animal cannot be seized or confined in a manner that ensures human safety, the animal may be destroyed during the seizure or confinement.
- (c) Impounded prohibited animals may be available for reclamation by the owner upon the owner presenting their appropriate identification such as a government issued license, identification card, passport, handgun license, etc., of which the City will keep a copy, and paying to the City all applicable fees and costs, which may include the cost of seizure and the actual costs to the City of housing, transporting, and feeding the prohibited animal, and signing an agreement with the City stipulating that the owner:
 - (1) must, within seventy-two (72) hours, lawfully remove from the City limits the prohibited animal and must not allow the prohibited animal to return to the City; and
 - (2) consents to the City humanely destroying the prohibited animal if the animal is found again within the City limits.
- (d) If the owner of a prohibited animal fails to sign or comply with the agreement provided in Subsection (c), the prohibited animal may be either euthanized or removed from the City as determined by Animal Services.
- (e) No impounded prohibited animal suffering from disease, ailment, or injury may be reclaimed by its owner until Animal Services is provided with sufficient information by the owner to determine that arrangements have been made for proper treatment of the animal by a veterinarian.
- (f) No prohibited animal impounded pursuant to this Section may be returned to its owner unless the owner has complied, as applicable, with Subchapter E, Dangerous Wild Animals, of the Texas Health and Safety Code, as amended.

Sec. 6-25. Impoundment and reclamation fees.

- (a) Impoundment and reclamation fees will be set by resolution of the City Council.

- (b) No animal may be released to its owner until all impoundment and reclamation fees and any other applicable fees and costs have been paid, except as otherwise provided by this Chapter.
- (c) An impoundment or reclamation fee may be charged for every day and any part of the day that the animal is in the custody of Animal Services.

Secs. 6-26 - 6-30. Reserved.

ARTICLE IV. ADOPTION

State law reference — Dog and Cat Sterilization, V.T.C.A., Health & Safety Code § 828.001 et seq.

Sec. 6-31. Placement of animal for adoption.

- (a) The decision to place an animal for adoption is at the sole discretion of Animal Services.
- (b) No person seeking to adopt an animal will be discriminated against on the basis of race, color, sex, religion, national origin, gender identity, or sexual orientation.

Sec. 6-32. Fees for adoption.

- (a) An adopter must pay any applicable adoption fees to Animal Services to adopt an animal from Animal Services.
- (b) Adoption fees will be set by resolution of the City Council.
- (c) Animal Services may, from time to time, designate and advertise promotional adoption periods during which the adoption fees payable under Subsection (a) will be reduced or waived.

Sec. 6-33. Adoption of two or more animals.

If an adopter adopts two or more animals from Animal Services on the same date and as part of the same transaction, the adopter will be deemed to be the owner of all the animals adopted in the transaction and will be responsible for complying with all the requirements of this Chapter that relate to the adopted animals.

Sec. 6-34. Sterilization.

- (a) Before an unsterilized dog or cat may be released from Animal Services for adoption, the adopter must sign a sterilization agreement with Animal Services that complies with Section 828.003 of the Texas Health and Safety Code, as amended, agreeing to:

- (1) have the dog or cat spayed or neutered within fourteen (14) days of the date of adoption or by the date the animal attains six (6) months of age, whichever is later; and
 - (2) deliver to Animal Services in person, by mail, or by e-mail, within seven (7) days after the date of sterilization, written confirmation of sterilization complying with Section 828.005 of the Texas Health and Safety Code, as amended, that the animal was spayed or neutered by the completion date required in Subsection (a)(1).
- (b) An adopter who signs a sterilization agreement under Subsection (a) commits an offense if they fail to:
- (1) have the adopted dog or cat spayed or neutered within the period required under Subsection (a)(1); or
 - (2) furnish written confirmation of sterilization as required under Subsection (a)(2).
- (c) It is a defense to prosecution under Subsection (b), if by the seventh (7th) day after the sterilization completion date required in Subsection (a)(1), the adopter delivers to Animal Services in person, by mail, or by e-mail:
- (1) a written letter complying with Section 828.006 of the Texas Health and Safety Code, as amended, stating that the animal is dead, describing the cause of death, if known, and providing the date of death; or
 - (2) a written letter complying with Section 828.007 of the Texas Health and Safety Code, as amended, stating that the animal is lost or stolen, describing the circumstances surrounding the disappearance, and providing the approximate date of the disappearance.
- (d) The adopter is solely responsible for ensuring that Animal Services timely receives the written confirmation of sterilization required under Subsection (b)(2) or any written letter described in Subsection (c). The veterinarian is not responsible for providing to Animal Services written confirmation of sterilization. Telephone calls notifying Animal Services of sterilization or possible defenses to this Section will be insufficient proof of sterilization or defenses and do not meet the requirements of this Section.
- (e) If an adopter of a dog or cat violates Subsection (b), Animal Services may reclaim the animal, and ownership of the animal will automatically revert to the City. In such case, there will be no refund of the adoption fee.
- (f) A person may not prevent, obstruct, or interfere with the reclamation of an animal under this Section.

Sec. 6-35. Refusal of adoption.

- (a) Animal Services may refuse to release any animal for adoption for any reason, including, but not limited to, any of the following reasons:
- (1) the prospective adopter or adoption agency has previously violated a provision of this Chapter or has been convicted of animal cruelty or dogfighting;
 - (2) the prospective adopter or adoption agency has inadequate or inappropriate facilities for confining the animal or is unable to provide proper care to the animal as required by this Chapter; or
 - (3) Animal Services determines that the health, safety, or welfare of the animal or of the public would be endangered by allowing the adoption.

ARTICLE V. RABIES CONTROL

State law reference — Rabies Control Act of 1981, V.T.C.A., Health & Safety Code § 826.001 et seq.; 25 Tex. Admin. Code § 169.21 et. seq.

Sec. 6-36. State law incorporation; local rabies control authority designated.

- (a) The City of Temple hereby incorporates by reference the Texas State Rabies Control Act of 1981, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City of Temple. In addition, all the rabies control provisions of this Chapter, which are adopted pursuant to the Texas Health and Safety Code, apply within the City.
- (b) Animal Services is designated as the local rabies control authority for purposes of Chapter 826 of the Texas Health and Safety Code, as amended, and is authorized to perform the duties required of a local rabies control authority under this Chapter and state and other local laws.

Sec. 6-37. Vaccination required for a dog or cat.

An owner of a dog or cat must have the dog or cat vaccinated against rabies as required by state law.

Sec. 6-38. Rabies vaccination for adopted dogs and cats; proof required.

- (a) A person adopting a dog or cat that is four (4) months old or older from a City animal shelter must vaccinate the adopted dog or cat against rabies within seven (7) days of the date of adoption if the adopted animal is unvaccinated against rabies. If the dog or cat is younger than four (4) months old and unvaccinated against rabies at the time of adoption, the adopting person must vaccinate the adopted dog or cat against rabies by a date provided by Animal Services, which must be no earlier than the date by which the dog or cat turns four (4) months old.

- (b) It is presumed that the person failed or refused to have the animal vaccinated against rabies if the adopting person fails to provide written proof of rabies vaccination within seven (7) days of the date of adoption or by the date required by Animal Services, whichever is later. Proof must be in the form of a written receipt from the veterinarian administering the vaccination or the written certificate of rabies vaccination provided by the veterinarian administering the vaccination. Telephone calls notifying Animal Services of rabies vaccination by the adopter will be insufficient proof of rabies vaccination and do not comply with the requirements of this Section.
- (c) It is the adopter's sole responsibility to provide written proof of rabies vaccination for the adopted animal to Animal Services. The veterinarian administering the vaccination will not be responsible for providing written proof of rabies vaccination to Animal Services.
- (d) Failure to timely provide written proof of rabies vaccination as required by this Section is an offense. This is in addition to an offense under Section 826.022, Texas Health and Safety Code, as amended, for failure or refusal to vaccinate.
- (e) The City may reclaim the adopted animal from an adopter if Animal Services does not receive written proof of rabies vaccination within seven (7) days of the adoption date or by the date required by Animal Services, whichever is later. In such case, there will be no refund of the adoption fee, and ownership of the animal will revert to the City.
- (f) A person may not prevent, obstruct, or interfere with the reclamation of an animal under this Section.

Sec. 6-39. Vaccination tag as evidence.

- (a) It is unlawful for an owner to allow a dog or cat the age of four (4) months or older to be in a public place without wearing a current vaccination tag issued by a veterinarian.
- (b) It will be a rebuttable presumption that any dog or cat not wearing a current vaccination tag attached to its collar or harness does not have a current rabies vaccination.

Sec. 6-40. Unlawfully displaying false tag.

It is unlawful for any person to attach to a dog's or cat's collar a vaccination tag issued to any other dog or cat.

Sec. 6-41. Quarantine.

- (a) An animal required to be quarantined under the Texas Rabies Control Act of 1981, as amended, and any applicable state agency rules, must be placed in a Texas Department of State Health Services-licensed facility specified by Animal Services or in a veterinary clinic, except as otherwise provided by Subsection (b).

- (b) Home Quarantine. Animal Services, at its sole discretion, may allow an owner to home quarantine an animal if all the following criteria are met:
- (1) the owner signs a home quarantine agreement and agrees to abide by the conditions of the agreement;
 - (2) the owner has not previously violated a home quarantine agreement;
 - (3) the owner has not provided false information to Animal Services in the past;
 - (4) a secure enclosure is approved by Animal Services and is used to prevent escape;
 - (5) the animal was vaccinated against rabies at the time of the potential exposure and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over four (4) months old at the time of the potential exposure, the City may allow home confinement at its discretion;
 - (6) the animal was not at large at the time of the potential exposure;
 - (7) the owner monitors the animal's behavior and health status and immediately notifies Animal Services if any change is noted;
 - (8) Animal Services or a veterinarian observes the animal at least on the first and last day of the home quarantine; and
 - (9) the animal was not a stray as defined in the Texas Health and Safety Code, § 826.002, as amended, at the time of the potential exposure.
- (c) Animal Services may revoke its permission to allow home quarantine if Animal Services finds that an owner provided false information to Animal Services to obtain approval for home quarantine or violated any condition of their home quarantine agreement.
- (1) If permission for home quarantine is revoked, the owner of the animal must immediately deliver the animal required to be quarantined to Animal Services. Failure to immediately deliver an animal for quarantine when home quarantine permission is revoked as required by this Subsection is an offense.
 - (2) Providing false information to Animal Services is an offense.
 - (3) Failure of an owner to abide by the conditions of their home quarantine agreement is an offense.
- (d) Animal Services has the authority to euthanize an animal that has inflicted multiple bite wounds, punctures, or lacerations to a person under 25 Tex. Admin. Code § 169.27, as amended.

- (e) A person may not give or cause to be given any rabies vaccination, anti-rabies treatment, or other treatment to an animal required to be quarantined under the Texas Rabies Control Act of 1981, as amended, and rules adopted thereto that could interfere with the clinical or laboratory diagnosis of rabies or modify the course of the disease in the animal. Failure to comply with this Subsection is an offense.
- (f) The owner of an animal that is quarantined under suspicion of rabies by the City must pay to the City a quarantine fee and, if the animal is required to be euthanized, the actual cost of disposing of the animal. The City has the authority to bring suit to collect such costs. If the animal is quarantined by the animal's owner at a veterinary clinic or at home, the owner must pay for all costs of the quarantine.

Sec. 6-42. Release of quarantined animals.

- (a) An animal that has been quarantined may be released by Animal Services to its owner at the end of the quarantine period if the quarantined animal does not show clinical signs of rabies upon the following conditions:
 - (1) the owner provides an unexpired rabies vaccination certificate for the animal or proof that the animal was vaccinated against rabies by a veterinarian to Animal Services prior to release from quarantine;
 - (2) the owner pays the quarantine fee; and
 - (3) the animal is not being held for legal proceedings, including dangerous dog or aggressive dog proceedings as provided by this Chapter.

Secs. 6-43 - 6-50. Reserved.

ARTICLE VI. ADDITIONAL REGULATIONS

Sec. 6-51. Disposal of animals.

- (a) An owner of an animal that is infected or afflicted with a disease that is contagious or a threat to the life or health of other animals or humans must humanely destroy the animal and dispose of the carcass as directed by Animal Services.
- (b) An owner of a dead animal that was not infected or afflicted with a disease described in Subsection (a) must dispose of its carcass as provided under applicable local, state, and federal laws and regulations within twenty-four (24) hours of its death, unless otherwise allowed a longer period under any local, state, or federal law or regulation.

- (1) An owner of a dead animal may dispose of their animal at the City's landfill if the landfill approves of the disposal and the owner pays the landfill's applicable fees for disposal. An owner of a dead animal must contact the landfill for approval prior to disposing of a dead animal at the landfill and, if approved, dispose of their animal during the times specified by the landfill.
- (2) An owner of a dead animal may take their animal to a veterinarian for disposal.
- (3) An owner of a dead animal may not place their dead animal in a City furnished waste or recycling receptacle.
- (4) An owner may only bury a dead animal within the City if the following conditions are met:
 - (A) The dead animal:
 - (i) is buried on the owner's property or on private property with the private property owner's consent or is buried on public property with the City's written consent;
 - (ii) is not buried in a flood plain;
 - (iii) is buried at least two (2) feet deep;
 - (iv) weighs less than fifty (50) pounds; and
 - (B) The owner of the dead animal calls and receives instructions from Texas811 before digging a grave for the dead animal and follows Texas811's instructions on where to dig and locations to avoid.

Sec. 6-52. Sale of animals.

- (a) A person commits an offense if the person sells, trades, barter, leases, rents, gives away, conveys ownership of, or displays for a commercial purpose any animal on a roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, commercial parking lot, festival, community center, at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event, or any outdoor public place.
- (b) It is an affirmative defense to prosecution under Subsection (a) that the person is an employee of or is acting in their capacity as an employee of: a veterinary clinic; an animal hospital; a business that has a certificate of occupancy from the City authorizing the occupancy of the property for purposes of operating a business selling pets; an animal shelter; an animal welfare, rescue, or adoption agency that is a registered non-profit entity; a bona fide zoological park; an educational institution; a museum; an event being conducted primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; a licensed laboratory; a publicly owned nature center; a bona fide member of an educational or scientific association or society approved by Animal Services; persons holding permits from an agency of the state or the United States

for the care and keeping of animals for rehabilitative purposes; a hatchery; a business dealing in farm or ranch supplies; or a person caring for animals in their private residence in compliance with this Chapter.

Sec. 6-53. Dyed animals.

It is unlawful to sell or offer for sale, raffle, offer, or give as a prize, premium, or advertising device or display in any store, shop, carnival, or other public place an animal or fowl of any kind that has been dyed or otherwise colored artificially, including rabbits, goslings, chickens, and ducks.

Sec. 6-54. Keeping of specific animals.

(a) Restrictions on owning rabbits. A person may not own more than two (2) total rabbits or hares within the City of Temple as pets (e.g., a person may not own as a pet one (1) rabbit and two (2) hares or two (2) rabbits and two (2) hares, etc.).

(1) All rabbits must be kept in a clean, dry, sanitary, and odor-free cage.

(2) Rabbits must not be kept within twenty-five (25) feet of any residence, excluding the residence of the animal's owner.

(3) All rabbit feed must be stored in rodent-proof containers.

(b) Keeping of Swine. A person may not own any swine within the limits of the City of Temple, unless the swine are kept in a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural, except as otherwise provided by this Chapter.

(1) The swine's pen or enclosure must be located a distance of at least five hundred (500) feet from any residence.

(2) All pens and enclosures for swine must be kept in a clean and sanitary condition.

(3) No swine may be permitted or allowed to have access to enter or to drink water from any public body of water, including a creek, stream, or lake, within the City.

(c) Keeping of miniature swine.

(1) Notwithstanding Subsection (b), above, a person may keep a miniature swine in the City in accordance with the provisions set forth below:

(A) The person obtains a miniature swine permit from the City for the swine and pays the applicable permit fee.

(B) The swine weighs no more than one hundred fifty (150) pounds;

- (C) The swine is kept indoors;
 - (D) The person keeps no more than two (2) swine per household;
 - (E) The person does not keep the miniature swine on the premises of a business open to the public;
 - (F) The miniature swine is spayed or neutered;
 - (G) The person provides to Animal Services a health certificate from a veterinarian documenting that the swine has been spayed or neutered;
 - (H) The person does not engage in the propagation or breeding of miniature swine within the City limits;
 - (I) The person keeps all areas in which the swine is kept in a clean and sanitary condition and cleaned of swine excrement daily;
 - (J) The person annually vaccinates the swine against erysipelas; and
 - (i) Miniature swine must receive their first vaccination against erysipelas before they are four (4) months of age;
 - (K) The person does not permit or allow the miniature swine to have access to enter or to drink water from any public body of water, including a creek, stream, or lake, within the City.
- (2) Animal Services may deny a person's request for a miniature swine permit if the requestor:
- (A) has been convicted of animal cruelty or dogfighting or convicted of violating any provision of this Chapter; or
 - (B) does not pay to the City the miniature swine permit fee.
- (3) Permit term.
- (A) A permit issued under this Section is valid for one year but may be revoked for violating any condition of the miniature swine permit or state or local law related to animals or becoming convicted of a crime as provided in Subsection (c)(2)(A), above. If Animal Services determines that any of the permit holder's swine pose a danger or are detrimental to the health, safety, or welfare of the public, the permit may also be revoked.
 - (B) A person wishing to renew a miniature swine permit must reapply at least thirty (30) days prior to the date of the permit's expiration. Failure to timely reapply may result in the permit renewal being denied.

- (4) The fee for the miniature swine permit will be set by resolution of the City Council.
- (5) If Animal Services revokes a miniature swine permit, Animal Services must notify the permittee by mailing or providing in person a written permit revocation notice with the following information:
 - (A) the permittee's miniature swine permit was revoked;
 - (B) the reason the miniature swine permit was revoked;
 - (C) the permittee has fifteen (15) days from the date the revocation notice is issued to remove the swine from where they are currently being held to a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural or outside the City limits, unless the permittee timely appeals the permit revocation; and
 - (D) the permittee has the right to appeal the permit revocation.
- (6) If Animal Services revokes the permittee's miniature swine permit, the permittee will have fifteen (15) days from the date the revocation notice is issued to remove the swine from where they are currently being held to a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural or outside the City limits, unless the permittee timely appeals the permit revocation. Failure of a permittee to timely remove the swine as required by this Subsection is unlawful.
- (7) The appeals procedure provided in Subsections 6-61(l)-(r) and Subsections 6-61(t)-(u) will apply to appeals of the revocation of a miniature swine permit.
- (8) If the hearing officer sustains the miniature swine permit revocation or modifies the conditions of the miniature swine permit, the appellant must remove the swine from where they are currently being held to a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural or outside the City limits or come into compliance with the modified conditions of the miniature swine permit ordered by the hearing officer, as applicable, within the period specified by the hearing officer. Failure to do so is an offense.

(d) Regulations to owning livestock and fowl.

- (1) A person may not own any horses, mules, donkeys, cattle, goats, sheep, or other livestock, excluding swine, or guinea fowl, peacocks, chickens, turkeys, geese, ducks, pigeons, or other fowl kept in any pen, yard, enclosure, barn, building, structure, or other location within the City of Temple unless such location is no less than one hundred fifty (150) feet from the residence of any person, excluding the residence of the animal's owner.
 - (A) All locations in which these animals are kept must be kept in a clean and sanitary condition.

(2) Notwithstanding Subsection (d)(1), a person may own no more than six (6) hens within the City if the pen, coop, or other enclosure for housing the hens is no less than fifty (50) feet from the nearest residence, excluding the residence of the animal's owner, provided the following conditions are met:

(A) the hens are only kept in a back yard;

(B) the pen, coop, or other enclosure in which the hens are kept is clean, secure, ventilated, large enough for the hens to move freely, and meets any applicable City standards or permit requirements;

(C) all locations in which the hens are kept are maintained in a clean and sanitary condition; and

(D) the hens do not pose a health hazard.

(3) The exception to the distance requirements required in Subsection (d)(1) for the keeping of hens under Subsection (d)(2) does not apply to roosters.

(e) Bees. A person may not maintain or keep any beehives in any pen, yard, enclosure, barn, building, structure, or other location that is located less than three hundred (300) feet of the residence of any person other than the person maintaining or keeping the beehives.

(1) A person maintaining or keeping any beehives must provide a source of water to a colony to prevent the bees from congregating at a water source used by a human, bird, or domestic pet.

(f) Subsections (a)-(e), above, do not apply if the person meets any of the exceptions provided in Sec. 6-52(b) or any of the of the following exceptions:

(1) the animals are being kept, harbored, or used in the course of medical, educational, or scientific research and such research complies with all applicable local, state, and federal laws and regulations;

(2) circuses, traveling shows, zoos, and auctions operating under a permit or sanction of the City and complying with all applicable local, state, and federal laws and regulations;

(3) the animals, because of injury or age, require temporary care, provided that the animal is kept for not more than thirty (30) days and is not kept or raised for sale, barter, or consumption and is not a prohibited animal; or

(4) the animals are domesticated and marketable for human consumption, such as baby chickens, rabbits, pigeons, and ducks, and are kept at an established place of business dealing in farm and ranch supplies and such business complies with all applicable local, state, and federal laws and regulations.

(g) A person may not keep or harbor any animal, including fowl, in a pen, cage, or enclosure in, near, or on a public body of water, including a creek, stream, or lake, within the City and permit drainage of fecal matter or urine from such pen, cage, or enclosure into the body of water.

(h) It is unlawful to violate any provision of this Section.

Sec. 6-55. Prohibited animals.

It is unlawful for a person to sell, offer for sale, trade, keep, own, harbor, use, or have in a person's possession or on property under such person's control any prohibited animal unless that person is exempted by Section 822.102, Subchapter E, Dangerous Wild Animals, Texas Health and Safety Code, as amended.

Sec. 6-56. Injury and destruction of wild birds.

Any person who kills or injures any wild bird, removes the eggs or young from the nest of a wild bird, or in any manner destroys the eggs or young of a wild bird, except as authorized under local, state, and federal law, commits an offense.

Sec. 6-57. Humane traps.

- (a) A person may set up, allow, or cause to be set up humane traps used to capture dogs, cats, and other animals alive on their own property.
- (b) A person may not set up or cause to be set up a humane trap outside of their own property without the consent of the owner of the property on which trap is set.
- (c) A person setting up or allowing humane traps to be set up on his property must check the traps at least once every eight (8) hours during the hours of 8 a.m. to 10 p.m. The person must provide humane care to any trapped animals including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation.
- (d) A person who has set up or caused to be set up a humane trap must notify Animal Services as soon as they become aware that an animal is caught in the trap.
- (e) It is unlawful for a person not to comply with this Section.

Sec. 6-58. Tampering with traps.

- (a) It is unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the City or to release any animal from any such trap.

- (b) The City may assess the cost of a repair or replacement against a person who damages or destroys a trap owned by the City.

Sec. 6-59. Dangerous traps.

- (a) No person may set up or allow to be set up on their property within the City limits steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey, unless the use of such trap is specifically deemed necessary by Animal Services. This Section is not to be construed to include those traps designed to kill common rodents, e.g., rats, mice, gophers and groundhogs, except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about their property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.
- (b) It is unlawful for a person to fail to comply with this Section.
- (c) It will be a rebuttable presumption that the person owning, leasing, occupying, or controlling the property on which a trap prohibited under Subsection (a), above, was located set up the trap.

Sec. 6-60. Limitation on number of dogs and cats.

- (a) A person may own up to three (3) dogs and three (3) cats, plus a litter of puppies and a litter of kittens, if the litters are younger than three (3) months.
- (b) A person may keep or harbor more dogs and cats than allowed under Subsection (a), if the person:
 - (1) meets any of the exceptions provided in Subsection 6-52(b) or 6-54(f); or
 - (2) has a valid multi-pet permit issued to them under Sec. 6-61 and is compliant with its terms.

Sec. 6-61. Multi-pet permit.

- (a) A person must make a written request to Animal Services to own on any one property within the City limits, and over which a person has control, more dogs or cats than allowed under Sec. 6-60.
- (b) In a written request for a multi-pet permit, the requestor must provide to the City the requestor's name, address, and telephone numbers and the number, gender, sterilization status, size, and species of dogs and cats currently housed on the property and that will be housed on the property, the number of dogs and cats the requestor is asking to keep at the property, information on the type and size of the property and any residence on the property where the animals will be kept, the area the animals will be kept, and the distance that area is from abutting residences.

- (c) The requestor must allow Animal Services to inspect the area in which the animals will be kept and, for animals currently owned, the animals themselves.
- (d) The requestor must demonstrate that they are able to properly care for the number of the animals requested without the animals creating noise or odor nuisances or otherwise creating a public nuisance and that they can properly provide and care for the dogs or cats, including providing clean water, adequate shelter, species-specific food, and proper veterinary care.
- (e) Animal Services may deny a person's request for a multi-pet permit if the requestor:
 - (1) has not met the requirements of Subsections (a)-(d) above;
 - (2) has been convicted of animal cruelty or dogfighting or convicted for violating any provision of this Chapter;
 - (3) does not currently have all dogs and cats currently on the property vaccinated and all requested animals to be kept on the property vaccinated in accordance with this Chapter; or
 - (4) does not pay to the City the multi-pet permit fee.
- (f) If Animal Services determines that an applicant is not able to properly care for the number of dogs or cats requested without the creation of a noise or odor nuisance or without being detrimental to the health, welfare, or safety of the requestor, the public, or the animals, Animal Services may modify the request and approve the keeping of more than the number of dogs and cats allowed under Sec. 6-60, but fewer than the number requested, or may deny the request for a multi-pet permit.
- (g) A person issued a multi-pet permit must comply with any conditions deemed necessary by Animal Services, which may include, but are not limited to:
 - (1) notifying Animal Services in writing prior to changing addresses, moving permitted animals to new locations, or transferring ownership of the permitted animals;
 - (2) complying with this Chapter and all other local and state laws, rules, and regulations related to animals;
 - (3) allowing Animal Services to inspect the property, residence, structure, or other location in which the permitted animals are kept or harbored;
 - (4) sterilizing all permitted dogs and cats unless the dog or cat qualifies for a certified medical exemption by a veterinarian or is under six (6) months old;
 - (5) not owning any more than the number of animals allowed under the multi-pet permit; and
 - (6) complying with all other reasonable conditions placed upon the permittee by Animal Services.

(h) Permit term.

(1) A permit issued under this Section is valid for one year but may be revoked for violating any condition of the permit or state or local law related to animals or becoming convicted of a crime as provided in Subsection (e)(2). If Animal Services determines that any of the permittee's dogs are dangerous or aggressive, the permit may also be revoked.

(2) A person wishing to renew a multi-pet permit must reapply at least thirty (30) days prior to the date of the permit's expiration. Failure to timely reapply may result in the permit renewal being denied.

(i) The fee for the multi-pet permit will be set by resolution of the City Council.

(j) If Animal Services revokes a multi-pet permit, Animal Services must notify the permittee by mailing or serving in person a written permit revocation notice with the following information:

(1) the permittee's multi-pet permit was revoked;

(2) the reason the permittee's multi-pet permit was revoked;

(2) the permittee has fifteen (15) days from the date the revocation notice is issued to come into compliance with the number of dogs or cats allowed under Sec. 6-60 unless the permittee timely appeals the permit revocation; and

(3) the permittee has the right to appeal the permit revocation.

(k) If Animal Services revokes the permittee's multi-pet permit, the permittee will have fifteen (15) days from the date the revocation notice is issued to come into compliance with the number of dogs or cats allowed under Sec. 6-60, unless the permittee timely appeals Animal Services' permit revocation. Failure of a permittee to come into compliance with Sec. 6-60 within this period as provided by this Subsection is unlawful.

(l) If the permittee wishes to appeal their permit revocation, they must file a written appeal of the permit revocation with Animal Services on or before the fifteenth (15th) day after the revocation notice is issued. If no timely appeal is received by Animal Services within this period, the permit revocation will be final.

(m) A hearing on an appeal under this Section will be held within ten (10) days of the date the appeal was filed.

(n) Notice of the hearing must be given to the appellant at least seventy-two (72) hours in advance of the hearing, unless the appellant waives their right to notice. Notice of a hearing must also be given to

Animal Services at least seventy-two hours in advance of the hearing date unless they wave their right to notice.

- (o) If the permittee fails to appear at the permit revocation hearing, the permit revocation will be final.
- (p) After the hearing, the hearing officer must make a written determination to sustain the multi-pet permit revocation, rescind the multi-pet permit revocation, or rescind the permit revocation and modify the conditions of the multi-pet permit.
- (q) The burden of proof in an appeal will be upon the permittee as to why the multi-pet permit should not be revoked. This burden may be met by a preponderance of evidence.
- (r) At the hearing, the hearing officer is not restricted to the rules of evidence applicable in a court of law but may rely upon the evidence which a reasonable person would rely upon in reaching a decision. Any person having knowledge of relevant or material facts will be allowed to appear and testify.
- (s) If the hearing officer sustains the multi-pet permit revocation or modifies the conditions of the multi-pet permit, the appellant must come into compliance with the number of cats and dogs allowed under Sec. 6-60 or the modified conditions of the multi-pet permit ordered by the hearing officer, as applicable, within the period specified by the hearing officer. Failure to do so is an offense.
- (t) A hearing officer's decision is final and non-appealable.
- (u) Revocation of a permit will not result in the refund of any multi-pet permit fee.

Sec. 6-62. Guard dogs; warning signs required.

It is unlawful for any person to leave any guard dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location on the property, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog is present. It is unlawful for any person to leave any guard dog unattended in any place outside a building except in a fenced yard, with a fence adequate to prevent the dog from leaving the property, and with a warning sign placed in a clearly visible location on the property, located so that it can be seen by any person before entering the area to which the dog has access, warning that a guard dog is present

Secs. 6-63 - 6-75. Reserved.

ARTICLE VII. DANGEROUS DOGS

Sec. 6-76. State law; authority.

- (a) The provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this Article, and a violation of any provision of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is an offense under this Article.
- (b) Animal Services will serve as the animal control authority for the City for purposes of administering and enforcing this Article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.
- (c) Seizure, impoundment, and humane destruction of a dog that has caused death or serious bodily injury to a person is governed by Subchapter A, Chapter 822 of the Texas Health and Safety Code, as amended.
- (d) The City hereby elects to be governed by Section 822.0422 of the Texas Health and Safety Code, as amended.

Sec. 6-77. Owner notification of dangerous dog determination.

- (a) An owner is deemed to have been notified by the animal control authority of a dangerous dog determination:
 - (1) for personal service, on the date that the determination was provided to the owner; and
 - (2) for mail, three (3) days after the date the determination was deposited in the mail or given to the carrier.

Sec. 6-78. Impounded dangerous dogs.

- (a) An impounded dog determined by Animal Services to be dangerous must remain impounded, or confined at a location approved by Animal Services, and may not be released to the owner until the owner pays all costs and fees related to seizure, quarantine, and impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.
- (b) Animal Services may extend the thirty (30) day compliance period by written request of the owner if documentation of the need for an extension is provided (e.g. building permits, building plans, building contracts, correspondence from insurance company, veterinary letters). During the extension period the dog must remain in the custody of Animal Services and impoundment fees will continue to accrue.

Sec. 6-79. Requirements for ownership of a dangerous dog.

- (a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a dog owner must no later than the thirtieth (30th) day after the date the dog owner learns that they are the owner of a dangerous dog:

- (1) have an unsterilized dangerous dog spayed or neutered;
- (2) register the dangerous dog with the City and pay to the City an annual dangerous dog registration fee;
- (3) keep their dangerous dog under restraint in a manner approved by Animal Services at all times;
- (4) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept;
- (5) when taken outside of its enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog or interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;
- (6) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;
- (7) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs;
- (8) post a legible "Dangerous Dog" sign on all sides of the secure enclosure where the dog is kept that must be purchased from Animal Services; and
- (9) comply with all other requirements of this Chapter.

Sec. 6-80. Annual registration of dangerous dog.

A dangerous dog owner must annually register a dangerous dog with Animal Services as provided under Section 822.043, Texas Health and Safety Code, as amended.

Sec. 6-81. Registration.

- (a) Registration by new owner. If a person becomes the new owner of a dog determined to be dangerous and keeps or harbors a dog determined to be dangerous within the City limits, the new owner must register the dangerous dog with Animal Services within fourteen (14) calendar days after the date the new owner assumes custody or control over the dangerous dog.
- (b) Validation of re-registration. A re-registration by a new owner or an owner moving from another jurisdiction will be valid only for the time remaining on the prior registration.

Sec. 6-82. Dangerous dog notifications.

- (a) The owner of a dangerous dog must notify Animal Services within twenty-four (24) hours if the dangerous dog is at large, unconfined, has attacked a human being or another domestic animal, has died, or has been sold or given away.
- (b) An owner of a dangerous dog must comply with all requirements of Section 822.043(c), Texas Health and Safety Code, as amended, if the owner sells, gives away, or moves the dog to a new address. Upon selling, giving away, or moving the registered dangerous dog to a new address, that owner must notify the new owner(s) of the dog, if any, that the dog has been determined dangerous.

Sec. 6-83. Violations.

- (a) A person who owns a dangerous dog commits an offense if the person fails to comply with any section of this Article or any state law related to dangerous dogs.
- (b) It is a violation of this Article for any person to refuse or fail to deliver a dog subject to this Article to Animal Services or harbor, hide or secrete, or transport or secure the transport of a dog subject to this Article to prevent its impoundment.

Secs. 6-84 - 6-91. Reserved.

ARTICLE VIII. AGGRESSIVE DOGS

Sec. 6-92. Aggressive dog determination.

- (a) Animal Services has the authority to determine whether any dog is an aggressive dog, as defined by this Chapter. This determination must be based upon an investigation that includes observation and testimony about the dog's behavior on the date of the incident, including the owner's control of the dog, and any other relevant evidence as determined by Animal Services. Observations and testimony can be provided by an Animal Services officer or by other witnesses who personally observed the dog's actions on the date of the incident. Animal Services officers and other witnesses must sign an affidavit attesting to the observed actions on the date of the incident and agree to provide testimony regarding the dog's actions on the date of the incident if necessary.
- (b) Animal Services has the discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog meets the definition of an aggressive dog, based upon relevant circumstances.
- (c) Animal Services may seize and impound the dog, at the owner's expense, pending investigation and determination of whether the dog is an aggressive dog. If the owner of the dog has not been located before the fifteenth (15th) day after seizure and impoundment, the dog will become the sole property of the City and is subject to disposition as Animal Services deems appropriate.
- (d) At the conclusion of the investigation required by this Section, Animal Services must:

- (1) determine that the dog is not aggressive and, if the dog was impounded, release the dog to its owner and may waive the costs and fees related to the seizure, quarantine, and impoundment; or
 - (2) determine that the dog is aggressive and order the owner to comply with the requirements of ownership of an aggressive dog set forth in this Article, and if the dog is impounded, release the dog to its owner after compliance with all the applicable requirements of Subsection (g) of this Section.
- (e) If a dog is determined to be an aggressive dog, Animal Services must notify the dog owner in writing in person or by mail:
- (1) that the dog has been determined to be an aggressive dog;
 - (2) what the owner must do to comply with the requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and
 - (3) that the owner has the right to appeal the aggressive dog determination.
- (f) An owner is deemed to have been notified by Animal Services of an aggressive dog determination:
- (1) for personal service, on the date that the determination was provided to the owner; and
 - (2) for mail, three (3) days after the date the determination was deposited in the mail or given to the carrier.
- (g) An impounded dog determined by Animal Services to be aggressive must remain impounded or confined at a location approved by Animal Services and may not be released to the owner until the owner pays all costs and fees related to the seizure, quarantine, and impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this Article.
- (h) If the owner of an impounded dog has not complied with Subsection (g) of this Section within thirty (30) days after the dog is determined to be aggressive and no appeal of the determination is timely filed, the dog will become the sole property of the City and is subject to disposition as Animal Services deems appropriate.

Sec. 6-93. Appeals.

- (a) If under Sec. 6-92, Animal Services determines that a dog is aggressive, the determination is final unless the dog owner files a written appeal with the municipal court within fifteen (15) days after the date of being notified that a dog owned by the owner was determined to be an aggressive dog.

- (b) The owner of a dog determined to be aggressive must, during the course of an appeal if the dog is not impounded, keep the dog on a leash in the direct physical control of a person or in a secure enclosure approved by Animal Services. Failure to comply with this Subsection is an offense.
- (c) To file an appeal under Subsection (a), the owner must:
 - (1) file a notice of appeal of Animal Services' determination with the City's municipal court;
 - (2) attach a copy of the determination from Animal Services; and
 - (3) serve a copy of the notice of appeal on Animal Services by mailing notice.
- (d) This hearing is a civil proceeding. The City's municipal court may only reverse Animal Services' determination if the court finds the decision arbitrary or capricious or characterized by an abuse of discretion.
- (e) If the municipal court reverses Animal Services' determination that the dog is an aggressive dog and the dog is impounded, the Court will order Animal Services to release the dog to its owner.
- (f) If the municipal court affirms Animal Services' determination that the dog is an aggressive dog, the court must order Animal Services to seize and impound the dog and issue a warrant authorizing this seizure, or if the dog is already impounded, order the dog to remain impounded. The court may not order the release of the dog from impoundment until the owner complies with Sec. 6-94 and any additional requirements as deemed appropriate by the court within a period determined by the court. Failure to comply with the court's additional requirements, if any, and Sec. 6-94 within the period determined by the court will result in the aggressive dog becoming the sole property of the City and being subject to disposition as Animal Services deems appropriate.
- (g) The owner of a dog must pay any costs and fees related to the seizure, impoundment, or destruction of the dog, unless these costs are waived by the court.
- (h) The decision of the municipal court will be final and non-appealable.

Sec. 6-94. Requirements for ownership of an aggressive dog.

- (a) An owner of an aggressive dog must no later thirty (30) days after the dog is determined to be aggressive:
 - (1) have an unsterilized aggressive dog spayed or neutered;
 - (2) register the aggressive dog with Animal Services and pay to Animal Services an aggressive dog registration fee;
 - (3) keep their aggressive dog under restraint in a manner approved by Animal Services at all times;

- (4) when taken outside of its the enclosure, securely muzzle the dog in a manner that will not cause injury to the dog or interfere with its vision or respiration. The muzzle must prevent the aggressive dog from biting any person or animal;
 - (5) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;
 - (6) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;
 - (7) post a legible "Aggressive Dog" sign on all sides of the secure enclosure where the dog is kept that must be purchased from Animal Services; and
 - (8) comply with all other requirements of this Chapter.
- (b) The owner of the aggressive dog must renew the registration of the aggressive dog with Animal Services annually and pay an annual aggressive dog registration fee at renewal.
 - (c) A person commits an offense if they fail to comply with any requirement of this Section.

Sec. 6-95. New owner registration; new dog in City jurisdiction registration.

- (a) Registration by New Owner. If a person becomes the new owner of an aggressive dog and keeps or harbors the dog within the City limits, the owner must register the aggressive dog with Animal Services within fourteen (14) calendar days after the date the new owner assumes custody or control over the aggressive dog.
- (b) Re-registration. When the owner of an animal who has registered a dog as aggressive or vicious in another jurisdiction moves into the City limits, they must register the dog with Animal Services within fourteen (14) days of living within the City's jurisdiction.
- (c) Validation of Re-registration. A re-registration by a new owner or an owner moving from another jurisdiction will be valid only for the time remaining on the prior registration.

Sec. 6-96. Attack by an aggressive dog; non-compliance with requirements; hearing.

- (a) If a previously determined aggressive dog makes an unprovoked attack on a domestic animal outside of the dog's enclosure and injures or kills the domestic animal, Animal Services may seize and impound the aggressive dog, at the owner's expense, pending a hearing before the municipal court in accordance with this Section.
- (b) Upon receipt of a report by any person, including Animal Services, of an attack described in Subsection (a) or on the application to the court by a person that an owner of an aggressive dog has failed to

comply with Sec. 6-94, the municipal court will conduct a hearing to determine whether the aggressive dog committed such an attack or if the owner of the aggressive dog failed to comply with Sec. 6-94. The hearing must be conducted within thirty (30) days after receipt of the report or application, but if the dog is already impounded, not later than ten (10) days after the date on which the dog was seized. The municipal court will provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(c) At the conclusion of the hearing, the court may:

(1) find that the aggressive dog did commit an attack described in Subsection (a), and order Animal Services to seize and impound the dog if the dog is not already impounded; if so ordered, the aggressive dog will become the sole property of the City and will be subject to disposition as Animal Services deems appropriate;

(2) find that the aggressive dog did not commit an attack described in Subsection (a), and order Animal Services to release the dog to its owner if the dog is impounded;

(3) find that the aggressive dog owner failed to comply with Sec. 6-94 and order the dog to be seized and impounded by Animal Services and:

(A) order the dog to remain impounded until the owner complies with Sec. 6-94 and additional requirements as deemed appropriate by the court within a period determined by the court; or

(i) failure to comply with the requirements of Sec. 6-94 and by the court within the period determined by the court will result in the aggressive dog becoming the sole property of the City and being subject to disposition as Animal Services deems appropriate;

(B) order Animal Services to seize and impound the dog if the dog is not impounded, and the aggressive dog will become the sole property of the City and will be subject to disposition as Animal Services deems appropriate; or

(4) find that the aggressive dog owner did not fail to comply with requirements of Sec. 6-94 and order Animal Services to release the dog to its owner if the dog is impounded.

(d) The owner of a dog must pay the costs and fees related to the seizure, quarantine, and impoundment of the dog, unless these costs or fees are waived by the court.

(e) The decision of the municipal court will be final and non-appealable.

(f) If a dog commits an act by a dangerous dog under the dangerous dog definition of this Chapter, the dangerous dog determination process outlined in Article VII of this Chapter applies.

Sec. 6-97. Aggressive dog owner notifications.

- (a) The owner of an aggressive dog must notify Animal Services within twenty-four (24) hours if the aggressive dog is at large, unconfined, has attacked a human being or another domestic animal, has died, or has been sold or given away.
- (b) If an owner of an aggressive dog sells, gives away, or moves the dog to a new address, the owner, no later than the fourteen (14th) day after the date of the sale, gift, or move, must notify Animal Services. Upon selling, giving away, or moving the registered aggressive dog to a new address, that owner must notify the new owner(s) of the dog, if any, that the dog has been determined aggressive.

Sec. 6-98. Attack by an aggressive dog; criminal penalty.

- (a) A person commits an offense if the person is the owner of an aggressive dog, and the dog makes an unprovoked attack on a person or domestic animal outside of the animal's enclosure and causes bodily injury to the person or domestic animal.
- (b) If a person is found guilty of an offense under this Section, the court may order the owner of an aggressive dog to comply with additional requirements as deemed appropriate by the court.

Sec. 6-99. Violations.

- (a) A person who owns an aggressive dog commits an offense if the person fails to comply with the requirements of owning an aggressive dog found in this Article and any additional requirements imposed by the municipal court, if applicable.
- (b) It is a violation of this Article for any person to refuse or fail to deliver a dog subject to this Article to Animal Services or harbor, hide or secrete, or transport or secure the transport of a dog subject to this Article to prevent its impoundment.

Sec. 6-100. Defenses; aggressive dogs.

- (a) It is a defense to prosecution under this Article that the person is a veterinarian, a licensed police officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position; provided, however, that for any person to claim a defense under this Section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.
- (b) It is a defense to prosecution under this Article that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.

- (c) It is a defense to prosecution under this Chapter that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code; provided, however, that for any person to claim a defense under this Section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.
- (d) It is a defense to prosecution under this Article that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

ARTICLE IX. ENFORCEMENT

Sec. 6-101. Criminal prosecution.

- (a) It is unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence commit a prohibited act or fail to perform a required act as required by this Chapter or violate any provision of this Chapter. Each day a violation under this Chapter exists, each separate animal, and each condition in violation of any provision of this Chapter will constitute a separate offense.
- (b) Upon conviction of a violation committed under this Chapter, the maximum amount a person may be fined per a violation is two thousand dollars (\$2000.00). A person may be fined not less than one hundred dollars (\$100.00) for a first conviction under this Chapter. In the event a defendant has been convicted once previously under this Chapter, the defendant may be fined an amount not less than two hundred dollars (\$200.00) and not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.

Sec. 6-102. Civil Remedies.

- (a) The City may seek a warrant or order from a court of competent jurisdiction to enforce this Chapter, pursuant to all applicable local, state, and federal laws.
- (b) Prosecution for an offense under Sec. 6-101, or any other provision of this Chapter or state or local law, does not prevent the use of civil enforcement remedies or procedures applicable to enforcement of this Chapter.

ORDINANCE NO. 2019-4978

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 6, "ANIMALS AND FOWL" TO BRING THIS CHAPTER INTO COMPLIANCE WITH STATE REGULATIONS, SIMPLIFY AND CLARIFY LANGUAGE AND TERMS, AND PROVIDE MORE EFFECTIVE ENFORCEMENT TOOLS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff recommends amendments to Chapter 6, "Animals and Fowl" that include general language clean-up and changes to formatting - Staff suggests changing the formatting section of titles and the numbering of subsections to conform with that of other City Code Chapters and correcting minor spelling errors;

Whereas, other proposed amendments to Chapter 6 include:

- An amended definition of "at-large." Currently, Chapter 6 includes conflicting definitions of the term "at-large." In an effort to clarify this important definition, the draft amendments define "at-large" as any animal not under restraint. "Restraint" is further defined as an animal either (a) kept in a secure enclosure; or (b) kept under the direct physical control of a responsible person by a leash, cord, or other type of lead and obedient to the person's commands. The proposed amendments include several exceptions to the restraint requirement. For example, animals do not have to be restrained in the following instances:

- The animal is on its owner's property under the immediate supervision and control of a responsible person and obedient to their commands (does not apply to cats);
- The animal is wearing a functional electronic collar;
- If the dog is in a designated dog park;
- The animal is accompanied by its owner and is at an animal show;
- The animal is a service animal; or
- The animal is being used for law enforcement purposes;

- An updated definition of "dangerous dog" that is in line with state regulations found in Chapter 822 of the Texas Health and Safety Code. The proposed amendments clearly incorporate the provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code and include regulations related to the ownership of dangerous dogs, impoundment of dangerous dogs, and registration of dangerous dogs. These amendments also elect the City to be governed by Section 822.0422 of the Texas Health and Safety Code, which requires dogs reported to have committed dangerous dog acts to be impounded with Animal Services until a dangerous dog hearing can be held;

- A definition of "aggressive dog," as well as regulations related to the ownership of aggressive dogs, impoundment of aggressive dogs, and registration of aggressive dogs;

- A process for the Animal Services Division to issue orders to animal owners, which includes certain remedial requirements an animal owner must complete to protect other citizens and

animals against public nuisances caused by the owner's animal. Public nuisances caused by animals include animals that destroy or damage property, cause noise that unreasonably disturbs others, are in heat, chase, attack or otherwise interfere with pedestrians or vehicles, are staked or tied within 15 feet of any street, sidewalk, park or other public place, or are repeatedly at-large. Under the proposed amendments, Animal Services may issue an order with certain remedial requirements, which may include the following:

- Requiring that a dog be on a 4-foot leash when not in a secure enclosure;
 - Muzzling a dog in public to prevent biting;
 - Repairing a broken fence to prevent the animal's escape;
 - Keeping an animal in a different area to prevent noise disturbances;
 - Paying restitution for damages or injury caused by an animal;
 - Taking the animal to training classes; or
 - Sterilizing the animal;
- An exception to the ordinance's restrictions on where swine may be kept that would allow a person to keep miniature swine in a residential area if the person complies with the following conditions:
 - The person obtains an annual miniature swine permit from the City;
 - The swine weighs no more than one hundred fifty (150) pounds;
 - The swine is kept indoors;
 - The person keeps no more than two (2) swine per household;
 - The person does not keep the miniature swine on the premises of a business open to the public;
 - The miniature swine is spayed or neutered;
 - The person provides to Animal Services a health certificate from a veterinarian documenting that the swine has been spayed or neutered;
 - The person does not engage in the propagation or breeding of miniature swine within the City limits;
 - The person keeps all areas in which the swine is kept in a clean and sanitary condition and cleaned of swine excrement daily;
 - The person annually vaccinates the swine against erysipelas; and
 - The person does not permit or allow the miniature swine to have access to enter or to drink water from any public body of water, including a creek, stream, or lake, within the City;
 - Limitations on tethering including conditions that must be met for a dog to be legally tethered;
 - The creation of an offense for owners who allow animals to ride loose in open vehicles. Animals would need to be secured by a multi-point tether or inside a secure enclosure while riding in the vehicle;
 - Clarifications to the multi-pet permit process;
 - The creation of an offense for distracted driving due to a loose animal in the vehicle;
 - Updates to the rabies article to comply with the Texas Health and Safety Code and Texas Administrative Code requirements;

- Updates to reflect the new structure of the Animal Services Division as a division of the Police Department; and

- Updates to regulations related to animal cruelty, the impoundment, adoption, and disposal of animals, and prohibited animals;

Whereas, the proposed amendments include and re-adopt certain fees that Animals Services charges such as fees for reclamation, adoption, spay and neuter vouchers, euthanasia, and surrender - the amendments also propose the adoption of additional fees such as veterinary costs for impounded animals, higher impoundment fees for seized animals, a multi-pet permit fee, a quarantine fee, a dangerous dog registration fee, and an aggressive dog registration fee;

Whereas, if Council approves the proposed amendments, Staff will bring forward a separate item asking Council to consider adopting a resolution which establishes the applicable fees;

Whereas, for the above reasons, Staff recommends Council amend the Code of Ordinances Chapter 6, “Animals and Fowl,” as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes; and

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

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

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

Part 2: The City Council amends the Code of Ordinances Chapter 6, “Animals and Fowl” as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **11th** day of **July**, 2019.

PASSED AND APPROVED on Second Reading on the **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Amanda Rice, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution setting various fees established in Chapter 6 of the Code of Ordinances related to the regulation and care of animals and delegating authority to the City Manager to adjust such fees as necessary in the future.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The amendments to Chapter 6, "Animals," of the Code of Ordinances establish various fees which the City may charge to cover the cost of the administration and enforcement of the regulations included in the chapter. The list of fees and proposed amounts are listed below. Many of the listed fees existed under the previous regulations and no changes to the amounts are being requested at this time.

Fee	Amount	Notes
Reclamation Fee	\$15 on the date of impoundment and \$5 for each additional day	The Reclamation Fee will be charged when a citizen reclaims an animal that was at large and impounded by Animal Services. The Reclamation Fee will be doubled when a citizen reclaims a repeatedly at large animal that was impounded by Animal Services.
Impoundment Fee	\$18 per day	The Impoundment Fee will be charged to an owner when his/her animal was seized due to animal cruelty. The Impoundment Fee will also be charged to an owner when his/her dog has been impounded and determined to be dangerous or aggressive.

Quarantine Fee	\$25 per day, plus \$18 for a rabies vaccine which will be administered at the end of the quarantine period	The Quarantine Fee will be charged to an owner when his/her animal is required to be quarantined under Section 6-41.
Multi-pet Permit Fee	\$50 per year	The Multi-Pet Permit Fee will be charged to those who are issued a multi-pet permit. The fee is intended to cover the cost of administering the Multi-Pet Permit program.
Adoption Fees	<p>Dog Base Adoption Fee: \$20</p> <p>Cat Base Adoption Fee: \$10</p> <p>Altered Animal Fee (arrived at Shelter altered) \$30</p> <p>Altered Animal Fee- Neuter (altered by Foundation) \$55, passed through to the Foundation</p> <p>Altered Animal Fee- Spay (altered by Foundation) \$65, passed through to the Foundation</p> <p>Neuter Voucher Fee: \$55, passed through to the Foundation</p> <p>Spay Voucher Fee: \$65, passed through to the Foundation</p> <p>The altered animal fee and spay/neuter voucher fee is in addition to the base adoption fee.</p>	
Dangerous Dog registration fee	\$50 per year	This fee is intended to cover the cost of administering the dangerous dog program.
Aggressive Dog registration fee	\$50 per year	This fee is intended to cover the cost of administering the aggressive dog program.
Dangerous and Aggressive Dog sign	\$25 per sign	The owner of a dangerous or aggressive dog must post a sign on each side of the enclosure in which the dog is kept that is visible to the public.

Euthanasia Fee	\$30	This fee is intended to cover the cost to euthanize a surrendered animal.
Surrender Fee	\$20	This fee is charged to owners who surrender an animal to the Animal Services Division.
Miniature Swine Permit Fee	\$50	This fee will be charged to those who are issued a Miniature Swine Permit. The fee is intended to cover the cost of administering the Miniature Swine Permit program.

Adoption fees for other animals (not a dog or cat) may be set and charged at the discretion of the Animal Services Division.

Chapter 6 also allows the City to charge an owner for other costs related to veterinary care that may be provided to any impounded or seized animal. Chapter 6 authorizes the City to give each impounded animal the appropriate immunizations, administer any parasite treatment, and perform any other medical procedure or treatment a veterinarian recommends or determines is necessary. The costs associated with any veterinary care provided by the City must be paid by the owner before the animal is released.

Additionally, Chapter 6 allows the City to charge an owner for the cost to seize a prohibited animal (e.g. monkey, poisonous snake, etc.) or a dangerous or aggressive dog. Seizure costs may include, but are not limited to, the cost of employee time to seize an animal, such as a police officer's time to serve a warrant to seize a dangerous dog. Such costs will be calculated by the Animal Services Division. The costs of seizure must be paid by the owner before the animal is released and when ordered by the Municipal Court.

Chapter 6 permits the City to charge the owner for the actual costs to the City of housing, transporting, and feeding a prohibited animal.

In accordance with Chapter 6, the fees listed above must be set by resolution by the City Council. Staff recommends that Council delegate this authority to the City Manager to adjust fees as necessary in the future. This delegation will allow fees to be adjusted administratively as circumstances and costs change.

FISCAL IMPACT: These fees are currently assessed; however, adoption of this resolution will formalize these fees within the code of ordinance. Revenue generated from these fees depends on the number of fees assessed or permits issued each year.

The funds collected for each adopted animal which has either already been spayed or neutered by the Foundation or for which a spay and neuter voucher is purchased at the time of adoption will be passed through to the Foundation on a quarterly basis. The City of Temple will retain the entire base adoption fee and the \$30 altered animal fee for animals which arrive at the Shelter having already been spayed or neutered.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9735-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING VARIOUS FEES ESTABLISHED IN CHAPTER 6 OF THE CODE OF ORDINANCES RELATED TO THE REGULATION AND CARE OF ANIMALS AND DELEGATING AUTHORITY TO THE CITY MANAGER TO ADJUST SUCH FEES AS NECESSARY IN THE FUTURE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the amendments to Chapter 6, “Animals,” of the Code of Ordinances establish various fees which the City may charge to cover the cost of the administration and enforcement of the regulations included in the chapter;

Whereas, the list of fees and proposed amounts are listed below:

Fee	Amount	Notes
Reclamation Fee	\$15 on the date of impoundment and \$5 for each additional day	The Reclamation Fee will be charged when a citizen reclaims an animal that was at large and impounded by Animal Services. The Reclamation Fee will be doubled when a citizen reclaims a repeatedly at large animal that was impounded by Animal Services.
Impoundment Fee	\$18 per day	The Impoundment Fee will be charged to an owner when his/her animal was seized due to animal cruelty. The Impoundment Fee will also be charged to an owner when his/her dog has been impounded and determined to be dangerous or aggressive.
Quarantine Fee	\$25 per day, plus \$18 for a rabies vaccine which will be administered at the end of the quarantine period	The Quarantine Fee will be charged to an owner when his/her animal is required to be quarantined under Section 6-41.
Multi-pet Permit Fee	\$50 per year	The Multi-Pet Permit Fee will be charged to those who are issued a multi-pet permit. The fee is intended to cover the cost of administering the Multi-Pet Permit program.
Adoption Fees	Dog Base Adoption Fee: \$20 Cat Base Adoption Fee: \$10 Altered Animal Fee (arrived at Shelter altered) \$30 Altered Animal Fee- Neuter (altered by Foundation) \$55, passed through to the Foundation Altered Animal Fee- Spay (altered by Foundation) \$65, passed through to the Foundation Neuter Voucher Fee: \$55, passed through to the Foundation	

	Spay Voucher Fee: \$65, passed through to the Foundation • The altered animal fee and spay/neuter voucher fee is in addition to the base adoption fee. Adoption fees for other animals (not a dog or cat) may be set and charged at the discretion of the Animal Services Division. •	
Dangerous Dog Registration Fee	\$50 per year	This fee is intended to cover the cost of administering the dangerous dog program.
Aggressive Dog Registration Fee	\$50 per year	This fee is intended to cover the cost of administering the aggressive dog program.
Dangerous and Aggressive Dog Sign	\$25 per sign	The owner of a dangerous or aggressive dog must post a sign on each side of the enclosure in which the dog is kept that is visible to the public
Euthanasia Fee	\$30	This fee is intended to cover the cost to euthanize a surrendered animal.
Surrender Fee	\$20	This fee is charged to owners who surrender an animal to the Animal Services Division.
Miniature Swine Permit Fee	\$50 per year	This fee will be charged to those who are issued a Miniature Swine Permit. The fee is intended to cover the cost of administering the Miniature Swine Permit program.

Whereas, Chapter 6 also allows the City to charge an owner for other costs related to veterinary care that may be provided to any impounded or seized animal and authorizes the City to give each impounded animal the appropriate immunizations, administer any parasite treatment, and perform any other medical procedure or treatment a veterinarian recommends or determines is necessary;

Whereas, the costs associated with any veterinary care provided by the City must be paid by the owner before the animal is released;

Whereas, additionally, Chapter 6 allows the City to charge an owner for the cost to seize a prohibited animal (e.g. monkey, poisonous snake, etc.) or a dangerous or aggressive dog;

Whereas, seizure costs may include, but are not limited to, the cost of employee time to seize an animal, such as a police officer's time to serve a warrant to seize a dangerous dog and such costs will be calculated by the Animal Services Division;

Whereas, the costs of seizure must be paid by the owner before the animal is released and when ordered by the Municipal Court;

Whereas, Chapter 6 allows the City to charge the owner for the actual costs to the City of housing, transporting, and feeding a prohibited animal;

Whereas, in accordance with Chapter 6, the fees listed above must be set by resolution by the City Council and Staff recommends that Council delegate this authority to the City Manager to adjust fees as necessary in the future - this delegation will allow fees to be adjusted administratively as circumstances and costs change; 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 sets the following fees as established in Chapter 6 of the Code of Ordinances related to the regulation and care of animals, and delegates authority to the City Manager to adjust such fees as necessary in the future.

Part 3: Council authorizes the following list of fees and proposed amounts:

Fee	Amount	Notes
Reclamation Fee	\$15 on the date of impoundment and \$5 for each additional day	The Reclamation Fee will be charged when a citizen reclaims an animal that was at large and impounded by Animal Services. The Reclamation Fee will be doubled when a citizen reclaims a repeatedly at large animal that was impounded by Animal Services.
Impoundment Fee	\$18 per day	The Impoundment Fee will be charged to an owner when his/her animal was seized due to animal cruelty. The Impoundment Fee will also be charged to an owner when his/her dog has been impounded and determined to be dangerous or aggressive.
Quarantine Fee	\$25 per day, plus \$18 for a rabies vaccine which will be administered at the end of the quarantine period	The Quarantine Fee will be charged to an owner when his/her animal is required to be quarantined under Section 6-41.
Multi-pet Permit Fee	\$50 per year	The Multi-Pet Permit Fee will be charged to those who are issued a multi-pet permit. The fee is intended to cover the cost of administering the Multi-Pet Permit program.
Adoption Fees	Dog Base Adoption Fee: \$20 Cat Base Adoption Fee: \$10 Altered Animal Fee (arrived at Shelter altered) \$30 Altered Animal Fee- Neuter (altered by Foundation) \$55,	

	<p>passed through to the Foundation</p> <p>Altered Animal Fee- Spay (altered by Foundation) \$65, passed through to the Foundation</p> <p>Neuter Voucher Fee: \$55, passed through to the Foundation</p> <p>Spay Voucher Fee: \$65, passed through to the Foundation</p> <ul style="list-style-type: none"> • The altered animal fee and spay/neuter voucher fee is in addition to the base adoption fee. Adoption fees for other animals (not a dog or cat) may be set and charged at the discretion of the Animal Services Division. 	
Dangerous Dog Registration Fee	\$50 per year	This fee is intended to cover the cost of administering the dangerous dog program.
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Surrender Fee	\$20	This fee is charged to owners who surrender an animal to the Animal Services Division.
Miniature Swine Permit Fee	\$50 per year	This fee will be charged to those who are issued a Miniature Swine Permit. The fee is intended to cover the cost of administering the Miniature Swine Permit program.

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 **18th** day of **July**, 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

07/18/19
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the engagement of Naman, Howell, Smith & Lee, PLLC to provide interim city attorney services for the City of Temple.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 6, 2019, Kayla Landeros announced her intent to resign as the City Attorney of Temple. Ms. Landeros has accepted a position as a member of Naman, Howell, Smith & Lee, PLLC. The proposed resolution would engage Naman, Howell, Smith & Lee to allow Kayla Landeros to provide interim City Attorney services until a new city attorney is appointed by the City Council. The estimated cost for the provision of these services is \$40,000.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the engagement of Naman, Howell, Smith & Lee, PLLC to provide interim city attorney services. Upon approval, funding in the amount of \$40,000 will be available in account 110-1600-512-2616.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY 2019

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+			-
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-1600-512-26-16		Contracted Services / Professional	\$ 40,000			
110-1100-513-11-10		Salaries / Administrative			40,000	
TOTAL.....			\$ 40,000		\$ 40,000	

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

To reallocate funding for the engagement of Naman, Howell, Smith & Lee, PLLC to provide interim city attorney services for the City of Temple.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

07/18/19

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2019-9736-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ENGAGEMENT OF NAMAN, HOWELL, SMITH & LEE, PLLC TO PROVIDE INTERIM CITY ATTORNEY SERVICES FOR THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 6, 2019, Kayla Landeros announced her intent to resign as the City Attorney of Temple as she has accepted a position as a member of Naman, Howell, Smith & Lee, PLLC;

Whereas, this agreement would engage Naman, Howell, Smith & Lee to allow Kayla Landeros to provide interim City Attorney services until a new City Attorney is appointed by City Council;

Whereas, Staff recommends Council authorize the engagement of Naman, Howell, Smith & Lee, PLLC, in the estimated amount of \$40,000 to allow Kayla Landeros to provide interim City Attorney services until a new City Attorney is appointed by City Council;

Whereas, funds are available for this engagement, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 110-1600-512-2616; and

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

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

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

Part 2: The City Council authorizes the engagement of Naman, Howell, Smith & Lee, PLLC, in the estimated amount of \$40,000 to allow Kayla Landeros to provide interim City Attorney services and authorizes the City Manager to execute any documents which may be necessary for this engagement.

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 **18th** day of **July**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Charla Thomas
Assistant City Attorney